

Women, the Family, and the “Search for Stability” in Thermidorian France

by

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A thesis submitted to the Graduate Faculty of
Auburn University
in partial fulfillment of the
requirements for the Degree of
Master of Art

Auburn, Alabama
August 8, 2020

Keywords: French Revolution, Thermidor, women,
family, stability, pregnancy

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Abstract

The Revolutionary Tribunal trials of Jean-Baptiste Carrier and Antoine-Quentin Fouquier-Tinville played a central role in the Thermidorian government's "search for stability". In these trials, the Thermidorians sought to avert the blame of the Terror and establish "justice" as the "order of the day," (re)setting the limits of legitimate use of state power. Through the evidence presented, the Thermidorians developed a more specific vision as to how political and social stability might be ensured going forward. In stories of the violence committed by Carrier, they articulated the danger of women's involvement in politics. In both trials, they presented the family, with women at its center, as foundational to social stability. The presentation of examples of virtuous female victims of the Terror in the trials arguably created space for women like Thérésia Cabarrus-Tallien to wield political influence after Thermidor, if only within certain limits. The example of Thérésia Cabarrus-Tallien, however, shows that how efforts were shut down in the late 1790s.

Acknowledgments

Many people deserve my thanks. First and foremost, I would like to thank my advisor, Dr. Ralph Kingston. Without his guidance, encouragement, and understanding, this project would have never developed. I would also like to extend my thanks to Dr. Melissa Blair and Heidi Hausse for serving on my committee and providing a valuable contribution to this project. Lastly, I would like to thank my friends and family for all of the love and support they have each shown me over the years.

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Introduction

On 25 March 1795 (5 germinal year III), a police inspector in Paris reported how “several pregnant women had seemed to want to give birth at that very moment in order to destroy their children, and others had asked for knives to stab themselves; tears and signs of despair followed threats.” The context for this shocking statement was a series of worker revolts in Paris demanding subsistence measures, in which women played a conspicuous leadership role. The police report was commenting on what lengths those women might go to as the Thermidorian Convention wrested back control of the situation. For the police inspector, the women who wrote satirical songs, plastered placards on walls, marched to the Convention to demand more bread, were as likely to turn next on their families, to murder their children, even those still in the womb.¹

The Thermidorian period saw a resurgence of female militancy in French – and in particular, Parisian – politics. The period was of course named after a date – the 9/10 thermidor year II (27-28 July 1794), when Maximilien Robespierre was arrested, tried to commit suicide, and then was guillotined. Having purged its body of Robespierre and his closest supporters – known as Jacobins or Montagnards – the Convention, which functioned both as a legislature and as an executive (primarily through committees the most powerful of which were the Committee of Public Safety and the Committee of General Security), looked to restore political and social stability, to “end” the Terror.

¹ Dominique Godineau, *The Women of Paris and Their French Revolution*, trans. Katherine Streip (Berkeley: University of California Press, 1988), 310.

With the Montagnards dismantled, moderates – called “Thermidorians” – took control of the Convention, led by deputies like Jean-Lambert Tallien, Louis-Marie Stanislas Fréron, and Paul Barras. The direct engagement of women in politics posed a particular threat in the minds of many Thermidorian politicians. As historians have shown, Thermidorian policies sought to delegitimize women’s involvement in politics and the public sphere and emphasize instead their place in the home and family.

Such histories suggest that the Thermidorians associated *all* women involved in politics with the militant women who supported the sans-culottes against them in the autumn of 1794.² The sans-culottes were erstwhile allies of the Montagnards, made up of the common people of the lower classes. The struggle between sans-culottes and moderate Thermidorians for power in 1794-1795 played out across the Paris sections (sections were the administrative divisions into which Paris was divided, each with its separate civil committee, revolutionary committee (for surveillance of citizens), and armed guards). On 20 November 1794 (30 brumaire year III), when the moderates finally triumphed in a chaotic meeting in the Fontaine-de-Grenelle section, they decided to exclude women from the galleries because, “for a long time, unfortunately for too long a time, women had attended meetings and sometimes troubled the assembly.”³

² Many historians argue that female militancy was repressed by the Thermidorian Convention. The following description of women’s repression is largely based on the most detailed analysis by Dominique Godineau. The argument she makes is the same as the made by others – that Thermidorian politicians were reacting to militancy when they shut down all opportunity for women to voice their political opinions. They disagree, however, on the motivations of these women – political or socioeconomic – who participated in the riots of year III. See Godineau, *The Women of Paris*; Olwen Hufton, *Women and the Limits of Citizenship in the French Revolution* (Toronto: University of Toronto Press, 1992); Shirley Elson Roessler, *Out of the Shadows: Women and Politics in the French Revolution 1789-95* (New York: Peter Lang, 1996).

³ Godineau, *The Women of Paris*, 302.

This was just one example of the Thermidorian effort to remove women from politics. It did not go unchallenged by the women of Paris.

The street protests of ventôse and germinal year III (19 February – 19 April 1795) further focused attention on the “problem” of women in politics. Throughout the winter, most sections were taken over by the moderates but the sans-culottes, who tried to reverse the balance of power in their favor, counted on the active support of women.⁴ On 16 January 1795 (27 nivôse year III) two women made “vile remarks” against several Convention members. On 7 February (19 pluviôse) “female regulars” interrupted the applause of the moderate’s galleries with mocking cries. On 28 February (10 ventôse) the assembly of the République section was tempestuous and the sans-culottes were close to gaining victory. Their “party was reinforced by a large number of women who were concealed behind them but who uttered cries of rage according to cues given to them... These women made the worst remarks while leaving the assembly. One of them promised to have crushed glass in her pocket to throw in the eyes of the royalists for the next *décadi*.”⁵ As we can see from these descriptions, carefully catalogued in Dominique Godineau’s *The Women of Paris*, the actions of militant women served to reaffirm the Thermidorians’ desire to exclude women from politics.

Meanwhile, women’s involvement in protests escalated. During March 1795 (ventôse year III), public notices were posted throughout the capital calling for an uprising: for example, *Peuple, reveille-toi, il est temps* (People, it is time to awaken) on

⁴ Godineau, *The Women of Paris*, 302.

⁵ Godineau, *The Women of Paris*, 301-2.

12 March (22 ventôse); and *Au peuple, des vérités terribles mais indispensables* (To the people, terrible but indispensable truths) on 13 March (23 ventôse).⁶ Women interrupted the proceedings of the Convention on 15 March (25 ventôse), 17 March (27 ventôse), and 1 germinal (21 March). On the morning of 27 March 1795 (7 germinal year III), 600 women, accompanied by men, marched towards the Convention. Twenty of the women entered the meeting hall. As well as expressing their grievances over food distribution, they presented a petition that called for the release of protestors imprisoned in recent subsistence disturbances. While the women's larger demands were not met, they successfully called for the replacement of some sectional officials.⁷ Some of the women arrested were said to have stated, "Be patient, there will come a time when we will fuck them in the ass with their half pound of bread at the end of a cannon."⁸

On 31 March (11 germinal) women attempted to reinsert themselves into political processes, calling for "their rights." On 1 April (12 germinal), daily rations were again decreased, prompting the protestors once again to march towards the Convention in a show of force. 15,000 protestors approached the Convention, forcing their way inside in order to take seats amongst the legislators. They demanded that "patriots" imprisoned since 27 July 1794 (9 thermidor year II) be freed and bread prices be lowered. Ignoring the more radical demands, the Convention praised the conciliatory

⁶ Godineau, *The Women of Paris*, 165.

⁷ Micah Alpaugh, *Non-violence and the French Revolution: Political Demonstrations in Paris, 1787-1795* (Cambridge: Cambridge University Press, 2015), 165-6.

⁸ Godineau, *The Women of Paris*, 310-11.

aspects of the protester's presentations; it allowed the protestors to sit and deliberate. At the end of the day, the protestors left elated, believing the Convention signaled the return of a collaborative relationship with the people of Paris. Instead, the Convention moved to intensify its repression of popular radicalism, targeting Jacobin "ringleaders" in particular and women in politics more generally.⁹

Bread became even more scarce over the course of April 1795 (germinal and floréal year III), and women continued to press their demands, both for subsistence and for political change. They regularly occupied the galleries of the Convention, often getting arrested for having excited trouble.¹⁰ On 20 May 1795 (1 prairial year III) rebellion broke out in Paris in the early hours of the morning as various sections marched towards the Convention. By 11 a.m. many women already occupied the galleries when the Convention began sitting. As more women filled the last of the galleries, they climbed the benches, shouting for bread. While the deputies sat there (it was reported, with the "greatest calm"), the women continued to shout until forcibly removed.¹¹

Women's militancy in the post-Thermidorian moment ended with specific targeted repression. In response to women's political involvement the Convention passed four decrees between 20 and 27 May 1795 (1 and 8 prairial an III) directly aimed at controlling their ability to manifest their political opinions. On 20 May (1 prairial) André Dumont requested that women no longer be allowed in the benches of the

⁹ Alpaugh, *Non-violence and the French Revolution*, 166-8.

¹⁰ Godineau, *The Women of Paris*, 325.

¹¹ Roessler, *Out of the Shadows*, 179, 182, 186; *Le Moniteur*, 244: 985 (23 May 1795; 4 prairial year III).

Convention, declaring, "It is necessary to ban them from political assemblies where they have no business and where they only make trouble."¹² On 21 May (2 prairial), Louis Legendre, president of the National Convention, asked that women be made to stay at home and not assemble in groups. He explained that this was not aimed at women waiting for bread at the bakery but at the women who were always at the door of Palais National.¹³ On 23 May (4 prairial) the Convention issued a statement concerning the fact that some of the agitators were men wearing women's clothing. Among those present were "lost" women that abused the considerations given the weakness of their sex. The Convention announced that all women, until decreed otherwise, were to retire to their homes: "those, who, found one hour after posting of the present decree, are found in the streets, gathered in groups of more than five, will be dispersed by armed force, and successively put under arrest until public tranquility can be reestablished in Paris."¹⁴ On 26 May (7 prairial) the Convention argued that women had been the "principal instigators" of all the insurrectional movements. On 27 May (8 prairial) the Convention ordered that the wives of the arrested Montagnard deputies to leave Paris and remain under surveillance in their respected municipalities, because they could "in leading others astray, be very dangerous." In the following days the "law concerning women who could have caused men to revolt" was discussed in the sections.¹⁵

¹² *Le Moniteur*, 244: 986 (23 May 1795; 4 prairial year III).

¹³ *Le Moniteur*, 247: 985-6 (26 May 1795; 7 prairial year III).

¹⁴ *Le Moniteur*, 247: 985-6 (26 May 1795; 7 prairial year III).

¹⁵ *Le Moniteur*, 252: 1018 (31 May 1795; 12 prairial year III); Godineau, *The Women of Paris*, 344-5.

Passing four decrees repressive of women in the short span of eight days demonstrates the impact these women had on Thermidorian politics and the fear they provoked amongst the deputies of the Thermidorian Convention. So too did the number of women arrested. During prairial (20 May- 18 June), 148 Parisian women were arrested either for their part in the insurrections, or for previous militant activity; another 19 women were questioned and released. Women made up an average of 10-20% of all arrests in this period. In their dealing with these arrested women, section authorities enforced an idea of how women should behave as much as any particular decree or edict. As Dominique Godineau has shown, many of these women petitioned for their freedom: when doing so, they invoked their status as mothers and the weakness of their sex. Looking to manipulate the prejudices of moderate Thermidorian sections for their benefit. They emphasized “their status as mothers, a status, rather than an active responsibility, for it mattered little if it had been a long time since their adult child had needed their care; what counted was that they had brought children into the world and raised them.”¹⁶ The Parisian section’s general assemblies did not disappoint. They denounced “women” as an anonymous collective but favored those women “misguided” by hunger or the cries of their children, whom they were not particularly concerned.¹⁷

The story of female militancy thus connects directly with the repression of female political involvement in the Thermidorian period of the French Revolution. While

¹⁶ Godineau, *The Women of Paris*, 354.

¹⁷ Godineau, *The Women of Paris*, 347-50.

this story is convincing, however, its effect is to deemphasize other issues and debates that contributed to the move to exclude women from politics in 1794 and 1795. A laudable – and successful – desire to explore women’s agency risks reducing Thermidorian policies to a reaction to extremist women on the streets, rather than as inseparable from the larger Thermidorian project to establish a break with the politics of the Terror and to stabilize Revolutionary political culture.

Gender and the Search for Stability

Women breaking into the Convention was not the only drama in the Convention during winter 1794/spring 1795. The trials of Jean-Baptiste Carrier and Antoine-Quentin Fouquier-Tinville (the first a representative *en mission* sent by the Convention to oversee the subjugation of the civil war in the western provinces of the Vendée and the other the public prosecutor in the Revolutionary Tribunal during the height of the Terror) horrified those who read about them in newspapers and pamphlets with their lurid investigations of the grotesque crimes of the Montagnard regime. Both men were tried by the Revolutionary Tribunal, the same court for trying political offenders Fouquier-Tinville had once dominated. Carrier’s trial for his actions in Nantes during the Terror was first, lasting from 29 September to 16 December 1794. Carrier was credited with executing anywhere between 4,000 and 10,000 people, including women and children, by firing squad or drowning in the Loire without trial; of enacting unnecessary violence, and filling prisons to the point of being uninhabitable. Fouquier-Tinville’s trial

was the last trial of the Revolutionary Tribunal, lasting from 28 March to 7 May 1795. Fouquier-Tinville was condemned for denying defendants due process by refusing to hear their defense, trying the wrong person in place of another, and inventing conspiracies to try more prisoners.

These trials are not usually treated in gender histories of the Thermidorian Reaction. Nevertheless, as this thesis argues, women and families loomed large in these trials. By investigating the description of crimes committed against women, children, and families in these trials a broader, deeper, and arguably more fundamental move during the Thermidorian period to reframe the consequences of women's involvement in politics is revealed. This thesis shows that the removal of women from political involvement during the Thermidorian period went well beyond countering the political power of radical women in the moment. Already in the Carrier trial in winter 1794, the Thermidorians were fleshing out a vision of social order based on the stable foundation of the family, with women at its center. The Fouquier-Tinville trial, later in spring 1795, confirmed the rights of families to due process. Family bonds, condemnations of Fouquier-Tinville's suggested, should (at least sometimes) legitimately trump the power of the state.

This thesis will engage with two distinct, but as I will show, not separate historiographies – the 'search for stability' and the politics of gender during the French Revolution. The classic work on the post-Thermidorian "search for stability" has little interest in gender, or in anything beyond political history for that matter. In 1989, Bronislaw Baczko's work *Comment sortir de la Terreur (Ending the Terror)* inspired

historians to take a closer look at the last five years of the eighteenth century.¹⁸ In its wake, historians began to conceive the period after the fall of Robespierre in thermidor year II, not just as a period of instability, but instead as a “search for stability” “when French politics oscillated between left and right and the population sought to make sense of their recent violent past, whether through retributive violence, legal proceedings, or cathartic cultural practices.”¹⁹

Baczko turned to the trials of Thermidorian Revolutionary Tribunal, especially the (interconnected) trials of Carrier and the Revolutionary Committee of Nantes, as a case study to explore the innerworkings of the Thermidorian government and their search for stability after the fall of the Terror. By analyzing the trials of Carrier and the Revolutionary Committee of Nantes, Baczko sheds light on how the Thermidorians sought to replace “terror as the order of the day” with “justice as the order of the day.” He states that the fall of the Reign of Terror propelled officials to question: “How should the part played by *personal* responsibility be distinguished from the part played *anonymously* by the Terror as a system of power? According to which legal and moral criteria should responsibility be established for acts were yesterday still justified by revolutionary morality and justice? How should the ‘leaders’ be distinguished from the ordinary ‘executants’ and where should one stop in pursuit of the guilty? Did not a

¹⁸ Bronislaw Baczko, *Ending the Terror: The French Revolution after Robespierre* trans. Michel Petherham (Cambridge: Cambridge University Press, 1994); Ronald Schechter, “Gothic Thermidor: the Bals des victims, the Fantastic, and the Production of the Historical Knowledge in Post-Terror France,” *Representations* 61 (winter 1998): 78-94; Howard Brown, *Ending the Revolution: Violence, Justice, and Repression from the Terror to Napoleon* (Charlottesville: University of Virginia Press, 2006); Ronen Steinberg, “Trauma and the Effects of Mass Violence in Revolutionary France: A Critical Inquiry,” *Historical Reflections* 41, no. 3 (December 2015): 28-46.

¹⁹ Erin-Marie Legacey, *Making Space for the Dead*, 7.

system of power define, and if necessary, impose individual behavior?"²⁰ What these questions explored was how to decide which individuals, if any, were to blame for the violence of the Terror and if assigning blame was in their best interest in attempt to move past such violence. These questions, and the Thermidorians response to them, would define the new Republic.

Throughout the trials of the Revolutionary Committee of Nantes, Carrier was consistently blamed. The members of the revolutionary Committee of Nantes insisted they were simply following the orders given to them by Carrier. Proceedings of the trials were made public, published in newspapers and allowed for people to occupy the galleries. Baczko reveals that the filled galleries demanded vengeance against Carrier. Carrier, like any member of the Convention, enjoyed a sort of parliamentary immunity since 9 thermidor which could only be withdrawn by the Convention. On 30 October 1794 (8 brumaire year III) the Convention started the complicated process to bring a deputy to trial. On the following day a commission of twenty-one members was appointed to deal with Carrier's case. On 11 November 1794 (11 brumaire year III) the Commission of 21 gave its report and concluded that there were grounds for the prosecution of Carrier. The Convention decided on provisional arrest while awaiting the remainder of the preliminary investigation. In the interim, however, pamphlets attacking Carrier and Jacobins increased tensions.²¹

²⁰ Baczko, *Ending the Terror*, 54.

²¹ Baczko, *Ending the Terror*, 146-7.

On 19 November 1794 (29 brumaire year III) the Convention demanded Carrier's case be brought before the revolutionary Tribunal promptly. The Convention printed the indictment, vehemently denouncing Carrier on behalf of the people. On 21 November 1794 (1 frimaire year III) Carrier replied to the Convention on the charges of the Commission of 21. On 23 November (3 frimaire) the Convention voted by rollcall for Carrier's committal almost unanimously (of 500 votes, 498 were for the decree with 2 conditional ayes). On 27 November (7 frimaire) Carrier was arrested and took his place among the accused before the revolutionary Tribunal. On 16 December (26 frimaire) Carrier and two others, Grandmaison and Pinard, were condemned to death and guillotined for crimes committed with criminal and counter-revolutionary intent. The 28 others accused guilty were acquitted and set free.²²

More so than any other trial of the Thermidorian period, Bazcko argues that the trials of the revolutionary Committee of Nantes and Carrier had the most influence on French political culture following the fall of the Terror. The trials created an unattonable feeling of horror against the Jacobins and "terrorist" personnel. It did not matter whether Carrier was guilty of his accused actions, by condemning Carrier the Thermidorians were able to distance themselves from the Terror.

In a similar fashion, the trial of Antoine Fouquier-Tinville aroused universal interest by unveiling the workings of the Terror.²³ Bazcko presents Fouquier-Tinville as an example of how the Convention moved against the revolutionary Tribunal, having

²² Baczko, *Ending the Terror*, 146-7.

²³ Baczko, *Ending the Terror*, 65.

first abolished the law of 22 Prairial. The members of the Thermidorian Convention could not get rid of the Revolutionary Tribunal (they had their own political enemies after all!), but by condemning Fouquier-Tinville for his role of public prosecutor of the Revolutionary Tribunal during the Terror they separated themselves symbolically. The Thermidorians knew that in order to move past the Terror they needed to convince the victims of the Terror that officials responsible for the excesses of the Terror were found guilty. For Bazcko, Fouquier-Tinville's insistence that the Convention had empowered his actions sealed his fate.²⁴ He served as a final scapegoat. His was the last trial of the revolutionary Tribunal, the last step in moving past the Terror.

