

Committee Overview and Background

Although decades of drought, poor harvests, and a heavy tax burden weighing on the nation's lower classes had set the stage for the French Revolution, the immediate trigger was the French government's economic difficulties.^{1,2} France had provided the then-British colonies of North America with funds and troops to fight their own Revolution against the British crown, and though this support may have made the difference between American success and failure, it also made the difference between French economic stability and insurrection³

Louis XVI, king of France at the time, appointed Jacques Necker as Director of Finances in 1776 and tasked him with figuring out how to fund French support of the Americans. Necker's solution was to issue government bonds with high interest rates (meaning that buyers stood to make large profits), which, though initially effective, dug the nation into an economic hole. Necker was unable to address this problem, and in 1783 resigned. Within a few years, France's budget deficit had grown to more than 15% of the royal budget, forcing Charles Alexandre de Calonne, who succeeded Necker, to address the issue. He formulated a series of radical changes to finances and taxation, including imposing a general land tax, that in total stripped the elite of some of their tax immunities. After both Calonne and his successor failed to convince either the Assembly of Notables or Parliament to approve the reforms, Louis was forced in 1789 to re-appoint the ever popular Necker and call the first meeting of the Estates General in more than two centuries.⁴

The Estates General, a legislative body meant to advise the king, was composed of three estates that represented the three subsections of French society: the clergy, the nobility, and the rest of the population. Though the Third Estate, which included the educated bourgeois along with laborers and peasants, represented 96% of the population, its vote had the same value of the votes of the other two Estates.⁵ Members of the Third Estate agitated in the lead-up to the meeting against this system of disproportional representation, advocating instead voting based on number of

members rather than class, but it was to no avail. At the meeting itself, the conflict over voting methods continued to escalate, culminating in the members of the Third Estate walking out and reconvening on a nearby tennis court. There they renamed themselves the National Assembly and swore the famous Tennis Court Oath, which bound them not to disperse until the national constitution had been changed.⁶

After creating and adopting the Declaration of the Rights of Man and of the Citizen, a document revolutionary for its endorsement of natural rights philosophy, liberty, and democracy, the National Assembly began drafting a new Constitution. The document that resulted, which created a Constitutional monarchy in which the king held veto power, represented a success on the part of the more moderate elements of the Assembly.

This success, though, did not lead to any lasting stability. Soon after the Legislative Assembly had been created to replace the National Assembly, its members voted to declare war on Austria and Prussia, neighbors to France that the Assembly believed were also harboring French counterrevolutionaries. Meanwhile, a rift emerged among the members of the Assembly itself, pitting the conservative Feuillants (later known as Girondins), who tended to be more supportive of the monarchy, against the more radical Jacobins. The Jacobins, whose supporters were called sans-culottes and whose deputies were known as Montagnards, were led by a firebrand named Maximilien Robespierre.

Under Robespierre's leadership, the Jacobins, riding the rising wave of anti-royal sentiment, attacked the Tuileries Palace in Paris and arrested Louis XVI on August 10, 1792. The Legislative Assembly was dissolved, and the National Convention was called to correct what was seen as a failure on the part of the previous assembly to be radical enough. Debate commenced on the fate of the king and a new constitution.⁷

The National Convention

The National Convention is a representative legislation, comprised of deputies elected by universal male suffrage, in the First Republic of France. It was founded in September 1792, succeeding the Legislative Assembly as the primary governing body of France. Comprised of 749 delegates, no executive presided over the convention, instead decisions were made by a majority vote. Based directly on the principles of the revolution and the Republic, the National Convention had no connection to hereditary monarchy or nobility. The King's political power in the legislation had been suspended, and the opportunity political office had been opened up to all males in France.

The Convention had its foundation in the principles of the French Revolution. The establishment of liberties of documents such as the Declaration of Rights of Man and Citizen had moved the populace to create a government that would support those liberties. Radicalism and harsh action became core components of the Revolution as each consecutive government became more extreme in its behavior. Now the Convention has been brought together following over a month of turmoil and bloodshed to establish order in a new nation and uphold the ideals of the revolution.

