

# Power and the French Revolution: Toward a Sociology of Sovereignty

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Moc a francouzská revoluce: K sociologii suverenity

**Abstract:** In what sense was the French Revolution exceptional – a moment of potential liberation both unique and uncertain? “Exceptionality” has a specific meaning in political philosophy, and, using this meaning as a departure point, this paper develops a specifically sociological typology of states of exception – *enunciative*, *reciprocal*, and *structural* – grounded in a Hegelian sociology of power. The schema is useful for parsing and interpreting several of Robespierre’s most important speeches during the Revolution. This analysis leads to retheorization of modernity in the French Revolution, with specific attention to the interpretation, in Paris, of the revolution in Saint Domingue.

**Keywords:** state of exception; Robespierre; Haitian revolution; sociology of revolutions; G. W. F. Hegel

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On May 26, 1794, Maximilien Robespierre, president of the National Convention, gave the speech, “On the Enemies of the Nation.” It is an articulation of the utility and necessity of violence to defend the republic under siege inside (civil war) and outside (the international coalition against revolutionary France), and it is an “either you are with us or against us” speech. In it, Robespierre argues that *assassination* is the remaining tool of the counter-revolutionaries. He then works the binaries: on the one hand, he explains, there is “the mass of citizens, pure, simple, thirsting for justice and friends of liberty,” and, on the other, “a mass of the ambitious and intriguers [...] who abuse the learning that the advantages of the *ancien régime* gave them in order to fool public opinion.” The implication is that steel must be met with steel in defense of the republic, and that revolutionary sacrifice is glory in posterity: “To make war on crime is the path to the tomb and to immorality; to favor crime is the path to the throne and the scaffold” [Robespierre 2004 (1794)].

The speech is similar in rhetorical structure to his more famous speeches, including the one that advocated the execution of the King. However, in the middle of this particular speech, Robespierre pauses briefly for a reflection that is out of the character with the rest of the speech: “The moment in which we find ourselves is favorable, but it is perhaps unique. In the state of equilibrium in which things are it is easy to consolidate liberty, and it is easy to lose it.” He then quickly returns to his invective. But for a few spoken lines, he meditates on the meaning of what is taking place as an event in the history of the world, and as a social crisis uncertain in its direction. Perhaps, one even senses that he finds the event somewhat opaque to those whose decisions would determine it.

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In what sense was the French Revolution exceptional [Jourdan 2011] – a moment of potential liberation both unique and uncertain? There are many everyday, philosophical and historical meanings of the term “exception.” But the meaning which is the most revealing about the Revolution – and Robespierre’s speech acts within it – is the meaning we have in social and political theory. Therein, exceptionality has meaning in relation to sovereignty. The decision to suspend the law in exceptional circumstances, or to determine if the law applies to the intentional death of a person or persons, or to determine who is included and who is excluded (“excepted”) from the collective decision-making we call politics – these are the exceptions that constitute sovereignty.

Sociologists did less well with sovereignty than they might have done in the 20th century, despite the clear hints in their adored forefather Max Weber [Adams – Steinmetz 2015: 269–285]. But to understand the crises of the twenty-first century – the refugee crisis in Europe, the political crisis in the United States, the environmental crisis – and thus to provide a new vantage point from which to view the trajectories of modernity, it may be necessary to take up this concept. Herein, I do so by elaborating a three-fold, sociological typology of exceptionality. This typology is elaborated via an interpretation of the French revolution, and the use and abuse of power and violence within it. In particular, the typology allows a fresh vantage point from which to understand key parts of Robespierre’s speeches. I conclude by arguing that our working understanding of the French revolution in social theory, reinterpreted from the vantage point of the sociology of sovereignty, suggests a different set of questions for social theory than those that dominated the 20th century.

## The French Revolution and Social Theory

Though social theory understands itself as general in its capacities to explain the structure of society and the types of action that take place within it, its battles are frequently fought out on the specific terrain of French Revolutionary history. In the historiography of the revolution that emerged from France, England, and the USA, the most prominent strand of the theoretical argument of the 20th century was structured by Marxism and its discontents. Were the events of the 1780s and 1790s in France comprehensible as revolutions of, first, the nobility, second, the liberals and/or bourgeoisie (variously defined), and then finally, third, of the *sans-culottes* and their leaders espousing populist, and perhaps socialist, ideals [Lefebvre 2005]? In this Marxist narrative, Thermidor is the *revanche* that sets the stage for the class conflicts of the 19th century, the “social question,” and thus 1848, 1871 ... and 1917. In this view, the events of the French Revolution contained within themselves the class conflict that, in various expressions, is constitutive of modern history [Soboul 1964, 1988; Rudé 1972; Hobsbawm 1990].

Or were those events that began in 1789, rather, a crisis of a corrupt ancien régime and its chaotic replacement by a group of scribes and lawyers, an irruption against venality [Doyle 1996]? In this view, the Revolution was not a socio-economic turning of the wheel (from feudal to capitalist society), but rather the advent of public opinion, a different political culture, and vastly different cultural horizons structured by a different phenomenology of reading [Chartier 1991; Darnton 1996]. The classics of the cultural history of the French revolution – including the somewhat different linguistic turn/post-structural

readings [Baker 1990] – have been augmented in recent years by careful studies of materiality, as the pendulum of interest has swung from publics and their interpretation to printing and its circulation [Jones 1996] and everyday objects [Auslander 2005]. Speaking somewhat speculatively, we could hypothesize that in a very general way, the turn to “culture” emerged in the key spaces left by those historians who, having looked closely at *who* led the revolution, objected to the *ancien régime*, or actually ruled France between 1789 and 1800, concluded that the Marxist interpretation could not hold empirically [Taylor 1964; Cobban 1999; Tackett 2014; Shapiro 1998]. Effectively, they showed that large property owners did not lead the “liberal” portion of the revolution. They did less well disputing the importance of the *sans-culottes* to the radical phases of the revolution, and the Terror remains a point of extreme historiographical debate. But it was the gap that opened up about revolutionaries and their relationship to the people and the public, that allowed the question of “revolutionary culture” and the ideational causes of the Revolution to take (for a while) center stage.

In American historical sociology, this debate was less inflicted by Karl Marx and more by Alexis de Tocqueville. The neo-Tocquevillian argument emphasized not only the social revolution but also the centralization of state power, which the revolution was understood to accelerate significantly, to the point of installing a new “modern” regime [Skocpol 1979]. To paraphrase Tocqueville himself, the revolution happened before the actual revolution took place. For Tocqueville, the truly modernizing project was undertaken by the monarchy, the benefits of which accrued the revolutionaries. This has affinities with Steven Pincus’ argument about the Glorious Revolution in England, wherein, he argues, the revolutionaries replaced one modernizing project with another, a rich and evocative hypothesis that he then posits as the basis for a more general theory of revolution [Pincus 2007, 2014]. The state centralization thesis fits nicely with an international focus on pre-revolutionary pressures and post-revolutionary wars [Goldstone 1980; Skocpol 1994]. And so the Jacobins and Napoleon were wheeled out to provide evidence of a classic generalized social science hypothesis: “states make war and war make states” [Tilly 1985].