For Bazcko, the search for stability after Thermidor was a political process. The original framing of the idea of the Thermidorian period as a "search for stability" by other historians was also as a search for political stability. Historians like Martyn Lyons, Lynn Hunt, David Lansky, and Paul Hanson saw in the coups and counter-coups of the Thermidorian period, the failure of a "liberal" republic, that is a republic that maintained the principles of democracy while eschewing the tyranny of the Terror and the sovereign "general will." This was a failed "search for stability" then in that it ended with the rise of Napoleon Bonaparte and the establishment of a military dictatorship.²⁵

Historians writing after Bazcko have been less concerned with "liberalism" than with power. Howard Brown argues that inconsistency, especially in the court system,

²⁴ Bazcko, *Ending the Terror*, 260.

²⁵ Martyn Lyons, *France Under the Directory* (Cambridge: Cambridge University Press, 1975), 3. Lynn Hunt, David Lansky, and Paul Hanson. "The Failure of the Liberal Republic in France, 1795-1799: The Road to Brumaire," *The Journal of Modern History* 51, no. 4 (1979): 734-59.

hindered the Thermidorians' attempt to create stability.²⁶ He turns to "transitional justice", defining it as: "the mechanisms, judicial and non-judicial, that societies adopt to deal with the legacies of systematic human rights abuse," in his exploration of the downfalls of the Thermidorians attempt to regain stability.²⁷ He aligns himself with other scholars of transitional justice that maintain that "the success of a new regime in these moments of radical change depends on how effectively it deals with the legacies of its predecessor."²⁸ As an example of an effective form of reckoning he lists retributive and restorative measures. The most important concept of transitional justice though, is the moments between a repressive past just ended and stable social and political order to come.²⁹ Much of what Brown is exploring correlates with the approach of the Thermidorians, especially in terms of the trials of the Revolutionary Tribunal.

Elsewhere Brown argues that the weakness of the judicial system led to the rise of military rule or what he calls the "security state." Brown argues that the Directory's coup d'état of 18 fructidor year V (4 September 1797) marked a shift toward a more "heavy-handed" approach to restore order to France. By relying heavily on the army to establish stability and order instead of relying on the judiciary to maintain it, the Directory became more dependent on the state for public order. Eventually, the actions of the Directory led to the Consulate where order was achieved first by repression then by supervision. He concludes that the myth of Napoleon as the savior of France is largely

²⁶ Brown, *Ending the French Revolution*, 76.

²⁷ Howard Brown, "Robespierre's Tail: The Possibilities of Justice after the Terror," *Canadian Journal of History* 45, no. 3 (winter 2010): 503-35.

²⁸ Neil J. Kritz (ed.), *Transitional Justice: How Emerging Democracies Reckon with Former Regimes*, 3 vols. (Washington, D.C., 1995); Ruti G. Teitel, *Transitional Justice* (New York, 2000).

²⁹ Brown, "Robespierre's Tail," 503-35.

based on his ending the French Revolution by restoring order but is actually rooted in the Directorial regime.³⁰

Over the years, historians have looked to extend the political “search for stability” as an ongoing process, up to, including, and even beyond Napoleon Bonaparte’s project of domestic pacification and consolidation. Isser Woloch argues that by the growth of administrative centralization, participation in philanthropy, social welfare programs, and military conscription “civic order” was only achieved by 1830.³¹ In political terms then, historians have argued that “search for stability” launched in the aftermath of the fall of Robespierre configured French history well into the middle of the nineteenth century. More recent treatments of the ‘search for stability,’ however, have refocused attention on the importance of the year or two immediately after Robespierre’s fall. Ronen Steinberg uses the trial of Joseph Le Bon to demonstrate how Thermidorians described the actions of certain representatives during the Terror as misguided, yet committed to the republican virtue, and other representatives as intentionally criminal, which opposed Revolutionary ideals. By doing this, Thermidorian government officials were able to meet the public demands, such as condemning the men responsible for violent acts during the Terror and releasing individuals imprisoned during the Terror and actively create space from the Terror.³²

³⁰ Howard Brown, "From Organic Society to Security State: The War on Brigandage in France, 1797–1802." *The Journal of Modern History* 69, no. 4 (1997): 661-65.

³¹ Isser Woloch, *The New Regime: Transformations of the French Civic Order, 1789-1820's* (New York: W.W Norton and Company, 1995). The Thermidorians knew that in order to move past the Terror they needed to convince the victims of the Terror that the members of the government responsible for the horrors of the Terror were found guilty.

³² Ronen Steinberg, "Terror on Trial: Accountability, Transitional Justice, and the *Affair Le Bon* in Thermidorian France," *French Historical Studies* 39, no. 3 (August 2016): 419-44

While the idea of “search for stability” was originally about politics, historians have increasingly emphasized that the social was just as important as the political in the “search for stability” following the Terror. *Taking Liberties* showcases the ways in which the “social” has expanded in recent years while still representing historians interested in the political “search for stability.” A range of “social” questions which the Thermidorians grappled with are highlighted throughout the text as well. Starting with Baczkó, even though he was focused on the politics in his research, this work points out that political culture largely played a role as well in the way that through the trials of Carrier and Fouquier-Tinville the victims of the Terror saw their suffering as a part of a national tragedy that justified their desire for vengeance. This composition turns to how biographies, traditionally used to explore the political, were reexamined, largely by English historians, to focus on the social, economic, and financial burdens inherited by the Directorial regime in addition to the politics. It emphasizes the importance of local studies beyond that of politics, focusing on the motivations of individuals in different regions. One of the articles included by Jennifer Heuer argues that central to the political “search for stability” is the reorganization of French society, especially by reordering the state around the household. Rebecca Spang’s included study of frivolity and decadence dismisses notions of repression after the fall of the Terror and instead suggests that a conceptual shift from luxury to pleasure took place. The negative

connotation of luxury gave way to the realization of individual liberty of pleasure in post-Thermidor that had social and economic significance.³³

Most recently, in her treatment of a new culture of the dead in early nineteenth-century Paris, Erin-Marie Legacey argues not only for a focus on political instability, but also on social reorganization, cultural reinvention, and historical recalibration. Legacey turns to Henry Lefebvre's famous assertion that "new social relationships call for new spaces, and vice versa" when she defines the cemetery as a "space" in the city. She claims that "reformed burial spaces, both as proposed ideals and actually existing sites, quickly emerged as fecund environments where competing visions for social (re)organization circulated from the 1790s through the end of the Restoration." She argues that new spaces for the dead adhered to the debates of intellectuals whether cemeteries were to be organized to respect equality among all citizens or be exemplary of the reality of social hierarchies.³⁴ Analyzing the Elysian garden attached to Lenoir's Museum of French Monuments, she backdates the "search for stability" to 1795, as well as extending cathartic cultural practices well into the nineteenth century in her studies of the Catacombs, and Père Lachaise.

Meanwhile, applying the idea of the Thermidorian period as a "search for stability" to gender has helped shift focus in the field from the history of women (and especially militant women) to the history of gender and family. A focus on militancy

³³ Howard G. Brown and Judith A. Miller, eds. *Taking Liberties: Problems of a New Order from the French Revolution to Napoleon* (Manchester: Manchester University Press, 2002).

³⁴ Legacey, *Making Space for the Dead*, 8-9; Henri Lefebvre, *The Production of Space*, trans. Donald Nicholson-Smith (Oxford: Wiley-Blackwell, 1991), 59.

does little to connect the history of women under the Thermidorian Convention to longer-term nineteenth century gender history. To fix this, Darline Gay Levy, Harriet Branson Applewhite, and Mary Durham Johnson, treated more explicitly the language of repression, showing how, after the Terror, Thermidorians faulted the women for upsetting the family harmony by overreaching their domestic role and upsetting the natural order.³⁵ Joan B. Landes, while focusing more closely on the earlier period of the Revolution, argues that the Thermidorian period gave rise to new expectations, that women performed the duties of a republican mother, raising and educating young men to be good citizens.³⁶ James McMillan also argues that far from making women into citizens, the Revolution gave a powerful boost to the ideology of domesticity.³⁷ Candice Proctor and Jane Rendall have critiqued the lack of specificity in such assertions about the ways in which the Thermidorians boosted “Republican motherhood.” They argue that, although revolutionary activists often referred to the importance of women’s role as educators, there is little evidence of a systematic propaganda campaign pushing the ideology of domesticity. One of the contributions this thesis makes is to show how such ideology *was* “pushed” in the aftermath of the Terror, and that, indeed, it was central to the overall “search for stability” in the period.³⁸

³⁵ Darline Gay Levy, Harriet Branson Applewhite, and Mary Durham Johnson, *Women in Revolutionary Paris, 1789-1795* (Urbana: University of Illinois Press, 1979), 271.

³⁶ Joan B. Landes, *Women and the Public Sphere: in the Age of the French Revolution* (Ithaca and London: Cornell University Press, 1988), 106.

³⁷ James F. McMillan, *France and Women 1789-1914: Gender, Society, and Politics* (London and New York: Routledge, 2000), 31.

³⁸ Candice E. Proctor, *Women, Equality and the French Revolution* (New York: Greenwood Press, 1990); Jane Rendall, *The Origins of Modern Feminism: Women in Britain, France, and the United States, 1780-1860* (New York: MacMillan, 1984).

Other historians have focused on the family as a key focus of the “return of the social” after Thermidor. Jennifer Heuer has highlighted the transition of the perception of the family throughout the Revolution. The Old Regime model of the nation as a family continued into the beginning of the Revolution considering the state as a population of individuals (mainly assuming such individuals were adult men). By 1792 paternal authority over adult children was abolished. Paternal imagery did not disappear though, revolutionaries continued to describe the nation itself as a family, “guided by the paternal benevolence of the legislators as a group.”³⁹ In the Thermidorian Reaction, and especially the Directory, however, Heuer argues, revolutionaries sought to establish family as hierarchical and unified social institutions. They strived to place family bonds before individual relationships to the state. Heuer states that “prominent republicans hoped to avoid a return to the violence and chaos of the radical Revolution by establishing a more conservative social order.”⁴⁰

Elsewhere, Suzanne Desan similarly argues that the Thermidorian period instituted strong, hierarchical families as the basis of social and political order, stressing that the state and family mutually shaped each other.⁴¹ With a new emphasis on the family, the entire body of revolutionary family reform was called into question, including: divorce, egalitarian inheritance, the weakening of paternal authority, and the granting of civil rights to illegitimate children.⁴² Desan investigates the debate over

³⁹ Jennifer Ngaire Heuer, *The Family and the Nation: Gender and Citizenship in Revolutionary France, 1789-1830* (Ithaca and London: Cornell University Press, 2005), 45.

⁴⁰ Heuer, *The Family and the Nation*, 77.

⁴¹ Suzanne Desan, *The Family on Trial in Revolutionary France* (Berkeley: University of California Press, 2004), 281.

⁴² Desan, *The Family on Trial in Revolutionary France*, 249.

revolutionary family reform stemmed through the paperwork involved in efforts to write a Civil Code, first proposed by Jean-Jacques Cambacérès and the Committee of Legislation on 9 August 1793.⁴³ During Thermidor and the Directory two versions of the Civil Code were debated. Between 1795-1799 only the most radical aspects of the laws were changed: they abolished the retroactive clauses of inheritance laws, dismantled the family courts, and made divorce slight harder to obtain.⁴⁴

Building on Desan in particular, this thesis investigates how closely intertwined ideas of gender – both ideas of women and politics and the role of the family in the state – were with the political “search for stability” in the Thermidorian period. It does not explore the history of militancy, even though it is certain that the invasions of the Convention in winter 1794 and spring 1795 played a part of sharpening a belief in the virtues of more passive women during the Carrier and Fouquier-Tinville trials. By focusing on the trials, rather than on reactions to militancy, this thesis’s argument is that efforts to silence women in the political realm were not contingent on what was happening on the streets of Paris, but, instead, deeply embedded in the politics of the “search for stability.” This thesis thus connects the importance of law, women, and the family as highlighted through the trials of two men in the search for stability. Following Bacsko, I argue that the Thermidorian period sought to restore order partially through

⁴³ Desan, *The Family on Trial in Revolutionary France*, 64-5.

⁴⁴ Suzanne Desan, *The Family on Trial in Revolutionary France* (Berkeley: University of California Press, 2004), 4, 249- 251; Suzanne Desan, “The Family as Cultural Battleground: Religion vs. Republic under the Terror”, in *The French Revolution and the Creation of Modern Political Culture*, vol. 4, ed. Keith Michael Baker (New York: Pergamon, 1994), 178.

the judicial system. The two chapters analyze the Revolutionary Tribunal's cases against Jean-Baptiste Carrier and Antoine-Quentin Fouquier-Tinville.

In the first chapter, I argue that the trial of representative en-mission Jean-Baptiste Carrier articulated a Thermidorian view of the relationship of women and political violence. In the evidence presented at Carrier's trial, women were presented as victims of political violence. Otherwise, they were apolitical, completely innocent of any counterrevolutionary actions taken during the Terror, making Carrier completely guilty of any violence enacted against them. The only "appropriate" role for women was that of a republican mother, expected to raise and educate young men to be good citizens, but to stay out of politics and in the home. Carrier's crimes (according to the trial) were also against children and families. For Thermidorians, in contrast, family was foundational to social stability.

In the second chapter, I show how the trial of the former Revolutionary Tribunal prosecutor Antoine-Quentin Fouquier-Tinville showcased the lack of due process during the Terror. As in the trial of Carrier, the trial presented women and their families as victims of political radicalism. It similarly presented the family as foundational to stability and a crime against the family is a crime against the nation. Fouquier-Tinville's trial articulated the importance of according legal protections to families, over and above the rights of individuals, presaging a series of legislative measures during the Directory (re)setting the limits of legitimate use of state power and reasserting the legal rights of families (as described by Suzanne Desan in *The Family on Trial*).

Through the stories told about women and families in well-publicized trials like those of Carrier and Fouquier-Tinville, the Thermidorians established an idea of how women (in theory) should and should not act. Inadvertently, though, the trials of Carrier and Fouquier-Tinville created space for women like Thérésia Cabarrus-Tallien to attain political influence by manipulating the idea of republican motherhood and identifying themselves as victims of the Terror. Chapter three explores how Thérésia was able to briefly navigate the political culture of Thermidor by exploiting the story of her role in the rescue of victims of the guillotine in Bordeaux, her imprisonment during the Terror, and the part she played (as a loyal spouse) in the final downfall of the Robespierre. The venomous criticism she attracted, however, show the limits of this as a potential strategy for women after Thermidor.

The move to deny women access to politics in year III (1795) thus went much deeper than a reaction to women's involvement in political rioting in Paris. The trials of Carrier and Fouquier-Tinville were already establishing the groundwork for redefining women's role as properly within the home, and establishing the family as foundational to a "search for stability". As this thesis will show, the trials of Robespierre's "accomplices" following his fall on 9/10 thermidor focused attention on women, on the relationship of law and family, and set the limits of female political action, in ways that would play out significantly in the years that followed.

Chapter One

Jean-Baptiste Carrier: Bringing Up the Bodies

On 29 September 1794 (8 vendémiaire year III), Jean-Baptiste Carrier was accused by a member of the National Convention of having permitted a number of atrocities during the war in the Vendée, the French Republic's struggle against counter-revolutionary forces in the west of France. Carrier was said to have shot 800 men he had offered amnesty to if they disposed of their arms. Carrier claimed that this accusation was all slander, the work of unscrupulous pamphleteers. The reality was, he claimed, that he had offered support and protection to those that surrendered. His generosity had backfired. When the Republican soldiers arrived in small numbers to the communes in Montaigu, their throats had been slit. Any deaths of brigands were solely in reaction to their surprise attack. Carrier did not deny that his methods were violent, even brutal at times. He argued, however, that they were proportionate. He reminded the tribunal that, a few days before, brigands butchered 600 of the nation's defenders in La Rouillère.¹

Carrier's trial was not just about numbers of victims, however. As this chapter will argue, the standout examples of inhumanity throughout Carrier's trial were acts of violence against women, children, and the family. For example, Carrier was accused of

¹ J. Mavidal, E. Laurent, Louis Claveau, Constant Pionnier, Louis Lataste, Gaston Barbier, Marcel R. Reinhard, Georges Lefebvre, and Marc Bouloiseau, 1867. *Archives parlementaires: de 1787 à 1860. Recueil complet des débats législatifs et politiques des Chambres françaises. Du 3 vendémiaire au 17 vendémiaire an III*, 98 (Paris: Librairie administrative, puis Centre National de la Recherche scientifique), 155 (8 vendémiaire year III; 29 September 1794).

having a woman brought to him and then shot in front of her two children – one three years old and the other twenty months old. Having executed the mother, Carrier decided that the children would never forget what they had witnessed and ordered them to be shot as well. This was a graphic illustration of one of Carrier's crimes; and, while Carrier did not fully deny killing thousands of brigands, he was quick to deny the accusations against him in regard to the woman and her two children. He stated that if the Convention could prove he had killed the woman and children, he would take his own head to the guillotine.²

All of Jean-Baptiste Carrier's attempts at self-defense were in vain. Well before his trial began, newspapers, pamphlets, and published testimonies had already decided he was guilty. For example, a month after the fall of Robespierre and a month before Carrier's arrest, he featured in *La Queue Robespierre*, a pamphlet published by Jean-Claude Hippolyte Méhée de La Touche on 26 August 1794 (9 fructidor year II) printed in 70,000 copies. The pamphlet questioned, "Was it possible that Robespierre did all the evil by himself, alone?"³ Robespierre was dead, but might the Jacobins who remained find a means to return to power? Méhée de La Touche was not the only one to speak out against Carrier before the trial, Louis-Marie Stanislas Fréron, owner and journalist of *L'Orateur du peuple*, became the mouthpiece of the anti-Jacobin movement. On 11-13 September 1794 (25-27 fructidor year II) Fréron launched his campaign against Carrier,

² J. Mavidal et al., *Archives parlementaires, Du 3 vendémiaire au 17 vendémiaire an III*, 98, 155 (8 vendémiaire year III; 29 September 1794).

³ Jean-Claude Hippolyte Méhée de La Touche, *La Queue de Robespierre, ou les dangers de la liberté de la presse* (Paris: n.p., 9 fructidor an II).

printing, “the clamors of the people call you to the court, and a cloud of blood, rising from the bottom of the Loire will burst on your head.”⁴ Carrier’s trial was one of the key political moments in the wake of the fall of Robespierre and the Montagnard faction on 25-26 July 1794 (8-9 thermidor year II). Already recalled to Paris before Robespierre’s fall, as information about what he was doing leaked back to Paris, Carrier was arrested on 3 September 1794 (17 fructidor year II), just over a month after Robespierre’s demise; brought to trial on 29 September 1794 (8 vendémiaire year II); and condemned and executed on 16 December 1794 (26 frimaire year III) by order of the Revolutionary Tribunal, the special court instituted in 1792 for the trial of political offenders.⁵ Following proceedings closely, leading newspapers such as *Le Moniteur* and *Journal de Paris* printed the arguments and evidence made during the trial. They detailed executions, drownings, and massacres.⁶

As well as the trial proceedings published in newspapers, dozens of pamphlets circulated demanding for Carrier to be found guilty in significant numbers in 1794,

⁴ *L’Orateur de peuple* (25, 26, and 27 fructidor an II; 11, 12, and 13 September 1794); Leon Buzot, *Les Représentations de l’homme politique en France* (Mont-Saint-Aignan : Publications des Universités de Rouen et du Havre, 2006), 30.

⁵ Bronislaw Baczko, *Ending the Terror: The French Revolution after Robespierre* trans. Michel Petherham (Cambridge: Cambridge University Press, 1994), 261-4.

