From contestation to conservation
The management of the revolutionary rupture in Sieyès’s political thought

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In the following article, I will talk about the political and juridical thought of Emmanuel Sieyès, theorist and actor of the French Revolution. My goal is to demonstrate that the specificity of this thought is to be situated on both sides of the revolutionary crisis: it emerged in the public space in 1788, and its last developments were linked to Bonaparte’s coup of the year VIII. More specifically, my purpose is to think about the way its evolution reflects, by its changes of tone and its conceptual displacements, an event such as the transition between the Ancient Regime and French society after 1789. The originality of Sieyès’s thought lies in the way it is divided between a critic or rebellious moment – perceptible in the early pamphlets of 1788 and 1789 – and a conservative moment which finds its full expression after Thermidor and the fall of Robespierre. This division is interesting because it derives from Sieyès’s will to take note of a rupture, that is the double foundation of the nation and its institutions, and to protect its results. So, I intend to show that his work can be studied according to two main lines which are on the one hand the way it goes along with the changes peculiar to the revolutionary period, and on the other hand the way it depicts the Revolution in order to legitimate a certain kind of social and institutional organization.

For this purpose, I will begin with presenting Sieyesian thought in 1788-1789, when it lies resolutely within the scope of contesting the established order and of legitimating the political and institutional change. It will allow me to explain how, during a very brief period, Sieyesian discourse has been a key framework for the interpretation of the events, in harmony with the beginning of the Revolution. Secondly, I will consider its evolution after the Terror, particularly during the constitutional debates of the year III. I will describe Sieyès’s attempt at creating a new convergence between his ideas and the events. It will then allow me to question the way the revolutionary rupture is conceptually built in Sieyesian work, the way it is anchored in time and described as finished. I will also explicate how Sieyès used this evolution as a basis for promoting the
The anticipation of the rupture in Sieyesian thought

First of all, I am going to begin by describing Sieyesian thought in its most known aspect, which is its subversive and rebellious dimension. The most important thing to remember here is that this period of Sieyès's work is mainly situated upstream from the events of the 1789 summer. It is thus a theory aimed at criticizing the social and institutional bases of the Ancient Regime. It is chiefly expressed in the pamphlets he published between November 1788 and January 1789, which are Essai sur les Privilèges (An Essay on Privileges), Qu'est-ce que le Tiers-Etat? (What is the Third Estate?) and Vue sur les moyens d'exécution dont les représentants de la France pourront disposer en 1789 (Views of the Executive Means Available to the Representatives of France in 1789). These three texts were Sieyès's first raid on public place and they reveal a thought directed to political change. Their matter is the contestation of the existing regime and the elaboration of a reform plan, the fulfilment of which was defended a few months later by Sieyès at the States-General and at the Constituent Assembly. Other public texts written during the constituent debates, such as his Dire sur la question du veto royal of September 1789, complete the first pamphlets and show us how an influential polemicist became, thanks to the events, an active legislator.

Sieyès's thought then includes several key ideas in which one can perceive his interest in theoretical principles as much as in concrete reforms. I will focus here on the theoretical principles. Sieyès is influenced by Locke's vocabulary: he insists on the necessity of passing from the state of war peculiar to the Ancient Regime to a state of political association by means of the social contract. He proves to be a contractualist thinker for whom freedom and property can be secured only by the citizens' mutual recognition of equality. The social contract gives birth to an egalitarian association which corresponds, for Sieyès, to the definition of the nation. During the process of recognition of natural rights, privileged persons, i.e. those who refuse the equality and the subordination to a common law, are excluded. So the nobility is considered as a non-contracting party, an exogenous group towards which the nation can legitimately persist in being in a state of war.

The rebellious character of this thought ensues from the social contract. The latter creates the nation as a morally homogeneous totality based upon two elements which are the acceptance of the representative principle and the use of the constituent power. And these two aspects act as mechanisms of subversion of the Ancient Regime. Thus, for Sieyès, the best organization model for modern liberal society is one of delegation and representation. An economically and socially complex society only blooms and flourishes in a system of division of labour and specialization, including the political arena.
Consequently, the representative system is the best kind of institutional organization. To set up the institutions of this regime, the nation has the monopoly of the constituent power, which is the power to create a new constitution and to found the State. The constituent power allows to fit the institutions to the philosophic principles which underlie the nation. It is a power of institutional transformation because it measures the distance between the existing political order – the Ancient Regime at the time when Sieyès published his first pamphlets – and the ideal, i.e. a community respectful of natural law. It allows to abolish this distance and to give the nation the institutions that match its moral bases.