Meanwhile, the response in American sociology to the state theorists of the revolution mirrored previous responses by British, French, and American history to Marxist theory, but instead of opposing culture to socioeconomics, culture was opposed to the instrumentalist view of state-society relations (e.g. that strategic state elites negotiate with staff and populace, whose likeliness to revolt or resist is a more-or-less rational calculation). The towering figures here are Lynn Hunt and William Sewell, Jr. [Hunt 2004, 2013; Sewell 1985: 57–85; 2005a; 2005b: 250–251; 1994, 1980]. Sewell and Hunt both insisted upon the importance of cultural schemas for understanding the “structural” origins of the revolution; this came, for Sewell, as a combination with his turn to eventful temporality in the study of the Revolution. These two arguments (for culture and for “eventness”) are often mentioned in the same breath, but they have different logics and different implications. The argument for the importance of culture is effectively one about “cultural structures” (Baker would say “discourse”) – e.g., enlightenment ideologies, corporate understandings of work and workers, gendered understandings of power – and their application to various social processes and problems. In contrast, the argument about eventness is ontological rather than causal. It concerns, first, the irruptive nature of the French Revolution as an event that dislocates the structure of social causality itself, and, second, the dependence of this event on the

interpretations of occurrences made by actors in the thick of it – e.g. the *conceptualization* of the violence of the storming of the Bastille as a justified irruption of the people in the name of their rights, that is, *as a revolution*. So, while Sewell’s arguments about cultural schemas add to our repertoires of social structures *with which we explain*, his arguments about eventness introduce something like Heisenberg’s uncertainty principle into the study of the Revolution. The connection between the two is *interpretation* – the structural arguments rely on ingrained habits of interpretation to make their case when they narrate the revolution, while the eventful arguments emphasize creative interpretation instead. Nonetheless, the difference is significant, since the emphasis on *uncertainty* is so much stronger in the eventful argument. As we will see, it is the eventful argument that becomes vital for understanding the revolutionary *crisis* in terms of a social theory of power.

However, it must also be said that a larger set of concerns structure these debates, giving them great connotational significance beyond the usual denotative problems of inference from historical sources. Haunted by the Marxist understanding of social revolution and the history of Communism in the 20th century, the debate about the French Revolution *as we have taken it up in social theory* has avoided the question of sovereignty. Busy articulating the anatomies of biopower in liberal democracies after 1800, and responding to liberal critics with regard to the pathologies of the Terror, radical social theory has avoided the question over which conservative commentators on the revolution obsessed [*Burke 1890; Carlyle 1888*], and, which was, in the historiography of the Revolution, clearly taken up by François Furet and his collaborators. That is the question of *who is legitimately in charge in both state and society*, and in particular, who makes decisions and how they are implemented when the divine justification for the rule is violently removed. To be sure, we know much about the rhetoric of “the public,” “public opinion,” and “the people” as it emerged before and during the French Revolution as a way to conceptualize the purpose of government [*Baker 1990*]. And we know much about the degree to which actual people were or were not able to access the state, gain material advantages or lose them, before, during, and after the Revolution. Pierre Rosanvallon has studied voting and elections during the Revolution, for example, and articulated the importance of this for political philosophy [*Rosanvallon 2015*]. But the spectacular beheading of the King and Queen sits uneasily in the social-theoretical imagination of modernity, and the spectacles of revolution and the luminous memory of their violence cannot be easily squared with the left-Weberian understanding of the modern state that dominates historical sociology, according to which the accomplishment of the revolution was to centralize a form of organizational power that was mundane, bureaucratic, and boring. One might also suggest that these residues from 20th century debates make it hard to synthesize in social theory the efflorescence of feminist, postcolonial, and affective histories of the Revolution [*Landes 1988, 2003; Tackett 2015*].

The silence about sovereignty and the dominance of the social question in the 20th-century historiography also helps us make sense of the “present absence” of the Revolution in the work of two thinkers at the Collège de France: Pierre Bourdieu and Michel Foucault. Aspects of the emphasis on the enhancement of state capacity in the age of revolutions via the adoption of bureaucratic regularity, scientific mapping, and conscription were echoed – if faintly – in their work, which has been so central to social theory over the last two generations. Though Bourdieu and Foucault assiduously avoided explaining and

interpreting the Revolution itself, their luminous texts on the replacement of the King's household with the logic of the civil service, and power obtained and reproduced *via* the education system [Bourdieu 1994; Bourdieu 2014: 264–265], or on the replacement of the spectacular murder of a regicide with the “docile bodies” of modern prisons [Foucault 2012], gestured towards the enhancement of state capacity, and the development of the state-society-self troika as the basic anatomy of modern society. They also obliquely raised the problematic of sovereignty in the figure of the King, while avoiding discussing sovereignty in the republics that replaced him. This may be a privilege we can no longer afford.

As a spectacular populist politics rises in power in Europe and the USA, and the violent exclusion of racialized others combines with neo-traditionalist gender politics in such movements, we face a set of questions that unsettle certain basic understandings how capitalist liberal democracies work. In such a moment, it is perhaps time to seriously consider the question of sovereignty in the French Revolution. For, the emergence on the world-historical scene of various “strong men” at the head of modern state apparatuses demands that a critical theory of modernity confront not only the ravages of capitalism, but also the question of what, exactly, replaces the King's household, the King's (or Queen's) two bodies, and the body of the condemned regicide in the lifeworlds and myths of liberal democracies. Here both Sewell and Hunt are tremendously evocative because their work concerns the meanings and myths that *came to be* through the Revolution. This is fertile terrain, in other words, to address the question of how the *language* of democratic republicanism relates to the actual practice of rule [Baker 2011]. As we will see, by engaging the question of who rules and how, we can create a framework for accessing how revolutionary situations simultaneously include and exclude, and thus for comprehending transitions to modernity.

### Comprehending Power at the Hinge of Modernity

When Robespierre demanded the execution of the King, he counterposed a republic to an aristocracy and insisted on the revolution as the hinge between the two. In this, at least, thinkers conservative, liberal and radical have followed the lawyer from Arras. The Revolution is still understood as the breaking point, the gap between the world of sacred tradition and modernity, whichever of the various interdependent meanings of those terms obtains [Brooks 1976]. And in this sense, at least, contemporary sociology is deeply connected to classical social theory, for the French revolution remains for us, as it was for Emile Durkheim and Karl Marx, an event in which the fundamental rules for power and its legitimation changed [Sewell 1990].

Yet precisely for the reason that the French Revolution is taken as the world-historical hinge of the modern, it can be difficult to discuss simultaneously 1) what is on either side of the French Revolution and also 2) the Revolution itself. For, the magnitude of the change (or alternately, the irony of an account that claims that not much changed at all) militates against the use of a single academic language to describe it before, during and after. This is the challenge that faces us when we attempt to interpret Robespierre's speeches. What kind of language enables us to render social and political life before and after the revolution as *commensurable enough* that we can coherently grasp the transformations wrought by the revolution? One can see Durkheim struggling with this in the key passages on the revolution in the *Elementary Forms of Religious Life* [Durkheim 1995: 209–214].

For the question of sovereignty, we need a language that can, in comprehending these transformations, comprehend the relationship between power as the capacity to dominate and power as the capacity to legitimate said domination. For a variety of reasons both philosophical and political, the language of the young Hegel appears promising [Smith 1989].<sup>1</sup>

In Hegel, power is understood as a hierarchical relationship of rule *via* the dialectic of *Lord* and *Bondsman*. Bondsman labors for Lord, completing various projects in the world so as to meet Lord's needs and desires. Bondsman thus becomes Lord's *agent* in an instrumental sense – as Judith Butler explains, Bondsman becomes the “instrumental body” for Lord, differentiating his potential existence as a free human actor from the *acting-as-agent* according to which agency accrues to Lord.<sup>2</sup> Furthermore, Bondsman's work on the world is repeatedly effaced, not only in the sense that Lord consumes the (alienated) fruits of his labor, but also in the sense that Bondsman's signature – his claim to authorship, to self-representation in the world as the creator of an object, text, law or rule – is removed via the dialectic.