⁶ Coverage of the accusations against Carrier and his trial appeared in the vast majority of French newspapers of the time: for example, *Gazette nationale ou le Moniteur* (September-December 1794) and *Journal de Paris* (September-December 1794). While contemporaries followed proceedings through these sources, the analysis of the trial in this chapter is largely based on the *Archives Parlementaires*. The AP was conceived in the mid-nineteenth century as a project to produce a definitive and comprehensive record of parliamentary deliberations and also includes letters, reports, speeches, and other first-hand accounts from a great variety of published and archival sources. For this chapter, I consulted volumes 98-102 printed in 1867. This source is the most comprehensive account of the trial, and it draws from all printed sources available. J. Mavidal, E. Laurent, Louis Claveau, Constant Pionnier, Louis Lataste, Gaston Barbier, Marcel R. Reinhard, Georges Lefebvre, and Marc Bouloiseau, 1867. *Archives parlementaires: de 1787 à 1860. Recueil complet des débats législatifs et politiques des Chambres françaises. 24 Septembre – 2 Décembre 1794* (Paris: Librairie administrative, puis Centre National de la Recherche scientifique).

sporadically in 1795 and 1796 and still from time to time until 1800. The pamphlets tended to be violent in tone, titled such as: *Donnez-nous leurs têtes ou prenez les nôtres!* (Off with Their Heads or Off with Ours), *Places à louer pour voir passer Carrier le jour qu'il ira à la guillotine* (Places to Reserve to See Carrier on His Way to the Guillotine), *Pendant que la bête est dans la piège, il faut l'assommer* (When the Beast is in the Trap, it has to be clobbered).⁷

For contemporaries then, Carrier was a clear example of the Terror at its most extreme. They had little regard for whether Carrier was innocent or guilty. As historians like Bronislaw Baczko and others have argued, Carrier's trial was the major cause célèbre of the Thermidorian period, as the deputies of the "Thermidorian Convention" grappled with how to end the Terror and set new precedent for a new regime.⁸ Antoine de Baecque also argues that the Thermidorians attempted to end the Terror by turning the Terror against the old Terrorists, using show trials to eliminate the accomplices and potential

⁷ Alphonse Martainville, *Donnez-nous leurs têtes ou prenez les nôtres!* (Paris, 1794); Péran, *Pendant que la bête est dans le piège, il faut l'assommer, ou le Moyen infaillible d'utiliser les sociétés populaires, notamment le club des Jacobins. 20 vendémiaire an III* (Paris: Imp. de la Vérité, 1794); *Places à louer pour voir passer Carrier le jour qu'il ira à la guillotine* (n.p.: n.p., 1794). All but one of the pamphlets called for the demise of Carrier, *Places à louer pour voir passer Carrier le jour qu'il ira à la guillotine* was the only one that promoted Carrier's life as one worth mourning. Some pamphlets focused on Carrier's crimes against women such as *La Loire vengée ou, Recueil historique des crimes de Carrier et du Comité révolutionnaire de Nantes: avec les détails de la procédure et des moyens employés par ces scélérates et leurs complices pour se soustraire au glaive de la loi* (Paris: Meurant, Lenfant, and Houel, 1794); *Complainte sur les horreurs commises à Nantes, par l'ordre de Carrier* (Paris: Lefevre and Varet, 1794).

⁸ Bronislaw Baczko, *Ending the Terror: The French Revolution after Robespierre* trans. Michel Petherham (Cambridge: Cambridge University Press, 1994); Howard G. Brown, *Ending the Revolution: Violence, Justice, and Repression from the Terror to Napoleon* (Charlottesville: University of Virginia Press, 2006); Howard G. Brown, "Robespierre's Tail: The Possibilities of Justice after the Terror," *Canadian Journal of History* (winter 2010): 503-35; Corinne Gomez Le-Chevanton, "Le procès Carrier: enjeux politiques, pédagogie collective et construction mémorielle," *Annales historiques de la Révolution française* (Janvier-mars 2006): 73-92; Andrew Jainchill, *Reimagining Politics after the Terror: The Republican Origins of French Liberalism* (Ithaca: Cornell University Press, 2008); Donald M.G. Sutherland, *The French Revolution and Empire: The Quest For A Civic Order* (Oxford: Blackwell, 2003).

successors of Robespierre.⁹ The trial of Carrier was about finding a means to move past the Terror. After 9 thermidor, the Thermidorian government condemned the Terror as the order of the day and appealed (symbolically) to “justice” as the new order of the day. In pursuit of the “guilty,” however, the problem became the ability to distinguish between individual and collective responsibility. Jean-Baptiste Carrier had himself been a deputy and was sent by the Convention to Nantes as a representative *en mission*. During the Terror, a total of 87 deputies served as representatives *en mission*, including some prominent Thermidorians like Louis-Marie Stanislas Fréron (the editor of *L’Orateur du peuple*, who helped lead calls for action against Carrier). Technically, the representatives *en mission* wielded the sovereign power invested in the Convention and were empowered to act in its name. The Convention had given them the power they wielded, and thus (it could be argued) bore responsibility for the consequences of their actions.

The Thermidorians had been members of the Convention all through the period of Robespierre’s rule: there had been no new election since the fall of Robespierre. In the case of Carrier, members of the Convention could point to evidence that they had tried to treat the rebels in the Vendée with humanity. In a speech to the National Convention on 1 August 1793 (14 thermidor year I), Bertrand Barère, member of the Committee of Public Safety, presented a list of measures necessary to suppress the revolt in the Vendée. He was quick to stress that “humanity will not complain; the old, women, and children will be treated with respect required by nature and society.” The National Convention

⁹ Antoine de Baecque, *Glory and Terror: Seven Deaths under the French Revolution*, translated by Charlotte Mandell (New York: Routledge, 2003), 164.

adopted Barère's proposal and set a decree that called for women, children, and the aged to be taken into the interior where their feeding and safety was to be provided for.¹⁰

Carrier's official orders were to be humane to women, children, and the elderly. He was, however, given alternative encouragement from Héroult de Séchelles, a member of the Committee of Public Safety, on 29 September 1793 (8 vendémiaire year II), a month after Barère's resolution. Héroult implied that the defense of liberty should come before the consideration of women, children, and the elderly. He wrote to Carrier that "we can afford to be humane only when we are sure of victory."¹¹ Héroult was not alone in this opinion. Louis Legendre, who had been a member of the Committee of General Safety during the Terror, though he sided with the Thermidorians in July 1794, spoke in Carrier's defense during the trial. He reminded the Convention that it was the Committees of General Security and Public Safety that set a decree that called for the clearing of prisons. Due to that decree, it went from 7-8 people killed a day, to 25, 30, 50, 60, and then 80 killed a day.¹² Despite the "humanity" of Barère's decree then, there was plenty of evidence that Carrier was following the tenor, if not always to the letter, of what the Convention expected of him as its representative *en mission* in the west. Throughout his trial, Carrier was adamant that any action he took while in Nantes was on orders of the National Convention and abided by the laws of the moment.

¹⁰ Josh Brooman, *The Reign of Terror in France: Jean-Baptiste Carrier and the Drownings at Nantes* (York: Longman Resources Unit, 1986), 19.

¹¹ Brooman, *The Reign of Terror in France*, 5; Héroult de Séchelles was unable to offer his own testimony, he had been guillotined 5 April 1794 alongside Georges Danton and the Indulgents.

¹² J. Mavidal et al., *Archives parlementaires. Du 3 au 18 brumaire an III*, 100, 429 (15 brumaire year III; 5 November 1794).

Presenting Carrier as a case of individual excess drew attention away from the collective responsibility of the men who sent him as a representative *en mission* in the first place.¹³ Not all representatives *en mission* had developed the same reputation for arbitrary violence as Carrier. As Jacques Godechot explains, “some demonstrated revolutionary intolerance and were the artisans of the Terror, while the others, and they were the majority, were moderates who endeavored to establish a reign of justice.”¹⁴ Many of those representatives remained members of the Convention. Men such as Tallien, Barras, and Fréron, – whom all had blood on their hands from their time as *representatives en mission* – were leaders of Thermidor.

Some of the most inflexible enforcers of the Terror, accused like Carrier after the fall of Robespierre, were Joseph Le Bon, Étienne Christophe Maignet, Jean-Marie Collot d’Herbois, Joseph Fouché, and Claude Javogues. Le Bon, sent to Pas-de-Calais and the Nord in northern France, executed prisoners by guillotine or *fusillade* [shooting].¹⁵ Maignet, sent to Vaucluse and Bouches-du-Rhone, arrested 130 people in Bédoin, 16 of which were guillotined, and another 47 shot, and then ordered several houses to be

¹³ Baczko, *Ending the Terror*, 54, 60-1.

¹⁴ Jacques Godechot, *Les institutions de la France sous la Révolution et l’Empire* (Paris: Presses Universitaires de France, 1951), 308. Jean-Pierre Gross roughly estimates that only 20% of the representatives belong to the first category and 80% to the second, who Gross refers to as the “Jacobin mainstream”: Jean-Pierre Gross, *Fair Shares for All: Jacobin egalitarianism in practice* (Cambridge: Cambridge University Press, 1997), 17. *Representatives en mission* who engaged in violent repression have received most attention from historians: Richard Cobb, *Les armées révolutionnaires, instrument de la Terreur dans les départements, avril 1793 -floréal an II*, 2 vols. (Paris and The Hague, 1961-3); Colin Lucas, *The Structure of the Terror: The example of Javogues and the Loire* (Oxford: Oxford University Press, 1973); Vovelle, *Religion et Révolution: la déchristianisation de l’an II (dans le Sud-Est)* (Paris, 1976); and M. Vovelle, *La Révolution contre l’Eglise: de la Raison à l’Etre Suprême* (Brussels, 1988).

¹⁵ Ronen Steinberg, “Terror on Trial: Accountability, Transitional Justice, and the Affair Le Bon in Thermidorian France,” *French Historical Studies* 39, no. 3 (December 2015): 419-44; H. Morse Stephens, *A History of the French Revolution* (New York: Charles Scribner’s Sons, 1891), 394.

burned. Afterwards, he was installed in Orange where 32 people, including 32 nuns, were condemned to death in 47 days.¹⁶ Javogues's, whose headquarters was at Sainte Etienne, made many arrests. Even though there was no bloodshed, because he had to send the prisoners elsewhere, he had a reputation for being cruel. He was known to have kicked a woman out of his room and boxed old men's ears.¹⁷ Collot d'Herbois and Fouché were both sent to Lyons. Collot d'Herbois "thought a mere twenty deaths a day not enough" and alongside Fouché ordered the execution of over two thousand people, including nuns and priests, beginning the dismantling of the city itself.¹⁸ These men were, like Carrier, brought to trial for their actions during the Terror. None of them received the same level of attention given to Carrier, however. Joseph Le Bon's trial took place in Amiens, in the *département* of the Somme, and was significantly delayed (it took place about a year after Robespierre's fall.) Étienne Christophe Maignet, Claude Javogues and Joseph Fouché were able to survive the accusations made against them long enough to benefit from the general amnesty declared by the Convention on 26 October 1795 (4 brumaire year IV) at the onset of the Directorial government. Collot d'Herbois was deported to French Guyana in May 1795, not specifically for his actions during the Terror but as part of a repression of leading Jacobins in the wake of the popular demonstrations against the Convention on 12-13 germinal year III.

¹⁶ Jean-Clément Martin, *New history of the French Revolution* (Paris: Perrin, 2012), 437; Ronen Steinberg, *The Afterlives of the Terror: Facing the Legacies of Mass Violence in Postrevolutionary France* (Ithaca and London: Cornell University Press, 2019)..

¹⁷ Stephens, *A History of the French Revolution*, 399.

¹⁸ William Doyle, *The Oxford History of the French Revolution* (Oxford: Oxford University Press, 2002), 254; Simon Schama, *Citizens: A Chronicle of the French Revolution* (New York: Vintage Books, 1990), 781.

One thing that did make Carrier exceptional was his practice of execution by drowning. Fréron's attack in *L'Orateur du peuple* – "a cloud of blood, rising from the bottom of the Loire" – directly referred to this. This is perhaps why the drownings became the centerpiece of the crimes he was accused of. In any case, that Carrier would end up being found guilty was never in doubt. Newspapers and pamphlets depicted Carrier as a monster; they presented the Convention as saviors of humanity. The *Journal de Paris* printed poems and vaudeville, such as "The Return of Decency," "The Pleasures of Fraternity," "Patriotic Gaeity," and "The Oath of Peaceful Citizens," that stressed the nation's deliverance from recent tyranny, thanked government officials for liberating them from prison, and celebrated the joys of family life.¹⁹ On 22 January 1795 (3 pluviôse year III), after Carrier's execution, a local journal published "your husband, children, and friends have perished under the sword of those bloodthirsty wretches [*ces hommes de sang*], but the Convention will protect you... and humanity will be avenged."²⁰ Publications such as these, along with transcripts of Carrier's trial itself, aided the Convention in its goal to move past the "horrors" of the Terror, to gain the public's trust, and to establish its own legitimacy moving forward.

The symbolic importance of Carrier's trial in terms of post-Thermidorian politics has been well established. This chapter will argue that Carrier's trial served not only to

¹⁹ Julia V. Douthwaite, *The Frankenstein of 1790 and Other Lost Chapters from Revolutionary France* (Chicago: The University of Chicago Press, 2012), 176; "Le Retour de la prudeur," *Journal de Paris national* (hereafter referred to as JPN) 620 (26 fructidor an II, 12 September 1794): 2502; "Les Plaisirs de la fraternité," JPN 626 (2nd sans-culottes an II, 18 September 1794): 2526; "Gaïté patriotique" JPN 40 (10 brumaire an III, 31 October 1794): 166; "Le voeu des citoyens paisibles (20 pluviôse an III, 8 February 1795): 566.

²⁰ Douthwaite, *The Frankenstein of 1790*, 177.

emphasize not only a break with the Terror and the establishment of political stability, but also to underscore a need for social stability. The trial of Carrier became not just a means to corral and eliminate recalcitrant Jacobins, but also a means to emphasize the importance of adhering to appropriate gender roles. In the first part of this chapter, I will show how during the trial, the evidence compiled against Carrier emphasized his crimes against women – pointing particularly to pregnant women. Doing so, the Thermidorians mobilized an idea of republican motherhood against Carrier. The stories of Carrier's crimes therefore helped articulate the grounds on which women's political involvement was circumscribed in the Thermidorian period: witnesses at the trial, including members of the Convention, largely dismissed the women's capacity to be political, or to be anything other than victims. Women should stay out of politics and in the home, in order to fulfill their "appropriate" gender role within the family unit, establishing a more conservative social order. In the second part of this chapter, I will show how the idea of republican motherhood was part of a larger emphasis on the importance of family as the foundation of social stability. Carrier, in committing crimes against women and children, was also committing crimes against the family. His disregard (and, indeed, personal ignorance of) for family bonds, followers of trial literature were told, was what plunged the Vendée not just into violence, but also into the sort of social trauma that would affect not just the present, but also future generations of French citizens.

Assassin of Virtue

While a number of historians have analyzed Carrier's trial in depth, as a centerpiece of the "search" for political stability in the post-Thermidorian moment, none of what they have had to say about Carrier explains why women, children, female reproductivity, and families (and frequently all four together) featured so significantly among the crimes he was accused of. Women featured prominently and frequently in evidence submitted on Carrier's involvement in the atrocities in Vendée. Evidence of Carrier's crimes against women featured centrally in the report of the commission of 21, the committee established by the Convention to investigate the guilt of its deputies and to decide if they should be sent to the Tribunal. In the Commission of 21's report on 11 November 1794 (21 brumaire year III), 14 of the 87 pieces of evidence emphasized the unruly nature of his crimes against women.²¹ The evidence presented of Carrier's crimes against women also featured frequently in national newspapers: like the *Journal des débats et des décrets* and of course all those who carried transcripts of the trial; in a range of other journals, like the *Annales patriotiques et littéraires de la France*, the *Feuille de la République*, the *Courrier de l'Égalité*, and the *Journal de Perlet*; and in regional journals like the *Courrier patriotique des départements de l'Isère, des Alpes, et du Mont-Blanc, ou l'Ami de la constitution*. The fact that Carrier had committed crimes against women

²¹ J. Mavidal et al., *Archives parlementaires. Du 19 au 30 brumaire an III*, 101, 107-14 (21 brumaire year III; 11 November 1794). For comparison, only 4 of the 87 pieces of evidence mentioned crimes against priests. Priests played a significant role rallying counterrevolutionary action in the Vendée and so might be expected to feature more frequently than women among examples of Carrier's victims.

featured prominently in the final judgement and death sentence delivered by the Tribunal on 5 nivôse year III (25 December 1794).²²

In the session of 11 November (21 brumaire), a witness claimed Carrier saw a woman at a window and gave orders to shoot at her. Another witness reported that Carrier drowned three beautiful women. Not only did these women lose their lives horrifically, but Carrier enjoyed it.²³ Charles Gilbert Romme, representing the commission of 21, presented the testimony of a local cook Charles de Chatres from 23 September 1794 (12 vendémiaire year III) which he had given to a surveillance committee in Tours. De Chatres claimed he had overheard Carrier's staff of office clerks declare that they had to go into the street, kidnap a specified woman, and take her to Carrier. Carrier asked the women and others for entertainment and drowned them after.²⁴ The report of the Commission of 21 was not the sole source of information submitted to the Convention condemning Carrier, on 19 November 1794 (29 brumaire year III) a letter from the *Société populaire de Nantes* detailed horrors committed by Carrier, claiming of the many innocent

²² *Journal des débats et des décrets* (1794), 1050; *Annales patriotiques et littéraires de la France* (1794), 3192, 3323, 3379, 3421 *Feuille de la République* (1794), 28; *Courrier patriotique des départements de l'Isère, des Alpes, et du Mont-Blanc, ou L'Ami de la constitution* (1794), 559, 590, 605; *Courier de l'Égalité* (1794), 239; *Journal de Perlet* (1794), 247;. Women also featured in pamphlets, for example: *La Loire vengée ou, Recueil historique des crimes de Carrier et du Comité révolutionnaire de Nantes: avec les détails de la procédure et des moyens employés par ces scélérates et leurs complices pour se soustraire au glaive de la loi* (Paris: Meurant, Lenfant, and Houel, 1794); *Complainte sur les horreurs commises à Nantes, par l'ordre de Carrier* (Paris : Lefevre and Varet, 1794).

²³ J. Mavidal et al., *Archives parlementaires. Du 19 au 30 brumaire an III*, 101, 112 (21 brumaire year III; 11 November 1794).

²⁴ J. Mavidal et al., *Archives parlementaires. Du 19 au 30 brumaire an III*, 101, 113 (21 brumaire year III; 11 November 1794).

victims, who they destroyed, they preserved two ex-noble women whom they only reserved for their “vilest pleasures.”²⁵

In many of examples of atrocious acts against women that Carrier was credited with, the cases of women who were pregnant were remarked on as a distinct category of victim. On 11 November Romme also presented a letter from a citizen of Nantes, Gauthier, written 14 April (25 germinal), that accused Carrier of ordering pregnant women, along with a number of good patriots, to be drowned.²⁶ As Romme proceeded, he drew on a declaration made by Vaugeois, who had testified to the military commission of the second arrondissement on 14 October (23 vendémiaire), to tell how two of Carrier’s men, Lamberty and Fouquet, had tried to release several women, fifteen of whom were pregnant, from being imprisoned in a warehouse in poor condition.²⁷ By separating out Carrier’s crimes against pregnant women, Romme suggested that the representative *en mission*’s acts were even more heinous – crimes committed not just against individuals but against motherhood.