To summarize, the social contract is the mark of a radical transformation of social and moral relationships, a transformation that the constituent power concretizes on the institutional field. From the contract appears a nation whose existence is the negation of the political order of the Ancient Regime, and from the expression of the constituent power appear the only institutions adequate to the jusnaturalist values of this nation.

One could call this the Sieyesian theory of revolution which involves several concrete reforms: the monopoly of citizenship and political representation by non-privileged persons, i.e. the Third Estate; the making of a constitution based on the fundamental rights; finally the formation of a representative class freed from the electoral influences because of the prohibition of the imperative mandate. I will not develop them in details, but the most important thing is that, as early as 1788-1789, Sieyès expressed what were, according to him, both the principles liable to guide the process of change, and the conditions to be filled in order to consider this change to be accomplished.

What is more, these ideas are not those of a thinker remote from the concrete world. On the contrary, the evolution of Sieyesian thought is closely linked to the double status of its enunciator, who was both a theorist and a political activist. It is thus interesting to notice the harmony that exists between Sieyès’s ideas and the events of the first weeks of the Revolution. Thanks to his popularity, his influence and his supports, he became a decisive orator in the process of transformation of the General States into a National Assembly which quickly called for the constituent power. He was in the centre of the debate which reached its peak on June 17th, when the deputies of the Third Estate claimed to be the exclusive representatives of the whole nation: then the revolutionary vocabulary was Sieyès’s one. Of course, it was only a part of his thought, adapted to the context and translated into a language able to win the support of the majority. But at this time Sieyès really was in a position to make some of his ideas converge on reality, and therefore became the initiator of the institutional break with the Ancient Regime: for some weeks, he was among the leaders of a Revolution that was shaped according to his theories. After he had announced in his early pamphlets what to do, he briefly had the opportunity to fulfil his projects and appeared then as a kind of prophet.

The conservative turn after the Terror

This phenomenon of convergence was short-lived. As soon as August 1789, the harmony between Sieyès and the events began to blur because of the dîme affair. However, in September, he was still in the camp of the most radical deputies when he opposed both to the bicameral system and to the royal veto. But others influential personalities appeared, among whom Mounier, Thouret and soon Barnave. Facing them, he could only notice the growing gap that severed the revolutionary process from his ideas. But this
decline of proximity was not the object of a specific narrative: Sieyès did not yet try to spread among the public space his interpretations of the Revolution and the role he played, as he did later on. In 1789-1790, he was still immersed in the events and had no interest in producing a retrospective discourse. It was only after the Terror, after the Revolution had distanced itself from this founding period, that he felt the urgent need to build again a convergence between his thought and the facts.

11 As I am going to explain, this attempt is characteristic of the conservative moment of Sieyesian work. Indeed, the latter possesses the peculiarity to show a gap between the end of the activities of the Constituent Assembly and the fall of Robespierre. During this period, Sieyès almost ceased to publish. It is necessary to wait until the end of the Terror to see him resuming a regular public activity, making his full theoretical return during the constitutional debates of the year III. It means that there was a break in his work. And when he began to speak again one year after the fall of Robespierre, his thought had evolved while still remaining based upon its initial premises. Then I would like to show that this evolution proceeded of a certain perception, both theoretical and strategic, of the revolutionary rupture. In the year III, Sieyesian thought was not rebellious anymore and, definitely, was not a thought of the continuation of the revolutionary process in its subversive dimension. On the contrary, while remaining liberal, it began a conservative turn which found its completion in the constitution of the year VIII which Sieyès proposed to Bonaparte.

12 After the Terror, the main points of Sieyès’s thought can be found in the constitutional speeches he pronounced at the Convention during the summer of 1795, as well as in his very interesting manuscripts of this period. At this time, the key idea was the necessity to stabilize the institutions and to protect the constitution. The subversive theory of a constituent power that the nation could use at will is replaced by a more sacred and long-lasting vision of the constitutional law: the good constitution is not the one that the nation can modify as one pleases, but the one that will be of benefit to several successive generations of citizens. Sieyès criticized the institutional instability of his time, especially since 1791. As a remedy, he proposed a “jury constitutionnaire”. The latter was an authority called to protect the constitution, to limit its evolution and to control its revisions. More specifically, its purpose is to check the constitutionality of laws.