Hegel's moral psychology of Lord and Bondsman is often understood as dyadic. But the interpretations of Hegel – especially the psychoanalytically inflected interpretation of Franz Fanon – that have focused on the consistent threat of dehumanization that attends *Herrschaft* and *Knechtschaft* make clear (as does Simmel's sociology and the contemporary German sociology of violence) that the Hegelian model should, in fact, be understood in *triadic* terms, particularly in so far as “Bondsman” is (mis)recognized as a (lower status) human subject, yet also consistently threatened with dehumanization [Fanon 2008; Simmel 1950; Beck 2011]. A dialectical model of power should consist of three dynamically interacting subject-positions: *rector*, *actor*, and *other*. When the subject to which power accrues brings an ally into his projects and does so via negotiation, understanding, partial recognition, compromise and exchange, a power relation obtains between rector and actor. But rector and actor both (together and each of them individually) relate to other in a different way. Other is scapegoated, ignored, dehumanized, violently excluded, in the way, or a stranger. If rector, actor and other are all three engaged in a “struggle for recognition” [Kojève 1980] such a struggle is differently distributed among them. Rector struggles to communicate to the actor the legitimacy and superiority of his projects in the world. Actor struggles with rector to be recognized rather than misrecognized, and to perhaps use the relation to the rector to pursue (some of) actor's own projects. Finally, other (may) struggle to get into the arena of (mis)recognition that rector and actor occupy – to transform into an actor or even into rector.

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<sup>1</sup> Steven Smith argues that Hegel provides a philosophical framework for thinking about the French Revolution that navigates between the radical break posited by the revolutionaries themselves and Edmund Burke's reaction to the Revolution, on the one hand, and the continuity posited by Alexis de Tocqueville, on the other. He works off Hegel's discussion of the Revolution in *Philosophy of History*, as well as an early letter to Schelling. Smith's concern is a hermeneutic, contextualized approach to rights, and thus a critique of the natural rights tradition in political philosophy. Herein, I am concerned less with Hegel's discussion of revolutionary heroes and how we should understand the great men of history, as Smith is, than with the relationship of the Revolution to power. Thus, I draw on the classic passages on Lordship and Bondage from *Phenomenology of Spirit* [Smith 1989: 233–261].

<sup>2</sup> I am using “agency” here, not as Giddens does, but in a way that synthesizes semiotics and principal-agent theory, a well-known part of rational choice sociology. Agency is the ability to send an agent to work on your behalf. See Reed 2017.

Rector's projects in the world, in so far as he makes actor his agent, become attached to a meta-project which is *Herrschaft* – the maintenance of rule. Meanwhile, the world is full of actors with plans – to be human is to act, for oneself, for other people, with other people, against other people. (Even emperors have the experience of acting on behalf of the divine, heredity, or posterity.) But in so far as actors abdicate some of their projects so as to act as the extension of another, they become *agents* for rectors – and thus agency accrues to the rector. Finally, other's capacity to *get into the game of misrecognition* is extremely limited and may require "irruptive" struggle.

In the terms of historical sociology, the cultural rendering of class struggle in 19th century England, according to which the English working class struggled for recognition and access to the levers of political power, and did so as members of the English or British "nation," could be considered a struggle between a collective rector (property owners, noble and common) and a collective actor (the industrial working class) [Somers 1992]. In contrast, the Haitian revolution, about which Hegel read when composing *Phenomenology of Spirit*, could be considered a revolt of *others* (enslaved) against both rectors (les grand blancs) and actors who had become their agents (les petits blancs), complicated by a small set of partially recognized actors (gens de couleur) [James 2001].

However, the very disputability of these two one-sentence accounts of Manchester and Port-au-Prince reveals that relations of power have to be understood as consisting in part and formed in part by *representations*, variously distributed and believed, of who should be rector, who should be an actor, and who should be other. Indeed, the struggle over the interpretation of Hegel's written work – and its development, in later iterations, into a racist teleology of European superiority – is in a sense a replication, in the halls of philosophy and social thought, of the real world cultural struggles over the representation of the right to rule. Thus, through chains of rectors, actors, and others flow not only tasks and violence, but signs. It is in these terms – chains of rectors, actors, and others, through which flow projects-in-the-world as well as representations of the division of the world into rectors, actors, and others – that we can parse sociologically the often undifferentiated, frequently slightly mystical, concept of *sovereignty*.

### **States of Exception: Towards a Sociology of Sovereignty *via* an Interpretation of Robespierre**

A well-known arc of political philosophy has made Carl Schmitt's definition, "sovereign is he who decides on the state of exception," a *cliché*. The innovation of Giorgio Agamben was to connect the question of sovereign authority – the decisionism of the rector in any setting in which both power and rules operate – to the exceptional treatment of certain persons who, stripped of political personhood, could be killed with impunity but not sacrificed. Thus, in Agamben, the *ban* – the zone of life outside of the legibility of licit/illicit which reveals why law without sovereignty is impossible – is connected to a longstanding possibility of treating certain persons as not persons but as "bare life" – *homo sacer*. This move appears to allow Agamben to render an understanding of Auschwitz in terms *simultaneously* biopolitical and sovereign. Hence in Agamben and others who have applied and elaborated this theoretical logic, the dark side of modernity can be cleverly theorized as of a piece with both Foucault's dystopia and Schmitt's racial project.

However, the concept of the “state of exception” remains strangely undifferentiated beyond the intellectual history that opposes the original Schmittian dictatorial version (concerned with emergency powers, constitutions, and leadership) to the post-Foucauldian version of *distributed* power over life and death (biopolitics/thanatopolitics) [Agamben 2005; Erlenbusch 2013; Nasir 2017]. To remedy this, I propose a differentiation of states of exception into *three* types. Each of these types of exception refers to a different subject position in the triadic schema of power presented in the previous section. They are enunciative (rector), reciprocal (actor), and structural (other). I define and elaborate each type below, first in general and drawing on a variety of historical examples, and then with specific reference to Robespierre’s trajectory through the Revolution.

### 1. Enunciative State of Exception

The enunciative state of exception corresponds to the position of *rector*, in that it is often within the power of those legitimated *as powerful* to call for – and achieve – a suspension of agreed-upon rules or laws, and to use this suspension to accomplish a specific project or end-in-view. When liberal-democratic constitutions and legal frameworks incorporate the idea of “emergency powers” that can be called upon by the executive, the writers of such constitutions are struggling with the problem of the enunciative state of exception. That problem – as both Schmitt and Agamben were aware – is one of circularity in logic, and thus of performativity. For example, when George Washington used the Militia Act to suspend the judicial resolution of conflict so as to order 12,500 troops to crush violent tax resistance in Pennsylvania in 1794, his justification for so doing referred to the reasoning of a judge, *but also to his own judgment that a judge should be asked to give reason to suspend the judiciary* [Reed 2016]. This circularity was enunciated by Washington in a public speech, which effectively, qua speech act, helped bring into being the very “emergency” to which it claimed to respond. With regard to the current era, Agamben’s discussion of George W. Bush and the war on terror notes Bush’s verbal tendency to repeatedly remind television viewers and journalists of his status as “Commander in Chief,” thus premising the pursuit of terrorists and the use of the exceptional space of Guantanamo Bay on his use of his position as sovereign [Agamben 2005: 22]. The point herein is that the enunciative state of exception can match the word with space, and space with violence, in a way that was indeed predicted rather precisely by Agamben.