Discussions of Carrier’s guilt outside of the trial also singled out his crimes against pregnant women. One anonymous pamphlet, *La Loire vengée, ou, recueil historique des Crimes de Carrier et du Comité révolutionnaire de Nantes*, which claimed to publish “sound and authentic testimonies” of Carrier’s crimes, highlighted the testimony of Surgeon Thomas, one of the men that provided a deposition during Carrier’s trial. Thomas

²⁵ J. Mavidal et al., *Archives parlementaires. Du 19 au 30 brumaire an III*, 101, 402-3 (29 brumaire year III; 19 November 1794).

²⁶ J. Mavidal et al., *Archives parlementaires. Du 19 au 30 brumaire an III*, 101, 110 (21 brumaire year III; 11 November 1794).

²⁷ J. Mavidal et al., *Archives parlementaires. Du 19 au 30 brumaire an III*, 101, 112 (21 brumaire year III; 11 November 1794).

had stated that he visited the prisons of Eperonnière and Marlinière where 800 women, and just as many children, were with no beds, straw, or bowls. Amongst those women, he claimed 30 were pregnant, several of whom were seven to eight months pregnant. Thomas described children shivering or drowned in pools of excrement; indeed, he claimed, in the space of four minutes, he saw five children die due to starvation. As for the pregnant women imprisoned in such poor conditions, he returned a few days later “to see these women whose condition makes them sacred and dear to humanity,” only to find out they were drowned.²⁸

These particular accounts of crimes against pregnant women centered on the conditions in which they were kept as prisoners. They were not direct examples of Carrier’s cruelty, but they did appeal directly to the sentiment of the readers following Carrier’s trial. It was commonly believed in the eighteenth century that it was important for pregnant women to not only be in good physical health, but mental health as well. And, that if they were not it could harm the baby and result in birth defects.²⁹ Sentiment and the melodrama mattered as much, and more so, than legal argument.³⁰

Another pamphlet, *Les parties honteuses de Robespierre, restées aux Jacobins*, published by Lamberti in 1794, argued that Carrier’s mere existence was a public scandal. To showcase the barbarity of Carrier, Lamberti detailed the experience of Madame

²⁸ *La Loire vengée ou, Recueil historique des crimes de Carrier et du Comité révolutionnaire de Nantes: avec les détails de la procédure et des moyens employés par ces scélérates et leurs complices pour se soustraire au glaive de la loi* (Paris: Meurant, Lenfant, and Houel, 1794).

²⁹ Stephanie Brown, “Women on Trial: The Revolutionary Tribunal and Gender” (PhD diss., Stanford University, 1996), 188.

³⁰ Sarah Maza, *Public Lives and Public Affairs: The Causes Célèbres of Prerevolutionary France* (Berkeley, Los Angeles, and London: University of California Press, 1993).

Chandenier during her imprisonment in Nantes. Lamberti revealed that, in the coldest of months, prisoners were denied any warmth against the harshness of winter. Chandenier regularly witnessed victims, expired from the cold and misery, being thrown into the water. Chandenier herself ended her life in the anguish of the longest and most painful agony, covered in vermin.³¹ Lamberti presented Chandenier as an innocent. He asserted the notion that, since the death of her husband, she was solely occupied with her motherly and household duties. He exclaimed that, “never did a woman, in fulfilling her duties exactly, as a good citizen, take less part in political affairs.” Her only misfortune was being rich.³²

Lamberti published this pamphlet with a series of other pamphlets about the legacy of Robespierre. He demanded the punishment of the “successors” of Robespierre, explaining that the only way to achieve reparation for the Terror was terror itself. Lamberti highlighted the account of Chandenier in order to gain sympathy from his readers. By depicting her as a dedicated mother Lamberti portrayed Carrier’s crimes as crimes against humanity. He went as far to add, “the day when the head of a monster like you will fall will be a holiday for humanity.”³³

In *Pendez les Jacobins, ce sont des scélérats* the author called for the hanging of all Jacobins in order to prevent them from doing any more harm. He called upon wives, who saw their husband that adored them dragged to the guillotine, to unite their voices with the avengers of humanity. He assured mothers, whose children, the only hope and

³¹ Lamberti, *Les parties honteuses de Robespierre, restées aux Jacobins* (n.p., n.p., 1794-5), 6.

³² Lamberti, *Les parties honteuses de Robespierre*, 6-7.

³³ Lamberti, *Les parties honteuses de Robespierre*, 13-4.

consolation of their old age, had been snatched, that even though their motherly hearts still bled in painful memory, that they could be assured that they would be avenged. As he repeatedly stated in constant refrain: the Jacobins will be hung.³⁴ Calling upon women to be avenged, he insinuated that crimes against women were crimes against the Nation.

In Carrier's trial, his treatment of young girls was also singled out. The evidence presented once again accentuated reproduction, associating girls with future reproductivity. On 11 November 1794 (21 brumaire year III), Romme presented "facts" proving Carrier had committed a series of crimes against young girls. He had imprisoned women and girls "so-called suspected of misconduct" and then indiscriminately drowned them. Similarly, he had ordered his men to go into the countryside and shoot, without distinction, all the women and girls. He had issued a blanket order that all girls suspected to have been at mass with refractory priests the past two years should be detained.³⁵ During the eighteenth-century moral responsibility began at age 7. Between 10-14, when a child could first approach the altar to take First Communion, marked their entry into full Christian responsibility.³⁶ This was also the age girls would begin puberty, allowing for Carrier's crimes against the girls to be a crime against reproductivity as well as morality. In his defense, Carrier insisted that the "bribed scoundrel" that claimed he killed the girls with "bad morals" was ridiculous. He claimed that he only called on them to sew the under garments of republican soldiers and distribute food – appropriate tasks for their

³⁴ J.M. Bouverot, *Pendez les Jacobins, ce sont des scélérats* (Paris, n.d.), 5.

³⁵ J. Mavidal et al., *Archives parlementaires. Du 19 au 30 brumaire an III*, 101, 110 (21 brumaire year III; 11 November 1794).

³⁶ John McManners, *Church and Society in the Eighteenth Century: Volume 2: The Religion of the People and the Politics of Religion*, Church and Society in Eighteenth-Century France (Oxford: Clarendon Press, 1998), 8.

gender.³⁷ The idea of appropriate gender roles was used by both sides, the accusers and Carrier, to establish their claims. They disagree about the facts of Carrier's guilt, but they agree that girls could never be treated as dangerous counterrevolutionaries.

Other evidence centered on Carrier's malign influence over women's morals and actions. For example, Louise Courand, a *lingère* (washerwoman) in Nantes, testified on 23 October 1794 (2 brumaire year III) that Carrier had a scandalous trade with the wife of Normand, director of the Nantes hospital. Evidently, the wife smuggled rolls, made with flour intended for the hospital, to Carrier. Courand stated that Normand's wife grew tired of the extra work and asked who would pay her, to which Carrier replied: the guillotine.³⁸ Courand's testimony was not presented to place blame on Madame Normand but to further condemn Carrier for debasing and corrupting her, and, through his position at the head of the Republic's armies in the Vendée, establishing a complete power over another man's wife.

Madame Normand was not the only wife Carrier was accused of corrupting. On 19 November 1794 (29 brumaire year III) a witness named Malagogue described a "horrible scene" where he went to Carrier to ask for bread for their fellow citizens. He found Carrier surrounded by dissolute women caressing him. Carrier proceeded to order one of the women to betray her husband.³⁹ Malagogue noted that Carrier interrupted his orgies only when asked to sign off on drowning "men, women, pregnant women, and children, who

³⁷ J. Mavidal et al., *Archives parlementaires. Du 19 au 30 brumaire an III*, 101, 119 (21 brumaire year III; 11 November 1794).

³⁸ J. Mavidal et al., *Archives parlementaires. Du 19 au 30 brumaire an III*, 101, 113 (21 brumaire year III; 11 November 1794).

³⁹ J. Mavidal et al., *Archives parlementaires. Du 19 au 30 brumaire an III*, 101, 403 (29 brumaire year III; 19 November 1794).

were brought to him in the hundreds.” The woman asked to betray her husband confided to Malagogue that she slept easy knowing that she at least would survive Carrier’s barbarity, unlike so many other Nantais.

Malagogue also recounted an incident that was depictive of an “ideal” woman. Before his departure from Carrier, a misfortunate young girl came to ask for the freedom of her brother, who had been imprisoned without cause. Carrier replied that her brother would soon be f***ed in the water. The girl returned the next day, to plead again with Carrier. Carrier had her thrown out the door. Before she made it all the way down the stairs, however, Carrier called her back, promising her brother’s freedom if she “abandoned herself to his passion.” The girl refused, and her brother remained incarcerated.⁴⁰

The evidence presented against Carrier during his trial accused him not only of excesses of violence, but also of crimes against female and wifely virtue. The women who appeared in the stories told about Carrier were one-dimensional ciphers. They had no agency: all of the women were innocents, caught up by events against their will. Face to face with Carrier, the only real choice they could make was whether or not to be chaste. Malagogue’s testimony exemplified this. In his world, women were expected to uphold morality, sexual loyalty, and patriotism. These “dissolute women” who caressed Carrier were hardly innocent, but their path to corruption was not one of their own making. Carrier was solely responsible for their descent into sexual licentiousness. The “young

⁴⁰ J. Mavidal et al., *Archives parlementaires. Du 19 au 30 brumaire an III*, 101, 403 (29 brumaire year III; 19 November 1794).

girl,” by refusing Carrier’s advances, represented the ideal of what women could be: chaste (even that meant she was powerless against political violence.)

Carrier’s trial therefore articulated a vision of “republican motherhood,” that was also being rewritten through other political debates during the Thermidorian period. As gender historians of the Revolution have long argued, the Thermidorians identified the politicization of women as a factor leading to radicalism. Women had played a leading role in several journées (days of revolt) during the Revolution. As early as October 1789 women attended meetings of political clubs and soon called for the guarantee of women’s rights. While the revolutionary government eventually granted women the right to divorce and girl’s equal inheritance to family property, women’s demands became more radical. Women’s clubs fell victim to the disapproval and suspicion of the revolutionary government and were outlawed on 30 October 1793 (9 brumaire year II). In the difficult political and economic climate women still had to make their way. During the Terror many women were imprisoned and sent to the guillotine for complaining about food shortages and making disrespectful remarks towards the authorities.

In the wake of these riots, Joan B. Landes has described how women were deprived of both formal and informal political rights. Institutions that had given women political influence were broken up. Galleries in clubs and assemblies were closed to women. Free trade was reinstated, resulting in hoarding and speculation. The economic hardships brought on by Thermidor led to riots in the spring of year III. Women initiated insurrections, demanding bread and the rights of the people. In order to repress the uprisings, the Thermidorian government took harsh measurements, humiliating the

women involved. Their repressive actions were thorough and successful, silencing a generation of revolutionaries.⁴¹

The politics of gender in the Thermidorian period also sought to define a more appropriate role for women in society. This involved the idea of republican motherhood. Women were expected to perform the duties of republican mother, raising and educating young men to be good citizens.⁴² Lynn Hunt observes that between 1793 and 1804 male hostility towards women's political participation amplified domestic ideology, establishing that women were scientifically 'proven' to only be suitable for domestic operations.⁴³ The role of mother was a significant one, however. In her analysis of republican motherhood, Suzanne Desan points to the play *Barra, ou la mère républicaine* to demonstrate the perception of republican motherhood as "fertile and ever-willing to sacrifice her sons as soldiers for the patrie."⁴⁴ Women were to maintain strictly ceremonial roles that distanced them from the involvement in the pragmatic, everyday workings of politics and set up a model of femininity that was moral and abstract.⁴⁵

Historians have presented evidence for this emphasis on republican motherhood in the laws passed by the Convention limiting their political involvement, in the decrees of women's political societies, in women's petitions, and within the world of culture and

⁴¹ Darline Gay Levy, Harriet Branson Applewhite, and Mary Durham Johnson, *Women in Revolutionary Paris, 1789-1795* (Urbana: University of Illinois Press, 1979), 271-3.

⁴² Joan B. Landes, *Women and the Public Sphere: in the Age of the French Revolution* (Ithaca and London: Cornell University Press, 1988), 106.

⁴³ Lynn Hunt, *The Family Romance of the French Revolution* (Berkeley: University of California Press, 1993), 158.

⁴⁴ Desan, *Family on Trial*, 72.

⁴⁵ Suzanne Desan, "Constitutional Amazons": Jacobin Women's Club in the French Revolution, ed. Bryant T. Ragan, Jr. and Elizabeth A. Williams in *Re-creating Authority in Revolutionary France* (New Brunswick, New Jersey: Rutgers University Press, 1992), 18.

theatre. However, what the central role played by examples of women in Carrier's trial shows us is that the reframing of women's involvement in politics was not separate from other aspects of the "search for stability" in the Thermidorian period. The search for social stability and the search for political stability after the Terror were completely intertwined. There was no separate "woman question"; rather, women were centrally present in one of the central "reckonings" with the legacy of the Terror. Thus, Carrier's trial served as a key to understanding of how to deal with the Terror through fixing the role of republican motherhood. *Vie sans-pareille, politique et scandaleuse du sanguinaire Carrier*, a pamphlet published by Nicolas Prévost, even argued explicitly that the return of women to domesticity was pertinent for stability.⁴⁶ The pamphlet warned of the importance of women and mothers, as guarantors of virtue and morality proper care and nurturing. Women, especially in their role within the family, were foundational for stability.

The Foundation of France

The accusations made against Carrier during his trial show that "Republican motherhood" was just one element of the reworking of social and gender identities after Thermidor. It was the "republican marriages" – the drownings of men and women in pairs in the Loire river, supposedly carried out by Carrier and his men – that most luridly brought to life the idea that Carrier had targeted young boys and girls in his atrocities in Nantes. The Revolutionary Tribunal's public prosecutor, Leblois, produced a deposition

⁴⁶ Anon., *Vie sans-pareille, politique et scandaleuse du sanguinaire Carrier ex député à la Convention Nationale et envoyé en qualité de Représentant du Peuple à Nantes, théâtre de ses fureurs; suivie de quelques anecdotes sur ses complices* (Paris: Prévost, 1794).

given by two witnesses, which testified to the fact that Carrier gave orders to his men to perform several republican marriages – in other words, to strip young boys and young girls naked, tie them together in couples, and then throw them into the water to drown.⁴⁷ Other witnesses were also found to confirm this had happened. Lahenette, doctor at the Charité in Nantes, also described republican marriages, and Thomas, a medical attendant, reported the claim of a drunken boatman who detailed how an executioner stripped the men and women down naked, tied them together by the arms and wrists, and have them beaten with large sticks until pushed into the Loire – which he called a “civic marriage.” Another description was given in a statement by Fourrier, director of the revolutionary almhouse. He claimed he heard of republican marriages as the act of tying together an old man to an old woman or a young man to a young woman. They were left coupled together, naked, for half an hour, and then hit on the head with a sabre and thrown in the Loire.⁴⁸

Other testimonies detailed specific instances where republican marriages were performed. A boatman, Pierre Robert, testified on 25 October 1794 (4 brumaire year III) that he was forced to participate in four mass drownings. One of these executions consisted of 58 people tied two by two; a second involved 400 victims of both sexes, with the victims also tied up in couples. 800 people of all ages and sexes and 300 people of all ages and sexes perished in the other two drownings. Robert did not claim that these

⁴⁷ J. Mavidal et al., *Archives parlementaires. Du 1^{er} frimaire au 12 frimaire an III*, 102, 86 (3 frimaire year III; 23 November 1794).

⁴⁸ Baczko, *Ending the Terror*, 150-2.

involved republican marriages, however.⁴⁹ On 23 November 1794 (3 frimaire year III) another witness, Vailli, an artillery gunner, also recalled four mass drownings. The first was made up of 90 priests. The second occurred a month later, and involved over 800 victims. These were executed after being tied up two by two. They were stripped inhumanely, drowned, cut to pieces, and shot. Their clothes and possessions were sold by Carrier's men the next day. A third mass execution also involved republican marriages, according to Vailli. Vailli estimated that, in total, over 2000 men, women, and children perished in these drownings.⁵⁰

The stories of republican marriages recounted during Carrier's trial were considered exceptionally heinous. That he had "ordered or tolerated various drownings of men, children, and women, some of whom were pregnant" was one of the eventual articles of accusation Carrier was charged with.⁵¹ They also featured prominently in pamphlets about the trial. According to *Pendez les Jacobins, ce sont des scélérats*, republican marriages served as proof of the horrible degree of perfection that the Jacobins had carried the art of inventing torments and of assassinating defenseless humanity.⁵²

The power of "republican marriages" as a symbol was not just the grotesqueness of stripping down and tying men and women together as a means to humiliate them

⁴⁹ J. Mavidal et al., *Archives parlementaires. Du 19 au 30 brumaire an III*, 101, 113 (21 brumaire year III; 11 November 1794).

⁵⁰ J. Mavidal et al., *Archives parlementaires. Du 1^{er} frimaire au 12 frimaire an III*, 102, 85-6 (3 frimaire year III; 23 November 1794).

⁵¹ J. Mavidal et al., *Archives parlementaires. Du 1^{er} frimaire au 12 frimaire an III*, 102, 179 (3 frimaire year III; 23 November 1794).

⁵² Bouverot., *Pendez les Jacobins, ce sont des scélérats*, 6.

(bearing in mind that many of the rebels in the Vendée were devout Roman Catholics). In the Thermidorian context, Carrier's "republican marriages" symbolized the disruptive impact of changes to marriage policy and the family during the French Revolution, including the introduction of divorce, new inheritance laws, and the eliminating of various kinds of property (around which family marriage networks had been built). As Suzanne Desan has shown, after the fall of Robespierre, petitions calling for action to reverse changes to the laws of family and marriage quickly came flooding into the Convention. They argued that the policies of the Jacobins had subverted normal family order and domesticity.⁵³ Foregrounding the Thermidorian's horror of Carrier's republican marriages and their deliberate mockery of Catholic sensibilities and stable family relationships was therefore useful in terms of signaling that not just political order, but also social order, would be restored in the wake of Robespierre's removal. Carrier's trial was not just about the past. It was also about reassuring French citizens about the future.

Through the stories of "republican marriages," Carrier became a means to tie social disorder to radical politics. Elsewhere also, Carrier's trial thus emphasized the importance of family as a bulwark of social stability. Alongside crimes against women and mothers, crimes against children appeared frequently throughout Carrier's trial. Children were representative of the family. In committing crimes against children, Carrier was committing crimes against the very foundation of society. The pamphlet *La Loire vengée* published the testimony of Vaujois in regard to the fate of the 4-500 children in Nantes who were (some claimed) drowned or shot during the war. Vaujois, a prosecutor in the

⁵³ Desan, *The Family on Trial*, 256-7.

military commission in Nantes (that is to say, someone who might have himself been accused of atrocities given he too represented the politics of the Terror in the Vendée), claimed he wrote to the district administration a dozen times, went to the local revolutionary committee twenty times, and even wrote to the General Safety Committee pleading for the release of those “unfortunate children.” They claimed he had argued that they should have been sent to a home in which they could be properly raised. Finally, he admitted, he appealed to Carrier, who replied furiously, “you are a counterrevolutionary, no pity, these ‘vipers’ must be stifled.” In the context, Vaujois claimed that he feared for his own safety: nobody was able to stand up to Carrier as long as Terror was the order of the day⁵⁴

Vaujois also recalled a report made by a citizen of Nantes who gained access to the warehouse where the children were kept. The citizen saw a heap of corpses. As he searched among the pile to find a child alive, an arm appeared waving in hopes of being rescued. The citizen was thus able to save one (but just one) of the children. Vaujois blamed Carrier and Carrier alone for the children’s deaths: he was the one who ordered that the warehouse be used to contain and execute counterrevolutionary prisoners. By sending the children to be held there, Carrier effectively signed their death warrant⁵⁵

Vaujois’s claim that Carrier had referred to the children as vipers was also not incidental. This reference was to Aesop’s fable, “The Farmer and the Snake.” The fable is

⁵⁴ Anon., *La Loire vengée ou, Recueil historique des crimes de Carrier et du Comité révolutionnaire de Nantes*, 140-1.

