Prison, Publicity, and the Carceral “self”: Mirabeau between Ancien Regime and Revolution

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Philosophers like Montesquieu, Voltaire and Beccaria made criminal law reform central to their agenda in the second half of the eighteenth century. By consequence, the carceral subject emerged in their denunciation of the secret use of the lettre de cachet and arbitrary detention. Honoré Gabriel Riqueti, comte de Mirabeau, an aristocratic libertine and a future revolutionary, took up his pen to reveal his prison experience, bringing the secrets of the state prison to public attention. In appealing to public curiosity, Mirabeau crafted a carceral “self” to protest royal despotism, reclaim liberty, and address public opinion for justice. This thesis uses the figure of Mirabeau to trace the transformation of the carceral subject into the carceral “self” between the Ancien Regime and the French Revolution. A microcosm of the problems in the judicial system, the carceral “self” fused two threads of the late enlightenment—sensibility and rationality—to reach the public, echoing the philosophers’ call to reform.

By revealing his private experience of incarceration, Mirabeau’s memoirs fueled public curiosity and became a best-seller in the clandestine book market on the eve of the Revolution. Seizing on the popularity of his memoir, the medium of print, and the expanding consumer culture, Mirabeau projected the carceral “self” into the public sphere, glorifying himself as an icon of the Revolution avant la lettre. Emphasizing transparency as the precondition of justice, the carceral “self” demanded due process, legal protection of individual liberty, and equality before the law. Furthermore, the eulogies that greeted news of Mirabeau’s death in 1791 referred to his prison experience, transforming him into a patriotic hero. As a pre-revolutionary emblem of liberty, Mirabeau’s carceral “self” anticipated the ideal citizen in the early stages of the Revolution.
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Introduction

On January 9, 1783, the wife of Jean Félix Charmet, an important clandestine bookseller in Besançon, wrote a letter to the STN, a major publisher and wholesaler of underground literature on France’s eastern border with Switzerland. In this letter, she complained that the STN could not supply Honoré Gabriel Riqueti, comte de Mirabeau’s *Des lettres de cachet et des prisons d’état* as quick as its competitors in Lausanne.1 M. de Charmet’s lettre offered a glimpse into the popularity of Mirabeau’s sensational text. An aristocratic libertine and a future revolutionary, Mirabeau was notorious for his scandalous private life and sent to prison by *lettre de cachet* at the request of his father.2

Written in 1778, Mirabeau’s *Des lettres de cachet* unleashed a powerful blast against the secrecy of the *lettre de cachet*, a private, sealed, handwritten order requested by family members and signed by the king, allowing the Parisian police to arrest people without trials or lawyers.3 *Des lettres de cachet* was edited by Pierre Manuel, his agent as well as a book peddler, and published in 1782.4 Smuggled into France by underground booksellers like Charmet whose clientele was composed of royal and army officials, country gentlemen and men of the law, *Des lettres de cachet* became a best-seller in the clandestine book market.5 As the popularity of *Des lettres de cachet* turned Mirabeau into a prisoner celebrity, this thesis will demonstrate what

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4 Darnton Robert,*The Devil in the Holy Water or the Art of Slander from Louis XIV to Napoleon* (Philadelphia: Univ. of Pennsylvania Press, 2010). 214, 236.
5 Darnton,*The Forbidden Best-sellers of Pre-Revolutionary France*, 32-37.
happened when a prisoner turned-celebrity inserted his authorial voice into the pre-revolutionary public sphere.6

By exposing the secrets of the state prison through first-hand experience, Mirabeau’s Des Lettres de cachet entered a broader conversation for criminal law reform. It is therefore appropriate to begin by familiarizing ourselves with this campaign and how Mirabeau tapped into this conversation. Earlier in the eighteenth century, Montesquieu had published De l’esprit des lois in 1748, calling for criminal law reform regarding the proportionality of punishment yet failing to provide a systematic agenda. In 1762, Voltaire picked up this reform while defending Jean Calas, a Protestant who was convicted of murdering his son, tortured and executed to death.7 Two years later, Cesare Beccaria’s On Crimes and Punishments was published in Italy in 1764 and translated into French in January 1766. In the same year, Voltaire recruited Beccaria’s text into his own campaign to vindicate François-Jean Lefebvre de La Barre, who was sentenced to death for blasphemy on July 1, 1766.8 Additionally, Voltaire published his pamphlet Commentary on the Book Crimes and Punishments, by a Provincial Lawyer, alerting the public to the urgency of the reform. In the 1770s, inspired by Montesquieu, Beccaria, and Voltaire, Guillaume-Chrétien de Lamoignon de Malesherbes, the first president of the Cours des aides, denounced the abuse of the lettre de cachet. He proposed to use it only against severe crimes and assimilate it into an enlightened criminal jurisprudence.9 Therefore, Mirabeau was not the first

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7 In fact, the Calas affair became a decisive moment in affecting Voltaire’s attitude. Before 1762, Voltaire focused his polemical activity on religious intolerance. In defending Jean Calas, Voltaire exposed the secrecy and the arbitrariness of the juridical system, creating a favorable atmosphere for the reform. On the Calas affair, see Marcello Maestro, Cesare Beccaria and the Origins of Penal Reform. (Philadelphia: Temple University Press, 1973), 19.
8 Marcello Maestro, Cesare Beccaria and the Origins of Penal Reform, 19
author to condemn the lettre de cachet, nonetheless he exposed his prison experience from the
perspective of a victim, calling for the abolition of the lettre de cachet during the early stages of
the Revolution.