The enunciative state of exception plays a central role in the French revolution, and in Robespierre’s role in it, in so far as the named emergencies of external wars and suspected aristocratic counterrevolutionary plots were linked via political semiosis to the justification of the use of terror as the policy of the revolutionary state. In Robespierre’s speeches, the external threat of war from (non-republican) nation states is repeatedly connected to the *internal* threat of aristocrats who, he claims, wish nothing but ill for republican France, despite the fact that they “wear the mask of patriotism.” It is this connection – between “foreign plots” and internal enemies – that perhaps stands as the central rhetorical accomplishment of Robespierre and Saint-Just [Palmer 1989: 112–114]. It amounted, in the context of the struggle over governance in Paris, to the performative moment that unleashed the dynamic of denunciation that, in contemporary parlance, is sometimes termed a “witch hunt.” I will return to this classic question about the Terror below.

Robespierre and Washington had in common a representational difficulty in announcing the state of exception – their enunciations were made *in the name of* the people. Qua executive powers, their possession of sovereignty was positioned differently, at least *in the imagination* of many political elites and parts of the populace. In the *ancien régime*, it was the King and his “two bodies” [Kantorowicz 2016], placed within his household (literally and metaphorically understood), who announced an exception. In practice, this meant that the King was the location of the official and final decision, while power at court was, correspondingly, a matter of *influence* [Landes 1988]. Aristocratic actors helped form an opinion in salons with the goal of influencing the King and his ministers. Robespierre was forced, in contrast, to grapple with the more difficult matter *representing* sovereignty. The people are a great idea, but a difficult performative prop to muster. Hence Robespierre, in his speech against granting the King a trial, finds his thoughts entangled:

How should the people be concerned about the wretched person of the last of our kings? Representatives, what concerns them, and what concerns you, is that you should carry out the duties that their confidence imposes on you. You have proclaimed the Republic, but have you given it substance? We have not yet enacted a single law that is worthy of that name; we have not yet remedied a single abuse inherited from despotism. Remove the names, and tyranny is still entirely with us; moreover, we have factions more vile and charlatans more immoral, and we are threatened by new outbreaks of disorder and civil war. We are a Republic, and Louis still lives! and you still place the person of the King between ourselves and liberty! [Rudé 1967: 27].

The speech is a dream come true for Edmund Burke. For what does it mean, really, to insist *in the name of the people* that the King should not be *tried* for treason but executed, because in the judgment of “the people” *right now* there is an emergency? Robespierre, to be sure, was both clever and compelling: “Insurrection is the real trial of a tyrant. His sentence is the end of his power, and his sentence is whatever the people’s liberty requires.” The difficulty (discussed extensively by Eric Santner [2012] in his book-length meditation on “The People’s Two Bodies”) is that the body politic is no longer embodied in a person who can utter “this is an exception because I judge it to be an emergency.” And so, exceptionality is subject to problems of representation, and representation invites the *conflict of interpretations*. Is it really an emergency? Would a trial for the King really lead to a counterrevolution? And so it goes ... But then, the precise power of an enunciative state of exception is its ability to end debate, short-circuit interpretation, and communicate the “final” interpretation *via* violence, rather than discourse – if it is a successful performance. Kings, of course, had to perform as well; but the denotations and connotations they performed within came from different semiotics. And what was the French Court but a magnificent material and aesthetic apparatus for the performance of royal power [Mukerji 2012]? Robespierre,<sup>3</sup> then, struggled with the problem of emergency powers as possessed by an executive in a republic, and the relationship of these powers to the people as the ultimate source of the right to rule.

Of course, Robespierre was a rather special kind of executive; he led a “revolutionary” government – as were most actors at the center of power starting in 1789. This involves

<sup>3</sup> Not only Robespierre struggled with this; a more elaborate reading would consider Robespierre’s relationships with Danton and Saint Just, and the influence of Marat’s writing on his speeches.

us in further problems of interpretation. To understand them, we have to understand the second state of exception and its relationship to the enunciative.

## 2. *Reciprocal State of Exception*

The essence of Sewell's interpretation of the revolution is his recognition of it as a time of tremendous social and political *uncertainty*:

Dislocation of structures, I have tried to suggest, produces in actors a deep sense of insecurity, a real uncertainty about how to get on with life. I think that this uncertainty is a necessary condition for the kind of collective creativity that characterizes so many great historical events. In times of structural dislocation, ordinary routines of social life are open to doubt, the sanctions of existing power relations are uncertain or suspended, and new possibilities are thinkable [...] in times of dislocation, like the spring and summer of 1789, resources are up for grabs, cultural logics are elaborated more freely and applied to new circumstances, and models of power are extended to unforeseen social fields [Sewell 2005: 250–251].

The reciprocal state of exception is one in which *uncertainty* in the horizontal communication between actors creates a crisis which is interpreted as exceptional, and within which the interpretation of other actors' interpretations of the situation as an uncertain one becomes part of the experience of the exception. Uncertainty is a property of a social situation, and it is thus the provenance of *actors*, engaged in a plurality of crisscrossing projects.

In the reciprocal state of exception, the circularity of exceptionality applies not (or not only) to the judgment of rector (indeed actors may not know who rector is), but rather to the reciprocity between actors. Its classic location is the problem of collective action, which has repeatedly been used in the sociology of revolutions in the following way. Suppose the likelihood that actor goes into the street to revolt tomorrow (instead of going to his or her place of work) depends upon actor's perception of the likelihood that neighbors will do the same. This creates a uniquely ambiguous situation, *especially* when even signaling that one will do one or the other is itself significant for matters of life and death, humane or inhumane treatment, etc. To revolt in the street is to risk state repression and death ... until to stay inside is itself risky ... and so on [Kurzman 2009].

In everyday life conducted within and through established rules, the reciprocal state of exception has faint echoes not in the privilege of assumed hierarchy, but in the uncertainty of the inchoate situation. Two or more persons shuffling through "what is going on here" (a flirtation? a helpful neighbor? prelude to a fistfight?) recognize the uncertainty itself as constitutive and not normal, particularly in so far as it extends in time and space to other persons and other interactions. This could be said to be the phenomenological basis, in human consciousness and interaction, of "crisis." When a crisis is widespread and concerns the basic accouterments of the rule (courts, police, imprisonment, legitimated murder), it is a *revolutionary situation* [Reed 2016].

There may be, at the quasi-metaphysical level of potentiality, something democratic about reciprocal states of exception – "I and thou" find themselves confronting each other in a kind of rough equality of non-knowledge about how to proceed. But they are generally *not* what we recognize as *institutionalized* democratic procedure. What they do allow us to capture in social theory is that *emergencies* are not only, or not always, just a question

of naming. They can also be widely experienced and felt (though how widely is a difficult empirical question). In so far as they are so experienced, the naming of emergency can connect, in a deep and meaningful way, with the experience of uncertainty, so eloquently described in the paragraph from Sewell, above.