⁵⁵ Anon., *La Loire vengée ou, Recueil historique des crimes de Carrier et du Comité révolutionnaire de Nantes*, 140-1.

about a farmer who comes across a snake, stiff and frozen from the cold. The farmer knew that the snake could be dangerous but warmed it back to life anyway. As soon as the snake was revived and gained his strength back, he bit the farmer who had been so kind to it. The bite was deadly. As the farmer drew his last breath, he said: "I am rightly served for pitying a scoundrel!"⁵⁶ Carrier in calling the children vipers was suggesting that the children would have repaid any kindness with betrayal. Vaujois used this to present his own belief in the inherent innocence of children in contrast. As aforementioned, similar to Carrier referring to the children as vipers, Carrier was said to have shot two children after witnessing their mother's death because they would not be able to forget what happened. In his perspective, Carrier's precautions were made in effort to prevent future rebellions of the younger generations seeking vengeance.

Crimes against children, like crimes against women and girls, were considered especially heinous. Raffron, a member of the Convention, announced that the purpose of the trial was to examine the horrific crimes of Carrier, singling out the massacre of children as one of worst examples.⁵⁷ Witnesses during the trial recalled that children were imprisoned and drowned; children of only thirteen and fourteen years old were

⁵⁶ Aesop was a slave and storyteller in Ancient Greece between 620 and 564 BCE. From the Renaissance onward his fables were used for the education of children's morality. The story was fairly well known in the eighteenth century, though told in a number of ways (all of which involved the man being betrayed by the viper to whom he had shown kindness: *Les Fables d'Esopé Phygien, avec celles de Phielphe* (Copenhagen: Héritiers de Rothe et Proft, 1784), 91; *Fables d'Esopé avec leur sens moral* (Wasteras: Jean Laurent Horn, 1790), 27-8; *Les fables de Phèdre en latin et en français, traduction nouvelle par l'abbé Lallemand avec des remarques* (Rouen: Nicolas and Richard Lallemand, 1758), 157-8. The quotation here is taken from "The Farmer and the Snake" in George Fyler Townsend, ed., *Three Hundred Aesop's Fables* (London: Routledge, 1871), 12.

⁵⁷ J. Mavidal et al., *Archives parlementaires. Du 3 au 18 brumaire an III*, 100, 518 (17 brumaire year III; 7 November 1794)

guillotined; and two-month-old babies were stabbed with bayonets.⁵⁸ One defendant, Chauv, claimed that Carrier had drew his saber on him when he appealed for some children to be set free.⁵⁹

On 18 November (29 brumaire) a petition signed by 113 citizens of the commune of Nantes described the young children who had fallen victims to Carrier as, “those weak and touching creatures who still cry out for their mother’s, and who, deprived of breast milk, expire far from the maternal womb.”⁶⁰ The remaining battered inhabitants of Nantes described how “grieving mothers who searched in vain for their children... these desperate sons who no longer find their parents.”⁶¹ This petition, which was described as direct eyewitness evidence by one member of the Convention, emphasized that Carrier took more than the lives of individuals. His crime was in dismantling and dismembering families.

Childhood took on an entirely new perspective in *Vie sans-pareille*, a pamphlet published during Carrier’s trial, where Carrier’s own youth was examined for an explanation for his monstrous behavior. It insinuated that the violence levied on the Vendée was not situational. Neither was it the consequence of orders from Paris. Carrier’s actions were entirely his own: the pamphlet portrayed Carrier as a bloodthirsty monster

⁵⁸ J. Mavidal et al., *Archives parlementaires. Du 19 au 30 brumaire an III*, 101, 110, 403 (21 brumaire year III; 11 November 1794; 29 brumaire year III; 19 November 1794). J. Mavidal et al., *Archives parlementaires. Du 3 vendémiaire au 17 vendémiaire an III*, 98, 157 (8 vendémiaire year III; 29 September 1794).

⁵⁹ J. Mavidal et al., *Archives parlementaires. Du 19 au 30 brumaire an III*, 101, 112 (21 brumaire year III; 11 November 1794).

⁶⁰ J. Mavidal et al., *Archives parlementaires. Du 19 au 30 brumaire an III*, 101, 404 (29 brumaire year III; 19 November 1794).

⁶¹ J. Mavidal et al., *Archives parlementaires. Du 19 au 30 brumaire an III*, 101, 404 (29 brumaire year III; 19 November 1794).

set free to indulge in his wrath under the cover of war. The pamphlet claimed that, from a young age, Carrier's greatest pleasure was to collect flies and torment them to their death. The author added, "undoubtedly in this unfortunate affair of Nantes, he still took for flies, the unfortunate inhabitants of this sad city..."⁶²

As if the flies were not enough, the author recounted that before Carrier was appointed as a deputy, he plunged a dog that he was entrusted with into a river in Dordogne. Apparently, the dog had not been fed for two days prior and upon being forced to swim for four hours ultimately drowned as Carrier watched with pleasure.⁶³ *Vie sans-pareille* thus acted as a cautionary tale of the impact childhood can have on an individual. The focus on his childhood alluded to Carrier himself being the product of a broken family, serving as a warning for the importance of a stable familial dynamic. What would the consequences be of Carrier's own breaking of families in the Vendée?

The insinuation was that Carrier, by exposing children to violence at a young age, and taking away their mothers, was de-stabilizing the future of France by tearing apart families. Detailing Carrier's crimes against children was thus not just about ensuring his conviction, but an appeal to move on from and to heal the social dislocation caused by the Terror. Jennifer Heuer in her account of how family, property, and law were at the heart of Thermidorian reconstruction of society and politics, has argued that families, not individuals, became the basic units of the French nation.⁶⁴ In the same way as the virtues

⁶² Anon., *Vie sans-pareille, politique et scandaleuse du sanguinaire Carrier*, 8.

⁶³ Anon., *Vie sans-pareille, politique et scandaleuse du sanguinaire Carrier*, 13; Buzot, *Les Représentations de l'homme politique en France*, 24-5.

⁶⁴ Jennifer Heuer, *The Family and the Nation: Gender and Citizenship in Revolutionary France, 1789-1830* (Ithaca and London: Cornell University Press, 2005), 76; Charles Toussant Guiradet, *De la famille considérée comme l'élément des sociétés* (n.p., 1797), 200.

of republican motherhood were intertwined into the evidence of Carrier's crimes, commentators on the trial returned repeatedly to the importance of the "innocent generations" eliminated by the excesses of Carrier's reign of violence. This was a loss to their families, to the stability of their communities, and to the Republic. Carrier had described them as "vipers." His accusers saw them as a key part of a family, now absent from their search for stability.

Conclusion

It does not matter whether Carrier was solely to blame for the violence of the Vendean War or even if the atrocities he was accused of occurred in the manner – or to the extent – his accusers claimed. It does not matter if the women presented as innocent victims of his excess were actually innocent. As Baczko argues, Carrier's trial was the Thermidorian government's attempt to move past the Terror. The Conventionnels knew that in order to move past the Terror they needed to place blame on individuals, such as Carrier, in a way that did not collectively incriminate the other members of the Convention.

The desire to scapegoat Carrier does not explain why crimes against women and children were at the center of Carrier's trial. As this paper has argued, the fact that Carrier's trial turned so regularly to examples of crimes against women and girls, and especially pregnant women and girls, shows how the search for political stability after the fall of Thermidor was inseparable from efforts to undo some of the Revolution's

more radical social policies (including the loosening of laws on marriage (divorce and inheritance) and to return to a more predictable social world where women's place was in the family and they were entirely subservient to their husbands. Threaded through Carrier's trial was an argument that, when women got pulled into politics, they ended up as victims. The world of politics – and especially radical politics – was a world ruled by men. Throughout the trial, there was not a single example of a strong woman standing up for herself. Even the young girl who resisted Carrier's advances did so on behalf of her brother: she was a good sister, and not a strong woman acting for herself.

Carrier, in his own personal luring of the wives of local men into debauchery, represented the corruption introduced into the family and society by the politics of Robespierre and the Jacobins. His "republican marriages" mocked not just Catholic sacraments, but the importance of the family as an institution in French society. Carrier's crimes against children also presented the politics of the Terror as destructive of the family. This thread running through Carrier's trial addressed a "search for stability" not just in the present, but in the future. The focus on women in Carrier's trial was therefore not just a representation of the role of women but, part of a broader depiction of a stable social world centered on family values.

Chapter Two

Antoine Quentin Fouquier-Tinville: The Terror on Trial

On 7 April 1795 (18 germinal year III) Robert Wolf, a tribunal clerk since 1793, testified against Antoine Quentin Fouquier-Tinville for his treatment of pregnant women while serving as prosecutor for the Tribunal during the Terror. Wolf recalled that “at least ten or twelve” women who claimed to be pregnant were sent to the guillotine on the same day of their allegation. Wolf recounted the case of Elisabeth Marie Pierrette Anne Dubois de Courval, widow of Omer Louis François Joly de Fleury, ex-procureur general,¹ in great detail. Madame Joly de Fleury declared herself to be five or six weeks pregnant. Upon that declaration, the Tribunal brought in surgeons to examine her. They detected no signs of pregnancy and she was therefore sent to be executed. This incident, Wolf opined, was more than enough proof that the Tribunal had “banished humanity.” A humane court would never have doubted Madame Joly de Fleury’s word, or suspected that she claimed to be pregnant as a means to escape execution.² The Tribunal had tried 4,115 people: 579 were women, of whom 387 were condemned between April 1793 (germinal year I) and 27 July 1794 (9 thermidor year II). The standout example of inhumanity for Wolf though, was the treatment of a *pregnant* woman like Madame Joly de Fleury.³

¹ Officer of the court trained in the law, like that of a public prosecutor.

² Buchez, P.-J.-B., and P.-C. Roux, *Histoire parlementaire de la Révolution française*, 40 vols. (Paris: Paulin, Libraire, 1834-1838), 34: 453-4 (18 germinal year III; 7 April 1795).

³ Stephanie Brown, “Women on Trial: The Revolutionary Tribunal and Gender” (PhD diss., Stanford University, 1996), 68-70.

Antoine Quentin Fouquier-Tinville, prosecutor during the Revolution and the Reign of Terror, was denounced by Louis-Marie Stanislas Fréron, a member of the Convention, and imprisoned on 1 August 1794 (14 thermidor year II). He was brought to trial on 28 March 1795 (8 germinal year III) in front of the National Convention. Fouquier-Tinville had been the public prosecutor for the Revolutionary Tribunal, created during the Terror by the National Convention for the trial of political offenders. It was composed of a jury, a public prosecutor, and two substitutes, all nominated by the Convention. The Revolutionary Tribunal tried political crimes and was made into the bluntest of instruments by the law of 22 prairial (10 June 1794): trials were limited to a maximum of three days with no provision for defense counsels and only two possible verdicts – acquittal or death. The Revolutionary Tribunal’s verdict was final: there was no appealing its judgements.

Fouquier- Tinville’s own trial lasted forty-one days; he was ultimately condemned to death and guillotined on 7 May 1795 (18 floréal year III). Fouquier-Tinville was accused of going beyond what even the laws of the Terror allowed. The indictment, drawn up by Fouquier-Tinville’s successor as public prosecutor, Leblois, was divided into three sections: Fouquier-Tinville’s “crimes,” his “schemes and plans,” and, his “character and morality.” Leblois charged Fouquier-Tinville with several crimes, including: orchestrating the mass trials held after the passage of the law of 22 prairial; moving individuals from indictment to execution in the span of a single day; sending prisoners to be executed after a trial they were never clearly informed on the charges

against them; trying one person in place of another; depriving some of the accused any form of defense; and inventing conspiracies to execute more prisoners.⁴

Throughout the trial, Fouquier-Tinville denied the accusations against him and accredited several of the crimes to men who had already been executed: Coffinhal, Danton, and Robespierre.⁵ On 6 August 1794 (19 thermidor year II), Fouquier-Tinville defended himself by stating, “If it is a crime to have given effect to the resolutions of the Committee of the Public Safety and the Committee of General Security, I confess that I am guilty; I should have been guilty if I did not execute them. What then ought I have done?”⁶ As in other Thermidorian trials of the Terror (including Carrier’s), it was difficult to convict on the basis of acts performed in service to the Convention. The deputies had instead to find other evidence of acts of inhumanity and excess.

Like Carrier, Fouquier-Tinville was a scapegoat. J.M. Thompson, for instance, points to the fact that Fouquier-Tinville’s proposal during the Terror to “get rid of the formalities which are holding up the process” of Revolutionary justice was approved by the assembly. The Revolutionary Tribunal’s jury was thus empowered to expedite trials simply by declaring that “their conscience was sufficiently enlightened.” Over-expediting justice was one of the major accusations levied against Fouquier-Tinville.⁷ Although it was the trial of an individual, Fouquier-Tinville’s trial can and has be considered as “the

⁴ Buchez and Roux, 34: 264-73 (14 thermidor year III; 1 August 1795).

⁵ Jean-Baptiste Coffinhal, vice-president of the Revolutionary Tribunal during the Terror; Georges Jacques Danton, first president of the Committee of Public Safety; and Maximilien Robespierre, member of the Constituent Assembly and Jacobin Club.

⁶ Alphonse Dunoyer, *The Public Prosecutor of the Terror: Antoine Quentin Fouquier-Tinville*, trans. A.W. Evans (New York: G.P. Putnam’s sons, 1913), xvi.

⁷ J.M. Thompson, *The French Revolution* (Oxford: Basil Blackwell, 1943), 372. J.M. Thompson describes Fouquier-Tinville as a “sober, hard-working, unimaginative official.”

trial of the Revolutionary Tribunal itself.”⁸ According to Bronislaw Baczko, this and other Thermidorian trials of the Terror were about political reconfiguration, symbolically distancing the members of the Thermidorian Convention from the “extremes” of the Montagnard regime.⁹

Focusing purely on the political, none of what historians say about Fouquier-Tinville’s trial is in conversation with the history of women and family after the Terror. This chapter will argue that while Fouquier-Tinville’s trial was “the trial of the Revolutionary Tribunal itself,” it was also part of the larger strategy of the Thermidorians to separate themselves from the actions of the Terror by focusing on the executions of women, especially pregnant women, and children on Fouquier-Tinville’s orders as public prosecutor. As the previous chapter has argued, Carrier was similarly condemned on account of his violent actions against women, children, and families. While Carrier’s trial focused on the violence of the Terror, Fouquier-Tinville’s trial focused on the law. Women and the family were used to illustrate how far the Revolutionary Tribunal had strayed during the Terror. The accounting of Fouquier-Tinville’s crimes emphasized the need to (re)set the limits of state power and restore due process. It posed the question: what were the rules under which the state’s implementation of violence was legitimate? Fouquier-Tinville’s trial thus serves as an

⁸ Henri Wallon, *Histoire du Tribunal révolutionnaire de Paris*, 6 vols (Paris: Librairie Hachette, 1880-1882), 6.

⁹ Bronislaw Baczko, *Ending the Terror: The French Revolution after Robespierre* trans. Michel Petheram (Cambridge: Cambridge University Press, 1994).

example of how the Thermidorians emphasized the importance of law and family in the search for stability after the Terror.

Fouquier-Tinville's Pregnant Women

Thermidorian concern about how women were treated under the law predated Fouquier-Tinville's trial. On 17 September 1794 (jour de la vertu, year II) deputy Phillippe-Laurent Pons de Verdun took the floor in front of the National Convention and announced he had received a petition from the people that referenced eight women condemned to death by the Revolutionary Tribunal. He proposed the suspension of their trials due to pregnancy: these "weak creatures" barely had enough strength to survive, much less overthrow the revolutionary government. By calling women "weak creatures" Pons suggested they were women first and political criminals a distant second. Pons ultimately proposed that all women who were pregnant, or who might be pregnant, be spared from execution, calling on the Convention to consider the well-being of a child without a mother. In the meantime, his motion calling for the eight women to be spared from execution was passed.¹⁰

On 12 April 1795 (23 germinal year III), while Fouquier-Tinville's trial was under way, Pons once again addressed his fellow deputies, presenting a proposal put together

¹⁰ Referring to Françoise Camille de Béranger, widow of Beauvilliers; Louise Sylvie de Chamborant (Blamont); Guingery, wife of Mourre; Leclerc, widow of Labathie; Malicornet, wife of Chamborant; Amélie Laurence Marie Céleste de Saint-Pern, widow of Cornulier; and Anne Marie Louis Thomas, widow of Megret de Serilly. *Gazette nationale ou le Moniteur universel*, 17 September 1794. Brown, "Women on Trial," 224; Max Billard, *Les Femmes enceintes devant le Tribunal révolutionnaire* (Paris: Perrin, 1911).

by the Convention's *comité de législation* on the basis of his earlier call to spare all pregnant women from execution. Pons called for the exemption of pregnant women from responsibility of political crimes and being treated as politically active individuals. He insisted that women, especially pregnant women, should not be pulled into the political realm and the Revolutionary Tribunal was "barbaric" for thinking differently. Pons appealed to the chivalry of the Convention when proposing that pregnant women not be prosecuted for political crimes. Once again, Pons described the grim future of children left without a mother, mobilizing the same rhetoric as had been used in Carrier's trial to define women wholly within the bonds of family. Pons's motion was passed.¹¹

Throughout the trial, accusers, like Pons, focused on women's treatment under the law. When witnesses gave evidence of Fouquier-Tinville's crimes, they turned to his treatment of women – in particular pregnant women and women with families – repeatedly.¹² On 6 April 1795 (17 germinal year III), J.-N. Thierriet Granpré, member of the Commission of Civil, Police, and Juridical Administration, was called to testify. Granpré recalled that three of the hospital surgeons were dismissed without reason and then replaced by men devoted to the Revolutionary Tribunal, that it was with the aid of these men that Fouquier-Tinville managed to send women to their death before waiting the necessary time to find out if their declaration of pregnancy was true.¹³

¹¹ *Mecure de France*, vol. 15, 42 (19 April 1795; 30 germinal year III), 176-7; Brown, "Women on Trial," 225.

¹² Buchez and Roux, 34: 278 (14 thermidor year III; 1 August 1795).

¹³ Buchez and Roux, 34: 424 (6 April 1795; 17 germinal year III).

Of the 25 women condemned while under the declaration of pregnancy, Madame Joly de Fleury received the most attention throughout the trial. As we have already seen, on 7 April 1795 (18 germinal year III) Robert Wolf testified on behalf of Madame de Joly de Fleury, recalling that “at least ten or twelve” women that claimed to be pregnant were sent to the guillotine on the same day. Surgeons had been brought in to examine the women. They declared “with certainty” that one woman was pregnant, and one was not. They noted no signs of pregnancy in the cases of Fleury and one other woman who both claimed to be only five or six weeks pregnant, but, equally, they were not able to state with any certainty that they were not.¹⁴ Despite the surgeon’s uncertainty, Fleury and the other woman were sentenced to be executed. To justify its decision, the Revolutionary Tribunal declared that it was impossible that they had any communication with men while in prison.¹⁵

J.-B. Tavenier, another clerk at the Tribunal, confirmed Wolf’s account. On 12 April 1795 (23 germinal year III) he told how he had written up the claims of three women – Joly de Fleury, Meursin, and d’Hinnisdal – but, nevertheless, the following morning he was ordered by Fouquier-Tinville to write out the Tribunal’s judgment condemning these women to death. When he delivered the judgment, he was ordered by the Vice President of the Tribunal, Coffinhal, to add the point that these women could not be pregnant because they had not had any contact with men while

¹⁴ Other women referenced by name were Cathérine-Louise-Silvain de Soyecourt, widow of d’Hinnisdal de Fumale, who claimed to be 4-6 weeks pregnant; Isabelle Pigras, ex-wife of Sylvain Rataud de Meursin, who was declared with certainty not to be pregnant due to the fact she was menstruating at the time.

