

Under the Eyes of the Committee of Reports: Local and popular involvement in the maintenance of public order under the National Constituent Assembly (France, 1789-1791)

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When the National Constituent Assembly learned of the royal flight to Varennes on 21 June 1791, it resolved to bring together the Committee of Reports and the Committee of Research with a view to ensuring the maintenance of law and order.¹ The Constituent Assembly decided that the two committees, which Louis XVI had denounced in the manifesto-letter he left before attempting to flee, should now work together.²

*The Assembly, by means of its committees, at all times exceeds the limits which it has been assigned; it is involved with affairs which are the sole remit of the administration of the kingdom and of justice, and in this way it is accumulating all the powers; through its Committee of Research, it even displays a true despotism which is more barbarous and insufferable than anything ever before seen in history.*³

Louis XVI railed against these committees because they had been responsible for overseeing the maintenance of public order and good order since 28 July 1789. The Committee of Reports was in charge of devising the most appropriate means of preventing outbreaks of disorder and of pacifying those that occurred, while the Committee of Research was responsible for locating the persons who had occasioned the disorder. The fact was that within a short time of the establishment of the National Constituent Assembly, the deputies had begun to receive hundreds of letters, reports, petitions and addresses requesting guidance on how to respond to the breaches of order that were taking place all over the country, and the creation of these two committees was its solution to this situation.⁴

However, just a week after the setting up of the Committee of Reports and the Committee of Research, which were to intervene in one of the most important competences

¹ This research has been carried out within the framework of the Study Group on Institutions and Political Cultures (XVI-XXI centuries) – (2017 SGR 1041) at Pompeu Fabra University (Barcelona). I should like to take this opportunity to thank Graham Thomson, the translator of this article.

² Archives parlementaires, vol. 27, p. 373.

³ Ibid., vol. 27, p. 381; note: all quotations have been translated by the editor from French into English

⁴ Castellà, *Revolució, poder i informació*, vol. 1, pp. 10-54.

of the executive power, namely the maintenance of civic order and peace, the Constituent Assembly decided, on 5 August 1789, that the municipal authorities and the bourgeois militias should be responsible for establishing good order, and that the government should provide military assistance to municipal authorities where necessary.⁵ Five days after taking this decision, on 10 August 1789, the Constituent Assembly adopted the first decree on the restoration of public order:⁶ the first martial law, and the first of the five decrees on the restoration of public order that would be adopted under this first Constituent Assembly.⁷ What was its goal?

The aim of this draft decree, or first martial law, was to ensure that the maintenance of law and order did not rest entirely in the hands of the King. It sought to assign this task to the municipal authorities and to make the mobilizing of the national militias, the *maréchaussées* and the troops a municipal responsibility.⁸ It was also designed to direct all the information that might be produced as a result of such disorder as occurred into the hands of the Constituent Assembly, so that it should know the source of the disruptions of good order incidents and the causes that occasioned these incidents and be able to impose exemplary punishments on those who took part in them. This information would largely be channelled to the Committee of Reports, and to a lesser extent to the Committee of Research. Within a few weeks of the start of the revolutionary process, and in less than fifteen days, the National Constituent Assembly had transferred to two legislative committees and to the municipal authorities a part of the management of the maintenance of public order.

I. IDENTIFYING THE PROBLEMS

From the summer of 1789 on, the municipal authorities and the bourgeois militias and the National Guards played an important role in the maintenance of law and order, and as a result of this the Committee of Reports of the National Constituent Assembly was assigned a considerable amount of work. Not only was it charged with determining the causes of the breaches of order that were taking place and with proposing the most appropriate means of pacifying them – above all, when those who should have quashed the disturbance failed to do so – but also with resolving all such conflicts as might arise between the various instruments of law and order at local and/or regional level: the Committee of Reports had to intervene in breaches of the peace caused by those entrusted

⁵ Archives parlementaires, vol. 8, p. 351.

⁶ Ibid., pp. 378-379.

⁷ Under the National Constituent Assembly five projects were adopted to restore public tranquillity: 10 August 1789, 21 October 1789, 9 February 1790, 23 February 1790 and 27 July 1791. However, Riho Hayakawa and Florence Gauthier consider that the Le Chapelier law (14 June and 20 July 1791) was a complement to martial law, in contrast to Michel Pertué, who does not so consider it (Hayakawa, 'La loi martiale', pp. 69-79; Gauthier, 'Triomphe et mort du droit naturel', p. 61 and p. 102; and Pertué, 'Loi martiale, état de siège et législation révolutionnaire', pp. 71-113).

⁸ Carrot, *Révolution et maintien de l'ordre*, pp. 82-83.

with the maintenance of order. In the words of Charles-Louis-Victor, prince de Broglie, a member of the Committee of Reports:

*It is a matter of gaining revenge for the laws which have been violated, and of doing so against the very people who were supposed to protect and defend those laws.*⁹

In this regard, the Committee of Reports was very soon engaged in mediating in conflicts between the old and the new municipal authorities; between the bourgeois militias and the future National Guards; between the municipal authorities on the one hand, and the national militias and guards on the other; between municipal authorities and their inhabitants; or between the municipal authorities and the districts and departments once these had been organized.¹⁰ The Committee of Reports had to ensure the maintenance of good order (political, economic and social) as defined by the decrees of the National Constituent Assembly, and in consequence it was permanently working to avoid any possible repudiation of the Constituent Assembly's decrees and to constrain all those whose obligation was to prevent or put down breaches of order at the local or regional level to act in accordance with the law. The Committee of Reports, in the manner of a concertmaster, was charged with fine-tuning the various necessary instruments to ensure that the order defined in the framework of the Constituent Assembly would be imposed everywhere and without opposition.

However, fine-tuning these instruments was not an easy task, as is indicated by the 190 reports submitted by the Committee of Reports to the National Constituent Assembly, or the 6,554 letters registered by the Committee.¹¹ Analysis of the reports presented by the Committee of Reports to the Constituent Assembly and the correspondence records of the Committee itself has shown that it confronted six main types of problem.

The first problem the Committee of Reports faced was that those who had to manage the maintenance of law and order in the local setting did not, for the most part, know how to proceed. They were uncertain as to what measures they should take, and as a result they wrote to the Constituent Assembly or directly to the Committee of Reports to request instructions.¹² In some cases these petitioners addressed their requests directly to the Committee of Reports, or sent a delegation to the Committee to jointly discuss what

⁹ Archives parlementaires, vol. 19, p. 514.

¹⁰ We have also been able to find a conflict in Strasbourg between the directory of the department on the one hand, and the district and the municipality on the other. Archives parlementaires, vol. 26, p. 675-676. This conflict would provisionally give Gaid Andro the following arguments in quotation marks: 'In effect, the administration of the district is rarely mentioned in the sources as being the cause of a conflict with the other layers of administration. Ultimately, between 1790 and 1792, the administration of the capital district almost always worked in close collaboration with the département. In case of tensions, the district administration is automatically associated with the departmental administration against the municipality' (Andro, 'Le procureur général syndic en son chef-lieu', p. 34).

¹¹ The records that contain the indications on the correspondence received by the Committee of Reports are: AF/I*/5-8 of the sous-série AF I Régime constitutionnel (1789-1792) and D*XL 58-61 of the sous-série D XL Comité des pétitions, dépêches et correspondances of Archives Nationales (CARAN) in Paris.