In bridging the gap between the High Enlightenment and the French Revolution, historians
cast their gaze in two directions: reason and sensibility. On the one hand, Frederick Rosen,
Marcello Maestro, as well as Micheal Foucault demonstrated that Montesquieu and Beccaria
applied enlightenment principles such as natural law and political liberty to penal reform, calling
for transparency, proportionality, certainty, and consistency of punishment. On the other hand,
Robert Darnton penetrated the clandestine book market, showing that these lofty debates filtered
into popular texts of underground market and was accessible to a socially diverse reading public,
thus hastening the reform.10

Yet appels to reason and utility were often made in sentimental language. Historians also
drew attention to the vogue for self-writing and the explosion of print that accompanied it,
illuminating how authors exploited the sensibility of the “self” to reach the public.11 Sarah Maza
argues that the literature of judicial scandal, the mémoires judiciaires, borrowed fictional
techniques and melodramatic language from sentimental novels. By turning private lives into
sensational public affaires, the mémoires judiciaires augmented their appeal to the public.12 In a
similar vein, Lynn Hunt showed that the sensibility of the “self” evoked empathy of the reading
public, inspiring them to call for the abolition of torture.13 Furthermore, emphasizing the

12 Sarah Maza. Private Lives and Public Affairs: The Causes Célèbres of Pre-revolutionary France. (Berkeley:
individuality and autonomy championed in the protagonists, Hunt argued that sentimental novels enabled readers to identify with characters, turning individual readers from subjects of the crown into autonomous citizens.\footnote{Lynn Hunt, \textit{Inventing Human Rights} 82}

However, when we shift our gaze to the pending revolution, we find that reason and sensibility were fused in the enlightenment thought, turning the reading public from obedient subjects into enlightened critics. Therefore, this thesis traces how Mirabeau crafted and transformed a carceral subject into a carceral “self” that synthesized two threads of the late enlightenment - sensibility and rationality - to connect with the reading public. A microcosm of the problems in the juridicial system, the carceral “self” demonstrated that the secrecy of the state prison had nothing to do with crime or the security of the state, thereby undermining the legitimacy of royal punishment. An apt metaphor for political disobedience, Mirabeau’s carceral “self” metamorphosed into an ideal of the citizen in the early stages of the Revolution.

To illustrate this transition, this thesis will incorporate textual and visual evidence. The centerpiece of my analysis is Mirabeau’s \textit{Des Lettres de Cachet et Des Prisons d’État}, a hybrid text which combines a criminal law reform treatise denouncing the \textit{lettre de cachet} and a prison memoir exposing the secrets of the state prison system. It was comprised of two volumes and 603 pages. The first volumes entitled “Des Lettres de Cachet Considérées Relativement au Droit Positif, au Droit Naturel, à la Société et aux Particuliers” applied Beccaria and Montesquieu’s ideas regarding the transparency of the law and the infliction of punishment to denounce the \textit{lettre de cachet}. The second volume was divided into two sections: the first section entitled “des Prisons d’État” was a prison memoir exposing the conditions of the royal prison, \textit{Vincennes},
during his detention from July 8th, 1777 to December 13th, 1780. The second section entitled
“Preuves et Éclaircissement” compared the French juridical system to the English constitution
and denounced the lettre de cachet. As the carceral “self” is the major theme of my thesis, I will
focus on the first part of the second volume of Mirabeau’s text. Furthermore, I will use
Mirabeau’s portraits and speeches in the National Assembly between 1789 and 1790 to shed light
on the popularity of Des Lettres de cachet, illuminating how he projected the carceral “self” into
the public sphere and controlled his image. Finally, I will examine revolutionary newspapers,
medical journals, and eulogies of Mirabeau’s death, demonstrating the way the print culture
captured his ideal of the citizen, transforming the carceral “self” into an emblem of the
Revolution.

The rest of my primary sources are divided into three categories. First, I will use
Montesquieu, Voltaire, and Beccaria’s criminal law treatises and Mirabeau’s pamphlet L’essai
sur le despotism (1777) to illuminate the criminal law reform, examining the way Mirabeau
entered this conversation and applied their ideas to denounce arbitrary imprisonment. Second, I
will examine forbidden best-selling prison memoirs, such as sensational journalist Simon-
Nicholas Henri Linguet’s Mémoires Sur la Bastille (1783), and celebrated prisoner Jean Henri
Latude’s Mémoire de M. Masers de Latude, gentilhomme languedocien, détenu dans les prisons
d'Etat pendant 39 ans (1787), as well as urban chronicler Louis-Sébastien Mercier’s text Le
Tableau de Paris (published between 1781-1788) to insert Mirabeau into dialogue with the
contemporary criticism that surrounded the secrecy of the police. Third, in response to these
criticisms, Jean-Charles Lenoir, the Paris police chief who oversaw the state prison from April
25th, 1774 to May 1785, unveiled the administration of the police in his unpublished manuscript
entitled *Memoire de L.C.P. Lenoir ancien Lieutenant général de police de Paris, écrits en pays étrangers dans les années 1790 et suivants*, which was transcribed and published by Vincent Millot.15 Looking back at his career in light of the Revolution, Lenoir rebuked the authors’ criticisms for distorting the truth. By juxtaposing the conflicting opinions between clandestine authors and the police, I will show that their tension was a microcosm of the ideological divisions between the High Enlightenment and the *Ancien Regime*.