¹⁵ Buchez and Roux, 34: 453-4 (7 April 1795; 18 germinal year III).

imprisoned. Tavenier claimed that he challenged Coffinhal and the Tribunal, arguing that he previously heard men and women get convicted for having “communicated” with one another in prison. Tavenier was ordered to shut up and write. Later in his testimony, Tavenier cited the case of Duchess Saint-Aignan, who was imprisoned with her husband in the same prison and was four months pregnant. While Tavenier’s testimony was largely against Coffinhal and the Tribunal as a whole, he brought it up during Fouquier-Tinville’s trial because Fouquier-Tinville was part of the system. Someone, he declared, needed to answer for those crimes.¹⁶

Fouquier-Tinville, responding to such accusations, argued that he had always respected women’s declarations of pregnancy.¹⁷ He defended himself, stating that his conduct was public and supervised by the National Convention. In Fouquier-Tinville’s mind he was simply following the law: the Law of Suspects, passed 17 September 1793 (jour de la vertu year I), called for the arrest of the enemies of the Revolution where they had to prove their innocence rather than innocent until proven guilty. By 10 June 1794 the Law of 22 Prairial was passed, expanding what was classified as a “crime” and expediting the judicial process. Fouquier-Tinville insisted that most defendants fell under such circumstances of the Tribunal’s laws and therefore allowed him to sign off on the execution of pregnant women.¹⁸ To be fair, the number of women that claimed to be pregnant increased in spring 1794, shortly after the Law of 22 prairial. Arguably, that was unlikely a coincidence. Before the law, six of the fifteen women who claimed to

¹⁶ Buchez and Roux, 35: 3 (12 April 1795; 23 germinal year III).

¹⁷ Dunoyer, *The Public Prosecutor of the Terror*, 277.

¹⁸ Buchez and Roux, 34: 298 (14 thermidor year III; 1 August 1795).

be pregnant survived the Terror; only two of the ten women who claimed to be pregnant after the law passed survived.¹⁹

There was also evidence that Fouquier-Tinville did respect declarations of pregnancy when they were officially confirmed. One of the survivors, A.-M.-L. Thomas, widow of Maigret de Serilly, revealed on 18 April 1795 (29 germinal year III) that her declaration of pregnancy had been respected. Few other legal niceties had been observed, however. Despite her acquittal, Madame Serilly came to the trial in order to condemn Fouquier-Tinville. She, her husband, and twenty others had been sentenced to death for being accomplices in prison conspiracies. When they were brought to the Tribunal, they were asked their names, ages, and their professions. They were denied any right to defend themselves by Dumas, the President of the Tribunal. The only reason Madame Serilly was able to share her encounter with Fouquier-Tinville, however, was because the Tribunal's surgeons had confirmed her pregnancy.²⁰

Arguably, Madame Joly de Fleury was the exception, not Serilly. Wolf estimated that "ten or twelve" pregnant women were executed, but then solely went into depth about Madame Joly de Fleury. He only briefly mentioned four other women: Kolly, Charry, Meursin, and d'Hinnisdal.²¹ Only five of the twenty-five women executed during the Terror while claiming to be pregnant were brought up by name in Fouquier-Tinville's

¹⁹ Brown, "Women on Trial," 176-8.

²⁰ Buchez and Roux, 35: 77 (18 April 1795; 29 germinal year III). Madame Serilly claimed, in addition, that, even though she was not condemned to death, her name was added into the register of deaths. Fouquier-Tinville when questioned on this, suggested it was a clerical error.

²¹ Names of the five women mentioned: Élisabeth Marie Pierette Anne Du Bois de Courval (Joly de Fleury); Madeleine Françoise Josephine de Rabec (Kolly); Charlotte Félicité de Luppé (Charry); Isabelle Pignais (Meursin); Cathérine Louise Silvain de Soyecourt (d'Hinnisdal).

trial, at least in relation to their pregnancy. Madame Joly de Fleury meanwhile was mentioned by four different witnesses – two of them in direct relation to her pregnancy plea and two in regard to her character – more than any other single individual “victim” of the Revolutionary Tribunal in the course of the trial.²² Fouquier-Tinville’s accusers were cherry-picking their examples.

Many of the pregnant women executed had baggage, permitting the possibility that the Thermidorians might not have been sympathetic. For example, Marie Marguerite Françoise Hébert, wife of radical journalist Jacques Hébert, declared pregnancy, but was executed 13 April 1794 (24 germinal year II). While she was mentioned during Fouquier-Tinville’s trial, it was in the context of the Tribunal’s condemnation of Lucille Desmoulins, wife of Camille Desmoulins, and not for her own sake.²³ Others who claimed to be pregnant, like Jeanna Bécu, Comtesse du Barry, the last mistress of Louis XV, would not elicit any compassion on her behalf for her royalist ties. By far, Olympe de Gouges was the most problematic. Before her execution de Gouges called for the irrelevance of sexual difference for politics and, at the same time, to associate women – explicitly as women – with the notion of “active.” However, the active citizen was already defined as a male individual and her contradictory stance presented her as going against her sex, her very nature.²⁴ De Gouges refused to accept

²² Buchez and Roux, 34: 373-8 (15 germinal year III; 4 April 1795), 454 (18 germinal year III; 7 April 1795); 35: 3 (23 germinal year III; 12 April 1795), 84 (29 germinal year III; 18 April 1795).

²³ Buchez and Roux, 34: 406 (16 germinal year III; 5 April 1795).

²⁴ Scott, *Only Paradoxes to Offer*, 33.

the limits of her gender and therefore presented as more problematic than useful in the context of Fouquier-Tinville's trial.

Madame Joly de Fleury had her own baggage. She had quite the reputation before her imprisonment. She was separated from her husband for most of their marriage. She had an intimate relationship with a married woman, Jeanne Louise Catherine Voidet, in 1768. Her father sent her to a convent for misconduct in 1778. In 1788, after leaving the convent, she took up with a manservant, Joseph Tosi, and then was once again involved with a woman who she provided with an annual income. The fact that Madame Joly de Fleury was a tribade, woman in a same sex couple, was not a secret. In fact, the most famous account of a sexual relationship between women was published in the eighteenth century by Pidansat de Mairobert that portrayed her as a "mannish" character.²⁵ She even had a companion while imprisoned, Isabelle Pigrais (Madame Meursin), who was guillotined alongside her. Arguably, this was not as big of an issue as one might assume: revolutionary France characterized sex between two women as less problematic than between two men because women, even if they exercised agency, supposedly could not have "real" sex by themselves.²⁶ Her "baggage" was not baggage that mattered in terms of Revolutionary politics, unlike others previously mentioned. Her deviance was entirely private with no political motives.

By repeatedly bringing up pregnant women, even though they mostly relied on only one example, the Thermidorians were able to condemn Fouquier-Tinville for going

²⁵ Merrick, *Sodomites, Pederasts, and Tribades in Eighteenth-Century France*, 146.

²⁶ Merrick, *Sodomites, Pederasts, and Tribades in Eighteenth-Century France*, 146.

above the law by denying proper due process. Fouquier-Tinville, his accusers alleged, treated claims of pregnancy with insufficient compassion. He could have waited – but chose not to – when a surgeon could not confidently declare a woman pregnant or not. Fouquier-Tinville’s trial focused on how the *state* and the *law* should treat women, proposing that, because they could bear children, they should be treated by different rules to their male counterparts.

Injustices to Women

Beyond the trial’s focus on declarations of pregnancy, women featured regularly as examples of Fouquier-Tinville’s crimes. On 6 April 1795 (17 germinal year III), J.-N. Thierriet Granpré described prison conditions under Fouquier-Tinville as unnecessarily miserable due to windows being boarded up, and prison spaces overcrowded. He noted that “a great number of women” were placed in Plessis prison where the conditions were uninhabitable, but Fouquier-Tinville refused to move them. He also alleged that many of Fouquier-Tinville’s guards had been involved in the September massacres, a series of extra-judicial executions of prisoners in Paris 2-6 September 1792. Granpré associating Fouquier-Tinville’s guards with such an event signified them to be untrustworthy and barbaric.²⁷

²⁷ Buchez and Roux, 34: 421-3 (17 germinal year III; 6 April 1795).

As in the testimonies relating to Fouquier-Tinville's treatment of Madame Joly de Fleury, the majority of evidence related to women centered on how the law (with Fouquier-Tinville as its agent) had failed to protect them. On 13 April 1795 (24 germinal year III) Charles-Nicolas Tavernier, bailiff of court since creation to 9 thermidor, recollected that the trial of Madame Feuquières was denied due process by Fouquier-Tinville. He claimed that not all of the proper documentation was made available due to "lifting of seals."²⁸ J.-G. Tripiet, a bailiff clerk, concurred with Tavernier's statement revealing that he was instructed by bailiff to go to Chatoux to extract from under seals a letter from Marquise de Feuquières and have witnesses summoned. He explained that he was unable to get a copy of the letter until three that afternoon and all three of the necessary witnesses were absent as well. Upon his return to court a few hours later, however, he found that the Marquise de Feuquières had been already guillotined.²⁹

In response to the story of the Marquise de Feuquières, Fouquier-Tinville complained that it was unfair to make him responsible for every little episode of "negligence," but, over the course of the trial, a pattern of sustained negligence when it came to the treatment of women was slowly rolled out nonetheless. On 7 April 1795 (18 germinal year III) Wolf had already testified that Fouquier-Tinville ordered a bailiff to find and bring a woman named Madame Biron to the Tribunal. The bailiff found two Madame Birones imprisoned: one was the widow of a marshal and the other was a widow of a duke that was previously guillotined. Ultimately, Fouquier-Tinville

²⁸ Buchez and Roux, 35: 15 (24 germinal year III; 13 April 1795).

²⁹ Buchez and Roux, 35: 16 (24 germinal year III; 13 April 1795).

condemned them both to death.³⁰ On 14 April 1795 (25 germinal year III) Anne Ducret, public counsel, recalled the trial of Princess de Chimay. Fouquier-Tinville, he said, boasted about how he had been looking for her for three months to put her on trial and condemn her to death on the sole premise she was rich and noble.³¹ On 20 April 1795 (1 floréal year III) P. Dusser, Commissioner of the Temple Section, recalled the trial of Marshal of Mouchi and his wife. He claimed that while the Marshal was questioned, his wife was not. Dusser accused Fouquier-Tinville of stating, “affair is the same; this is useless” and condemning Madame de Mouchi to death without ever being heard.³²

A specific subset of women that Fouquier-Tinville was accused of mistreating was the elderly. On 3 April 1795 (14 germinal year III), D.-M. Julien, a merchant called as a witness during the trials of prisoners accused of conspiring in the Luxembourg prisons, recalled that on 22 July 1794 (4 thermidor year II) the “Noailles women” were put on trial for counter-revolutionary activity. Julien described the two women as “deaf and broken by age.” Neither could hear the questions they were asked during their trial. What Julien did not elaborate on, however, was that, while the *maréchale* was 70, her granddaughter was only 35. By describing these women as old and defenseless, Julien looked to imply that Fouquier-Tinville taken advantage of their infirmities to deny them the protection of law and the application of justice.³³

³⁰ Buchez and Roux, 34: 448 (18 germinal year III; 7 April 1795). Confirmed by Augustin-Joseph Boucher, a clerk in the Tribunal. Buchez and Roux, 35: 12 (24 germinal year III; 13 April 1795)..

³¹ Buchez and Roux, 34: 481-3 (25 germinal year III; 14 April 1795).

³² Buchez and Roux, 35: 95 (1 floréal year III; 20 April 1795).

³³ Buchez and Roux, 34: 364 (14 germinal year III; 3 April 1795); The “Noailles women” refer to Catherine de Crossé-Brissac, duchesse de Noailles and her granddaughter Adrienne de La Fayette.

Another witness, P. -A. -N. Pepin Desgronuettes, spoke on 2 April 1795 (13 germinal year III) of the supposed conspiracy of Saint Lazare where, on 23 July 1794 (5 thermidor year II), thirty-three prisoners were removed and brought to trial for attempting to escape. Desgronuettes recalled that he objected to this, pointing out that amongst the accused was an elderly woman that in no way had the ability to be an accomplice.³⁴ On 4 April 1795 (15 germinal year III) Antoine Lamaignère, Justice of the Peace of the Champs-Élysées Section, recalled the trial of Abbess of Montmarte, an eighty-two-year-old woman that was condemned to death.³⁵ On 14 April 1795 (25 germinal year III) Anne Ducret testified that he witnessed a “deaf and broken by age” women mercilessly slaughtered on the pretext of conspiracy in the Luxembourg prison.³⁶ Last but not least, on the afternoon of 21 April 1795 (2 floréal year III), P. Retz, a merchant, testified that Fouquier-Tinville had signed off on the execution of Madame Saint-Servant despite the fact that her body was paralyzed and she was unable to speak. According to Retz, Fouquier-Tinville remarked that “it is the head we need” before condemning her to death. Fouquier-Tinville of course denied such an accusation, insisting that what he actually said was “that a person with paralyzed arms and legs could have a healthy head.”³⁷ With example piled upon example, the case against Fouquier-Tinville turned a host of little “negligences” into a damning account of the

³⁴ Buchez and Roux, 34: 353 (13 germinal year III; 2 April 1795).

³⁵ Buchez and Roux, 34:382 (15 germinal year III; 4 April 1795); Lamaignère is referring to Marie-Louise of Laval-Montmorency and she was deaf, but 72 years old not 82.

³⁶ Buchez and Roux, 34: 482 (15 germinal year III; 4 April 1795).

³⁷ Buchez and Roux, 35: 135 (2 floréal year III; 21 April 1795).

failure of the Revolutionary Tribunal to observe due process and to guarantee women, and especially innocent and helpless women, the protection of the law.

Women and Family

As in Carrier's trial, however, the focus on women was also a focus on family. On 18 April 1795 (29 germinal year III) A. Sexille, the official defense attorney during the Terror, recalled his defense of Emanuel Marie Michel Philippe Fréteau de Saint-Just. Fréteau was acquitted by the majority. Nevertheless, the Tribunal order that he should continue to be detained as a suspect. Sexille objected, calling for Fouquier-Tinville to expedite the judgment of acquittal because Fréteau had a wife who was about to give birth. His plea was disregarded. Later, Fréteau was put on trial again with thirty or forty others. Without even being informed of the crime he was accused of; he was condemned to death. A few days after Fréteau's execution his widow gave birth to two children.³⁸ For Sexille, in his evidence against Fouquier-Tinville, the real tragedy was not the fact that Fréteau had been found guilty of a crime he had no knowledge of, but that Fréteau's wife had to give birth and raise two children alone as a widow.

Fouquier-Tinville's role in severing family bonds appeared elsewhere during his trial. For example, in the testimony of F.S. Loizerolles, a twenty-two-year-old, he recalled the circumstances under which his father was executed. On 25 July 1794 (7 thermidor year II), Loizerolles's father was scheduled to be executed. As he rushed to his

³⁸ Buchez and Roux, 35: 74 (29 germinal year III; 18 April 1795).

father's room to bid him farewell, he discovered that his father was to be taken sooner than he had been told. Loizerolles described his last memory of his father. As he was torn from his father's arms, his father told him "my friend, console your mother with my death; live for her, they can kill me, but never degrade me." His tears and pain were so intense that he was unable to answer his father. Shockingly, as his father took his place amongst the condemned, it was Loizerolles's own name that was called. He discovered that his father had sacrificed his life so he could live.³⁹

Through Loizerolles' testimony, the prosecution showcased the sacrifice of a father for the greater good of his family, and, in contrast, the unnaturalness of the "justice" meted out by Fouquier-Tinville's Tribunal. The extreme lack of sensitivity of the Revolutionary Tribunal to family identities appeared frequently in Fouquier-Tinville's trial. A rather emotional deposition came from Pierre-François Réal on 4 April 1795 (15 germinal year III) when he recalled the fate of a young child, Mellet, about sixteen years old. Mellet, according to Réal, was loved by all of the prisoners. Mellet's mother and father were imprisoned as well, but separately from him. On 23 July 1794 (5 thermidor year II), Mellet was called to appear in front of the Tribunal; upon hearing the news he was devastated but found comfort in the fact he was about to be reunited with his family, or so he thought. Mellet, however, appeared alone in court, and only he was guillotined (which Réal insisted was due to a name error.) Réal claimed that Mellet was not even able to defend himself. He argued that if he was allowed to do so, the Tribunal

³⁹ Buchez and Roux, 35: 111-3 (2 floréal year III; 21 April 1795).

should have come to the natural conclusion that a sixteen-year-old boy could not have been a conspirator.⁴⁰

A similar tragedy, befalling the Maillé family, was brought up by several other witnesses. Despite the homophony, the Maillé family was different than the Mellet family, even though a similar mix-up of identities occurred. Antoine Lamoignon, Justice of the Peace of the Champs-Élysées Section, recalled that there was a span of three days, 24-26 July 1794 (6-8 thermidor year II), where ninety people were killed. On the first day, 24 July (6 thermidor), Lamoignon stated that a sixteen-year-old child, Maillé, was put to death as a conspirator of the prisons for throwing herring into the face of the boy servant who served it to him for dinner. Maillé's mother, the Countess Maillé, however, received an unexpected stroke of luck. Lamoignon revealed that, on 25 July 1794 (7 thermidor year II), a citoyenne Mallet was executed in her place, victim presumably of another case of homophony.⁴¹

Countess Maillé did make it to trial shortly after. Wolf described how, when she caught sight of where her son had been condemned a few days earlier, she began to convulse and have an attack of the nerves so strong that four men could not hold her. Instead of being sent to a hospital to receive help, she was placed in the witness room the rest of the day. Wolf alleged indignantly, that this was done because Fouquier-Tinville and the Tribunal judges thought that, once she calmed, she could be put on trial.⁴² They turned out to be wrong and she survived.

⁴⁰ Buchez and Roux, 34: 391 (15 germinal year III; 4 April 1795).

⁴¹ Buchez and Roux, 34: 381-2 (15 germinal year III; 4 April 1795).

⁴² Buchez and Roux, 34: 450 (18 germinal year III; 7 April 1795).

Since Countess Maillé survived the Terror, she provided her own testimony against Fouquier-Tinville. She started by recalling that she was imprisoned in St. Lazare and her sixteen-year-old son, was not arrested but voluntarily chose to join her. Nevertheless, on 24 July 1794 (6 thermidor year II), her son was taken to the Tribunal where the president asked his age. When he replied that he was sixteen, the president replied that he would be tried for the crime the same as if he was over eighty. Countess Maillé went on to address the fact that citoyenne Mallet died in her place on 24 July 1794 (6 thermidor year II). She stated that the court was aware of the mistake they had made: Mallet was told that she was not who they wished to judge, but “today was just as good as tomorrow.”⁴³

As with the examples of women, these stories of families rent asunder were about a combination of negligence and cold-heartedness. When considering the mix up of the two women in accordance to the law, the trial depicted Fouquier-Tinville as dismissive of due process. He obviously did not have the proper paperwork to verify who was to be brought to trial nor did he care when it was brought to his attention. His cold-heartedness was accentuated by the contrast made with the feelings of the Tribunal’s victims. Fouquier-Tinville, whose defense rested on the letter of the law of 22 prairial, did little to argue against the idea he was unfeeling when it came to the destruction of families during the Terror. Fouquier-Tinville was singled out in this regard. Maillé credited the reaction of the audience attending the Tribunal, not the Tribunal

⁴³ In Antoine Laignière’s testimony the spelling of ‘Mallet’ is different than that in Madame Maillé’s as ‘Maillet.’ I am choosing to use the spelling Mallet throughout.

officials themselves, for the reprieve she received when she fainted upon seeing where her son perished. Lohyer, one of the deputies of the Convention, took credit for himself. He stated that he was present in the Revolutionary Tribunal that day and the people were calm. It was actually he who, astonished by the possibility of putting a fainting woman on trial, suggested she go back to her prison.⁴⁴ While they differed as to its source, both Maillé and Lohyer presented the principle that the law should take into account its impact on family members and not just on the individual in the dock.