The year is 1792, and the National Convention has just been formed. All the delegates are newly elected, with less than half having served in the governance of France before. Even the revolution itself is young, only beginning in earnest in 1789. The French Republic has just begun with the foundation of the National Convention, and a new era is underway. It is now the duty of the National Convention alone to deal with the grievances that face France, and to ensure that the Republic prospers in the future.

The Trial of Louis XVI

Louis XVI's Role in the Revolution

Despite his initial opposition to the Third Estate's formation of the National Assembly, then-king Louis XVI saw after the National Assembly gained support from some of the members of the First and Second Estates that it would be in his best interests to cooperate with the Revolution. The events of July 14, 1789, when rioters stormed Bastille prison, a symbol of the monarchy, further confirmed this. Louis agreed to collaborate with the Revolution and to become a constitutional, rather than absolute monarch soon after the revolutionaries stormed the Bastille.

For the first couple years of the Revolution, he remained popular and the people saw him as an integral part of a reformed France. The changes the revolutionaries envisioned for France's new order left the monarchy intact, but with limited power. In 1791, as the National Assembly neared the completion of its new constitution and the king's supporters realized just how limited the monarchy's powers would be, Louis and his family fled Paris. His intent was to avoid having to sign the constitution and to join some of his supporters in the Austrian Netherlands, but as he neared the border, Louis was recognized, captured, and sent back to Paris. Some of his popularity survived, though, enough that he was able to retain his position as king even as he was forced to sign the new Constitution and witness the creation of a new Legislative Assembly.

The remains of his popularity evaporated, however, in the months leading up to his arrest on August 10. As the French military met with defeats facing foreign armies at its borders, the revolutionaries blamed the failures of the army and the new government on Louis XVI, claiming that he was endangering the Revolution from within. There were even disputes among the members of the National Convention over whether or not Louis should receive a trial; some, including Robespierre, claimed that to allow him a trial was, as a contemporary source phrased it, to "go backwards towards despotism...[and] put the Revolution in dispute."⁸

Against Robespierre's and other's complaints, the trial of Louis XVI, or "Citizen Capet" as he was referred to by those who denied the monarchy, went forward. The proceedings were divided

into two parts. First, delegates disputed whether or not Louis was guilty on charges of “high treason and crimes against the state”. Second, after voting overwhelming that Louis was guilty, the question for the Convention was what his punishment ought to be.

Charges against Louis

Among the charges leveled against Louis XVI were his opposition to the National Assembly, including his efforts to deprive the Third Estate of a place to meet, his refusal to acknowledge the newly formed National Assembly, and his failure to dismiss the troops that surrounded the Assembly.⁹ Additional charges related to his attempt to flee with his family to Austria, bribery of members of the Legislative Assembly, and ordering his guards to shoot on the people immediately preceding Louis’ arrest.¹⁰

Arguments Made by the King’s Defenders:

The constitution approved by the National Assembly in 1791 was very clear on the status of the king, stating in article 2 that “the person of the king is inviolable and sacred”. Article 8 of the same Constitution stated that “after the express or legal abdication, the king shall be in the class of citizens and can be tried like them for acts subsequent to his abdication”, implying that the king could not be tried for acts prior to his abdication.¹¹ The natural conclusion from this was that the king could not be held guilty for his “crimes” because he committed them while still king and thus, as Louis himself put it, “There did not exist laws which forbade me.”¹² It was on this logic that the arguments of Louis’ defenders (primarily Girondins and their allies) hinged.

Where this argument fell short, however, the king’s defenders turned to more practical, concrete reasons not to convict the king. They warned that dealing inhumanely with the former king could give the Revolutionary regime a reputation for cruelty, and might deter some of its potential

supporters. They also cited the fact that a harsh punishment for Louis XVI could serve to provoke the “despots of Europe” (including Britain and Spain) to align their nations with France’s other foreign aggressors, and so urged restraint in dealing with Louis’ fate.^{13,14} To moderate the passions they knew were inherent in the assembled National Convention, they even suggested that Louis’ fate be put to a national referendum.