This kind of rhetorical evocation of the experience of uncertainty was central to Robespierre's performative brilliance. By doing so, he was able in his speeches to unify seemingly contradictory aspects of his trajectory through the revolution. It forms the basis for his repeated use of what was perhaps his most debated distinction – between revolutionary and constitutional government.<sup>4</sup>

What is often taken to be Robespierre's "socialism" (to apply a nineteenth-century word to a late eighteenth-century actor) was developed with reference to the reciprocal state of exception. In arguing for government control of grain circulation and pricing, and in disparaging monopolists in a way that foreshadows Marx and Engels, Robespierre actually justifies his position via reference to "revolutionary times." The problem with the advocates of "freedom of commerce" that defend the property of monopolists, he says, is that they have not taken account of

the stormy circumstances brought about by revolutions, and if their vague theory were good in ordinary times it would find no application in the rapid measures that moments of crisis demand of us. They have counted for much the profits of merchants and landowners, and for almost nothing the lives of men. And why? It was the great, the ministers, the rich who wrote, who governed. If it had been the people, it's probably that the system would have received a few modifications! [*Robespierre 2007a (1792): 50–51*].

The *people* and the *republic* would, of course, become Robespierre's constant companions. In particular, they would become the basis for all other binaries:

We want in our country to substitute [...] merit for intrigue, genius for fine wit, truth for brilliance, the charm of happiness for boredom of luxury, the greatness of man for the pettiness of great mean, a magnanimous, powerful, happy people for an amiable, frivolous and miserable people; in short all the virtues and miracles of the Republic for all the vices and absurdities of monarchy [*Robespierre 2007b (1794): 110*].

What meanings underwrite this working of the binaries? A holistic reading of his speeches suggests that it is the idea of a *group of actors thrown together in a turbulent time* (and granted an opportunity for reason and freedom).<sup>5</sup> (The difficulty of the denotation is, in a sense, the point – these actors were either "French citizens" or their representatives in the Assembly/Convention or the assembled at the Jacobin club.) This was the basis of his argument about revolutionary government, and it was almost always via reference

<sup>4</sup> Interestingly, at a speech at the Constituent Assembly on June 22, 1791, Robespierre referenced uncertainty in a republic without referencing uncertainty, in his invective against the death penalty. He argued that human judgments "are never certain enough" to justify "dealing death to another man." And so, in a republic, the death penalty should disappear, because it is only in a society constituted by the "monstrous union of ignorance and despotism" such that insulting a monarch could result in death, that would have such a penalty. Only in a society with an ultimate rector, he argues, could anti-humanism prevail. Because the revolution creates a society of *equal actors*, it will found a society without the death penalty.

<sup>5</sup> This, then, touches on the evocation of "circumstances" as a justification for the Terror. For the most recent historiographical debates about the Terror, see Edelstein [2009]; Jones [2014]; Tackett [2015]; Spang [2017].

to the experience of revolution that Robespierre would justify his own *enunciative* states of exception. For Robespierre, such reciprocal exceptionality was consistently *rhetorically configured* as a solidaristic “we,” opposed to those others – the opponents of the revolution.

### 3. On the Complex Relationship between Reciprocal and Enunciative States of Exception

The exception to this seemingly endless series of references to “we,” “the people,” and “the republic,” in justifying his executive decisions to arrest and execute the accused came at the moment of greatest stress for Robespierre – the speech given after the arrest of Danton. Therein the singular “I” (in)famously appears, as he addresses the fear in the room:

Men talk to you of the despotism of the committees, as if the confidence which the people have bestowed on you, and which you have transferred to these committees, were not a sure guarantee of their patriotism. They affect doubts; but I tell you, whoever trembles at this moment is guilty, for innocence never dreads the public surveillance. (Speech given to the Convention on March 31, 1794, quoted in [*Thiers 1842: 448*].)

The fear both played upon and enhanced herein, *via reference to fear*, again reveals the performativity of states of exception. But when we unpack this, what we see is that reciprocal states of exception create *very different conditions for sovereign enunciation* than when they are absent. Radical uncertainty about how to proceed, about who is in charge, and about what the rules are, create situations that give tremendous importance to performative power. Indeed, the key to analysis may be to recognize the drama at the heart of sovereign “performativity.”

Robespierre’s virtuosity as a performer of virtue is well-documented; this is not an accident in the history of the French Revolution. Even at the height of his powers, he could not just announce a state of exception, an emergency, an arrest. He had to creatively act out the emergency and his response to it as the drama of the Republic fighting for survival. In so doing, he had to create the impression of narrative structure (that the good republic was going somewhere – to a better place, calmer and less threatened by aristocratic plots), as well as communicate the meaning of good and evil in times of chaos. He had to “perform the binaries,” and his success or failure depended upon the felicity of this performance. The revolution was, among many other things, a social drama subjected to contending interpretations [*Friedland 2002; Mazeau 2015*].

To be sure, sovereigns and executives in more stable times perform as well. But in so far as the rule states in which people follow orders as a matter of routine and habit, they tend to have at their disposal a vast organizational machine for advancing their performances. In the midst of a reciprocal state of exception, however, the material conditions for performative success become much more volatile and unpredictable, as do the interpretations of various audiences, precisely because widespread uncertainty has released the actors involved from their routine order-following behaviors. This means that a reciprocal state of exception throws any would-be rector into a dialogic, call-and-response relationship with the actors they propose to rule. Revolutionary conditions create the possibility for actors to become rector, but precisely because they make what was impossible available, they require much more, dramatically speaking, from the rector. Robespierre, for quite a while in ’93 and ’94, did not disappoint.

One of the most enchanting aspects of Robespierre's speeches from this time – it still enchants parts of the left today – was his rendering of the “part which has no part” [Rancière 1999] as constituting *the primary actors in the drama of reciprocity*. Robespierre's binaries were always supple (and, in part, drawn from Marat's enchanting imagination) – suggesting that the downtrodden and the abused, the robbed and the forsaken, had risen in the revolution to their rightful place as virtuosic republican actors in the drama of human progress. Apocalyptic in tone, it was these *former others* that Robespierre endlessly elevated to the highest moral standing, and thus opposed to, the inauthentic, vapid, and venal aristocracy and to Louis XVI qua “criminal against humanity.” But it turns out that *otherness* in the French revolution is a much more complicated issue that the Marxian theorists of the *sans-culottes* of Paris (and their cultural historian critics) imagined it to be. To understand it, we have to introduce the third type of state of exception.

#### 4. Structural State of Exception

In a structural state of exception, a group of people is rendered extraneous and thus subject to violence that is not answerable to the social mechanisms of judgment that are taken to embody the morality of an imagined collectivity. As such they are exceptional in the sense that these persons are neither inside nor outside the body politic in its standard definitions, nor can they be criminals in the sense of persons who were once part of the community but then punished as criminals. The structural state of exception corresponds with the position of *other* in chains of power and their representation.