¹² On these difficulties, see: Biard, Les lillois de la centralisation, p. 174.

decisions should be adopted to resolve the conflicts that were taking place.¹³ By April 1791, the civil commissioners sent on mission to the Lot department were aware of this problem, and noted that the science of public administration was as yet so new that administrators ought not be blamed for a lack of experience that would be acquired over time.¹⁴

It should also be acknowledged that the doubts and uncertainties of the municipal authorities were on occasion entirely justified, given that the Constituent Assembly was not or could not always be perfectly clear in its indications. For example: Where should the limits of zeal or patriotism that the Constituent Assembly demanded of the municipal authorities be set? Could private correspondence be opened, given that a draft decree adopted on 10 August 1790, established the privacy of correspondence as an inviolable right that could on no account be infringed?¹⁵ Confusingly, the opening of private correspondence by municipal authorities striving for act with the requisite zeal was not always reproved in any consistent fashion by the Constituent Assembly. Some municipal authorities were cautioned against opening private correspondence,¹⁶ others were approved in doing so,¹⁷ and others again, such as the Municipality of Saint-Aubin, were openly admonished.¹⁸

The second problem to be resolved by the Committee of Reports was that those responsible for the maintenance of law and order at the local or regional level often possessed neither the means nor the necessary instructions with which to do so. On more than a few occasions the municipal authorities or the militias that were required to take action communicated to the Committee of Reports that they found themselves abandoned by the executive power. They complained that they did not receive the necessary assistance, and were provided with neither troops nor weapons, or did not receive satisfactory instruction as to how to put into effect the decrees approved by the King.¹⁹

The third problem to emerge is that those who were charged with the upkeep of law and order in a given area were at times the actual perpetrators of the acts of disorder that were taking place. Everywhere in France there were breaches of order as a result of confrontations between old and new municipal authorities, as the former refused to stand down, or between the municipal authorities and the King's procurators and bailiffs, who annulled the decisions of the municipalities; of confrontations over the elections to appoint the new administration, mainly with regard to procedures and results; of confron-

¹³ Archives parlementaires, vol. 27, pp. 146-147 and vol. 22, p. 291.

¹⁴ Ibid., vol. 25, p. 301.

¹⁵ Ibid., vol. 17, p. 696. On the 25 July 1789, there was a debate on the inviolability of correspondence within the framework of the Constituent Assembly, which did not conclude with any decision on the part of the Constituent Assembly. Archives parlementaires, vol. 8, pp. 274-275. On the inviolability of correspondence under the Constituent Assembly, see also: Pierre Caillet, *Les Français*, p. 183.

¹⁶ Archives parlementaires, vol. 28, pp. 111-112.

¹⁷ Ibid., vol. 28, p. 550 and vol. 29, p. 762.

¹⁸ Ibid., vol. 17, p. 696.

¹⁹ Ibid., vol. 20, p. 295.

tations between different municipal authorities, usually in relation to grain supplies; of confrontations between the municipal authorities and the bourgeois militias and / or the future National Guards, with the armed corps refusing to submit to the municipal body; of confrontations between the old bourgeois militias and the new National Guards, and between the National Guards and the regiments, or between the National Guards and the volunteer bodies.

The fourth problem that presented itself has to do with the accusations of inaction, neglect, connivance and weakness levelled at the municipal authorities. For what reason? Faced with the breaches of order that occurred within their jurisdiction they often refused to adopt rigorous measures and were more inclined to conciliate, preferring not to send in troops, to proclaim martial law or to impose, as some departmental authorities demanded, a healthy terror.²⁰ However, as a result of their disinclination to mobilize the troops and in particular to proclaim martial law, they risked being regarded as complicit in the disturbances and accomplices of counterrevolution, intrigue and corruption. In light of all this, they were accused of weakness, of being incapable of doing what they had to do, and of being negligent. They were seen to be very close to their fellow citizens, and the same criticism was also levelled at the courts, which were suspected of not holding their friends and relatives accountable to the law.²¹ Indeed, municipal authorities were also accused of being the insurrectionary instigators of rebellions that numbered up to 15,000 insurgents.²²

The fifth of the six main types of problem is the fact that in some cases the municipal authorities responsible for ensuring the maintenance of law and order were denounced, 'kidnapped', driven into exile or forced to act in a certain way by a section of the local population. The authorities might be reported for failing to prevent disturbances and for not suppressing excesses and persecutions; for taking decisions such as restricting the free movement of grain or setting its market price or supply; and for supposedly committing irregularities in the electoral process.²³ It was apparent to the Committee of Reports that on some occasions the inhabitants of villages and countryside compelled the municipal authorities to second their deliberations and adopt their decisions, and even proceeded to dismiss them and hold new elections to appoint officials willing to do their bidding, or to force them to take the lead in acts of insurrection.²⁴ As a result, some municipal authorities that had refused to submit to the will of the local population had been persecuted, while others had chosen to go into exile.²⁵

The sixth and last type of problem that the Committee of Reports had to address was the tendency, on the part of the municipal authorities and others responsible for ensuring the maintenance of public order, to disregard the decrees of the National Consti-

²⁰ Ibid., vol. 15, p. 549; vol. 21, p. 152; vol. 23, p. 176, p. 308 and pp. 545-546; vol. 25, p. 291; and *Collection générale des décrets*, vol. 12, pp. 208-210.

²¹ *Archives parlementaires*, vol. 26, pp. 672-676 and vol. 27, pp. 317-318.

²² Ibid., vol. 28, p. 550.

²³ Ibid., vol. 8, p. 444; vol. 13, p. 96; vol. 15, p. 337 and vol. 16, pp. 148-149.

²⁴ Ibid., vol. 17, p. 165; vol. 18, p. 647; vol. 21, pp. 150-155; vol. 25, p. 281 and vol. 28, p. 548.

²⁵ Ibid., vol. 25, p. 278.

tuent Assembly and the measures it advocated for pacifying conflicts and to ignore the warnings and advice of the Committee of Reports.²⁶ The latter omission prompted an immediate response from the Committee of Reports, which threatened to inform the Constituent Assembly of the reprehensible conduct of those municipalities that persisted in rejecting its counsels and the measures it recommended.²⁷

II. MANAGING THE INFORMATION

The Committee of Reports acquired its extensive knowledge of the problems affecting the local management of the maintenance of public order from the huge volume of correspondence it received. The *Bureau des renvois* of the National Constituent Assembly passed on to the Committee 7,796 of the 40,282 letters it registered between August 1789 and 31 August 1791,²⁸ amounting to 19.35% of the correspondence received by the Constituent Assembly. Its ledgers list 6,554 letters registered, of which 2,215—34% of the total—were not attended to. What, then, was done with the remaining 66%? Were their contents communicated to the rest of the deputies? Did the Committee manage them on its own without consulting the Constituent Assembly, or did it receive assistance from other agencies?²⁹

The Committee of Reports was informed of the majority of disturbances that took place throughout France, and was assisted by other committees and commissions of the Constituent Assembly in managing the content of the letters it received, and a total of 1,209 registered entries—letters with their annexes—were processed with such assistance, especially from the Constitution Committee, the Finance Committee, the Committee of Research and the Ecclesiastical Committee. However, most of the matters dealt with by the Committee of Reports were managed not with the help of other agencies of the legislative power but with the assistance of the executive power: central (King and ministers), regional (provinces, departments and districts) and local. 1,973 registered items were managed with the help of the executive power without the involvement of the Constituent Assembly—45.47% of the matters the Committee decided to address. Almost half of the total. It is understandable, therefore, that the deputy François-Pierre Blin, who was a member of the Committee of Reports, should have sought to prevent the committees from referring to the executive power the matters they received without a prior pronouncement by the Constituent Assembly.³⁰

²⁶ Ibid., vol. 20, p. 423 and Archives Nationales, record D*XL45, pp. 187-188.