13 Sieyesian thought of the year III did not intend to promote the change anymore, but to preserve the institutional order. However, this evolution can be justified: for Sieyès, the only legitimate rupture happened in 1789; the revolution had already taken place and was no more on the agenda. In 1795, his thought was wholly based on the idea that the revolutionary moment was localized in the past, a past where it must be forevermore relegated in order to avoid the perpetual reactivation of the rupture to the detriment of the consolidation of its results.

14 Of course it also means that Sieyès’s constitutional conservatism does not apply to all regimes nor to all institutional forms. Indeed, in the year III, he reasserted his attachment to the representative system, which was for him the only legitimate form of government. It implied the refusal of any kind of sovereignty different from the one of the deputies: their will, expressed inside the representative system and respectful of the natural law, could not be disputed. The system of 1789 maintained the possibility of a nation in a position of critical exteriority in front of the positive order; the one of 1795, by means of the “jury constitutionnaire” and the representative principle, made impossible such a duality of sovereignty. But it was solely because the foundations of the best regime had
been laid in 1789 that the conservative turn of the year III could have been legitimated. Thus, throughout its whole political career, Sieyès did not stop reaffirming the necessity of going back to the principles of 1789. He always considered that the main part of the Revolution had then been thought and fulfilled: the nation had been founded on the natural law principles and its best mode of organization had been brought to light. Sieyesian work thus made a transition. After a subversive period, it had to manage the possibility of the achievement and then the protection of the “best regime” as it defined it.

The strategic location of the rupture: a Thermidorian narrative

For the early revolutionaries of the 1789 summer, the period of the Montagnard Convention represented the triumph of a rival narrative on the events. In the Jacobin discourse, past reforms were taken as obsolete and insufficient. The rupture that Sieyès contributed to initiate was presented as an unfinished revolution, or even as a false one. At first, in face of the emergence in the public place of a discourse that depreciated the period of his most important activities, Sieyès kept silent. In fact, launching a “conflict of interpretations” against the Jacobin vision of the revolutionary process seemed too dangerous. However it incited him to prepare a counter-narrative that intended to revalue the fulfilments of 1789 and to reaffirm his role as a “founding father”. Thus, after the fall of Robespierre, his speeches revealed a clear attempt to fix the meaning of the Revolution and to protect what has been done: in other words, he planed a strategy that involved a more conservative tone.

That is why, in my opinion, the conservative turn, which I call the post-revolutionary moment of Sieyesian thought, was not a renunciation or an about-turn. During this period, Sieyès defended the same principles. The only difference is that in 1789 he saw himself as the thinker of a regime to come, to be built, and in the year III as the thinker of a nearly established and fragile regime waiting for its completion and in need of protection. It involves a certain location of the revolutionary rupture and an emphasis on its globally accomplished nature. According to him in the year III, only a purely technical, constitutional method of achieving this transformation was missing.

Sieyès, as a Thermidorian actor, thus proposed in 1795 a certain narrative of the revolution, linked to his own position in the process that began with the debates at the States-General. Against the Jacobin idea of an accentuation or a radicalization of the revolutionary process – for instance by the use of popular sovereignty – he preferred the idea that the Revolution had already fulfilled its most important goals. That is why, in the conceptual field, he neutralized after the Terror the most subversive elements of his own thought and delegitimized the very possibility of their reiteration inside the representative system: what was possible for the nation in a protesting situation, under the Ancient Regime, would become counter-revolutionary or reactionary once the best institutions have been founded. Sieyès did not give his initial concepts up; he deactivated them because, in 1795, they were too radicals and could undermine their own 1789 results.

We see how, in an institutional crisis situation, several distinct perceptions of what has changed and what ought to be changed can enter competition. Facing the Jacobin option,
Sieyès proposed a specific account of the Revolution, in which the nation reached its purpose: It exercised the constituent power and had now to take note of the convergence between the ideal and the reality and to let the government take care of political tasks in a logic of specialization and division of labour. This evolution possessed a strategic dimension: it allowed Sieyès to paint himself as the initial enunciator of the revolutionary principles, to promote his political role and to replace himself in the Thermidorian process despite the fact he did not openly fight Robespierre during the Terror. What is more, his specific narrative helped him to define the enemies of the Revolution, both from left and right, and to participate to the repression against them, as he did energetically in Germinal of the year III and in Fructidor of the year V. 