The two most obvious locations for structural states of exception in the modern world are, first, the plantation, and second, the concentration camp. Despite their many differences, these burning examples of inhumanity reveal something essential about the structural state of exception – it involves robbing persons of personhood itself. Whatever the differences between their philosophies, Hannah Arendt and Giorgio Agamben both argue that the very capacity *to be a person* is what was under attack in Auschwitz.<sup>6</sup> Meanwhile, despite the manifest utility of slave labor in early modern capitalism, it generally remained the case that in so far as enslaved persons were categorized as property, they were subject to social death and thus a loss of personhood [Patterson 1982]; as such they could also be killed with impunity (though the murderer would incur a monetary debt to *the owner* of the enslaved). Both the plantation and the concentration camp thus connect the *organization and supervision of massive amounts of persons* to the impunity with which said persons could be killed; they represent the systematic *production* of otherness in modernity. Such systematic othering, in symbol and in social relation, requires an elaborate *apparatus* of highly patterned speech and action – hence the moniker “structural.” This apparatus should be understood as institutionalizing a rule of difference [Chatterjee 2010]. Such a rule renders certain persons “a world apart,” from the political transactions of rectors and actors.

But what is personhood? For Arendt, it was embodied in the very ability *to be political*, in the sense of representing oneself in a mutual space of decision-making and access to power. During the radical years of the French Revolution, many of the radically

<sup>6</sup> Alvaro Santana-Acuña has pointed out to me that this similarity is likely traceable to influence of Primo Levi on both thinkers.

disenfranchised of Paris forced themselves onto the political scene repeatedly; in so far as they succeeded in grasping at some modicum of political power, even in the crude sense of mob demands on revolutionary leaders, they transformed themselves from *others* into *actors* on the stage of politics. This is the essence of the Revolution's volatile radicality. But there were limits to this, which I will now explore directly.

In the course of the French Revolution, those who seized the state apparatus centered in Paris engaged the question of slavery, and the anti-slave revolution in the periphery (of which they received news in October 1791) in a series of ways which, though they are immensely complicated, can nonetheless be described as 1) fundamentally contradictory in a way that eerily plays out the concept of a structural state of exception, 2) shows even the most "radical" leaders of the French revolution (the Mountain, the Jacobin Club, the Committee of Public Safety, the Convention) as repeatedly ambivalent about, unwilling to execute, and radically untrustworthy with regards to the cause of abolition. This is important to understand because this ambivalence reveals an essential connection between a world of democratic actors-and-rectors (the "people" in whom sovereignty is located), and the production of a world of others, who are somehow simultaneously both recognized as people and robbed of this personhood.

The crux of the issue began early when representatives from the colony engaged in politics in 1789 to be represented in the French state.<sup>7</sup> These slave-owning *grand blancs* had dreams of colonial autonomy, which they undercut precisely by joining the new state – they were thus horrified that, having made Saint Domingue "part of France," the declaration of the rights of man and citizen might apply there, thus ending the slave system that was a source of status and profits. However, a series of adaptations and workarounds were designed, and, in particular, the successive governments in Paris insisted on ruling Saint Domingue by the appointment of *commissioners* who were granted broad powers, effectively making, several times over, the colony a kind of state of exception in the sense of being subject to a dictator the persons therein had not elected. In essence, the government in Paris applied the (various) Constitutions to bring Saint Domingue under its power and then suspended said Constitutions for the purposes of government. They thus separated "free soil" France from slavery on the island, and made space a part of the legal definition of a structural state of exception [*Spieler 2009: 365–408, 374, 379*]. The (liberal, constitutional, rights-oriented) law silenced itself for the sword (and the whip) in Saint Domingue [*Spieler 2009: 381*].

The commissioners adorned as the *actors on behalf of the national state* arrived in full *tricolore* to govern the colony in June 1792, with powers granted to them that "exceeded those of the legislature and the king" [*Spieler 2009: 387*]. But they arrived at a scene of a successful slave revolt that had led to civil war inflicted by several different imperial powers. Thus the commissioner Sonthonax was forced to abolish slavery to gain an army with which to fight the British and French armies. Meanwhile, back in Paris, the abolitionists were not well received by the Jacobin club, and their demands were suppressed by the

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<sup>7</sup> The study of the French Revolution in the colonies, and the Haitian Revolution's connection to the French Revolution, is now a vast arena of scholarship. Space considerations in this article – intended as a theoretical provocation – have caused me to rely primarily on Miranda Spieler's work. But see Popkin [2007, 2010, 2012]; Dubois [2005]; Williams [2004].

*Journal de Montaigne* [Spieler 2009: 391]. These were the complex conditions under which the abolition of slavery occurred in 1794.

That abolition cannot be understood without comprehending the intersection of all three sociological types of the state of exception. The National Convention *enunciated a decree ending slavery in the Colonies*. It was empowered to do so as an emergency government amidst radical uncertainty – a reciprocal state of exception. Finally, in doing, it inserted language that referred to the previous year’s Constitution and to the sovereignty of the Committee of Public Safety simultaneously.<sup>8</sup> However, as Miranda Spieler points out, *the Constitution referenced therein had been suspended*. Furthermore, as the Terror proceeded, the Committee of Public Safety continued its accusations against the commissioners in Saint Domingue who had abolished slavery. And so Spieler explains, “the circumstances that enabled the abolition of slavery to reveal the paradox of emergency power as a lever of transformation, which expanded liberty as well as destroying it, sometimes at the same time, during the French Revolution” [Spieler 2009: 392]. As the Terror, Thermidor, and royalist counter-revolutionary efforts proceeded, the colonies were repeatedly left as blank spaces on the French imperial map, partially liberated, but without any institutions with which to support the maintenance of rights, and thus ultimately subject to the authoritarian rule. They were, thus, lands with bodies in a structural state of exception. Eventually, Napoleon reinstated slavery; and about this Spieler can write provocatively that “revolutionaries furnished Bonaparte with a template for a colonial rule that he raised to the status of a new norm” [Spieler 2009: 408].

The structural state of exception of slavery on the sugar plantations of Saint Domingue complicates significantly both the history and the philosophical interpretation of the French Revolution. In particular, the overarching humanist narrative of the Revolution, which often centers on the debate about Immanuel Kant’s reaction to events in Paris, is rendered insufficient. Most trenchantly, Louis Sala-Molins insists upon reading the enlightenment philosophy of the 18th century, which was centered in Paris, alongside the *Code Noir*. The *Code Noir* excluded slaves from being *subjects* of the King – and thus from legal status. But it was rewritten by revolutionaries in 1793 – they replaced the branding of slaves with the Fleur-de-Lis with a “V” (*voleur*) or an “M” (“Maroon”) [Spieler 2009: 388].

The following question then presses down upon the documents of the French Revolution that sing in humanistic and universal phrases. When transforming the legal status of *subjects* into *citizens* – indeed, in removing the King’s head from his body and thus removing the King from the head position in the state – what was to become of those *persons* who had been robbed of *legal personhood* under the old regime? Having not even been worthy of being a *subject*, the position that the revolutionaries detested to the point of violence, would they, too, be elevated to the status of a citizen? Sala-Molins argues, in particular, that the “men” referred to in the Declaration of the Rights of Man and Citizen are *only those men understood to be part of the social body*, and as such the enslaved, understood as property and not as social beings, were not included (and thus he argues that it is a radically anachronistic mistake to pretend that they somehow were). The negro, Sala-Molins argues,

<sup>8</sup> “The National convention declares the slavery of the *nègres* to be abolished in all the colonies. In consequence, it decrees that all men without distinction of color, who are domiciled in the colonies, are French Citizens, and will enjoy all the rights guaranteed by the Constitution. This decree is referred to the Committee of Public Safety, which will report immediately on measures for its execution” [cited in Spieler 2009: 393].

appears *only* in Article 2 when *property* is mentioned. And so, Sala-Molins concludes, “the Negro sits enthroned in the property. He does not possess it [...] Ontologically, legally, specifically, exclusively, he is property” [Sala-Molins 2005: 62].