²⁷ Ibid., vol. 24, p. 732.

²⁸ Castellà, *Revolució, poder i informació*, vol. 3, pp. 763-963.

²⁹ All these questions are analyzed in greater depth in, Maria Betlem CASTELLÀ I PUJOLS, "Pouvoir et Information dans les mains du Comité des rapports: un comité-pendule entre les pouvoirs législatif et exécutif sous l'Assemblée nationale constituante (1789-1791)", *Parliaments, Estates & Representation* (publié online le 31 mai 2019).

³⁰ *Archives parlementaires*, vol. 11, p. 24.

Of this great volume of information that the Committee of Reports received, how much did it consider should be communicated to the Constituent Assembly? The study of the six ledgers in which the Committee of Reports registered the correspondence it received indicates that of the 6,554 letters entered, it considered only 190 deserving of this treatment, a mere 2.89% of the total number of items registered. It thus appears that the Committee of Reports forwarded to the deputies whose task it was to legislate and to draft a Constitution for France less than 3% of the information at its disposal, a state of affairs that would go some way to explaining the refusal of the Left deputies of the subsequent Legislative Assembly to establish committees and their determination to read all the correspondence received.³¹

The deputies of the National Constituent Assembly thus had to deal with a committee that shared with them only a tiny percentage of all the correspondence it received, and in addition shared in more or less detail only the information it deemed more or less opportune: of the disturbances that were taking place and the tensions between the people responsible for managing the maintenance of law and order at the local level, it made known what it thought it most advisable or prudent to make known.

By way of example, this was the case with an incident in the Mâconnais. On 7 September 1789, the Committee of Reports registered receipt of a letter from Mâcon, written by members of the committee that had been set up there. The letter was entered in the ledger as No. 572 and then passed, in all likelihood, to the deputy Jean-Pierre Pezous for examination.³² The deputies of the Committee of Reports decided to communicate its content to the Constituent Assembly after meeting with the deputies from Mâcon to draw up the report. The findings of the Committee of Reports, entered in its register, were that the proceedings and deliberations of the Mâcon Committee were irregular, and that the members of this committee should confine themselves in future to detaining the criminals and placing them at the disposal of the courts of justice. What had happened?

The Parliamentary Archives indicate that following an intervention in the National Constituent Assembly by the deputy Louis-Jean-Henri-Darnaudat, member of the Committee of Reports, on 18 September 1789, the municipal officers of Mâcon and the committee in that city had set themselves up as a tribunal, and had pronounced and carried out death sentences against certain persons accused of looting and arson. The decision of the Constituent Assembly with regard to this was to forward the case to the executive power in order for it to be dealt with as soon as possible.³³ This decision was followed by a silence about what had occurred in the Mâconnais that continued until 22 March 1791, when François-Felix-Hyacinthe Muguet de Nanthou, another deputy and member of the Committee of Reports, presented a new report on the events in Mâcon to the Constituent Assembly.³⁴

³¹ Castellà, 'Monsieur André Aubusson'.

³² Archives Nationales, record AF/I*/5, pp. 57-58.

³³ *Ibid.*, vol. 9, p. 41.

³⁴ *Ibid.*, vol. 24, pp. 287-288.

What did Muguet de Nanthou make known to the deputies with this new report? Muguet de Nanthou represented to the entire Assembly chamber that a number of gentlemen of property in the Mâconnais, finding themselves threatened and assaulted by a gang of bandits, had come together to obtain redress for the aggressions they had suffered, and that as a result more than 200 people had been killed, leaving some hamlets uninhabited, and all without any combat having taken place or any of the avengers having sustained any injury. However, the gentlemen's vengeance did not end here. According to the account offered by Muguet de Nanthou, the triumphant property owners, not satisfied with the revenge they had exercised, had decided to arrest some thirty people, who were imprisoned and then tried by the same gentlemen, who converted the permanent committees of their towns into sovereign courts with the authority to judge, sentence and execute – as they duly did – 32 persons.

Why did the Committee of Reports, by way of Muguet de Nanthou, make a second report on these events, and in greater detail than on the first occasion, as was the practice when the victims were not poor citizens assaulted by gentlemen of property but property owners assaulted by common people categorized as bandits? For a very simple reason. The victims of the property owners' reprisals appealed to the National Constituent Assembly for justice when the vengeful gentlemen decided to take action against them again within the framework of the recently established courts for the aggressions they had suffered. How did Muguet de Nanthou justify the silence with which these events had been received? By pointing out that the Constituent Assembly had sought to avoid civil war by turning a blind eye on what had occurred and consigning the matter to the executive power.

The Assembly, which at that time was received news every day of these very disasters which were afflicting all parts of the kingdom, believed that the best way to stop this suffering and prevent a civil war from erupting was to make people forget about it; the Assembly therefore referred the affair back to the executive power, who attempted to calm things down. Peace ought to follow from this measure of prudence that you have indicated. The respective injustices of the two parties ought to have ended the quarrels; but those whose properties had been destroyed were waiting for the organization of the courts so they could register a complaint against the residents of the countryside.³⁵

From 28 July 1789 until 30 September 1791, the Committee of Reports had the final say on the information at its disposal, deciding at all times what was to be communicated and how, and determining what was worthy of being remembered and what was to be forgotten. And, as Muguet de Nanthou would once again argue to the Constituent Assembly on 22 March 1791, the affair in the Mâconnais was best forgotten, no doubt because the murders were committed by citizens anxious to defend their property, who had

³⁵ Ibid., vol. 24, p. 287.

murdered with the complicity and collaboration of those specifically entrusted with the maintenance of law and order.³⁶

III. RESOLVING THE PROBLEMS

The problems emerging in relation to the local popular management of the maintenance of law and order obliged the Committee of Reports to decide how it should respond to them. The reading of its reports and the study of the decisions in its records concerning the 6,554 registered items of correspondence referred to above make it possible to classify the Committee's responses into eight types.

First: To communicate the decrees of the National Constituent Assembly to where these could urgently be put into effect. Given that the Committee of Reports considered that the people were often mistaken and ignorant of the law and of the nature, extent and limits of liberty, it chose, especially during the first months, to send out some of the decrees of the Constituent Assembly. By way of example, the decree of the 10 August 1789, on the restoration of public order, the first martial law; the decree of the 4 August 1789, on the payment of taxes and charges, the supposed abolition of the Ancien Régime; the decrees on the free movement of grain, of the 29 August and 18 September 1789; and the decree of Fontainebleau of the 15 October 1789, on the election of the civil and police committees, which prior to the organization of municipal authorities and national militias would adopt only those decisions necessary to ensure the putting into practice of the decrees of the Constituent Assembly and the maintaining of order. Of all these decrees, by far the most widely disseminated was that of the 10 August 1789, which has been largely ignored and very rarely cited by a historiography that tends to regard the first martial law as corresponding to the decree of the 21 October 1789,³⁷ thus eclipsing the political-economic programme imposed in August 1789: martial law on the one hand, free movement of grain on the other. In other words, the liberal economic terror.³⁸

Second: To make contact with the ministers to ensure that they took heed of the matters the Committee sent to them and to supply it more information than it possessed or could have access to, and to urge the ministers to adopt a certain course of action in order to resolve the conflicts in question. The Committee of Reports called on the ministers to enact the Constituent Assembly's decrees, to facilitate the free movement of grain by eliminating any obstacles, to put down breaches of order, to mobilize the troops, to provide weapons and to put pressure on the justice system to process certain cases more swiftly. The Committee of Reports was in almost constant contact with the Garde des Sceaux, subsequently the Minister of Justice, during the whole period of the National

³⁶ Ibid., vol. 24, p. 288.

