

Rights and Violence: What Is Robespierre's Relationship with the Idea of Human Rights?

Xinqi Zhang^{1,a,*}

¹Department of History, The Chinese University of Hong Kong, Hong Kong, 999077, China
a. 1155173083@link.cuhk.edu.hk

*corresponding author

Abstract: The Reign of Terror, witnessing unprecedented bloodshed, remained an enduring mystery under the theme French Revolution and widely acknowledged as a severe violation of human rights. As a leading figure, Robespierre remained a tyrannical and villain image with many puzzles unsolved. This paper would focus primarily on *A Proposed Declaration of the Rights of Man and Citizen* in 1789 by Robespierre, and draw a comparison with the official well-known version of *The Declaration of the Rights of Man and Citizen* announced on August 26, 1789. The similarities and differences would be examined closely to see how Robespierre interpret the idea of human rights specifically. This paper would draw a conclusion that although Robespierre seems like a total denier of human rights, was in fact trying to defend his own understanding of human rights but in an extreme and thus inhumane way, ringing us a bell that the actual application of the human rights should always remain a scrutinized procedure rather than mere slogans.

Keywords: Robespierre, the Reign of Terror, Human Rights, The Declaration of the Rights of Men and Citizens, French Revolution

1. Introduction

In the chaotic evening of July 28, 1794, being declared an outlaw, Robespierre ended his life on the guillotine, exactly the same ending as many other victims whom he had condemned in the past year. The Reign of Terror remained an enduring mystery under the theme French Revolution, as people keep wondering about why things inevitably rushed to a violent and radical direction, as well as why the inhumane decrees were introduced in the name of rights of men. Robespierre, a leading figure as well as a controversial one, evoked only more debates and puzzles. It is plausible why he remained a tyrannical and villain image in people's mind. But ironically, being a passionate, even obsessive annihilator of the tyrants and enemies from the old world, Robespierre died of being denounced tyrants. As violence was not a foreign theme in the pursuit of human rights throughout the history, how should we interpret this specific complex figure, and his idea of "terror"? This paper is going to argue that Robespierre, although he seems like a denier of human rights, was in fact trying to defend his own understanding of human rights but in an extreme and thus inhumane way.

2. Background Information

Robespierre, born in 1758, was one of the primary leaders of the French Revolution, though he enjoyed a particular close fame with the period, the Reign of Terror. The few certain things about the Terror are its beginning and ending dates. Starting from 5 September 1793 marked by the famous sentence “let terror be the order of the day[1],” the Terror lasted until 28 July 1794, when Robespierre, Saint-Just, and other leading figures were executed. It was a national phenomenon, though situations varied in different locations. The Law of Suspects (on 17 September 1793) and the General Maximum (29 September 1793) passed by the Convention, which are two basic acts[1], along with the establishment of revolutionary army, revolutionary tribunal, etc., all of these made possible the fulfillment of Terror. Being obvious from its name, the Terror witnessed the time of unprecedented bloodshed, political centralization, mass mobilization for the war, and also ‘cultural revolution.’ Though it was not a simple dialectic of revolutionists against the ‘counter-revolutionists,’ in a general sense this antagonism was one of the major themes of the Terror, and along with the time the standards of judging the enemies got weaker and weaker. The number of the victims was uncertain. Upon estimation, from 300,000 to 500,000 suspects were arrested; around 17,000 people were officially executed, while it is widely acknowledged that there were much more been killed without trial or died in the prison.

Still, these would be very brief and generalized overlook regarding what was the Terror and how was it carried out, not to mention the much more ambiguous and mysterious question: why did the Terror happen at all? One possible answer defines the Terror as a response to the dire situation in which the French government found itself. It is worth pointing out that, though many people had the image of Robespierre being the dictator and villain, the Terror was actually a far more complicated phenomenon to which even Robespierre could not own every credit. Nevertheless, Robespierre was indeed the most influential politician. It is interesting to see Edelstein claimed in his book that Robespierre’s trajectory may stand for the one of French Revolution[2], and later this essay would discuss his political ideas, especially to see how did it relate to his terror-era actions.

3. Sources

3.1. Secondary Sources

Many scholars have contributed their works under this topic, and for this essay mainly three secondary sources are engaged with. Firstly, Dan Edelstein’s *The Terror of Natural Right: Republicanism, the Cult of Nature, and the French Revolution*. It provided a close and thorough examination focusing more on the bigger historical circumstance as well as the philosophical and political traditions to explain the ideological foundation of the Terror. For instance, one of his major arguments proposed that an legal category named “outlaw” began to take shape around the king’s trial, which authorized and legitimized the use of violence during the Terror[2]. He also discussed the “natural republican” ideology of the Jacobins and how did it help shape the Reign of Terror[3].