The structural state of exception represented by slavery, and the revolt against it represented by the Haitian revolution, significantly changes our understanding of a central theme of the French Revolution itself: the relationship of *others* to sovereign power.<sup>9</sup> And it is this question of otherness that, we shall see, is woven through the utterances of Robespierre.

From the moment that Abbe Sieyes penned “what is the third estate?,” the question of the relationship of otherness to power was central to the activities in Paris, in France, and within the empire. It is from here that the idea of a “part that has no part,” but which is, in fact, the *sacred center of, or somehow the entirety of, “the nation”* begins to influence events. In Robespierre, the signifier became, not the “third estate,” but *the people (le peuple)*. Indeed, the rhetoric of his speeches repeatedly draws its energy and melodrama from the great inversion represented by the revolution. It is precisely in so far as “the people” *had been othered*, which is to say, left out of the political game of influence, that “the people” are judged by Robespierre to be free of corruption, and capable of taking the sacred destiny of the nation in their hands. Since it is the way in which his binaries *develop* energy that is particularly rhetorically powerful, it is worth quoting a passage at length:

Nature’s law is that any physical and moral entity must provide for its own preservation; crime murders innocence to reign, and innocence in the hands of crime struggles with all its might. Let tyranny reign for a single day; the next day, not a patriot will remain. For how long will the rage of despots be called justice, and the people’s justice be called barbarity or rebellion? How tender one is towards oppressors and how inexorable towards the oppressed! Nothing could be more natural: who does not hate crime cannot love virtue. One or the other must succumb, however. Indulgence for the royalists, cry certain people. Mercy for scoundrels! No: mercy for the innocent, mercy for the weak, mercy for the unfortunate, mercy for humanity! Social protection is due only to peaceful citizens; there are no citizens but republicans in the Republic. Royalists and conspirators are foreign to it, or rather they are enemies [Robespierre 2007b: 115].

The conclusion to the passage quoted should now be familiar – the good/evil distinction is mapped onto “republicans” and “royalists.” But note the chain of signification in the middle that moves from “the innocent, ‘to’ the weak, ‘to’ the unfortunate, ‘to’ humanity.” This is the core of Robespierre’s *compassionate universalism*. And it is founded on the idea that those who *were radically excluded* will, via revolution, come to rule (in some sense of the word). The last shall be first, and other shall rule rector.

Robespierre’s apocalyptic language of revolution can be easily mocked (or, if you are Slavoj Žižek [2007], defended) for its Orwellian nature (e.g., “The revolution’s government is the despotism of liberty over tyranny” [Robespierre 2007b: 115]). But something very important is happening in this overheated language which was used to justify the Terror:

<sup>9</sup> For contention over gender, the othering of women from the status of citizen, and the attempt by women to organize politically to grasp power *via* citizenship, see Joan Landes’ study of the Society of Revolutionary Republican Women [Landes 1988: 13–151].

a claim is being made on behalf of the radically dispossessed, those whose *needs to achieve bare life* were decimated by grain monopolists, a greedy government, and so on.

Hannah Arendt interpreted this moment in the French Revolution as the irruption of the social (the world of needs) into the political (the world of freedom), and thus traced the Terror to the radical compassion and romanticism that Rousseau and Robespierre had for the hungry of Paris [Arendt 1990: 86–96].<sup>10</sup> And she noted that the elites of the American revolution were not confronted with the same problem, in part because of the presence of slave labor in their midst. The American founders' declarations, she argued, though possessed of a "certain weightlessness" thus maintained at least the *possibility* of political freedom. How can we interpret these complex issues?

It would appear that the advent of a reciprocal state of exception, and the emergency powers that emerged performatively within it, allowed certain others – those reduced to a kind of day-to-day uncertainty and hunger, the poor of Paris – to access political personhood; to become actors and demand something of rectors like Robespierre. They *exited their structural state of exception during the revolution*. This is what, in the end, interests radical political philosophy so much about the sans-culottes.

But there were still other others; relegated in the body and in space to a continuation of the structural state of exception. *Via their assembled presence in Paris* and their *bodies as signifiers*, the sans-culottes could perform themselves, via a politics of assembly [Butler 2015], into always already status as part of the modern French "nation" qua social body. Robespierre's rhetorical fireworks had, for the public life of Paris, a clear and present referent, a set of people indexically available for him to point to when he made an executive decision. For reasons geographical, legal, and interpretive, the formerly enslaved revolutionaries in Saint Domingue did not have this accession to the role of an actor available. The revolutionaries in Saint Domingue could not manifest *en masse* in Paris, using their bodies as indexical signs. But there *were blacks in Paris*, who demanded abolition for the enslaved in the colonies. But those persons were excluded *qua bodies* via the interpretation of the sign of skin color, which was *interpreted in Paris as if it were an indexical mark of inferiority*. Thus the enslaved *nègres* had been, through years of power and violence, placed outside of the social "body" that "experienced" the revolution. And this meant that they were not *others in whose name rectorship could be carried out*. Rather than the part that had no part, the enslaved persons of Saint Domingue were no part at all. There is thus a longer arc of liberty and slavery with which we must interpret the modern, and modern revolutions.

This longer arc explains why Robespierre's early speech against the enshrinement of legal slavery focused mostly on how such a move by the Assembly would be used against it by Counterrevolutionaries. It also explains why the metaphor of slavery was, perhaps, more important to Robespierre than slavery itself. In the utopian imagination of the "Heavenly City" of the enlightenment philosophers, the "dark side of the light" was not Haiti and colonialism but the religious superstitions of the *ancien régime* [Becker 2003]. The USA, in which the use, abuse, and terrorization of enslaved persons were part of the day-to-day lives of the men who ran the Federal Government, the performative situation was radically

<sup>10</sup> The potential elective affinities and significant differences between Arendt's argument and Furet's intervention in *Penser la Révolution Française* will be considered as part of a work in progress with the philosopher Michael Weinman. In this and the next paragraph, the reader will surely hear echoes of Furet.

different; this setting gives a very different meaning to the idea of “modernity disavowed” [Fischer 2004]. It is well known that, in the early years of the new American republic, much of politics pitted those who sympathized with Britain against those who sympathized with the Revolutionary French. What is perhaps less appreciated is how terrified American elites were, not of the French, but of the Haitian revolution; it was not the murder of the King, but the murder of plantation owners, that panicked the rectors of the USA.

In a crisis, the reciprocal state of exception between actors and their rectors creates the conditions in which certain others can *enter the scene* and transform themselves into actors. In the lawyer from Arras, the hungry of Paris indeed found an advocate. His virtuoso rhetorical performance consisted of a demand to make the last first and the first last. This was a project pursued with violence and terror. But Robespierre’s use of the language of otherness to perform and justify the Terror depended fundamentally on the *assembled presence* of the sans-culottes upon the stage of the Revolution, and it mobilized longstanding enlightenment discourses, many of which explicitly excluded blacks and women from full personhood.

This history, furthermore, thematizes something very important about the difference between a reciprocal state of exception and a structural state of exception. Both involve actors who experience radical uncertainty about what tomorrow will bring – including the sheer terror of not knowing what the rules are, who governs, and from where violence will emerge. But the essence of a reciprocal state of exception is that for those who participate in as actors, their uncertainty *is socially recognized, and indeed thematized as the central experience of “society.”* In contrast, for those trapped in a structural state of exception, it is precisely the non-recognition of the experience of terror that is constitutive.