³⁷ Michel Pertué, 'Loi martiale', pp. 682-683; Gauthier, *Triomphe et mort du droit naturel*, pp. 56-66; Hayakawa, 'L'assassinat du boulanger Denis François', pp. 1-19; Lemarchand, 'À propos des révoltes et révolutions' p. 159; Neusy, 'Opinions et réflexions sur la loi martiale', pp. 27-48 and Hayakawa, 'La loi martiale', pp. 69-79.

³⁸ On the liberal economic terror, see: Gauthier, *Triomphe et mort du droit naturel*, p. 57 and 'De Mably à Robespierre', p. 122.

Constituent Assembly, and the contact with the ministers of War and the Interior was far from negligible. 1,106 items were managed with the aid of the ministers.

Third: To examine the measures and behaviours of those responsible for maintaining law and order in the local and / or regional context in the event that those measures and behaviours had generated a breach of the peace, and make its opinion and advice available to all those who needed it. However, in order to do this the Committee of Reports had to request the permission of the National Constituent Assembly, and, the Committee's president, the Abbé Baptiste-Henri Grégoire, did not obtain the necessary authorization until 5 February 1790.³⁹ A few weeks previously, on 28 December 1789, it had been decided that no committee could make its opinion public.⁴⁰ Not all deputies were in favour of the committees being allowed to make public statements without first consulting the legislative body.

Fourth: To approve or censure the measures and behaviours of those responsible for maintaining law and order in the local and / or regional context in the event, once again, that those measures and behaviours had generated a breach of the peace. The Committee of Reports could do this in two different ways, either by submitting a report to the Constituent Assembly, in the hope that the deputies would endorse their opinion, or independently, bypassing the Constituent Assembly and dispensing with the approval or consent of the deputies. In effect, public approval or censure was intended to set an example, with public endorsement constituting a mark of honour and public disapproval constituting the opposite. The Committee of Reports did not hesitate to censure all those who did not adjust their behaviours and measures to the will of the National Constituent Assembly.⁴¹

Fifth: To propose to the National Constituent Assembly the annulment of the decisions, measures and acts that were at the origin of many of the disturbances that had occurred. In its communications with the Constituent Assembly the Committee of Reports proposed that the legislative body declare null and void certain decisions taken by municipal authorities, their municipal officers or their permanent committees, or by the district and / or department directories; that it declare null and void certain verdicts issued by the courts; and that it declare null and void certain prison sentences and null and unconstitutional certain elections made.⁴² With the adoption of these proposals, the National Constituent Assembly ended up intervening in administrative and judicial functions of the executive power.

Sixth: To propose the suspension from office of persons responsible for maintaining law and order in the local and / or regional context. In the event of their refusing to proclaim martial law, engaging in inappropriate conduct or adopting provisions contrary to the decrees of the National Constituent Assembly a mayor, a group of municipal officers,

³⁹ Archives parlementaires, vol. 11, p. 436.

⁴⁰ Ibid., vol. 11, p. 24.

⁴¹ Ibid., vol. 18, p. 386

⁴² Castellà, *Revolució, poder i informació*, vol. 1, pp. 154-164.

an entire municipality and even a directory could thus be suspended,⁴³ and indeed it could be possible not only to suspend the existing municipality and convene a new election to replace it,⁴⁴ but also to intervene in this replacement municipality. In other words, the Constituent Assembly, the departmental authorities or the civil commissioners sent on mission could appoint a certain number of provisional commissioners to take temporary charge of municipal and / or departmental functions if a directory was suspended.⁴⁵ A result of this was that citizens came to be governed by persons whom they had not freely elected.

Seventh: To propose to bring before the Court of Orleans, entrusted with judging crimes of lèse-nation, persons suspected of committing this offence. The Committee of Reports considered that refusing to proclaim or apply martial law, deliberating against a decree of the Constituent Assembly and disseminating this deliberation, or failing to obey the decrees of the Constituent Assembly could constitute a crime of lèse-nation, and in light of this that the mayor, the municipal officials and the procurator of the commune of Douai should face such a charge for having refused to apply martial law;⁴⁶ that the president and the commissioners of the Assembly of Catholics of Nîmes could be so charged for their deliberations and by the communication of these deliberations to a large number of municipalities and corporations of craftsmen,⁴⁷ and that the *Chambre de vacations* of the Parlement of Toulouse could also be charged with rebellion against its decrees.⁴⁸ All of this was proposed in defence of the endangered Motherland.⁴⁹

Eighth: To inspire fear in all those who sought to defy or to thwart the decrees of the Constituent Assembly. As Noël-Joseph Madier de Montjau said on 15 August 1790, it was necessary to intimidate those municipal authorities that might be tempted to prevaricate.⁵⁰ Thus, with a view to ensuring public order and peace throughout France the Committee of Reports did not hesitate to use its speeches to the Constituent Assembly, its draft decrees and its proposals to direct the law in all its severity against those who attempted to disobey. According to the Committee of Reports it was necessary to prevent new crimes on the part of enemies and new errors on the part of citizens, and to protect the Constitution from new agitations. It was necessary to preserve the general will from being insulted and to require all persons to respect for or at least to keep silent about the Constitution. There was no place for false mercy or ill-conceived clemency for those who rebelled against the decrees adopted by the National Constituent Assembly.⁵¹

⁴³ Archives parlementaires, vol. 21, p. 154 and p. 703; vol. 23, p. 135 and vol. 26, pp. 676-677.

⁴⁴ Ibid., vol. 20, p. 202 and vol. 23, pp. 545-546.

⁴⁵ Ibid., vol. 17, p. 373; vol. 21, p. 622; vol. 23, p. 179 and Collection générale des décrets, vol. XII, pp. 208-210.

⁴⁶ Collection générale des décrets, vol. XII, pp. 208-210.

⁴⁷ Archives parlementaires, vol. 24, p. 524.

⁴⁸ Ibid., vol. 19, pp. 513-515.

⁴⁹ Ibid., vol. 19, p. 515.

⁵⁰ Archives parlementaires, vol. 18, p. 81.

⁵¹ Archives parlementaires, vol. 20, p. 138-139 and vol. 21, pp. 620-622.

However, the Committee of Reports was not solely dedicated to disseminating a discourse that sought to inspire fear and terror; it also, on certain occasions, pursued the opposite course, calling for clemency and the balm of forgetting. As we have already seen, the Committee of Reports, with its reports, its draft decrees and its proposals, indicated what was to be remembered and what should be overlooked, what should be punished and what should not. By way of example, the murder of M. Latierce by a group of misguided citizens called for severe punishment,⁵² while the murder of 232 people in the Mâconnais by a group of property owners was to be conveniently forgotten.⁵³ In the first case, leniency would be a crime, in the second, a necessity. In the first case, punishment was needed to enforce respect for property and guarantee personal safety; in the second case, clemency was necessary to stifle hatred and ensure peace. Which measuring rod or set of standards did the Committee of Reports work with? With double standards and a variable measuring rod?

IV. DEFENDING MUNICIPAL AUTHORITIES

Following the adoption of the draft decrees on 10 August and 21 October 1789, the municipal authorities had a key role in maintaining law and order. They were empowered to call out the national militias, the *maréchaussées* and the troops to put down disturbances, and the significance of this competence of the first order was lost on no one,⁵⁴ neither the legislative power nor the executive power, which in February 1790 attempted to regain control of the management of the maintenance of public order.⁵⁵ On 4 February 1790, Louis XVI intervened in the National Constituent Assembly to demand a strengthening of the executive power, to announce that new breaches of order were taking place, to invite the Constituent Assembly to join with him in order to pacify these disturbances, and to explain how much he was troubled by these reports of attacks on property and wealth and acts of violence against persons.