Secondly, Eduardo Baker’s *Human Rights and Humanity’s Rights During the Year Three of the French Revolution*. It mostly offered an analysis of the political philosophy of law, using the one-year period between 1792 and 1793, the Year 3 of the French Revolution, as the time frame for discussion. Baker’s book focused on the period when a number of political figures were in the intense debates around the idea of Declaration and Constitution[4]. Robespierre was undoubtedly one of the key figures, and his political ideas and theories were included in author’s discussion of the political philosophy of right.

Lastly, Michael Rapport’s *Robespierre and the Universal Rights of Man, 1789-1794*. This passage primarily looked into Robespierre’s relationship with the idea of universal rights. He tried to explain

how and why did the early (seemingly) cosmopolitanism of the revolution transform into a narrow nationalism and xenophobia[5], especially in the case of Robespierre.

While all three of these scholars have cast important light onto Robespierre and the Terror, none of them exclusively focused on Robespierre as a theorist of human rights. They either looked very broadly at the Revolutionary generation of intellectuals, or they focused on different questions. As mentioned before, the Terror was a very complicated phenomenon and Robespierre was not the only controller; for some part of the Terror, he would also share a different opinion with others. Therefore, this paper would simply put Robespierre under the spotlight, through drawing close analysis of his one major text to grasp his political ideas.

3.2. Primary Sources

Due to the limitation of length, this paper would mainly analyze Robespierre's *A Proposed Declaration of the Rights of Man and Citizen* in 1789[6], since it could serve as a direct reflection of how Robespierre defined human rights in the beginning of revolution. This version of the declaration was mentioned more or less by the three scholars, but not treated as a fundamental source as a whole in a thorough way. Thus, a comparison between Robespierre's version and the later official one would be drawn as well to see if Robespierre's ideas were the same or different from the official Declaration, and what this difference (if any) could tell us. By looking closely into this single primary source, this paper intends to analyze its inner logic and the relationship with human rights.

4. Analysis of the Primary Sources

The Declaration of the Rights of Man and Citizen, announced on August 26, 1789, was a well-known landmark of the French Revolution. Consisting of seventeen articles, it was adopted by the National Assembly and guaranteed civil rights to the citizens. It may be seen as a preamble to the later constitutions, while for Robespierre, he added much more significance to it by claiming that the Declaration of Rights should be treated as the Constitution of all peoples, with all other laws subordinating to it[2].

Under the premise that Robespierre highly valued the significance of Declaration, it would be rewarding to look at his own. *A Proposed Declaration of the Rights of Man and Citizen*, 1789, composed by Robespierre, was presented before the Society of Friends of Liberty and Equality at the assembly on April 21, 1789. It contained in total thirty-seven articles, compared to seventeen only in the official version of the Declaration of 1789. It was possible that on the eve of introducing a declaration, many political figures were drafting their own versions, as well as Robespierre. Though Robespierre's declaration was never implemented[7], it still enabled us to see his own definition and understanding of the rights of man.

Generally speaking, Robespierre's declaration shared the basic principles with the official declaration: liberty, property, security, the right to resist oppression, etc. Consisting of far more articles than the official one, it also covered a larger range of rights, such as the right to enjoy education (Article XVI), the right to work (Article XXI), even a universal idea of rights (Article XXXIV). While simultaneously, there are also at least three different perspectives in Robespierre's version of the rights of man, either in the definition or in emphasis.

First of all, Robespierre's version is very concerned with despotism and tyranny and it seems more inclined to define, even annihilate, "enemies." On the one hand, he showed his strong aversion toward the order of the old day, those "tyrants" who ruled the people. In Article XXXIV, Robespierre defined whoever oppresses a single nation would become the "enemy of all"; in the end of his declaration, Robespierre clearly pointed out that "kings, aristocrats, tyrants" were only slaves rebelling the nature. On the other hand, there are several places where Robespierre directly evaluated some actions using

word as “tyrannic” and “despotic.” In Article XVIII, the law would cease to be a law and become “unjust and tyrannical” if it violates the rights of man; in Article XXXI, the right to resist oppression would be the “refinement of tyranny”; in Article XXXVI, the one who checks the progress of liberty and violates the rights of man are not only enemies but also “rebels, brigands and assassins.” These wording accompanied by strong emotion of antagonism occurred frequently in Robespierre’s version, while none of them were mentioned in the official declaration of 1789. If the official version was defining what human rights should be, then Robespierre’s version took a step further and establish a category of potential enemies from the very beginning. His work revealed a stronger inclination to “defend” the rights of man, by setting up whom to combat. The enemy already existed the moment he wrote the declaration.

Under this premise, then the question would be: did the idea of human rights Robespierre intended to defend so much share exactly the same definition with the official version of declaration? The answer would be no. For example, Robespierre’s definition of liberty was quite different. In Article V, liberty was described as “power in the name of justice,” while the official declaration described liberty as “the freedom to do anything without injuring others[8].” The combination of “liberty” and “power” seemed to be strange in a vague sense; in fact, this combination was not the only case, as Robespierre would also use wording like “despotism of liberty” “war of liberty” or “avenger of humanity[1]” in his future speech. This self-contradictory use of wording somehow reflected Robespierre’s own complexity: he claimed to defend liberty in a less liberal way.