### 5. Reinterpreting the Interpretation of the Terror

In the speeches of Robespierre, one can see the tensions that result from making “the people” sovereign in a democratic revolution, and thus also of the problem of *speaking for* the people [Livesey 2001]. How the people are actually represented in speech and argument, and how they are then *symbolically enacted in performance*, by a state that claims to represent them, is the question of modern democratic republics. This question became particularly acute (and devastating in its violent “resolution”) during the Terror, and upon delving into that maelstrom we find, in its midst, and indeed in its supposedly proudest moment – the abolition of slavery – the key to the production of otherness in modernity.

These tensions between rectors, actors, and others, concerning representation, which was central to the actual struggle for power in 1793 and 1794 in Paris, is represented in the historiography of the Terror, and in the theoretical debate about sovereignty and exceptionality. The historiography oscillates, sometimes wildly, sometimes with a view towards synthesis, between 1) an explanation (usually “progressive”) that the terror was a result of *circumstances*, and thus derailing of what was an assertion of the rights of the people, and 2) an explanation (usually “conservative”) that the Terror was always already contained in the logic of the violent overthrow of the *ancien régime*; most recently the question of emotionality has suffused these debates with a new energy [Tackett 2015; Jones 2014; Shank 2009; Mason 2015]. Similarly, the debate about sovereignty and liberal modernity in political philosophy, in so far as it takes up the history of liberal democracies of the west over

the last 200 years, sometimes manifests as a debate about whether 1) liberal democratic modernity progressively supersedes the era of *lèse-majesté*, or whether 2) sovereign power lives on in modernity underneath the facade of liberal democracy, and is perhaps distributed in a perniciously capillary way [Hardt – Dumm 2000; Agamben 2012].

Yet both of these debates fundamentally underestimate the tremendous *contest of interpretation* that was central to accessing and using violence during the Terror, a point that Bonnie Honig has made very carefully about the complexities of democratic sovereignty and its performative interpretation [Honig 2009]. It is not enough to point out, with Schmitt and Agamben by one's side, that there was a circular aspect to the *arguments* of the Revolution's lawyers-become-rulers [Bell 1994].

I suspect most historians and political philosophers would agree with the idea that, on some level, the French Revolution was a “dramatic” series of events. But what has been underestimated is the strange political alchemy that results from intense social drama being staged during moments of radical political uncertainty, which is to say, during a reciprocal state of exception. The outpouring of speech and writing – of what François Furet identified as the “ideological” moment in the revolution – was not an accident. It was a product of how uncertainty privileges performative power. Progressive historians of the Terror look for its efficient cause in the circumstances. Conservative historians of the Terror interpret it as the final cause of the revolution of 1789. But in fact the reciprocal state of exception of the revolution demanded actors to give it form and thus to mean; meaning-making happens, in social life, *via* performance.

### Modern Sovereignty: A World of Many Rectors and the Production of Others

From the perspective of the sociology of sovereignty set out here, the French Revolution looks different than it did to Marxists, neo-Tocquevillians, and their cultural opponents. Rather, following but extending Sewell, it appears as an *event* in which a crisis of rule opened onto representational struggles for inclusion in, and definition of, a new political game. The revolution destroyed with violence and speech – and paperwork [Kafka 1994] – a system in which the *enunciative* state of exception and the structural state of exception were combined propitiously to create a kind of equilibrium. The aristocratic order had a single rector, a very restricted world of actors (centered on the “influence” of aristocrats at the French Court and the surrounding salons), and a vast world of others who were not in the game of political power (these others differed tremendously in their access to economic and cultural power). The irruption of the others into this order, brought on by the war in North America, the financial crisis that it created, and the calling of the Estates General became, through a sequence of events, a reciprocal state of exception – the uncertainty of a revolutionary situation. Into this uncertainty, certain persons highly influenced by enlightenment discourse stepped, and as such, they became performers of the crisis.

These public performers of the French revolution became rulers confronted with an extraordinary set of circumstances – war with rest of Europe, counterrevolution in the countryside, and eventually, revolution and war in Saint Domingue. The leaders, however, who had “invented revolution” in their interpretation of the Bastille, confronted these circumstances, not “as they were,” but rather via schemas of interpretation that contained republican understandings of the right rule and racist understandings of personhood.

These schemas also had lacunae and unexpected difficulties. In particular, as Robespierre quickly discovered, even the most “routine” emergency for the government would require justification in terms that would point, not to his own judgment, but to an interpretation of the needs of “the people” that he would have to perform for an audience – the Jacobin Club, the Assembly, or the Convention. He used this ambiguity very much to his own advantage as (temporary, partial) sovereign, until it was used against him in his arrest.

Yet in this very ambiguity that we associate with the emotional intensity of the Terror and the birth of the modern “witch hunt,” we also find the possibility of democratic pluralism. The difficulty of representation that, when rhetorically navigated, took Robespierre from “the innocent” to “the weak” to “the unfortunate” to “humanity” was indeed partially unleashed for the world by the “emergency thinking” that took place during the French Revolution. For what the revolutionaries struggled to comprehend was how to *use* politics – politics in the sense of appearance before one’s fellow citizens, and the ability to *act together* that emerges from the speech that occurs in this situation – to create a social order in which power accrued, in a partial way, to a larger mass of rectors. The struggle of the French Revolution was indeed the struggle to create a society in which many, many individuals, *qua human persons* (rather than as holders of this or that status or office), had access to sovereign decision-making.

This was a radical reevaluation of values, for it made actors-in-society responsible for the basic acts of sovereignty – to decide exceptions, and say what was inside and what was outside the law. In the long arc of history, the French revolution left a tremendous legacy – it was a revolution to create many rectors. In its self-justification, its humanist language argued that the criteria for inclusion in sovereignty should be the existential fact of being a person.

Yet this project simultaneously overproduced others who were robbed of personhood. It could not admit women to the new public sphere, for fear of sexual chaos. It could not abolish slavery, and when the abolition of slavery was forced upon it, it retained a concept of racial hierarchy as the basis for who would be allowed into the utopia of the modern. These exclusions were justified via reference to fitness to rule, to “do politics.” It thus set the stage for modernity’s horrifying history of structural states of exception. My argument herein is that these aspects of modernity should be understood in terms of a question that haunted the men who led the French revolution: who rules?

This question haunts social theory today, as it attempts to comprehend the relationship between the ambitions of democracy and the realities of global inequality, violence, and the refugee crisis. In *Dark Side of the Light*, Sala-Molins laments the exclusions on display at the bicentennial of the French Revolution in 1989. He holds out hope that, when the history of the Revolution is written in 2089, the voices of those muzzled by the Code Noir will finally be heard; Toussaint will be brought into the Panthéon [2005: 14–150]. It is, I think, a call for a history of the French Revolution without exceptions. One might imagine a similar call for social and political theory; but it would be, instead, for a new and different solution to the problems of sovereignty bequeathed to us by modern politics. Even if such a discourse could be created “in theory” – and I am not sure at all that it can be – it may take a measure of creativity comparable to that on display in late eighteenth-century Paris to make such an intellectual ambition a part of the actual politics of the world. But the impossible has been accomplished before, as we know from the history of the French Revolution.

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