By what fatality, just as calm was starting to emerge again, has this new unrest spread through the provinces! By what fatality will we be spared from this new excess! All of you, join me to help stop them, so that all our efforts may prevent criminal violence from sullyng these days in which the nation's joy is being prepared. You who by so many means can influence public confidence, shed light on the true interests of the people which have been deceived, the good people who are so dear to me, and - as I am assured when I am being consoled in my pain - who love me. Ah! If he knew how unhappy I am on hearing the news of an attack against the goods, or of an act of

⁵² Archives parlementaires, vol. 21, p. 152.

⁵³ Archives parlementaires, vol. 24, p. 287.

⁵⁴ Pertué, 'Le maintien de l'ordre.'

⁵⁵ Petitfils, Louis XVI, p. 742-745 and Félix, Louis XVI et Marie Antoinette, p. 515.

*violence against the people, perhaps they would spare me from this painful bitterness!*⁵⁶

The Right sector of the National Constituent Assembly supported the intervention of Louis XVI and was prepared to strengthen the executive power in the king's hands because it seemed that the municipal authorities did not dare to deploy armed force;⁵⁷ but the Left sector of the Constituent Assembly, with the Abbé Grégoire, president of the Committee of Reports, at its head, continued to trust in the municipal authorities to quell the disturbances that were taking place, and succeeded in passing a draft decree on 9 February 1790, that insisted on the putting into effect of the decree of the 10 August 1789, while warning the municipal authorities that if the disorders did not cease, the executive power would be obliged to deploy its strength.⁵⁸

This new draft decree on the restoration of law and order effectively neutralized the draft decree presented by the Abbé Jean-Sifferin Maury, of the Right sector, which sought to enable the mobilization of troops without a prior request to that effect by the municipal authorities.⁵⁹ However, the offensive in this sector was by no means over, and on 16 February 1790, it was renewed with the reading of a report that Louis XVI had wanted to bring before the Constituent Assembly. What was the content of this report? The same discourse as always: the monarch was suffering as a result of the disturbances that were taking place, but trusted that the municipal authorities would bring to bear, with courage and success, all possible means in pacifying the breaches of order.⁶⁰

Within a week of adopting the draft decree of the 9 February, which left the decision to call out of the national militias, *maréchaussées* and troops to the municipal authorities, their exercise of their responsibilities was once again being questioned. They were considered incapable of deploying public force – and at times of being unwilling to do so. What solution was to be adopted now? To convene the Constitution Committee and the Committee of Reports, and to make them submit a draft decree preventing the municipal authorities from refusing to employ all the means at their disposal to quash any breach of public order.⁶¹ What solutions did these two committees present on 18 February 1790? 1) That municipal officers should be suspended from their functions and declared ineligible for public office if they failed to proclaim martial law when the lives and the property of citizens and the collection of direct or indirect taxes were endangered; 2) that any municipal officer implicated in a disturbance would be declared guilty of prevarication and punished accordingly; and 3) that if the municipal officers were unwilling to call out the national militias, the regular troops or the *maréchaussées*, four notables of the Council of the Commune or eight eligible citizens could give the order.⁶² Was the

⁵⁶ Archives parlementaires, vol. 11, p. 431.

⁵⁷ Ibid., vol. 11, p. 537

⁵⁸ Ibid., vol. 11, p. 538.

⁵⁹ Ibid., vol. 11, p. 537.

⁶⁰ Ibid., vol. 11, p. 613.

⁶¹ Ibid., vol. 11, p. 615.

⁶² Ibid., vol. 11, p. 641-642.

plenary session of the Constituent Assembly happy with these proposals? Not especially, and on 20 February 1790, discussions were resumed with a new proposal by the deputy Isaac-René-Guy Le Chapelier, member of the Constitution Committee. What did this new proposal say? That in the event of their not mobilizing the forces of order, municipal officers would be removed from office and disqualified from the exercise of any public function, and would be required to pay compensation for any losses resulting from the disorder. The desire of many deputies to ensure that the maintenance of law and order was not left exclusively in the hands of the king led them to put pressure on the municipal authorities, with the imposition of severe punishments should they refuse to intervene.

*Art. 2. If out of negligence or weakness, the municipal officers did not request the help of the armed forces, and if any damage were done, they would be responsible for it; they would be deprived of their offices, declared incapable of assuming any public function in future, condemned to third parties, and to give reparations as judged fair to those who have suffered damage to their person or property, and for the restitution of the sums which the public treasury may have lost through the pillage of its coffers or the default of the receipt of taxes. Art. 3. If it could be proven that the municipal officers excited or favoured the seditious mob, they could, exceptionally, be followed, condemned as corrupt, and punished as such.*⁶³

The Right sector of the Constituent Assembly was not satisfied by this new proposal. Its deputies continued to believe that the executive power was separate from the monarch, that the king had no role to play and that the municipal authorities had no need of him, and that the fears of these authorities were an obstacle to the application of martial law. When Cazalès, Jean-Jacques Duval d'Épréménil and Pierre-Victor Malouet, among others, called for the executive power to be reinforced and for the king to be given absolute responsibility for the management of breaches of order,⁶⁴ these interventions provoked the reaction of Honoré-Gabriel Riqueti, count of Mirabeau: If they wished to establish a dictatorship in France, then they must submit a motion to that effect for discussion.⁶⁵

Two days later, Maximilien-Marie-Isidore Robespierre intervened in the discussions to declare that the draft decree of the 9 February had already been adopted, and that another proposal for the restoration of public order was now being discussed, because the ministers – in the report that had been read to the Constituent Assembly on 16 February – considered that the draft decree of the 9 February was insufficient.⁶⁶ Robespierre was of the opinion that there was no need to adopt any new martial law, especially when the present disturbances were being put down and elections to districts and departments

⁶³ Ibid., vol. 11, p. 653.

⁶⁴ Ibid., vol. 11, p. 654-658.

⁶⁵ Ibid., vol. 11, p. 655.

⁶⁶ Ibid., vol. 11, p. 665.

were about to take place.⁶⁷ The Left sector of the Constituent Assembly considered that the outbreaks of disorder were exaggerated and that what was needed was conciliation rather than repression, the communication the decrees of the Constituent Assembly to the municipal authorities and the involvement of ecclesiastics in their dissemination.⁶⁸ This was so for the simple reason that breaches of order were due to ignorance of the law, or due – as the Abbé Grégoire, president of the Committee of Reports, was to say, on the basis of the opinion of the municipal authorities – to ignorance of the language, to a fear that the decrees of the 4 August were not being implemented, to a misunderstanding of the decrees, or because malicious persons were leading the peasants into mischief and false decrees were being circulated throughout the country.⁶⁹

On the following day, the 23 February, the deputy Pierre Boussion presented his own draft, as Maury or Malouet had previously done, in which he brought together a number of the interventions that had been made since Louis XVI's address to the Constituent Assembly on 4 February 1790, such as that the municipal authorities should compensate any losses occasioned by their negligence, that the king should address all decrees to the municipal authorities as soon as they were passed, or that the clergy should read out the adopted decrees in their churches.⁷⁰ The National Constituent Assembly duly discussed Boussion's motion and concluded that the municipal authorities should apply martial law when the collection of taxes and the security of persons and property should so require, and that the Commune – not the municipal officials – should be responsible for paying compensation if the disorder could have been avoided. However, the Commune could seek to reclaim these sums by taking legal action against the perpetrators of the disorder in the courts.⁷¹

In February 1790 the municipal authorities elected by their citizens came within a hair's breadth of being obliged to cede to a monarch who since July 1789 had seen this competence denied him the exercise of the maintenance of law and order, thus making it possible for the National Guards, the *maréchaussées* or the troops to be called out without municipal mobilization,⁷² and requiring the municipal authorities to compensate losses suffered as a result of a breach of order by considering them guilty of negligence or incompetence in failing to quell the disorder.⁷³ The municipal authorities were spared this cession, but were required to adopt martial law, they were required to take action,

⁶⁷ Ibid., vol. 11, p. 673-674.