Another seemingly contradictory logic can be spotted in Robespierre’s declaration. The reason why he was widely acknowledged as the denier of human rights is because none of those rights mentioned and written by himself were secured during his reign of terror. For instance, the Article XXV permitted people to repel violent execution by force if it acted against the rights of man, “even in the name of the law.” The Article XXXI acknowledged people’s right to make resistance to oppression, and the institution which did not assume that the people are good would be vicious. The truth is, during the Terror, countless people were arrested and executed without official procedure or trial, and any resistance would be regarded as counter-revolutionary.

Those did not mean that Robespierre totally changed into another person within four years. After taking a closer look at Robespierre’s version of declaration, it is easy to notice a clear difference from the official one. The published declaration considered even the rights of the violators; in Article VIII, it stated that the punishment should only be strictly and obviously necessary, and in Article XIV, it regulated that all persons should be held innocent until they are declared guilty. On the contrary, despite defining the immoral and unjust enemies, Robespierre did not wrote about how to treat those violators, not to mention the basic rights that even criminals should enjoy. In this way, his political belief of being merciless toward the “enemy of human rights” during the Terror were actually inherent, instead of a harsh method taken specifically in a dire situation. In another word, Robespierre had not considered too much the human rights of the already condemned ones, the “enemies,” or the criminals.

5. Conclusion

This paper can now pause and refresh the image of Robespierre. During the Reign of Terror largely influenced by him, the rights of countless victims were violated violently, bringing Robespierre the fame of dictator and the doubtless denier of human rights. Nevertheless, it was ironic that Robespierre promoted the idea of “terror” intending exactly to defend the rights of man and punish the violators. Where went wrong? According to Edelstein, the reason why people formerly supported human rights would also permit the draconian laws which stripped people of legal protections was due to the establishment of “outlaw” category and the legitimized violence in the name of natural rights[2]. Besides this explanation of the legitimization of violence, it was also possible that Robespierre had his own definition or interpretation of human rights from the very beginning of the Revolution, an

understanding that may share some basic principles but have different focuses. What he wrote in his proposed declaration may seem to be contradictory with his later actions from the first glance, but was actually logical for Robespierre. He went much further, or more extreme, than the official version of declaration to define the enemies and revealed a strong wish to annihilate them, which in turn influenced how he define the rights of man, for example, “liberty” as “the power in the name of justice,” and no consideration of the rights of those already condemned. To draw a short conclusion, Robespierre’s version of “human rights” possessed an intrinsic violence that drove him to uphold the flag of defending human rights while conduct the violation at the same time.

Robespierre’s rhetoric and his later violence in the name of human rights was the story in an era when human rights just come to germinate, but it still could ring the bell even in our modern society, that human rights should not only exist in the slogan. The actual application of human rights remains always a complicated procedure which should be scrutinized at every step and procedure, instead of being simply justified only in the name of “human rights.”

References

- [1] Baker, Keith. *University of Chicago Readings in Western Civilization, Volume 7: The Old Regime and the French Revolution*. Chicago: University of Chicago Press, 1987.
- [2] Edelstein, Dan. *The Terror of Natural Right: Republicanism, the Cult of Nature, and the French Revolution*. Chicago and London: The University of Chicago Press, 2009.
- [3] Visser, Derk. Review of *The Terror of Natural Right: Republicanism, the Cult of Nature, and the French Revolution*, by Dan Edelstein. *The French Review*, March 2011.
- [4] Baker, Eduardo. *Human Rights and Humanity’s Rights During the Year Three of the French Revolution*. Brazil: Pontifical Catholic University of Rio de, Rio de Janeiro, 2022.
- [5] Rapport, Michael. “Robespierre and the Universal Rights of Man, 1789-1794.” *French History*, Vol.10 (1996).
- [6] Rbzpr. 2016. “Robespierre’s A Proposed Declaration of the Rights of Man and Citizen (21 April 1789).” *Tumblr*. Accessed July 27, 2023. <https://rbzpr.tumblr.com/post/143313847630/robespierre-on-property-24-april-1793>.
- [7] Drouot. “ROBESPIERRE (Maximilien). *Déclaration Des Droits*.” Self-translated. Accessed July 28, 2023. <https://drouot.com/fr/l/22068363-robespierre-maximilien-declara#:~:text=La%20D%C3%A9claration%20de%20Robespierre%20contient%20XXXVII%20articles%2C%20contre,proposait%20m%C3%A9me%20un%20droit%20%C3%A0%20l%27insurrection%20%28article%20XXVII%29>.
- [8] Avalon Project. “Declaration of the Rights of Man - 1789.” n.d. https://avalon.law.yale.edu/18th_century/rightsof.asp.