Anti-Royal Arguments:

The arguments on the other side tended to be more emotional, driven by passion for a new world order and anger at the old order that Louis represented. To them, Louis was a “criminal to humanity” who had brought about the deaths of “martyrs of liberty” and who thus deserved death himself.

However, Louis’ opponents’ stance was not just lofty rhetoric. Louis’ Jacobin detractors did have carefully laid out reasoning to support their views. The first logical step that they made was to establish that he was not “inviolable” and thus could be accused of a crime. Up until that point, people had accepted the idea of an “absolute” monarch, bound by no rule but his own. However, Revolutionaries drew on Enlightenment ideas to prove that the monarchy was a social construct subject to higher law than civil law, and thus that the king could be indicted for violating this higher law. Inspired by Rousseau, Montesquieu, and other great Enlightenment thinkers, Jacobins such as Louis–Antoine Léon de Saint–Just argued that the social contract under which Louis had ruled was “necessarily void” because he had ruled as a tyrant in a way “not sanctioned by ethics and nature.”¹⁵

Some of the strongest evidence as to the king’s guilt was a locked chest, also called the “*armoire de fer*”, that contained letters sent from Louis’ exiled ministers to the king.¹⁶ The contents of the chest were used as proof of the king’s having plotted against the Revolution, and also had the result of discrediting Mirabeau, one of the early leaders of the Revolution.¹⁷

However, the trial of Louis XVI was primarily about ideas and concepts rather than concrete evidence. At its heart, the trial wasn't just about the fate of the former king. It was a debate that struck to the core of what the Revolution purported to be about: social equality and the role and responsibility of government to serve the people.

Questions to Consider

1. Can Citizen Capet be held accountable for actions taken while monarch or should he be considered inviolable?
2. By what law should Citizen Capet be judged? Is there a higher law that takes precedence over written law and the 1791 constitution?
3. What impact would convicting and/or executing the king have on the nation's security and the security of the Revolution?
4. Is it the duty of the National Convention to decide Capet's fate or would the issue be better resolved by turning it over to a referendum by the people?

Writing of the Constitution

Former Legislation

King Louis XVI has been suspended, the Legislative Assembly has been dissolved, and now universal male suffrage has elected representatives to the new National Convention. Now that the people of France were able control their own liberties, it was necessary that National Convention formally organized its decisions on a constitution. Previous attempts to draft this crucial piece of legislation had to some degree made concessions to the monarchy and the Ancien Régime. The National Convention must deliberate on the issues that most strongly separate or limit the Republic, and with their decisions compose a constitution that will secure the rights of the people and the nation.

The Declaration of the Rights of Man and Citizen is the cornerstone of the ideal liberties created by the revolution. Signed in 1789, written primarily by the American Thomas Jefferson and French aristocrat Lafayette, the declaration accounted for all civil and public rights deemed necessary by the French public. In the piece of legislation, the agency and liberty of the populace is uplifted, while the law and legislature are expected to be created only by the need of the people.¹⁸ Understanding and appreciation of the declaration is often expected among members of the National Convention, with certain members more devoted to the document than their own will.

In 1791 the National Constituent Assembly, predecessor to the Legislative Assembly, drafted the first French constitution with the goal of establishing popular sovereignty. While Louis XVI still presided, there was a degree of separation that marked this legislature as the first milestone towards formal rule by the people. Sections of the document further outlined personal rights to freedom of religion, press, assembly, and franchise. The 1791 constitution also dissolved hereditary office and the presence of gifted nobility as a public office.¹⁹

The 1791 constitution clearly outlined the power and behavior of the branches of government and the law. The foremost point it established was the unity of the nation and the civil bindings of elections, marriages, and citizenship.²⁰ It outlined the organization of the National Assembly and the representative court system. The constitution prescribed the King as the executive power, with the ability to take action within the law, and also the ability of “Royal Sanction”, wherein he had the ability to veto decrees written by the legislature.²¹ With the dissolution of the monarchy, there was no longer an acting executive power in the Republic’s governance and no direct limit on the abilities of the National Convention to pass and execute decrees and laws.