⁶⁸ Ibid., vol. 11, p. 537 and p. 670.

⁶⁹ Ibid., vol. 11, p. 537.

⁷⁰ Ibid., vol. 11, p. 677.

⁷¹ Ibid., vol. 11, p. 682.

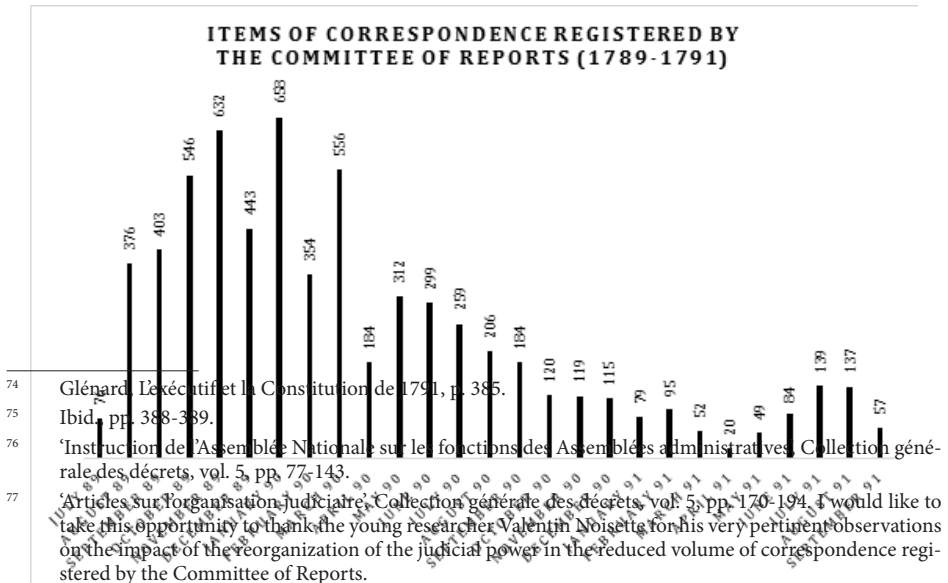
⁷² This situation was to be modified by the decree of the 16 January 1791, which led to the founding of the national gendarmerie. In this decree it was established that the gendarmerie could act without a particular mobilization. This situation was also modified as a result of the draft decree of the 27 July 1791, which established that the guards on salary were in the same situation as the national gendarmerie. However, in accordance with this draft decree, the National Guard and troops of the line had to act at the orders of the city procurator, or, failing that, of the municipal authority.

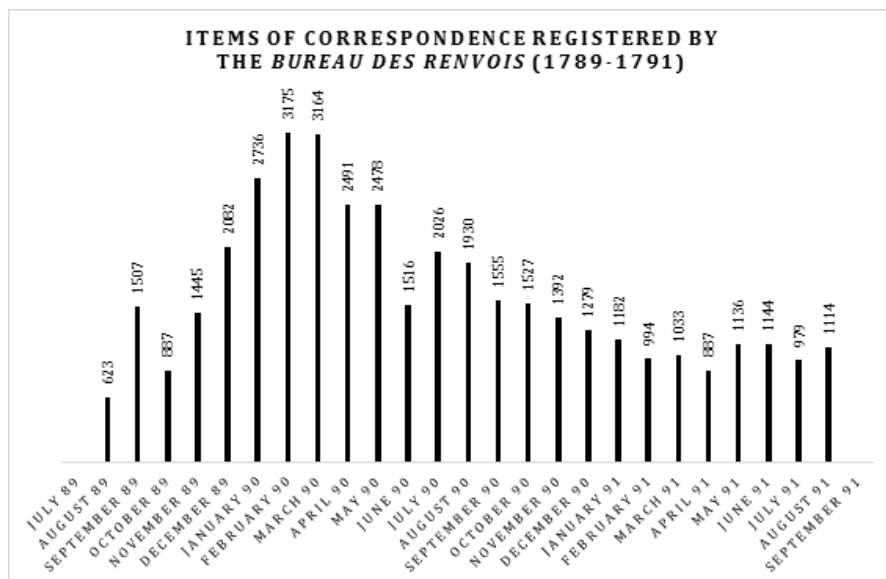
⁷³ This debate has also been taken up by Carrot, *Révolution et maintien de l'ordre*, pp. 117-120.

and when some months later their role in the maintenance of order (political, economic and social) was once again interdicted on account of their proximity to their citizens, the sovereign people that had elected them, the National Constituent Assembly and its Committee of Reports chose to oblige them to obey the decrees of the legislative body. How? By sending civil commissioners to the departments.

V. RESTRICTING COMMUNICATION

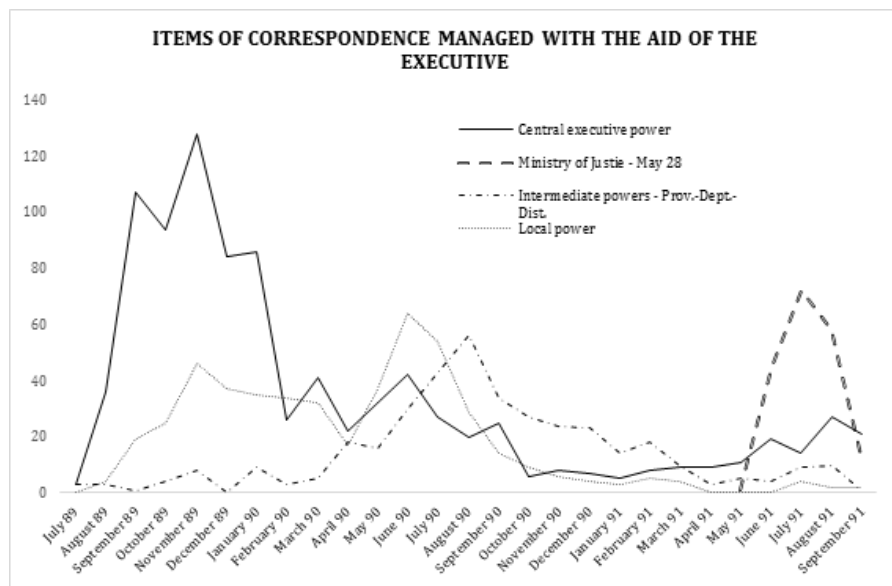
By the time that breaches of public order were once again taking place throughout France, in the summer of 1790, the administration had been renewed. The municipal elections were held during the months of January, February and March, and the elections to the districts and departments took place in the months of May and June.⁷⁴ The National Constituent Assembly had already defined the channels of communication between the different tiers of administration of the realm and had also established an administrative hierarchy with responsibility for overseeing the legality of administrative acts.⁷⁵ On 12 August 1790, the functions of the administrative assemblies were defined by means of an instruction⁷⁶ and on 16 August 1790, the judicial reorganization took place.⁷⁷ The summer of 1790 therefore saw a reorganized and renewed executive and judicial administration. At that time, the situation had changed so much that even the amount of correspondence received by the Committee of Reports and the National Constituent Assembly was considerably affected. The number of items registered by the *Bureau des renvois* of the Constituent Assembly and the Committee of Reports began to decline markedly in comparison with previous periods. What was happening? Why had the volume of correspondence decreased?