Finally, this evolution possesses an interesting theoretical dimension: it reveals how a theorist of the institutional change can develop his own ideas in a more conservative way and then throw back in the past – without denying their former utility – both the rupture and the mechanisms which, according to him, made it happen. For Sieyès after the year III, it did not mean that there was nothing more to do in the political field: he never confused the Directory era with the perfect achievement of its own ideas, and his participation to Bonaparte’s coup was actually a last unsuccessful attempt to fill the gap between the reality and the ideal. But, in his view, the fall of Robespierre opened the very possibility of a return to the true Revolution, based upon 1789 liberal and representative principles. Thus, the initial process of rupture could run its course and all that remained to be done was just a matter of institutional adjustments, not of social or moral foundation.

Conclusion

Between the years III and VIII, Sieyesian thought did not evolve the same way as during the previous period. Under the Directory, Sieyès did not publish any theoretical work, and it is only the pressure of the events and the insistence of his friends, in particular Boulay de la Meurthe, that urged him to present a constitutional project after the 18 Brumaire. The latter looked rather close to the one he defended in the year III, despite noticeable evolutions such as the accentuation of the representative logic to the detriment of the electorate. But reading this late work is far from giving the same feeling that strikes the reader who compares the pamphlets of 1789 and the post-thermidorian speeches. In one case, we can see an effort of reformulating dissentient concepts into the language of institutional stability, which involves an attempt at sidelining the most subversive elements, perceived as dangerous once the rupture is complete. In another case, we only have the resumption of constitutional ideas which, even if their names change, are part of the same conservative spirit.

From this point of view, the evolution of this thought is accomplished in the year III. It can be explain by the relationship established between Sieyès and the Directory: while being situated in a critical position towards a regime which he considered imperfect, he did not fight it in an offensive way and participated in its defence against its leftist and rightist opponents. He was unquestionably a member of the directorial political elites, sharing with them the firm belief that the Revolution could only be ended by the eradication of royalism and radical Jacobinism. Sieyès found in the Directory a regime which best matched its own intellectual convictions. He never advocated either to reactivate a subversive form of constituent power against it or to make it undergo the
same kind of rupture as the Ancient Regime. However, it is what happened after the 18 Brumaire in a way, but Sieyès had nothing to do with it: he put his decisive participation to Bonaparte’s coup in the continuity of his ideas of the year III. The birth of the Empire was, once again, the mark of his own incapacity to maintain the harmony between his thought and the events.

NOTES


3. Thus, I interpret my textual corpus as what Jaume calls the “textes d’intervention politique”, that is texts or speeches diffused in the public space in order to propose a specific narrative of the events and to nurture political mobilization. They constitute the basic material for the study of the “idéopraxies”, a concept that covers both the field of the political ideologies and the field of the political actions they aim to generate. See Lucien JAUME, « Méthodes d’interprétation des textes politiques: le cas Guizot », Jus Politicum, 1, 2009, p. 51-68.

4. These writings are available in English in Michael SONENSCHER (ed.), Sieyès, Political Writings, Indianapolis, Hackett Publishing Company, 2003. In this article, I will refer to the French edition of Sieyès’ texts.


8. Emanuel SIEYÈS, Qu’est-ce que le Tiers-Etat ?, op. cit., p. 80-81.

9. Sieyès used to say that he accepted the utopian aspect of his thought against the established order of the Ancient Regime. Before the Revolution, he sees his work as an assumed ought-to-be. See Emmanuel SIEYÈS, Préliminaire de la Constitution. Reconnaissance et exposition raisonnée des droits de l’homme et du citoyen, in Œuvres, vol. 2, op. cit., p. 6-7.

10. On Sieyès’s theory of the constituent power, see Paul BASTID, op. cit., p. 391-392 ; Olivier BEAUD , La puissance de l’État, Paris, PUF, 1994, p. 224 ; Pasquale PASQUINO, Sieyès et l’invention de la constitution en France, Paris, Odile Jacob, 1998, p. 64-65. However, all these commentators tend to overestimate the range of this power. As I demonstrated in a recent article, the constituent power in Sieyès’s thought is strictly limited by the obligation to respect both the moral basis of
the contractualist community and the representative principle. See Erwan SOMMERER, « Le contractualisme révolutionnaire de Sieyès », art. cit.

11. Before the year III, Sieyès’s conception of the representative regime was mainly developed in his Dire sur la question du veto royal in September 1789. See Pasquale PASQUINO, op. cit., p. 35-52.

12. According to Bastid, he could not have been so decisive alone. In fact, he had the support of Mirabeau, one of the most preeminent orators of its time, and of the “club Breton”, the early Jacobin club in Paris. See Paul BASTID, op. cit., p. 71-75.