This thesis develops the argument in four sections. By combining visual and textual evidence, I will situate Mirabeau’s text in the enlightenment campaign for criminal law reform and trace its production, public reception, and political implications. The first section provides historical context on the police, the *lettre de cachet*, and the criminal law reform in the Enlightenment. By substituting the irregular, arbitrary, and secret juridical system with a regular, rational system of justice grounded in the rule of law, philosophers furnished Mirabeau with discourses to denounce the current juridical system. By consequence, the carceral subject emerged in their denunciation of despotism, secrecy, and arbitrary arrest. The next section demonstrates how Mirabeau crafted and exploited a new “selfhood” through writing, transforming the carceral subject into a carceral “self”. In appealing to public curiosity, Mirabeau used self-writing to assert his existence, reconnect to the outside world, and address public opinion for justice. Fusing two strands of the late enlightenment - rationality and sensibility - the carceral “self” used the discourse of natural rights to denounce the secrecy and arbitrary authority of the criminal law system, rallying the public to reform.

In creating a carceral “self”, Mirabeau identified the prison apparatus for criticism. The third section explores contemporary polemics that surrounded the police, demonstrating that while the clandestine authors denounced the secrecy of the police as a symptom of despotism, Lenoir defended the use of the lettre de cachet as serving the welfare of the society. Finally, the last section charts Mirabeau’s political career, showing how Mirabeau seized on the popularity of his memoire and projected the carceral “self” into the public sphere, glorifying himself as an icon of the Revolution avant la lettre. Moreover, echoing his prison experience, the eulogies of Mirabeau’s death captured his revolutionary “selfhood” - the carceral “self” - creating a patriotic hero. Emblem of liberty, Mirabeau’s carceral “self” metamorphosed into an ideal of the citizen in the early stages of the Revolution.
I: The Gathering Storm: the Enlightenment Campaign for Criminal Law Reform

In the *Objet et plan de cet ouvrage* of *Des Lettres de cachet*, Mirabeau argued that arbitrary imprisonment violated individual liberty: “Ce n’est pas seulement sur l’objet des besoins physiques que les prisonniers de Vincennes sont barbarement opprimés. Leur sort déjà si triste par la privation la plus complete de toute liberté, est encore aggravé au mépris de l’humanité, et même du bon sens dans les vues que je tâcherai de dévoiler.”16 In exposing the secrets of the state prison - “des besoins physiques opprimés” and “la privation la plus complete de toute liberté” - through firsthand experience, Mirabeau’s attack on the prison apparatus was part of a broader conversation about criminal law reform in the Enlightenment. To understand Mirabeau’s denunciation of the prison apparatus, this section will ground his memoire in its historical context, including the *lettre de cachet*, the police and the state prisons, demonstrating how Mirabeau tapped into, and hastened, the reform.

Published between 1751 and 1772, the *Encyclopédie* threw light on what the *lettres de cachet* meant to the royal authorities who administered these lettres and the families who requested them. Boucher d'Argis Antoine-Gaspard, a lawyer and advisor of the Supreme Council, penned the article on the *lettre de cachet*, defining it as “appelées autrefois lettres closes ou clauses, lettres du petit cachet ou du petit signet du roi, sont des lettres émanées du souverain, signées de lui et contresignées d’un secrétaire d’état, écrites sur simple papier, et pliées de manière qu’on ne

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16 “It is not only the physical needs of the prisoners of Vincennes are barbarously oppressed. Their fate, already so sad by the most complete privation of all liberty, is further aggravated by the disregard for humanity, and even common sense in the views I will try to unveil.” Honoré Gabriel Riqueti, comte de Mirabeau. *Des Lettres de Cachet et Des Prisons D’État*. 1782. ix
peut les lire sans rompre le cachet dont elles sont fermées.” In other words, a *lettre de cachet* was a handwritten command issued by the king without specifying the reason or duration of detention. A private, sealed order requested by family members, the *lettre de cachet* was an extralegal measure allowing the police to arrest people without trials or lawyers. In this case, the *lettre de cachet* was a royal prerogative that circumvented the corridors of ordinary justice and could serve to eliminate an enemy of the crown.

In addition to incarcerating enemies of the crown, the secrecy of the *lettre de cachet* also aimed to protect family honor. To keep their family reputation untainted, powerful families appealed to the king or a minister of the *Maison de Roi* to detain their libertine children without a hearing. Their requests would in turn be examined by the royal council. Similarly, ordinary families petitioned the chief of the police to imprison their turbulent family members. Thus, the families’ requests for the *lettre de cachet* attested to their attachment to the crown - the judge and benevolent father - who held paternal authority to protect the familial order.

The crown pursued this agenda through policing. The police, the royal administrative technique in surveillance and maintaining social order, dispatched the *lettre de cachet* to rapidly

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17 “[lettres de cachet]formerly called *lettres closes* or *clauses*, *lettres du petit cachet* or *du petit signet du roi*, are orders issued from and signed by the king, countersigned by a secretary of state, written on simple paper, and folded in a way that one can not read them without breaking the seal from which they are closed.” The ARTFL Encyclopédie. “lettres de cachet” [https://artflsrv03.uchicago.edu/philologic4/encyclopedie1117/navigate/9/1930/]; The Encyclopédie’s definition on the “lettres de cachet” represented the views of philosophers and criminal law reformers, who redrew boundaries of knowledge and imparted it to the reading public. On Denis Diderot’s Encyclopédie, see Darnton Robert. *The Great Cat Massacre and Other Episodes In French Cultural History.* (New York: Basic Books, 2009).191-209.