Voting rights created an issue of controversy, over the issue of voter participation and the groups of the population that actually would be allowed to control the Republic. The members of the Legislative assembly, largely middle-class Bourgeoisie, had thought it was best to restrict voting

rights to the informed members of society. Those members being “active” Frenchmen who were over the age of 25 and paid direct taxes equivalent to several days of labor. The voter turnout for the 1791 elections to the Legislative Assembly was only a small 10.2% of the French male population, representative of the Bourgeois individuals who were both interested in voting and allowed to participate.²² These voting restrictions would prove not be significant, as when delegates were elected by universal male suffrage to serve in the National Convention, voter participation only rose to 11.9%.²³

Matters of State Governance and Security

There was a great swath of issues that faced the newly elected delegates of the National Convention, and the Republic of France itself. Even after the institution of the Republic, the debts and famine of the Ancien Régime still devastated France’s economy. Violence racked the nation, rebellion was not uncommon and the *Sans-culottes*, the people’s army, lacked the restraint or order of a typical military group. The nations of Europe failed to recognize the National Convention and the Republic as a legitimate government since the suspension and imprisonment of King Louis XVI. It is the duty of the delegates to create systems and solutions that will help France challenge these present issues, and ensure the Republic’s prosperity into the future.

One avenue for dealing with the pressing issues facing France is to decide what will serve as the Republic’s executive branch. Formerly King Louis XVI had acted as an executive, but now that place is left unfilled. The National Convention could act as executives as well, with the ability to pass decrees by majority. The radical revolutionaries in the nation, such as the *Sans-culotte*, would believe that those representatives of the people should act as the active decision-makers. Other more conservative citizens in the Bourgeoisie fear that the bloat of the voting process could hinder the nation’s efforts to respond to the multitude of problems it faces. In both cases, there is the question

of whether or not it is beneficial to put so much power into one governing body. Potential for solutions to the lack of executives are the creation of an elected executive council within the Convention, or perhaps a single chosen individual to preside ultimately over the legislature.

The economic state of France had not recovered. Debts continued to pile up, left over from the excessive spending of Louis XVI, which was mostly comprised of war costs and personal debts.²⁴ In the past two years the feudal and guild systems had been abolished, as well as the tax farming system. Industrial, agricultural, and trade productions were slowing as the violence and turbulence of the revolution continued to grow.²⁵ Poverty and high price issues had not been wholly solved yet, continuing the plague the lower classes. Already, the Republic had seized church lands and printed paper currency to represent their value as an attempt to stabilize the economy. These *assignats*, as the paper bonds were called, were used to cure a portion of the national debt, but by the foundation of the National Convention they have become largely void of value.²⁶ It might be necessary for the National Convention to discuss and institute further programs and committees to solve the debt crisis and absolve the lower classes of their economic issues.

The First coalition has declared war on the Republic. Comprised of European superpowers such as Austria, Prussia, and Great Britain, this coalition sought to usurp the people's National Convention and restore Louis XVI to his throne.²⁷ Internally, many groups of rebellious royalists wished to do the same.²⁸ The Republic's greatest military force, the *Sans-Culottes*, were poorly equipped and poorly managed, with little restraint or organization. The National Convention may wish to create a new system to better organize the defense of France and utilization of its resources.

Debates on the Liberties of the Republic

Not only must the National Convention deal with the governmental necessities when composing additions to the constitution, but it must also continue to uphold and expand the ideals

that the Republic was founded on. With the foundation of the first Republic in this year, 1792, France has reached a point of liberty where it can continue to perfect itself through the decisions of the National Convention. The debates that most strongly divided the Republic at the time were the matters of the Catholic Church and a state religion, and the political rights of women in the revolution.