13. In August 1789, the Assembly decided to suppress the dîme (tithe), the land tax that contributed to the income of the clergy. Sieyès, in the name of the right to property, tried unsuccessfully to fight this decree. As a priest, he suddenly appeared not as the spokesman of the Third Estate, but as one of his own corporation. For some of his contemporaries, and later historians as Michelet, he proved then to be just a bourgeois priest, reluctant to accept the evolution of the revolution towards a more egalitarian society. See Jean-Denis BREVIN, op. cit., p. 135-144.

14. Supporters of the bicameral system as Mounier hoped to create a specific chamber for nobility. In September 1789, it was considered as a counter-revolutionary view.

15. Noticeable exceptions are his work about the War Ministry at the Convention in February 1793, and the same year his participation with Condorcet to the publication of the Journal d’instruction sociale. But under the Terror, he remained silent. Cf. Paul BASTID, op. cit., p. 137-151.

16. For a general view of these debates, see Michel TROPER, Terminer la Révolution, Paris Fayard, 2006 ; See also Bronislaw BACZKO, Comment sortir de la Terreur ?, Paris Gallimard, 1989, p. 338-344.

17. On this constitution (which was altered by Bonaparte), see Emmanuel SIEYÈS, Observations constitutionnelles (1799), in Christine FAURÉ, Des manuscrits de Sieyès, t. 1, p. 519-526.

18. Following Jaume’s definition, these speeches can be understood as “textes d’intervention politique”. In fact, they are an attempt to propose a specific interpretation of the Revolution and its results, based upon theoretical principles and aimed at mobilizing the deputies in favour of Sieyès and its liberal constitutional ideas.


20. This institutional proposition (which was not accepted in 1795 but returned in 1799 as the Conservative Senate) has nurtured many debates among the sieyesian studies. See Paul BASTID, op. cit., p. 393-395; M. LAHMER, « Sieyès lors des débats constituant en l’an III: autopie d’un échec », in Pierre-Yves QUIVIGER, Vincent DENIS et al. (dir.), op. cit., p. 43-82 (see also Troper’s text in the same book); Lucien JAUME, « Sieyès et le sens du jury constitutionnaire », Droits, n° 36, 2002, p. 115-134.

21. That’s why Sieyès can be considered as representative of the Thermidorian will to “end the Revolution”, expressed by deputy Baudin at the Convention during his defense of the “Two-thirds decree” in 1795. See Réimpression de l’Ancien Moniteur, t. 25, séance du 1er fructidor an III, p. 526-532.

22. What is more, he vigorously criticizes in the year III the very idea of sovereignty, which is, according to him, an inheritance of absolutist monarchy. See Emmanuel SIEYÈS, Opinion de Sieyès, sur plusieurs articles des titres IV et V du projet de constitution, prononcé à la Convention le thermidor de l’an III, in Pierre-Yves QUIVIGER, op. cit., p. 113-114. See also in his manuscripts Bases de l’ordre social, in Christine FAURÉ, op. cit., p. 510-511.

23. Agreeing with his liberal interpretation of the events, Sieyès defends the idea that the main part of the Revolution took place with the formation – on his impulse – of the National Assembly on the 17th of June 1789. He was joined in his view by Madame DE STAËL, Considérations sur les principaux événements de la Révolution française, t. 1, Paris, Delaunay, 1818, p. 204. See also Murray
ABSTRACTS

A partir d’une analyse de la pensée politique de Sieyès, nous décrivons dans cet article la place de la rupture révolutionnaire dans une œuvre élaborée au cours de la transition entre l’Ancien régime et la période d’expérimentation institutionnelle qui lui a succédé. Nous montrons que l’originalité de cette pensée réside dans sa défense d’une phase précise de la Révolution, qui est la transformation des États généraux en Assemblée constituante. Ainsi, en opposition aux interprétations concurrentes du processus révolutionnaire, notamment celles des Jacobins, l’œuvre de Sieyès acquiert après la Terreur une dimension conservatrice dans laquelle la seule rupture légitime – intervenue au cours de l’été 1789 – devient un moment fondateur dans la continuité duquel il faut s’inscrire. L’évolution des idées de l’abbé entre l’an III et l’an VIII apparaît dès lors comme l’expression spécifique d’une tentative pour empêcher une réitération de la crise institutionnelle, et participe pleinement de la volonté post-thermidorienne de « terminer la Révolution ».

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