By the middle of the summer of 1790, taking into account the administrative and judicial reorganization and the fact that the instruction of the 12 August 1790, established that the departmental administrations constituted the link between the king and the district administrations, and that these last named were the bond between the departmental administrations and the municipal authorities,⁷⁸ it seems likely that both the citizens and their municipal authorities had begun to apply to their most immediate administrative authorities to resolve their doubts and their problems. This would explain not only the reduction in the volume of correspondence received by the National Constituent Assembly and by the Committee of Reports, but also a reduction in the frequency of this committee's contact with the local powers and its more frequent and more intense contact with the departmental powers.

⁷⁸ 'Instruction de l'Assemblée Nationale sur les fonctions des Assemblées administratives', Collection générale des décrets, vol. 5, p. 82.



In fact, on 6 October 1790, the Committee of Reports assigned a separate register to recording the correspondence with the departmental directories,⁷⁹ and on 7 January 1791, the Constituent Assembly ruled that only the deputation of the administrative bodies or directories of the departments and those of the Municipality of Paris would be admitted at *la barre*.⁸⁰ Direct communication between the local authorities and the Constituent Assembly was being restricted in favour of communication between the departmental authorities and the Constituent Assembly. And in fact it was not only the local power's direct communication with central power that was restricted but also the right to petition – which could not be exercised on behalf of the collective – and the capacity of the municipal authorities to deliberate on any matter that had a bearing on the nation or the revolutionary process. In the wake of the adoption of the draft decree of the 10 May 1791, the assemblies of the communes could be convened and authorized only to discuss strictly municipal matters. Any deliberation that strayed beyond the purely local ambit would be considered null and unconstitutional.⁸¹

In this context, then, of the diverting of local affairs to the new reorganized administrative and judicial authorities, the role of the municipal authorities in the maintenance of law and order was once more interdicted, above all when conflicts arose between the municipal authorities and the district and departmental authorities. The municipal authorities accused the departmental authorities in particular of seeking to impose themselves, whereas the National Constituent Assembly was of the opinion that the municipal

⁷⁹ Archives Nationales, record D*XL 60.

⁸⁰ Collection générale des décrets rendus par l'Assemblée nationale, vol. 10, pp. 28-29.

⁸¹ Archives parlementaires, vol. 25, pp. 693-694.

authorities were unwilling to subordinate themselves to their more immediate authorities.⁸² It would appear that by the summer of 1790, the normative texts organizing the various structures of administration still presented omissions, and the limits of their prerogatives were not yet clearly defined.⁸³

In fact, the municipal authorities entered into conflict with the departmental authorities because they acted in a similar fashion to the Committee of Reports. They annulled decisions taken by municipal authorities, examined and validated elections at the municipal level, made decisions as to how the breaches of order within the department were to be managed, and suspended the municipal authorities at they saw fit.⁸⁴ Above all, however, the municipal authorities came into conflict with the department authorities over their repeated refusal to proclaim martial law,⁸⁵ and it was on this question that the deputies Étienne-Vincent Moreau and Louis-Simon Martineau intervened in the National Constituent Assembly, on 16 July 1790, to request yet again that municipal officers should be held responsible for all such disturbances as they had failed to prevent.⁸⁶

However, when the municipal authorities came into conflict with the districts and departments, with these intermediate tiers, which were also concerned with the application of the law within their jurisdictions,⁸⁷ the National Constituent Assembly and especially the Committee of Reports opted to send civil commissioners to pacify breaches of order. This was intended to set in motion the administrative machinery put in place by the legislative power to fine-tune the various instruments whose purpose was on the one hand to enforce the law and on the other to maintain public order. From September 1790 to July 1791, 11 missions were mounted by the National Constituent Assembly with a view to ensuring the maintenance of law and order. Of these 11 missions, seven were proposed by the Committee of Reports.

Date	Mission	Person(s) proposing the mission
31-08 / 03-09-1790 (AP, t. 18, p. 434 and p.530)	Mission to Nancy	Barnave on behalf of the Military Committee / Mirabeau
13-12-1790 (AP, t. 21, p. 458)	Mission to the Lot department	Lucas / the Committee of Reports
20-12-1790 (AP, t. 21, p. 598)	Mission to Aix	Proposed by the president and the administrative bodies of the department of Bouches-du-Rhône and presented by Mirabeau

⁸² Ibid., vol. 20, pp. 547-548 and vol. 21, p. 292. On subordination of municipal authorities: Glénard, 'Les rapports entre les pouvoirs administratifs locaux', pp. 13-15 and p. 21.

⁸³ Andro, 'Le procureur général syndic en son chef-lieu', p. 33.

⁸⁴ Archives parlementaires, vol. 21, p. 151 and vol. 27, pp. 146-147.

⁸⁵ Archives parlementaires, vol. 15, p. 549; vol. 21, p. 153; vol. 23, p. 176, p. 308 and pp. 545-546; vol. 25, p. 291 and p. 296; and Collection générale des décrets, vol. 12, pp. 208-210.

⁸⁶ Archives parlementaires, vol. 17, p. 166.

⁸⁷ Andro, 'Introduction à la deuxième partie', p. 129.

20-01-1791 (AP, t. 22, p. 353)	Mission to the Haut-Rhin and Bas-Rhin departments	Brogie on behalf of the Committee of Reports
14-02-1791 (AP, t. 23, p. 179)	Mission to the Morbihan department	Brogie on behalf of the Committee of Reports
23-02-1791 (AP, t. 23, p. 452)	Mission to the Gard department	Muguet de Nanthou on behalf of the Committee of Reports
02-04-1791 (AP, t. 24, p. 504)	Mission to the Var department (Extension of the 20-12-1790 mission)	Proposed by Voidel on behalf of the Committee of Research and the Committee of Reports
18-06-1791 (AP, t. 27, p. 312)	Mission to the Island of Corsica	Muguet de Nanthou on behalf of the Committee of Reports
22-06-1791 (AP, t. 27, p. 409)	Mission in certain border departments	Emmery on behalf of the Military Committee
22-06-1791 (AP, t. 27, p. 428)	Mission to go in search of the king	Emmery on behalf of the Military Committee and the Constitution Committee
16-07-1791 (AP, t. 28, p. 379)	Mission to the department of the Vendée	Goupillau on behalf of the Committee of Reports and the Committee of Research

VI. SENDING OUT CIVIL COMMISSIONERS

For the purpose of maintaining law and order, the Committee of Reports and the National Constituent Assembly opted to send civil commissioners to those areas where breaches of order occurred. The civil commissioners were tasked with restoring law and order and obtaining the necessary information to assess the situation, identify the causes of the disturbances and come up with the most appropriate means of ensuring peace. If the bodies empowered to restore law and order were failing to do so, had entered into conflict or were at the root of the problem, the civil commissioners had to make them operational again, restoring the hierarchy, implementing the decrees passed by the Constituent Assembly, removing from office all those who stood in the way of good order or initiating judicial action against the perpetrators of the disorder. The civil commissioners also had to instruct the people as to their true interests and lead them away from wrong or false ideas spread by malicious persons or enemies of the revolutionary process. In order to achieve peace, they could issue proclamations or call out the National Guards and the troops of the department to which they were delegated and those of the neighbouring departments.⁸⁸ If the administrative authorities of the area had neither been interdicted nor were at the root of the disorder, the civil commissioners could work with them to restore the peace, and could similarly work with the clergy to have their proclamations read out from the pulpit.⁸⁹

⁸⁸ Castellà, *Revolució, poder i informació*, vol. 1, pp. 194-208.