18 Strayer, *Lettres de Cachet and Social Control in the Ancien Régime.* 1-3


22 Farge and Foucault, *Disorderly Families.* 8.

secure and detain family members in the state prisons. According to the Encyclopédie, the lieutenant-general of police was “un magistrat établi à Paris et dans les principales villes du royaume, pour veiller au bon ordre, et faire exécuter les réglement de police.” Established in April 1667, the lieutenant-general of police commanded a force of 3,000 men in Paris whose population reached 700,000 under the reign of Louis XVI. To “veiller au bon ordre”, he employed spies and supervised forty-eight commissaires, each complemented by twenty inspectors in the neighborhood. Thus, both a magistrate and a royal administrator, the lieutenant-general of the police was at the top of the police hierarchy. Directly accountable to the king, the lieutenant-general of the police responded to the family’s requests and sent the lettre de cachet to incarcerate individuals.

By consequence, the imprisonment resulting from the lettre de cachet mystified the image of state prisons, such as the Bastille, transforming them into symbols of royal despotism. Originally referred as “petit château à l’antique, fortifié de tourettes”, the word “Bastille” symbolized prison and royal injustice. The myth of the Bastille provoked public curiosity. For instance, the frontispiece for Simon-Nicholas Henri Linguet’s 1783 best-selling memoire portrayed the statue of Louis XVI against the ruins of the Bastille struck down by lightning and thunderbolts from above.

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25 “a magistrate established in Paris and in the principal cities of the kingdom, watching over the good order, and executing the police regulations.” The ARTFL Encyclopédie. “lieutenant general de police” https://artflsrv03.uchicago.edu/philologie4/encyclopedie1117/navigate/9/2397/.
27 Farge and Foucault, Disorderly Families. 8.
28 On the importance of the lieutenant general of the police, see Graham, If the King Only Knew. 28; Strayer, Lettres de Cachet and Social Control in the Ancien Régime. 32
heaven (see image 1). As the newly released subjects from the Bastille were bowing in gratitude before the statue of Louis XVI, the statue spoke “soyez libre, vivez”. Moreover, an excerpt from the royal edit Déclaration du 30 Août 1780 appeared on the wall of the Bastille “ces souffrances inconnues, et ces peines obscures, du moment qu’elles ne contribuent point au maintien de l’ordre par la publicité, et par l’exemple, deviennent inutiles à notre justice.”

Lambasting the obscurity of punishment, the Déclaration called for publicity to maintain order and restore justice. Thus, by associating the crown with the Bastille, the frontispiece anticipated the destruction of the Bastille six years before the Revolution.


31 “these unknown sufferings, and these obscure penalties, since they do not contribute to the maintenance of order by publicity, and for example, become useless to our justice”. Simon-Nicholas Henri, Linguet Mémoire Sur La Bastille et La Détention de l’Auteur Dans Ce Chateau-Royal, Depuis Le 27 Septembre 1780 Jusqu’au 19 Mai 1782. Londres: De L’imprimerie de Thomas Spilsbury. Snowhill. chez B. Le France. (Imprimeur-Libraire. 1782.)
As the myth of the Bastille captivated the fascination of the reading public, the danger of despotism emerged as a legal concern. Attacking the secrecy of the prison apparatus, enlightenment reformers delineated the central agenda of the criminal law reform. Earlier in the century, Montesquieu initiated the campaign by publishing De l’esprit des lois in 1748, alerting the public to the danger of despotism. In Book II, he suggested that a government became “despotic” when “a single person directs everything by his own will and caprice”. By denouncing the absolute power of the sovereign, Montesquieu warned against individual’s desire for absolute rule. Furthermore, in Book III, Montesquieu argued that the infliction of punishment violated “sentiments of nature”:

Here they [despotic states] have no limitations or restrictions, no mediums, terms, equivalents, or remonstrances; no change to propose: man is a creature that blindly submits to the absolute will of the sovereign...Man’s portion here, like that of beasts, is instinct, compliance, and punishment. Little does it then avail to plead the sentiments of nature, filial respect, conjugal or parental tenderness, the laws of honour, or want of health; the order is given, and, that is sufficient.

Here Montesquieu showed that despotism produced carceral subjects who “blindly submit to the absolute will of the sovereign”. Rather than fostering natural sentiments - “filial respect, conjugal or parental tenderness, the laws of honour, or want of health” - Montesquieu suggested that despotism trampled over man’s natural rights. Therefore, in demonstrating the danger of absolute power, Montesquieu lay the theoretical foundations for the criminal law reform.

To prevent despotism, Montesquieu pointed out that the juridical system was irrational and ineffective. To reform the current system, he called for lenient punishment: “the severity of

33 Montesquieu, Book III “Of the Principles of the three kinds of the Government” from The Spirit of Laws.25.
punishment is fitter for despotic governments, whose principle is terror, than for a monarchy or a republic, whose spring is honor and virtue.”34 In other words, Montesquieu argued that, while severe punishment was appropriate to despotism, a moderate government ought to apply mild punishment. For Montesquieu, severe punishment failed to deter crime; rather, it was symptomatic of abusive power: “it is a great abuse amongst us to condemn to the same punishment a person that robs on the highway and another who robs and murders.”35 To impose limits on the severity of punishment, Montesquieu grounded punishment in its necessity, highlighting the proportion between crimes and punishments. As he suggested, “it is essential point, that there should be a certain proportion in punishments, because it is essential that a great crime should be avoided rather than that which is less.”36 Thus, by scaling punishment to the severity of the crime, the juridical system would be more effective in deterring crime.