Crime, testimony at Fouquier-Tinville's trial suggested, could and should be pardoned if they were committed in the context of family. Madame Lavergne (Marie Claudine Gattey), an ex-nun at the covenant Saint-Lazare, was present in court when her brother, a bookseller, was condemned to death for having selling counter-revolutionary books. Madame Lavergne, distraught upon hearing his sentence, shouted: "Long live the king!" as she ran to her brother. She was immediately arrested. At her trial she admitted that she yelled, "Long live the king!" but only because she loved her brother.⁴⁵ In Fouquier-Tinville's court, this made no difference. The way the story was presented at his trial suggested it should have done.

Similarly, E.-L.-G. -J. Langeac recalled the trial of Madame Costard. Madame Costard, on hearing her husband was sentenced to death, wrote a letter to the National Convention and Fouquier-Tinville signed "Long live the king!" This was sufficient for her to be convicted as a counterrevolutionary and to be condemned to death. In his

⁴⁴ Buchez and Roux, 35: 57-8 (26 germinal year III;15 April 1795)..

⁴⁵ Henri Wallon, *Histoire du Tribunal révolutionnaire de Paris avec le Journal de ses actes*, vol. 3 (Paris: Librairie Hachette, 1881), 231-2.

evidence at Fouquier-Tinville's trial, however, Langeac presented Madame Costard as a "martyr for love." He suggested that Madame Costard spoke out to be condemned alongside her husband rather than have to live without him.⁴⁶ Meanwhile, Nicolas-Joseph Paris, a revolutionary tribunal clerk, commented on how the revolutionary politician Camille Desmoulins cried out when his wife, Lucille, was condemned to death. Paris described Camille's cries as a "heartbreaking scene for honest and sensitive souls." All the while, the Committee of General Safety, judges, and Fouquier-Tinville were said to have reacted barbarically, finding amusement in his despair.⁴⁷

What the evidence produced to condemn Fouquier-Tinville suggested then was the need for a new legal order where the rights of families should be taken into account, and indeed, that the burden of protecting the rights of family should, at least sometimes, outweigh the need to punish the guilt of individuals. Many of the crimes Fouquier-Tinville was accused of were crimes of negligence. Fouquier-Tinville's sentencing of a young sixteen-year-old boy who was imprisoned voluntarily to be with his mother was one such crime. He made no effort to verify last names or even the accused crime; he was simply sending prisoners to the guillotine without a second thought of the consequences to come. Over the course of the trial, however, the pattern of negligence built into a case for the need for the law to protect families.

Outside of the trial, Fouquier-Tinville's lack of respect and sympathy towards parents and their families was highlighted in the coverage of the case of Thérèse-

⁴⁶ Buchez and Roux, 34: 367-8 (14 germinal year III; 3 April 1795).

⁴⁷ Buchez and Roux, 34: 472 (18 germinal year III; 7 April 1795).

Françoise de Stainville, the Princess of Monaco. Madame de Monaco was condemned to death on 27 July 1794 (9 thermidor year II) when she promptly declared herself to be pregnant. Madame de Monaco was granted a delay. According to stories which ran in newspapers during the trial, she then wrote a letter to Fouquier-Tinville requesting an audience with him. After no response, Madame de Monaco wrote another letter where she admitted she was not pregnant. She clarified that she did not claim to be because she feared death or wanted to avoid death but to have another day to cut her own hair so she could leave it as her legacy to her children.

The newspapers which ran this story were moderate. The story appeared in Pierre-François Réal's *Le Journal de l'Opposition*, but was also taken up by other newspapers like *Annales patriotiques et littéraire*, edited by Louis-Sébastien Mercier.⁴⁸ In the story, Madame de Monaco was (like so many others in the trial evidence) an innocent. Her only crime was her connection to her husband. Fouquier-Tinville's particular crime in this story, however, was the fact that the lack of due process in the Revolutionary Tribunal had forced to her falsely declare that she was pregnant. She had to lie to get even a single day's grace. The reason she requested the grace was also significant. Mercier in particular used Madame de Monaco's affair to emphasize Fouquier-Tinville's complete disregard of parental desire to ensure their children's inheritance.

⁴⁸ *Journal de l'opposition* (February 1795; ventôse year III); *Bulletin de littérature, des sciences et des arts* (Paris, 1794), 160-1; *Annales patriotiques et littéraires de la France, et affaires politiques de l'Europe: journal libre par une Société des Ecrivains Patriotes* (Buisson, 1795), 364.

For Madame de Monaco it was hair; for families across France, it was property. Suzanne Desan has shown how, in the Thermidorian period, the Convention worked to restore the legal rights of families, particularly in relation to inheritance. The early Revolution had introduced divorce, egalitarian inheritance,, and the granting of civil rights to illegitimate children.⁴⁹ By 1794-1795, the Convention was receiving regular petitions demanding inheritance reform to protect the family investments in successions, the arrangement of alliances between families transacted through inheritances. Many petitioners perceived family rights to correspond with respect for gender and generational hierarchies, convinced that women’s appeals for rights and property was to blame for the upset of familial order.⁵⁰

As Desan has shown, the restoration of “stability” in terms of family inheritance took time: it was only resolved during the Consulate with creation of the Civil Code. What Fouquier-Tinville’s trial has shown is that the emphasis on the need for legal protection of family as a means to mitigate the excess and extremes of Revolutionary assumptions about a society of individuals emerged very quickly after the Terror. As Erin-Marie Legacey has argued, fundamental elements of the Thermidorian “search for stability” were formulated very early in the Thermidorian period. The story of law and the family after Thermidor began as early as 1795.⁵¹ The trial of Fouquier-Tinville was

⁴⁹ Desan, *The Family on Trial in Revolutionary France*, 249.

⁵⁰ Suzanne Desan, *The Family on Trial in Revolutionary France* (Berkeley: University of California Press, 2004), 142, 257, 261-2.

⁵¹ Erin-Marie Legacey, *Making Space for the Dead: Catacombs, Cemeteries, and the Reimagining of Paris, 1780-1930* (Ithaca and London: Cornell University Press, 2019), 4.

already pushing the idea that legal processes with no room for family values were injurious to social and political stability.

Conclusion

Despite the fact that they cropped up so regularly in witness statements, the centrality of women and the family in Fouquier-Tinville's trial has gone unexplored. Historians have focused on the trial as a means of political reconfiguration and means for the Thermidorians to distance themselves politically from the blame for the violence of the Terror. Those following Fouquier-Tinville's trial at the time, however, would also have learned that the pursuit of women, children, and families in the Revolutionary Tribunal during the Terror had jeopardized social stability. Showing Fouquier-Tinville condemning women, pregnant women, and children to death, his accusers accused him of dismantling the family. His tendencies to disregard verifying the last names of prisoners and not allowing them to provide a defense for themselves was unethical and detrimental to the future of the nation. The family, with women at its center, promoted a stable society by respecting the proper order: men in charge of the political realm and women responsible for maintaining the home and nurturing children into future wives/mothers or citizens.

As in the trial of Carrier, it does not matter if Fouquier-Tinville was actually guilty of the crimes he was accused of. It does not matter if the women used as examples of his crimes were truly innocent or whether the stories of broken families were over-

dramatized. As other historians have previously argued, Fouquier-Tinville served as a means to reimagine the judicial system after the Terror. His trial was a means to an end for the Thermidorian government to gain the trust of the people by preaching that, henceforth, “justice” would be “the order of the day.” The Thermidorians continued to prosecute political crimes. The point of the Fouquier-Tinville trial was the importance of following due process. It was also that it was possible to limit the excesses of the court as it had functioned during the Terror by using the law to protect families as well as to condemn individuals.

Fouquier-Tinville’s trial was therefore an early attempt at (re)setting the limits of state power, particularly when it came to families. Thermidorian law would be legitimate in contrast to the rule of the Terror, not because it created new institutions, but because it applied law within those institutions (the Revolutionary Tribunal) more consistently and humanely (especially when it came to women and families). As Suzanne Desan (and others like Jennifer Heuer) have discussed, this idea that the family had legal rights that went beyond (and sometimes superseded) those of the individuals was developed further, through legislation, as the 1790s progressed. Fouquier-Tinville’s trial may have been the last of the trials of the Terror, but it pointed as much to the future.

Chapter Three:

Madame Tallien and the Legacy of the Terror

On 1 January 1795 (12 nivôse year III), Pierre Joseph Duhem, a member of the National Convention and unreconstructed Montagnard (though he had broken with Robespierre and excluded from the Jacobin club in December 1793), stood up to speak. Duhem was one of the few members of the Convention to stand up for “terrorists” after Thermidor – including Billaud-Varenne, Collot-D’Herbois, Vadier and Barère, arrested a few days earlier. Duhem complained that royalists were returning to France. The only defense, he argued, was freedom of the press. Under the Thermidorian regime, however, *sans culottes* had lost the liberty of the press. They had no means to defend themselves against their slanderers. They did not, Duhem continued, “have the treasure trove of [Thérésia] Cabarrus.”¹

Thérésia Cabarrus was a Spanish-born French noble known for being a salon holder and influential social figure during the French Revolution. At the outbreak of the Revolution she sought refuge in Bordeaux after her first husband fled France. In Bordeaux, she met Jean-Lambert Tallien, a representative *en mission* at the time: the two began an affair. When Tallien was recalled to Paris, Thérésia followed him. In Paris, she was arrested on Robespierre’s orders. After the fall of Robespierre, she was released and later, pregnant with their daughter, married Tallien, who had emerged

¹ A few days before, in a debate on restoring seized foreign assets, Duhem had already suggested that Cabarrus money was bankrolling the publication of *libelles* in Paris: séance du 9 nivôse, *Gazette nationale ou le Moniteur universel*, 102, 12 nivôse an III (91).

from the Terror as a leader of the moderate faction of the Thermidorian Convention. In the Thermidorian period, Thérésia expanded her political influence and became one of the leading social figures of Paris. Later, when Tallien's political influence weakened, she filed for divorce, and began a liaison instead with Paul Barras, the main executive leader of the Directory.²

Duhem's invocation of Cabarrus caused uproar in the Convention. Tallien immediately demanded the floor. First, the Convention had to be brought to order, which Barras managed by reminding the members that disorder would only lead to a return to Terror. He demanded that Tallien be heard.

Tallien began by lamenting that the Convention was occupying itself with a woman. He was breaking his own silence, he said, only because that woman, the "daughter of Cabarrus," was none other than his wife. He then launched into a full-throated support of her virtue. Tallien explained he had known her for eighteen months in Bordeaux. There, her virtue had led him to estimate and cherish her. When she moved to Paris, he continued, she was immediately imprisoned by order of Robespierre. During her imprisonment, one of Robespierre's men had come to her. He had demanded she write a statement testifying that Tallien was a bad citizen. In return she would receive her freedom and a passport that would allow her to leave France. Thérésia, Tallien claimed, rejected this proposal. She remained in prison until 12 thermidor. Among Robespierre's papers found after his fall, Tallien claimed, was a note

² The Directory (2 November 1795 – 9 November 1799) established a unique kind of executive, a five-man Directory chosen by the legislature. Barras was the main executive leader at the time of his affair with Thérésia.

that she should be sent for execution. Concluding his speech, Tallien proudly stated, “Here, citizens, here, is the one who is my wife.” Her story, although Tallien did not make this connection explicitly, was the same as that of the other female victims of the Terror whose cases had just been brought to light in the trial of Carrier and whose virtue was irreproachable.

Duhem’s attack on Thérésia had looked to prey on a political rival’s weakness. Thérésia was a foreigner, and her political maneuvering was the talk of Paris. Critics of Thérésia pulled few punches in terms of expressing their dislike of political women. On 8 November 1794 (18 brumaire year II), Pierre-Joseph Cambon, a member of the National Convention who broke with Robespierre before the coup and retained, like Duhem, more radical sympathies, spoke, lashing out against Tallien and Fréron, whom he portrayed as scurrilous and slanderers, denouncing speeches written in boudoirs, in the midst of men in square cut coats who prostrated themselves before the idol of the day, obviously alluding to Thérésia.³ On 28 December (8 nivôse), Cambon spoke again and specifically denounced Thérésia – known both for involving herself in politics and for her love of (sometimes indecent) fashion, to the Assembly as a new Marie Antoinette.⁴

It was her taste for fashion that most made her an easy target. In the late 1790’s a series of prints was published to depict the eighteenth-century perception of a “good mother”. Ewa Lajer-Burcharth analyzes *The Fashionable Mother* print that illustrates two mothers: the “fashionable mother” and the “model mother”. The “fashionable

³ Cited in François Gendron, *The Gilded Youth of Thermidor* (Montréal: McGill Queen’s University Press, 1993), 50.

⁴ Cited in Gendron, *Gilded Youth*, 35.

mother” is depicted as a Parisian “merveilleuse” about to depart for an event dressed in a revealing transparent dress. The “model mother” – captioned as, “the mother as all mothers should be” – is showcased as staying at home to take good care of her children. In the background of the fashionable mother the consequences of her lifestyle are exemplified by a “bad nanny” beating the children. On the other hand, the good and moral mother is presented as caring for her children and enjoying doing so.⁵

Much like the “fashionable mother,” Madame Tallien’s appearance came under sustained attack. Thérésia, as one of its fashion leaders, identified as one of the women contemporaries called “merveilleuses” meaning “marvelous”.⁶ Merveilleuses were distinguished, “not by birth but wealth, their connection to military and legislative leaders, and their spectacular taste in clothing and interior design.”⁷ They were easy targets for politicians and journalists wanting to score political points. According to the *Gazette des Merveilleuses*, a “member of government” claimed that the *Merveillesuses* “introduced into a purified France by the Revolution a fearsome poison: luxury. At a time when work and frugality are the only remedies for a crisis which could culminate in general disaster and deliver us into the unknown, these diabolical creatures are enslaved by a veritable insanity, activity without respite [driven] by the desire for expenditure and pleasure.”⁸ The *Journal de Paris* reported that fashion was especially

⁵ Ewa Lajer-Burcharth, *Necklines: The Art of Jacques-Louis David after the Terror* (New Haven: Yale University Press, 1999), 176.

⁶ Louis Sonolet, *Madame Tallien, d’après des témoignages contemporains et des documents inédits* (Paris: n.p., 1909), 142.

⁷ Amy Freund, “The *Citoyenne* Tallien: Women, Politics, and Portraiture during the French Revolution” *Art History* 93, no. 3 (2011): 325-44.

⁸ *Gazette des Merveilleuses*, no. 41 (9 frumaire an VI; 30 November 1797), 248

dangerous: “the essence of fashion [modes] is mobility; that of custom [moeurs] is stability.”⁹

The *merveilleuses* were also commonly criticized for pursuing their personal interest over the well-being of their spouses and children. For example, the *Gazette des Merveilleuses* quoted painter Jean Deplessis-Bertraux’s description of *merveilleuses* as “these unnatural creatures are totally uninterested in their children, who, from a very young age, are left defenseless, at the mercy of vice and corruption.”¹⁰

Thérésia thus represented, for her critics, a useful example of how allowing women to be involved in politics inevitably led to corruption. Tallien’s speech, though, did not deal with the present-day Thérésia, but the Talliens of 9/10 thermidor. He reminded the members of the Convention that he had played a leading role in bringing down the “tyrant” on 9 thermidor. The denunciations made against his wife, and against himself, were, he claimed, simply efforts to forge a new tyranny. Making accusations, particularly against women, was, the speakers who followed Tallien agreed, a means of sowing division and plunging France back into Terror.¹¹

However, Tallien’s defense of Thérésia suggested that women *could* play a virtuous role in politics. Carrier’s trial had contributed to articulating descriptions of female virtue that could be mobilized after Thermidor by the Talliens – for example, the girl who refused Carrier’s inappropriate advances. This and other examples of unimpeachable virtue made it possible for Thérésia to try to fashion a new, different

⁹ *Journal de Paris* no. 296 (26 messidor an IV; 4 July 1796): 1186.

¹⁰ *Gazette des Merveilleuses* no. 41 (9 frimaire an VI; 30 November 1797), 248.

¹¹ *Le Moniteur* 103 (13 nivôse an III; 2 January 1795), 101-3.

idea of how women could play a political role in post-Thermidorian politics. She and her husband crafted an image for her as someone whose experience during the Terror proved her innocence and virtue beyond doubt and therefore legitimized her involvement in politic circles, despite the turn against women in the political sphere after Thermidor. She had resisted Robespierre's entreaties to sell out her (now) husband in order to secure her own safety. This act, he argued, should be enough to insulate her against any suggestion that she might be a malign influence in politics after Thermidor.

Thérésia's self-fashioning

Thérésia had stood by her man. This was in line with Thérésia's own ideas of the role women could play in the public sphere which she recorded in an essay in April 1794 addressed to the National Convention. She called for women to be teachers and nurses to reinforce their commitment to the Republic. Thérésia did not ask for equal political rights or encouraging in them "the absurd ambition to free themselves of their duties by appropriating those of men." Instead, she reinforced women's role as mothers and wives who encourage their husband's patriotism and raise children for the nation.

Thérésia's essay went on to imagine a more active role for women, however. She did not demand political rights for women, but she did suggest that women play a role in establishing and preserving them.¹² Advocating for an alternative role for women, and

¹² Thérésia Cabarrus-Fontenay, *Adresse à la Convention Nationale* (Bordeaux: Pinard fils, 1794).

maintaining an emphasis on the family, Thérésia articulated how women could play an active political role as moderate influences on their husbands and sons.

The value of women as a vital force for moderation in politics became part of the story Thérésia and Tallien told about themselves also. In his response to Duhem, Tallien emphasized Thérésia's willingness to go to the guillotine in his defense. Elsewhere, however, a different story underpinned their construction of her "virtue." According to a different version of the story of Thérésia's imprisonment by Robespierre, she wrote a letter to Tallien from prison, apparently in her own blood, informing him that "the director of the police just left here; he came to tell me that tomorrow I will go before the Tribunal, that is to say the scaffold. This bears little resemblance to a dream I had last night. Robespierre no longer existed, and the prisons were open. But thanks to your unparalleled cowardice, soon there will be no one left in France capable of making it happen."¹³ This letter, which does not actually exist today, became a central detail of the legend of Thérésia and Tallien. It was quoted by Joseph-Alexandre Pierre de Ségur in 1803.¹⁴ The point of this version of the story was not Thérésia's faithfulness, however, but rather her key role in convincing her husband to take action, and to topple Robespierre on 9/10 thermidor.

Thérésia encouraged the legend of her role in the overthrow of Robespierre herself, claiming that, "this little hand helped overthrow the guillotine." Ségur,

¹³ Quoted in Frances Mossiker, *Napoleon and Josephine: The Biography of Marriage* (New York: Simon and Schuster, 1964.), 67.

¹⁴ According to Françoise Kermina, the original letter disappeared. The oldest transcription of the letter is in *Les femmes, leur condition et leur influence dans l'ordre social* written by the vicomte de Ségur and published in 1803. Françoise Kermina, *Madame Tallien, 1773-1835* (Paris: Perrin, 2006), 114n.

meanwhile, commented that while her efforts were perhaps only an indirect cause of the fall of the Terror, she contributed to the public happiness surrounding it.¹⁵ Ségur also related stories making the rounds of Thérésia's courage and spirit in her efforts in Bordeaux. He recalled how she saved so many victims, families, from the ferocity of the laws of the Terror.¹⁶ As with the letter he quoted, there is no hard evidence that Thérésia successfully stayed Tallien and saved anyone in Bordeaux.¹⁷ Both stories, however, painted a compelling picture of a woman convincing the man she loved (and who loved her) to abandon Robespierre and to save lives rather than to take lives.