⁸⁹ *Archives parlementaires*, vol. 25, p. 276.

For the Committee of Reports, which proposed the majority of missions that took place under the National Constituent Assembly, the civil commissioners were an efficient resource for maintaining law and order: 1) they were more effective and less dilatory than leaving the administrative bodies to deliberate and make decisions; and 2) they had no links to the local populace.⁹⁰ In addition, the civil commissioners could provide the Committee of Reports with supplementary information in addition to that supplied by the local deputies and administrative authorities – and perhaps more neutral information. Indeed, some civil commissioners on mission acted as instruments of a two-way flow of information: on the one hand they communicated their proclamations, and on the other they received the petitions of the people.⁹¹ The discourse of the legislative power was brought to the people, and the voice of the people was brought to the legislative power, or rather, to the Committee of Reports. For although the majority of civil commissioners sent on mission were appointed by the king – deputies of the Constituent Assembly only began to be recruited as civil commissioners after the flight of the king – the information they collected very often went to the Committee of Reports, which then made the corresponding report to the legislative body.⁹² In fact, the involvement of the Committee of Reports in the missions of the National Constituent Assembly was so important that on 22 June 1791, the day after the king's flight, a large number of the deputies chosen to go out on mission to implement the necessary measures to guarantee the security of the State and maintain public order were present or former members of the Committee of Reports.⁹³

However, the use of civil commissioners to maintain law and order was not equally to the liking of all. Some departments displayed their displeasure at the imposition of these outsiders who made contact directly with the district authorities or the municipal authorities and received them with cries of “*Les commissaires à la lanterne*”;⁹⁴ and in the framework of the National Constituent Assembly, not all the deputies applauded the proposals of the Committee of Reports when these entailed sending out a new mission.⁹⁵ In February 1790, there was no intention of strengthening executive power or of granting the king full powers to maintain law and order, but by the autumn of that year it had been decided that the civil commissioners should adopt whatever measures they considered opportune, employ all requisite means of prudence and persuasion necessary, and take such steps as they judged appropriate or useful.⁹⁶ The civil commissioners had been invested with so wide an arc of powers as to lead Muguet de Nanthou to remark on 11 February 1791 that they exercised a form of dictatorship under its aegis.⁹⁷

⁹⁰ Ibid., vol. 23, p. 452 and p. 639.

⁹¹ Ibid., vol. 25, p. 276.

⁹² Ibid., vol. 23, pp. 133-136 and pp. 639-641; vol. 26, p. 288 and pp. 672-676.

⁹³ Castellà, ‘Les Comités des rapports et des recherches’, p. 188.

⁹⁴ Archives parlementaires, vol. 23, pp. 133-134.

⁹⁵ Ibid., vol. 23, p. 452.

⁹⁶ Ibid., vol. 18, p. 530; vol. 22, p. 353 and vol. 23, p. 179.

⁹⁷ Ibid., vol. 23, p. 134.

Despite the fact that the historiography of the French Revolution has inexplicably tiptoed around the missions of the National Constituent Assembly,⁹⁸ considering them to be essentially military – when this manifestly was not so – and instruments of the executive power, because the civil commissioners were appointed by the king,⁹⁹ they were beyond all doubt a resource of the Committee of Reports, of the forerunner of the Committee of Public Safety under the National Constituent Assembly, with which to ensure the maintenance of public order.¹⁰⁰ Contrary to what has been said, at no time did the National Convention table any original motion for the purpose of safeguarding the political, economic and social order it defined through its decrees. The only original measure, if it may so be called, adopted by the National Convention was the appointment of its own deputies to go out on mission, but viewed in the light of the missions sent out after the king's escape, even this was scarcely original.¹⁰¹

VII. CONCLUSION

The Committee of Reports never set itself up to oversee those at the local and/or departmental level who were responsible for the maintenance of law and order, especially when breaches of the peace were taking place or the corresponding administrative authorities were unable to subdue these disturbances. In fact, officially, it had never been asked to concern itself with the maintenance of law and order, this being a competence of the executive power. Nor had it tasked by any founding decree with identifying the causes of breaches of public order or with determining the most appropriate means of pacifying them. The Committee of Reports, by the terms of the decree by which it was established, had been created to receive the reports, complaints and addresses that reached the National Constituent Assembly, and to report on those it felt required this attention.¹⁰² However, no one had the slightest doubt that this founding decree had been drafted in these terms in order not to interfere with the executive power. The first motion that had been tabled to establish it called for the creation of a committee within the framework of the Constituent Assembly to deal with all matters that had to do with the administration and the police: in other words, all the matters that had a bearing on the breaches of order that were taking place.¹⁰³

⁹⁸ The majority of historians who have written about the missions of the National Constituent Assembly have done so in relation to the mission of the 22 June 1791: Aulard, *Recueil des Actes du Comité de Salut Public*, p. 54; Biard, *Missionnaires de la République*, p. 33; Biard, 'Les pouvoirs des représentants en mission', p. 4; Bonnal de Ganges, *Les représentants du peuple en mission*, vol. 1, p. 97; Boulet-Sautel, *Cours d'histoire des institutions publiques*, p. 165; Godechot, *Les commissaires aux armées*, vol. 1, p. 17 and Godechot, *Les institutions de la France*, p. 341.

⁹⁹ Biard, *Missionnaires de la République*, p. 38 and p. 60.

¹⁰⁰ Castellà, 'Molt més que un comitè tècnic', pp. 167-216.

¹⁰¹ Biard, *Missionnaires de la République*, pp. 72-73.

¹⁰² *Archives parlementaires*, vol. 8, p. 292.

¹⁰³ *Ibid.*, vol. 8, p. 279 and p. 292.

The fact of receiving correspondence concerning the administration and the police, and information relating to the disturbances, as well as the requests, reports and addresses of correspondents, citizens, administrations, popular societies, military corps and others, led the Committee of Reports to interfere with one of the most important competences of the monarch: the maintenance of public order and, in the process, to have within its purview the local and popular management of the maintenance of public order. To what purpose? To enforce the law, to impose and uphold the order (political, economic and social) envisaged by the deputies in drafting their decrees. The management of information of an executive cast by the Committee of Reports, and by the National Constituent Assembly, had its consequences: the intervention of the legislative power in functions of an executive nature, as duly denounced by Jean-Félix Faydel, right-wing deputy and three-time member of the Committee of Reports, before the Constituent Assembly on 11 March 1791:

*You are only here, Sirs, in order to prepare the laws, only to establish a separation of powers which can only maintain our nascent liberty, only to prevent that these powers could ever be combined in the same hands; and nonetheless we dare to propose to you a decree which evidently seems to bestow both of these onto your heads; and to hold you accountable for the anarchy which has distressed the most beautiful empire in Europe; because you must not hide the fact, Sirs, that if the executive power is lacking in vigour or activity, that if its agents are not active, that if its tribunals are mute, that if disorder has been increasing for eight months, that if the modern laws, like the ancient ones, are not always obeyed, that if every citizen, as it were, believes that he has the right for his will to prevail, that if the municipalities impinge on the power of the judiciary, and if it has not been possible until present to remedy these disorders, we cannot blame all these hardships on anything but on our too great willingness to receive petitions, complaints, demands that the existence, decisions and responses of many of our committees have deviated from their true direction, making us the judge of them.*¹⁰⁴

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¹⁰⁴ Ibid., vol. 12, p. 139.

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