Following in this vein, Montesquieu argued that individual liberty formed the basis of the proportion between crime and punishment. In Book XI, Montesquieu elucidated that “political liberty does not consist in an unlimited freedom”; rather, liberty, “in societies directed by the laws, consists only in the power of doing what we ought to will, and in not being constrained to do what we ought not to will”.37 In other words, the government ought to protect, rather than, threaten individual liberty. Moreover, emphasizing the legal protection of individual liberty, Montesquieu claimed: “liberty is in its highest perfection when criminal laws derive each punishment from the particular nature of the crime. There are then no arbitrary decisions; the

34 Montesquieu, Book VI “Consequences of the Principles of Different Governments with Respect to the Simplicity of Civil and Criminal Laws, the Form of judgements, and the inflicting of Punishments” in The Spirit of Laws. 99.
punishment does not flow from the capriciousness of the legislator, but from the very nature of the thing”\textsuperscript{38}. To curb the arbitrary decision of the legislator, Montesquieu argued that punishment should derive from “the very nature of the thing” and be scaled to crime. In this case, Montesquieu proposed to use mathematic calculation to prevent despotism, calling for reform.

Although Montesquieu called for the abolition of arbitrary punishment, \textit{De l’esprit des lois} failed to provide a systematic agenda for criminal law reform. Later in the century, Cesare Beccaria’s criminal law treatise, \textit{On Crimes and Punishments}, published in Italy in 1764 and translated into French in January 1766 by the philosopher André Morellet, delineated a thorough agenda for reform.\textsuperscript{39} Like Montesquieu, Beccaria used individual liberty to denounce torture. In Chapter 16 entitled “Of Torture”, Beccaria questioned the use of torture to coerce confession when his guilt was uncertain:

No man may be called guilty before the judge has reached his verdit; nor may society withdraw its protection from him until it has been determined that he has broken the terms of the compact by which that protection was extended to him. But what right, then, except that of force, does the judge have the authority to inflict punishment on a citizen while there is doubt about whether he is guilty or innocent?\textsuperscript{40}

By denouncing the use of torture on an individual before he was proven guilty, Beccaria condemned the juridical system for failing to protect an individual’s right. Furthermore, highlighting man’s limited capacity to endure torture, Beccaria argued that torture failed to elicit truth. As he wrote, “the sensibility of every man is limited. Therefore, the impression made by pain may grow to such an extent that, having filled the whole of the sensory field, it leaves the

\textsuperscript{38} Montesquieu, Book VI in \textit{The Spirit of Laws}. 102


\textsuperscript{40} Beccaria, \textit{On Crimes and Punishments}. 38.
torture victim no freedom to do anything but choose the quickest route to relieving himself of the immediate pain.”\textsuperscript{41} In this sense, Beccaria opposed the excessive severity of punishment, reinforcing Montesquieu’s analysis regarding the ineffectiveness of harsh punishment.

In addition to denouncing torture, Beccaria attacked arbitrary imprisonment. For Beccaria, the secrecy of imprisonment signified an abuse of power, as he wrote in Chapter 15 entitled “Secret Denunciations”, “Secret denunciations are an obvious abuse.”\textsuperscript{42} Emphasizing that secrecy deprived the prisoner of the right of self-defense, Beccaria proclaimed: “Who can defend himself against false accusation when it is guarded by tyranny’s strongest shield, secrecy?”\textsuperscript{43} To reform the juridical system, Beccaria proposed to substitute the irregular, arbitrary juridical system with a rational system of justice grounded in the rule of law:“the law, therefore, should indicate what kinds of criminal evidence justify the detention of the accused, and expose him to investigation and imprisonment.”\textsuperscript{44} Consequently, Beccaria argued for replacing detention with prompt punishment to reinforce the association between pain and crime. As he wrote, “the smaller the lapse of time between the misdeed and the punishment, the stronger and more lasting the association in the human mind between the two ideas \textit{crime} and \textit{punishment}.”\textsuperscript{45} Thus, Beccaria showed that a speedy punishment, rather than an extended incarceration, deterred crime.

To curb arbitrary imprisonment, Beccaria concluded: “In order that punishment should not be an act of violence perpetrated by one or many upon a private citizen, it is essential that it should be public, speedy, necessary, the minimum possible in the given circumstances, proportionate to

\textsuperscript{41} Beccaria, \textit{On Crimes and Punishments}.41  
\textsuperscript{42} Beccaria, \textit{On Crimes and Punishments}.37  
\textsuperscript{43} Beccaria, \textit{On Crimes and Punishments}.37  
\textsuperscript{44} Beccaria, \textit{On Crimes and Punishments}.73  
\textsuperscript{45} Beccaria, \textit{On Crimes and Punishments}.49
the crime, and determined by the law.”

Synthesizing the quintessential themes of De l’esprit des lois, namely the transparency and accountability of institutions - “proportionate to the crime, and determined by the law” - Beccaria made the abolition of torture and secret denunciation central items on the reform agenda.

Following Beccaria, Voltaire published a commentary on the text entitled Commentaire sur le Livre Des délits et des peines, par un avocat de province in the same year, attacking secret denunciations. Vis-à-vis the obscurity of the juridical system, Voltaire called to outlaw secret denunciation, arguing that “La loi semble obliger le Magistrat à se conduire envers l’accusé plutôt en ennemi qu’en Juge. Ce juge est le maître d’ordonner la confrontation du prévenu avec le témoin, ou de l’omettre. Comment une chose aussi nécessaire que la confrontation peut-elle être arbitrale?”