In the period following the fall of Robespierre, Thérésia's admirers styled her "Notre-Dame de Thermidor" or "Notre Dame de Bon Secours" in celebration of her efforts to save prisoners from the guillotine. On 28 July 1795 (10 thermidor year III) a dinner was held to commemorate the downfall of Robespierre and the end of the Terror. The newspaper *Moniteur* reported that as the dinner progressed tensions began to rise amongst the attendees. Sensing the danger, Thérésia stood up. As the room quieted, she proposed a toast, "To the forgetting of mistakes, to the forgiveness of injuries, to the reconciliation of the French!" Reportedly, the effect was immediate.

Everyone lifted their glasses, cheering "To Our Lady of Thermidor!"¹⁸ Once again

¹⁵ Ségur, *Les femmes, leur condition et leur influence dans l'ordre social*, 3: 110.

¹⁶ Joseph-Alexandre Pierre de Ségur, *Les femmes, leur condition et leur influence dans l'ordre social chez différents peuples anciens et modernes*, 3 vols. (London: C. Whittingham, 1803), 3: 116.

¹⁷ Gilone Le Veneur de Tuillères de Chimay included in her biography of Thérésia statistical evidence that suggests Thérésia did in fact have a significant impact on the number of victims destined for the guillotine. In the seven months that Thérésia was in Bordeaux 102 people were executed and in the two months following her departure there were 197. Princess Chimay estimates that if the guillotine worked at a similar rate when Thérésia was in Bordeaux there would have been 1379 victims, crediting Thérésia with the lives spared. Gilone Le Veneur de Tuillères de Chimay, *Madame Tallien, royaliste et révolutionnaire* (Paris: Librairie Plon, 1936), 114.

¹⁸ *Le Moniteur* (10 thermidor year III; 28 July 1795).

Thérésia showcased her, as a woman, abilities to play an active role in moderating politics.

Thérésia and Tallien claimed credit for the fall of Robespierre in thermidor and used the credit it gave them to their advantage. They named their daughter Rose Thermidor, commemorating their role after the Terror and accentuating Thérésia's role as a good mother. In January 1795 (late nivôse year III) Tallien motioned the Assembly to set annual holiday celebrating 9 thermidor – the celebration would allow him to remind everyone of his central role. That role in the coup of Thermidor helped him to escape scrutiny of his own chequered past, including his management of the Terror in Bordeaux. Between October 1793 and May 1794, when Tallien was in Bordeaux, 104 individuals were executed.¹⁹ The story Tallien told about his time in Bordeaux, however, was the story about his change in heart. On 13 August (26 thermidor) Tallien declared that he would rather see twenty aristocrats run free than see one patriot in chains and asked, "Are we to believe that the Republic, with its 1.2 million armed citizens, ought to fear a handful of aristocrats?" On 19 August (2 fructidor), Tallien argued that the distinction between aristocrats and patriots no longer made any sense as the only type of citizens were good and bad: "What does it matter to me that a man is born noble, provided he conducts himself properly? What do I care that a man is a plebian if he is a crook?" On 28 August (11 fructidor), Tallien asserted that people had to be brought to love the Revolution, not to fear it – that justice, not terror, had to be made the order of

¹⁹ Paul Hansen, *Jacobin Republic Under Fire: The Federalist Revolt in the French Revolution* (University Park PA: Penn State Press, 2010), 227.

the day. In the following three months after the end of the Reign of Terror, 43,000 suspects were released from prison, all with unconditional allegiance to the Thermidorians, to whom they owed their freedom and support to for fear of finding themselves back behind bars.²⁰

The stories of Thérésia's imprisonment presented her as a faithful partner and as a force for moderation (her introduction to Tallien was the catalyst for his change of heart). They also presented her as a political victim of the Terror. She did not die of course, but the story of her imprisonment by Robespierre, and of the letter found after his fall, put her in the exact position as the other female victims of the Terror, whose cases had featured prominently in the trials of Carrier and Fouquier-Tinville. The letter portrayed her as marked for death without the expectation of due process in the Revolutionary Tribunal. The power of the claim to have been victims (as opposed to perpetrators) of the Terror was significant. The Talliens most popular when they could claim to be the victims of extremist political factions.

Thérésia's most public attempt to identify herself directly as a female victim of the Terror was her decision to commission the artist Jean-Louis Laneuville to paint a portrait of her that was to be displayed at the Salon of 1796.²¹ The portrait, titled, "The Citizen [Citoyenne] Tallien in a prison cell at La Force, holding hair which has just been cut," represented Thérésia's imprisonment in 1794. Thérésia was depicted sitting in a

²⁰ Cited in Gendron, *Gilded Youth*, 8-9.

²¹ Throughout the Revolution, art was used in a variety of ways to motivate change or instruction: Annie Jourdan, "Napoleon and his artists: in the grip of reality," in Howard G. Brown and Judith A. Miller, eds., *Taking Liberties: Problems of a new order from the French Revolution to Napoleon* (Manchester: Manchester University Press, 2002), 185-6.

dark prison cell where the stone blocks are cracked while she sits calmly surrounded by chains, miserable rations, and her recently cut hair (signaling her impending trip to the guillotine) with an unknown portrait hanging behind her. This scene situated Thérésia at the center of the national drama of the Terror while also suggesting parallels to a Christian martyr or an ancient Roman heroine.²²

Thérésia and Laneuville worked together to craft a very specific image. Laneuville pictured Thérésia on a straw-covered stone ledge wearing a modest white dress with a colorful scarf tied under her bust. Thérésia was not known for her modest clothing choices, the decision to do so was clearly intentional to promote her as virtuous. In her hand, Thérésia clutched two long locks of shorn hair, as if it had just been cut in anticipation of her appointment with the guillotine. This hair represented femininity, beauty, and imminent death.²³ The background of the painting captured a broken water jug, bread, chains anchored to the wall, and a small window as the only natural light source. These details added a layer of dreariness to the reality that was Thérésia's imprisonment, shedding light on the harsh conditions she suffered through. The painting hinted at other narratives also. According to Charles Constant, the portrait of an unknown man scratched onto the wall behind Thérésia represented the story of Thérésia's letter to her husband. According to the legend invoked, the portrait in the background of her cell impressed one of her jailors, who commissioned her for a portrait

²² Jean-Louis Laneuville, *The Citoyenne Tallien in the Prison of La Force, Holding Her Hair Which Has Just Been Cut*, exhibited at the Salon of 1796, oil on canvas, 63% X 50% in. (162 X 129 cm). Collection of the princess of Chimay. Amy Freund, "The *Citoyenne Tallien*," 325-44.

²³ Freund, "The *Citoyenne Tallien*", 325-44.

of his own. This allowed her to acquire the necessary materials to write her famous letter to Tallien.²⁴

As Amy Freund has argued, Thérésia and Laneuville together “manipulated the conventions of female portraiture in order to produce a self that reassuringly feminine and capable of intervening in the course of national history – a *citoyenne* in the full sense of the term.”²⁵ The elements of female citizenship she evoked included the ideas of women as innocent victims, as faithful wives, and as forces for moderation. In this picture, Thérésia and Laneuville presented “citoyenne Tallien” as an embodiment of the tension between two different Thermidorian ideas of women: the idea that women should not be involved in politics (for their own safety) and the celebration of the idea that women could moderate radicalism gone too far. The portrait presented these two ideas of women not in competition, but in harmony. Thérésia’s suffering during the Terror was what legitimated her influence in Thermidorian politics.

“Citoyenne Tallien” under attack

Unfortunately, Laneuville’s portrait did not generate the reaction Thérésia was hoping for. Contrary to Thérésia’s intentions of self-construction of female citizenship through her ability to influence politics made legitimate by the fact she had suffered as a

²⁴ Others are not so certain of the reason the portrait was included in the picture. Amy Freund nevertheless also emphasizes its melodramatic quality and its contribution to a sense of narrative. In addition, according to Freund, a portrait within a portrait indicated womanly emotion, and “could have been” read as a portrait of Tallien: Freund, “The *Citoyenne* Tallien”, 330-1.

²⁵ Freund, “The *Citoyenne* Tallien”, 335.

victim of the Terror was torn apart by critics. *Critique du Salon, ou les tableaux en vaudevilles* reported that the portrait was removed shortly after being hung due to visitors' reactions of horror having been prompted to recall the tragedy of the Terror. *Critique du Salon* linked the prison backdrop to Tallien's role in the September massacres of 1792, not to Thérésia's experience as a victim of the Terror. It suggested that the hair Thérésia was clutching was not even hers but the Princesse de Lamballe's.²⁶ As its audience would have known, the Princesse de Lamballe was firmly associated with the royal family and killed in the September massacres (which Tallien supposedly orchestrated).²⁷ By turning the portrait's central element against Thérésia, the critic directly challenged her efforts at self-creation.²⁸

Thérésia herself was criticized even more vehemently than her portrait. Duhem's criticism in the Convention was only one example. On 8 January 1795 (19 nivôse year III) Bracchus Babeuf, author of *le Tribun de Peuple*, wrote

Fellow citizens, you are once again under the reign of trollops. The Pompadours, Du Barry's, and Antoinette's have come to life again, and it is they who are governing you. It is they who are largely responsible for all the calamities that have beset you and that deplorable regression that is killing your Revolution... Why keep it a secret any longer that Tallien,

²⁶ Villiers and Capell, *Critique du Salon, ou les tableaux en vaudevilles 2* (n.p., n.p.), in *Collection de pieces sur les beaux-arts (1673-1808)* (Paris: A. Picard, 1881).

²⁷ Freund, "The *Citoyenne* Tallien", 340.

²⁸ Other reviews gave faint praise. An anonymous pamphlet, *Les étrivières de Juvenal, ou Satire sur les tableaux exposés au Louvre l'an V* (Paris, 1796), 11, nonchalantly mentioned the painting of "la citoyenne Tallien" and quickly concluded "elle est bien": *L'Ami des Arts: Journal de la Société Philotechnique*, 26 brumaire [15 November 1796], 443, noted that the portrait reappeared with changes made that "introduced more harmony" to it but was still "too noticeable."

Fréron, and Bentabolle are deciding the fate of human beings whilst reclining indolently on eiderdown and roses, next to princesses?²⁹

On 12 March (22 ventôse) a bill headed “People, awake, the time has come!” was posted throughout Paris, encouraging readers to “Go and see the Tallien-Cabarruses, Kings Bourdon and Fréron, the Lengendre-Comtats, and all the rest of our ruling class in the restaurants of the *Palais extrêmement royal* and elsewhere, and you will see their tables piled high with beautiful cuts of meat... you who can barely afford vegetables!”³⁰

Other critics attacked the idea of Thérésia as a model female citizen more directly. The story of her moderate influence on Tallien was turned against her. Hostile crowds sometimes called her “Notre-Dame de Septembre” in relation to Tallien’s participation in the bloody September massacres of 1792.³¹ Pierre-Samuel Dupont de Nemours, a physiocrat and monarchist, published a similar satirical comment about Thérésia in his newspaper *l’Historien*. The newspaper suggested that since Josephine Bonaparte was referred to as “Our Lady of Victories” (Napoleon, her husband, was at this stage winning the war in Italy), that perhaps Madame Tallien should be called “Our Lady of September.”³² This “witticism” was repeated and commented on in several other Parisian newspapers as well as making its way into German newspapers.

The opinion of the *L’Historien* was not always met kindly. In the *Journal de Paris* Pierre-Louis Roederer responded to “this cruel outrage for Thérésia to not share the fault

²⁹ Cited in Gendron, *Gilded Youth*, 32.

³⁰ Cited in Gendron, *Gilded Youth*, 92.

³¹ Robert McNair Wilson, *The Gipsy-Queen of Paris: Being the story of Madame Tallien by whom Robespierre fell* (Philadelphia: Macrae-Smith Company, 1935), 138.

³² Friedrich Johann Lorenz Meyer, *Fragments sur Paris* (Hambourg, 1798), 123-4.

and punishment of her husband.” Roederer emphasized how insulting women was wrong and reminded them how Thérésia “snatched victims from death, broke the irons of several thousand French people, and inspired 9 thermidor.” Roederer suggested that, instead, she should be called “Notre Dame de Bon Secours.”³³

Other journals took the opportunity of *l’Historien’s* attack to argue it was ridiculous to credit Thérésia with *any* of Tallien’s actions. They directly challenged the idea that she moderated his inclinations towards Terror. The *Messenger du soir* published on 5 June 1796 (17 prairial year IV), argued that “some... want her to be called Notre-Dame de Thermidor, others Notre-Dame de Bon Secours. It would, in our opinion, be ridiculous to consider Madame Tallien personally responsible for the actions her husband is accused of during the events of March, May, of September, of Brumaire, etc. as it would be to kneel before the widow of Alexandre Beauharnais because her husband is an excellent general.”³⁴ This was the more fundamental critique of Thérésia’s self-fashioning: a black-and-white denial that women could have any affect on men in politics at all.

The idea that she was a good wife and mother, meanwhile, was undermined by her reputation as a *merveilleuse*, and then by her divorce from Tallien and alliance with Barras. By the 1800’s Thérésia’s attempt to represent herself as virtuous *citoyenne* failed. Critiques presenting her as a *quintessential* *merveilleuse* and a force of corruption in politics triumphed. Napoleon Bonaparte officially banned Thérésia from

³³ Meyer, *Fragments sur Paris*, 125-6.

³⁴ Aulard, *Paris pendant la réaction Thermidorienne et sous le Directoire* 1 ventôse an IV vol 3, 230.

court shortly after his claim to power. Before though, in a letter to his wife Josephine, he wrote, "I forbid you to see Madame Tallien under any pretext... A wretch married with eight bastards! I have more contempt for her than before. She was an amiable girl. She has become a disreputable woman."

Some contemporary commentators noted how the deck was stacked against Thérésia. Edmond and Jules de Goncourt argued that "The revolution of Thermidor represented the victimization of women. The Terror was a completely virile tyranny, and it was the personal enemy of women, in the sense that it took away their influence and gave them only rights." The Goncourt brothers commended Thérésia in her efforts to transcend victimhood, commenting that "never had a woman taken over the public in a similar fashion, never had they interfered with the running of the country in such an obvious manner."³⁵ Antoine-Claire Thibaudeau, a member of the National Convention, wrote fondly of Thérésia as a force for moderation: "she reigned without having the nuisance of a throne; her influence dried many tears and as far as I know, caused them for one".³⁶ While she was no longer able to successfully navigate the Revolutionary public sphere, aristocrats continued lauding her actions during the Terror. She returned to her role of an aristocratic lady, abandoning politics, when she married François-Joseph-Phillippe de Riquet in 1805.

Though short lived, Thérésia's ability to openly navigate political circles showed how the impact of the Terror on women was presented in the trials of Carrier and

³⁵ Goncourt and Goncourt, *Histoire de la société française pendant le Directoire*, 296-7.

³⁶ A.C. Thibaudeau, *Mémoires sur la Convention et le Directorie* 2nd edition, 2 vols (Paris: 1827), 1: 130-2.

Fouquier-Tinville could be turned around and used to a very different end by at least one resourceful woman. Post-Thermidorian trials had focused on women's importance as defenders of the family dynamic. Women were presented as innocent and virtuous, fixated on their roles as "republican mothers" and wives dedicated to the well-being of their families. Marrying Tallien and giving birth to Rose Thermidor, Thérésia used this to her advantage. The legend of "Notre Dame de Secours," meanwhile, mobilized to Thérésia's benefit the idea of women as protectors of the families against the excesses of government, legitimizing her involvement in politics. Thérésia's efforts allowed her to create a version of republican motherhood that was active rather than passive (as women were treated during the trials). This is not to imply that Thérésia, at any point, gained full political rights or that her limited role was uncomplicated. Women, like Thérésia, who ignored or tried to expand existing stereotypes had to control others' opinions of their femininity continuously. Jo Burr Margadant explains this to be "performing the self," meaning to: "craft a feminine self-legible to the public and credible to herself that might also win approval in at least some influential circles."³⁷ Nonetheless, when Thérésia tried to do that, she found her options closed down.

³⁷ Jo Burr Margadant, ed. *The New Biography: Performing Femininity in Nineteenth-Century France* (Berkeley: University of California Press, 2000), 1-2.

Conclusion

The move to deny women access to politics in year III (1795) thus went much deeper than a reaction to women's involvement in political rioting in Paris. The trials of Carrier and Fouquier-Tinville were already establishing the groundwork for redefining women's role as properly within the home, and establishing the family as foundational to the "search for stability". These two trials of men, by men, did much to establish the idea that women's role in the political sphere should be limited.

In the first chapter, I showed how the trial of representative *en mission* Jean-Baptiste Carrier illustrated a Thermidorian view of the relationship of women, the family, and political violence. In the evidence presented at Carrier's trial, women and the family were depicted as the victims of Revolutionary politics and political violence. They were apolitical, entirely innocent of any counterrevolutionary actions taken during the Terror, making Carrier wholly guilty of any violence enacted against them. Followers of the trial were encouraged to imagine women's proper role as that of a republican mother, expected to raise and educate young men to be good citizens and young girls to be good wives and mothers, but remaining within the home and unconcerned with politics. Whether Carrier was actually guilty was irrelevant. In an attempt to move past the Terror, the Thermidorians displaced collective blame onto the individual, allowing them to leave behind the excesses of Carrier in pursuit of political stability. The examples of women victims presented during Carrier's trial, however, show that the stability they pursued was as much social as political. Carrier's crimes against women

(according to the trial) were also against children and the family. Women's role as wives and mothers thus was part and parcel of an idea of social stability based on family units and family values.

In the second chapter, I explored how the trial of the former Revolutionary Tribunal prosecutor Antoine-Quentin Fouquier-Tinville. This trial exposed the lack of due process throughout the Terror and served as "the trial of the Revolutionary Tribunal itself." Like Carrier's, Fouquier-Tinville's trial presented women and the family as victims – victims of political radicalism in this case. In addition, his trial showcased the importance of providing legal protection of families. The need to protect family units, Fouquier-Tinville's prosecutors suggested in their presentation of examples of his crimes, was sometimes more important than punishing individual guilt.

Inadvertently, the trials of Carrier and Fouquier-Tinville created space for women like Thérésia Cabarrus-Tallien to obtain political influence by manipulating the idea of republican motherhood and identifying themselves as victims of the Terror. In chapter three, I examined how Thérésia was able to briefly navigate the political culture of Thermidor by exploiting the story of her role as a victim of the Terror, a good wife, and a important influence on her husband's involvement in the downfall of the Robespierre. The venomous criticism she attracted, however, show the limits of this as a potential strategy for women after Thermidor.

The trials of Robespierre's "accomplices" following his fall on 9/10 thermidor thus focused attention on women, on the relationship of law and family, and set the limits of female political action in ways that would play out significantly in the years that

followed. These central themes situate this thesis amidst the historiographical conversation concerning the “search for stability.” It moves on from the idea of a search for political stability as explored by Baczkó Bronislaw, arguing that the gendered focus of Thermidorian trials like Carrier’s and Fouquier-Tinville’s shows how the political and social were intertwined. The trials of Carrier and Fouquier-Tinville promoted a more conservative familial role as foundational to social stability. While Suzanne Desan and others have previously explored this conservatism in relation to the later 1790s, I argue that a focus on reforming law to benefit families was being articulated early and not in contexts directly about gender relationships. This was the case because gender was a central element in the effort to forge a new (stable) political culture after Thermidor.

As for the story of Thérésia Tallien, it is often told as that of an exceptional woman. I have shown that the difficulties she faced in forging her place at the heart of Thermidorian establishment were anything but exceptional. The Thermidorian period was a time of transition forged by the aftermath of the Terror that created the necessary space for Thérésia to take an active role in politics. The difficulties that she faced in doing so were also a result of developing Thermidorian ideas of women.

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