In the minds of many proponents of the revolution, the Catholic Church was a remnant of the Ancien Régime and against the principles of the Republic. Before 1789, Catholicism was the strict religion of the majority of the populace. However, the sheer amount of revenue and political power held by the clergy compared to the lower classes and Bourgeoisie created a great amount of distrust between the people and the church.²⁹ Despite many members of the clergy supporting the revolution, such as Emmanuel Joseph Sieyès, early pieces of Republic legislation directly targeted the church. Within the first year of the revolution, all church property had been seized by the state, and monasteries were shut down for oppressing personal liberties.³⁰ Much of the justification for this increasing separation between the Republic and the church lies in the enlightenment ideals that were so strong in France. Writers such as Rousseau and Voltaire, whose ideals of governmental and societal change strongly influenced the revolution, to one degree or another disliked the dominance of the Catholic Church. Congregations such as the Cult of Reason had begun to surface now in 1792, atheistic groups that value logic and reason instead of a god or Christ figure. Many of the members of the lower class were still bound to the old way of life and the church. Others, more radically anti-clerical, believed that the Republic should even replace the calendar with one less religious.

The writing of the new constitution has the power to firmly change France's current religious alignment. It is up to the National Convention to decide whether the church will continue to be pieced apart and put to different use, if the Cult of Reason shall dominate France, or if the Republic will no longer worsen its relationship with the clergy.

Rousseau had also written works establishing the nature of women as a more domestic, passive citizen. In many ways, the image of the republican woman became anything but that. In the few years that the revolution had endured, women had been writing pleas and making statements, all stressing why their gender deserves the same rights as men in the Republic.³¹ There have been many requests and writings from a multitude of women, such as Olympe de Gouges who wrote specifically for the equality of civil and political rights most directly pertaining to the social needs of women.³² Others such as Pauline Léon had made more radical propositions, such as the creation of a female guard within Paris.³³ Many in the upper classes of France preferred to continue to ignore these radical women, but the agitation began to grow more severe. The women's march on Versailles in 1789 was the most recent memory of the power that these French women could have when they truly wished to accomplish their goals. In the formation of the National Convention's new constitution, it may be in the best for the Convention to consider how they wish to treat women's rights in regard to man's, or how they wish to counter the growing radicalism of these women.

A constitution can very well determine the long term success of a government. As the elected representatives of the newly formed National Convention, identifying the issues most important to the revolution and then actively responding to them in legislation will be crucial. Due to the varied issues of the topic, identify a few issues in your research that you either learn or feel your representative had a strong opinion on, and then focus on those issues. For your position paper, it would be in your best interest to strongly research one or two branches of the topic. The most strongly represented issues will make their appearance in committee, and debate will occur over the resolution of those issues.

Questions to Consider

1. Should the National Convention create an additional body to act as the executive branch of the Republic? If so, what form should that executive branch take?
2. What steps need to be taken by the Convention to ensure France is economically stable, and its people are no longer suffering?
3. What steps are necessary to ensure the National Convention can protect France from its aggressors? How will the Convention implement and maintain those decisions?
4. Is the Catholic Church too much a part of the old regime to continue being a part of the Republic? If so, how is the Convention going to purge the church from French society? And how will the rural citizens that relied on the church be compensated?
5. How should the National Convention respond to the growing Cult of Reason? Is it an organization worth formally recognizing, or even supporting?
6. Should women agitating the French government be treated as criminals, or have their message acknowledged? Will dialogue on the issue appease the radicals, or agitate them further?
7. Do women deserve the same civil liberties as men? The same educational liberties? Political liberties? Where does the National Convention draw the line for women's freedoms?

Useful Links:

- Very broad outline of the Revolution:
<http://www.geneseo.edu/~easton/humanities/frrev.html>
- This entire site has links to primary sources including speeches, pictures, and even songs, as well as easy to read summaries of the main events <http://chnm.gmu.edu/revolution/>
- A summary of the charges against Louis XVI:
http://historyguide.org/intellect/louis_trial.html

- The text of the 1791 Constitution drafted by the National Assembly:

<http://www.historywiz.com/primarysources/const1791text.html>

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