In rebuking the arbitrariness of the “Magistrat”, Voltaire campaigned for a regular, uniform system of justice. As he claimed, “De quelque côté qu’on jette les yeux, on trouve la contrariété, la dureté, l’incertitude, l’arbitraire. Nous cherchons dans ce siècle à tout perfectionner.”

Lambasting “la contrariété”, “la dureté”, “l’incertitude” of the juridical system, Voltaire suggested that the current system was incompatible with an enlightened age, thus hastening the reform.

Written from 1773 to 1777 and published anonymously in 1777, Mirabeau’s pamphlet L’essai sur le despotism resonated with Voltaire’s call for reform, attesting to contemporary anxieties about despotism and royal justice. Emphasizing the absolute power of the authority, the

47 “The law seems to oblige the Magistrate to behave towards the accused more as an enemy than as a judge. This judge is the master of ordering the confrontation of the defendant with the witness, or to omit him. How can something as necessary as confrontation be arbitrary”?Voltaire. Commentaire sur le Livre Des délits et des peines, par un avocat de province.1776. 111.
48 “Whichever way one looks, one finds contrariety, severity, uncertainty, arbitrariness. We seek in this century to perfect everything.”Voltaire. Commentaire sur le Livre Des délits et des peines.108.
Dictionnaire d’autrefois of 1762 defined “despotism” as “Autorité absolue, pouvoir absolu”. The Dictionnaire d’autrefois of 1787, however, debunked this definition of “despotism” and stressed arbitrary rule: “Le despotism est une autorité non-seulement absolue, mais arbitraire, et qui n’a d’autre règle que la volonté de celui qui gouverne. Le Despote est donc celui qui gouverne arbitrairement, et sans avoir d’autre règle que sa volonté.” In tracing the etymology of the word “despote”, Mirabeau warned that despotism evoked tyranny and terror. As he wrote, “Personne n’ignore l’étymologie du mot Despote, dénomination autrefois destinée à l’autorité tutélaire, et devenue dans nos langues la tyrannie et l’éveil de la terreur”. By alerting readers to the fact that monarchical France risked falling prey to despotism, Mirabeau echoed the earlier warnings of Montesquieu and questioned the royal authority to inflict punishment. 

For instance, Mirabeau rebuked the royal prerogative of employing the lettre de cachet to incarcerate individuals. For him, the lettre de cachet was symptomatic of “barbarie”, “déraison”, and “ignorance” and at odds with the enlightened age. As he suggested, “Les ordonnances des Rois de France qui prescrivent les affranchissements, sous des conditions justes et modérées, sont la preuve la plus authentique et la plus humiliante du degré de barbarie, de déraison et d’ignorance, auquel les hommes puissent atteindre.” Moreover, Mirabeau turned his criticism of the lettre de cachet into a reflection on the nature of society: “La société est l’état naturel de

49 “Absolute authority, absolute power.” Dictionnaire d’autrefois. “despotism”. https://artflsrv03.uchicago.edu/philologic4/publicdicos/query report=bibliography&head=despotism&start=0&end=0
50 “Despotism is an authority who is not only absolute, but arbitrary, and who doesn’t have to be regulated by any rules other than the will of the one who governs. The Despot is the one who governs arbitrarily, and without having to rule other than his will.” Dictionnaire d’autrefois. “despote”. https://artflsrv03.uchicago.edu/philologic4/publicdicos/query?report=bibliography&head=despote&start=0&end=0
51 “No one is unaware of the etymology of the word Despote, a name formerly intended for the tutelary authority, and has become in our languages tyranny and the awakening of terror.” Mirabeau Essai sur le despotism. (Londres. 1775).15-16.
52 “The prescription of the Kings of France, which prescribe emancipation, under just and moderate conditions, are the most authentic and humiliating proof of the degree of barbarity, unreason, and ignorance to which men can attain.” Mirabeau. Essai sur le despotism. 35.
l’homme, comme celui de la fourmi et de l’abeille; état fondé sur sa sensibilité, sur sa
bienfaisance, sur son amour de la liberté, sur la haine des privations, sur l’expérience de l’utilité
des secours réciproques, sur la crainte de l’oppression, ou, eu d’autres mots, du Despotism.”

Here Mirabeau showed that despotism endangered man’s natural state of liberty, and provoked
“la haine des privations” and “la crainte de l’oppression”, thus threatening the society.

Moreover, Mirabeau identified “les corps intermédiaires”, namely, the police, as arms of
royal despotism. As he wrote, “Les corps intermédiaires opposés au régime arbitraire,
énorgueillis d’être les dépositaires de la liberté publique, deviennent avec de bonnes intentions
même, deviennent, dis-je, tôt ou tard, mais toujours, esclaves ou despotiques.”

Emphasizing that “régime arbitraire” threatened “la liberté publique”, Mirabeau suggested that despotism had
infiltrated French society. To curb royal despotism, Mirabeau called for the enlightenment of the
public, suggesting that “la soumission au Despotism est dans les peuples l’ignorance ou l’oubli
de leurs droits. Instruisez les Rois et les Sujets, et le Despotism est coupé par le pied.”

Here Mirabeau argued that, while ignorance of people’s rights furthered despotism, education -
“Instruisez les Rois et les Sujets” - could constrain it. In affirming individual liberty as people’s
rights, Mirabeau toppled the royal authority in detaining individuals by the lettre de cachet,
undermining the presupposition of political obedience. Thus, echoing the call to reform,
Mirabeau injected momentum into the campaign against the lettre de cachet.

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53 “Society is the natural state of man, like that of the ant and the bee; a state founded on sensibility, on benevolence,
on love of liberty, on the hatred of privations, on the experience of the utility of mutual aid, on the fear of
oppression, or, in other words, Despotism.” Mirabeau. Essai sur le despotisme.38.

54 “Intermediate bodies in opposition to the arbitrary regime, which are proud to be the depositories of public liberty,
become with good intentions even, become, I say, sooner or later, but always, slaves or despotic.” Mirabeau. Essai
sur le despotisme.182-183

55 “Submission to Despotism is ignorant or oblivious to the rights of the people. Educate Kings and Subjects, and
Despotism is cut off by its foot.” Mirabeau. Essai sur le despotisme.59.
By replacing the irregular, arbitrary, and secret juridical system with a regular, rational system of justice grounded in the rule of law, philosophers argued that man should impose limits on punishment, furnishing Mirabeau with discourses to condemn the current juridical system. As the danger of despotism loomed as a legal concern, the carceral subject emerged in their denunciation of despotism, secrecy, and arbitrary arrest. By inserting Mirabeau’s attack on the lettre de cachet into the dialogue of the criminal law reform in the Enlightenment, this section shows that Mirabeau drew on this conversation, exposed the secrecy of the lettre de cachet from the perspective of the victim, thus hastening the reform.
Section II: Shattering the Silence: From a Carceral Subject to a Carceral Self

Written in 1778 and published anonymously in 1782, Mirabeau’s mémoire denounced the secret use of the lettre de cachet by exposing his prison experience, as he wrote in the Objet et Plan de cet Ouvrage:

Je prouverai que la prérogative royale par laquelle un citoyen peut être détenu prisonnier, en vertu d’une lettre close et sans aucune forme judiciaire, est une violence contraire à notre droit public et réprouvée par nos loix...elle n’en serait pas moins illégitime et odieuse, parce qu’elle répugne au droit naturel, parce que les détentions arbitraires sont destructives de toute liberté, et que la liberté est le droit inaliénable de tous les hommes.56

In adopting the first-person pronoun “je”, Mirabeau crafted a carceral subject - “un prisonnier” - submitted to the arbitrary use of the lettre de cachet. Nonetheless, by taking up his pen to reveal the secrecy of the lettre de cachet, Mirabeau used self-writing to assert his existence, reconnect to the outside world, and address public opinion for justice. By consequence, the carceral “self” emerged from the desire to protest royal injustice and reclaim individual liberty. Highlighting that the secret use of the lettre de cachet threatened liberty as “le droit inaliénable de tous les hommes”, the carceral “self” defended his inalienable right to liberty, transforming his prison experience from a private scandal into a national cause, calling for reform.57

The late-eighteenth-century France witnessed the vogue for self-writing and the explosion of print that accompanied it. Historians emphasized the ways in which authors crafted and exploited

56 “I will prove that the royal prerogative by which a citizen can be detained prisoner, by virtue of a closed letter and without any judicial form, is a violence contrary to our public right and disproved by our laws... it would not be less illegitimate and odious, because it is repugnant to natural law, because arbitrary detentions are destructive of all liberty, and freedom is the inalienable right of all men.” Mirabeau, Des Lettres de Cachet et Des Prisons d’État, x.
the “self” to reach the public, laying the groundwork for analyzing Mirabeau’s prison memoir.

On the one hand, Roger Chartier and Jean Marie Goulemot approached the genre of self-writing through its authorship, illuminating that the subjective, first-person narrative established the authors’ authority by grounding the truth of their texts in the self-knowledge. On the other hand, Philipe Lejeune emphasizes the readers’ perspective and the mode of reading that the self-writing reconfigured. As Lejeune observed, the first-person narrative “‘je’ created an “autobiographical pact” between author and reader, in which the author commits himself to reveal the truth of his inner life. This contract enables the readers to glimpse the secrets of the author’s life, thereby building a heightened sense of intimacy. While historians discussed how the genre of self-writing reached its contemporary readers broadly, I focus on the way in which Mirabeau crafted and transformed a carceral subjet into a “self” through writing, echoing the call for reform.

To denounce arbitrary imprisonment, Mirabeau created a carceral subject submitted to the tyranny of the state prison. In the first chapter entitled “Observations préliminaires”, Mirabeau exposed the regime of the state prison: “La plupart du temps ils [prisonniers] trouvent d’horribles saletés dans leurs plats. Ils dînent à onze heures du matin, et soupent à cinq heures du soir. Cet ordre ridicule et pernicieux, puisqu’il laisse dix-huit heures entre deux repas, et cinq seulement entre deux autres...” Emphasizing the “horribles saletés” of the prisoner’s diets and the duration between meals -“dix-huit heures entre deux repas”- Mirabeau exposed the maltreatment in the

60 “Most of the time they [prisoners] find horrible dirt in their dishes. They dine at eleven o’clock in the morning, and supper at five o’clock in the evening. This ridiculous and pernicious order, since it leaves eighteen hours between two meals, and five only between two others ...” Mirabeau, Des Lettres de Cachet, 17.
state prison. For prisoners, this regime perverted the pleasure of “les heures du repas” and turned it into “une partie de son supplice”. Subject to the atrocities of the prison condition, the prisoner suffered from physical degradation. As Mirabeau wrote, “Si le plaisir des êtres sensibles est l’instrument de leur conservation, le dégoût joint à tant d’autres chagrins doit ruiner lentement la santé, et c’est ici le plus grand des malheurs que d’être malade sans périr.”

Emphasizing the sensibility of prisoners - “Êtres sensibles” - Mirabeau suggested that the prison regime deprived prisoners of a fundamental right to enjoy basic pleasures, such as food and sleep. Thus, by exposing the prison conditions, Mirabeau portrayed a carceral “subject” who yielded to tyrannical rule.

In addition to revealing the prison condition, Mirabeau showed that the carceral “subject” was separated from the outside world. Mirabeau dramatized the solitude of the prisoner, suggesting that the carceral subject “reste des mois entiers au cachot, y mange du pain arrosé de ses larmes, et peut penser avec injustice que si sa pension était moins forte, ils seront moins long-temps dans cet affreux séjour qu’on peut appeller le cachet de la faim.”

Emphasizing the misery inflicted on the prisoner - “arrosé de ses larmes” - Mirabeau exposed the “affreux séjour” during which a prisoner inhabited a self-contained space, the “cachot”, and was subject to the omnipotent will of the jailor. Moreover, Mirabeau showed that the governor of the Vincennes held absolute power over prisoners: “Voilà quel est l’homme [le commandant] à qui l’on confie un empire absolu sur des citoyens privés de tout moyen de défense, et qu’il a un interêt très

61 Mirabeau, Des Lettres de Cachet, 18.
62 “If the pleasure of sentient beings is the instrument of their preservation, disgust as well as so many other sorrows must slowly ruin their health, and this is the greatest misfortune to be sick without perishing.” Mirabeau, Des Lettres de Cachet, 18.
63 “[the prisoner] remains entire months in the dungeon, eats bread basted with his tears, and may think with injustice that if his pension were less strong, they will be less time in this dreadful stay which may be called the seal of hunger.” Mirabeau, Des Lettres de Cachet, 25
Here Mirabeau revealed that the commandant of the *Vincennes* deprived the prisoners of their rights of self-defense. Confined to “un empire absolu”, an individual was reduced into a product of despotic power - a carceral subject - and isolated from the outside world. In this sense, Mirabeau transformed the use of the *lettre de cachet* from an instrument to maintain social order and protect family honor into an emblem of despotism.

Nonetheless, by exposing his prison experience, Mirabeau transformed the carceral subject into a carceral “self”, breaking the silence of the state prison. The carceral “self” demanded the right to appeal, as Mirabeau suggested, “Le prisonnier demande du papier à lettre.”

In revealing that the commandant of *Vincennes* confiscated prisoners’ writing, Mirabeau showed that their communication with the outside world was restricted. Following this vein, the carceral “self” revealed the prisoners’ futile efforts to appeal to justice:

“Le commandant oublie ou n’oublie pas sa parole; mais les délais ne finissent point, soit qu’il les affecte pour faire parade de son autorité, (manie qui se retrouve à tous les pas dans sa conduite,) soit qu’il ait une répugnance réelle, (à la vérité très bien-fondée,) à livrer aux prisonniers des moyens de se plaindre...En vain l’infortuné qui attache peut-être à sa lettre l’espoir de son salut, qui s’est

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64 “This is the man [the commander] who is entrusted with an absolute empire over citizens deprived of all means of self-defense, and who has a very great interest in slandering. This is the most terrible consequence of the constitution of this house.” Mirabeau, *Des Lettres de Cachet*, 25.
65 “the prisoner demand paper to write letters.” Mirabeau, *Des Lettres de Cachet*, 34.
66 “paper is a formidable weapon that his hands alone must handle to blunt the tip[of the criticism]”. Mirabeau, *Des Lettres de Cachet*, 35.
In exposing the governor’s reluctance to impart the prisoners’ complaints, Mirabeau denounced the prison apparatus which constrained their liberty to reach out to the outside world - “son spectateur”, “son juge”, “son parent ou le ministre”. Thus, by revealing the censorship imposed on the prisoners’ writings, the carceral “self” brought this secret into the limelight.

Lambasting the secrecy of the state prison, the carceral “self” further unveiled the structure of the prison Vincennes, inspiring the readers’ horror of imprisonment. For instance, Mirabeau highlighted the isolation of prisoners, suggesting that “Telle est la fermeture de ces prisons dont les murs ont seize pieds d’épaisseur, et les voûtes plus de trente pieds de hauteur.”68 Emphasizing the “fermeture” and “épaisseur” of the prison walls, Mirabeau lamented that prisoners were secluded from the outside world. In consequence, prisoners were condemned to secrecy in perpetuity, as he wrote: “ces sombres demeures seraient environnées d’une nuit éternelle, sans les vitres obscures qui laissent passer quelques faibles rayons de lumière.”69 Contrasting “une nuit éternelle” with “quelques faibles rayons de lumière”, Mirabeau affirmed that the prisoners were sealed off with no hope of escape. In exposing the obscurity of prison, the carceral “self”

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67 “The commander forgets or does not forget his word; but the delays do not end, either because he affects them to show off his authority (manipulate at every step of his conduct), or because he has a real repugnance (in fact very well-founded) at prisoners’ channels to complain...It is in vain that the unfortunate who attaches perhaps his letter in the hope of his salvation, who tried to touch his spectator, his judge, his parent or minister, the person to whom finally he writes; in vain he moans.” Mirabeau, Des Lettres de Cachet, 35.

68 “Such is the closure of these prisons whose walls are sixteen feet thick, and the vaults are more than thirty feet in height.” Mirabeau, Des Lettres de Cachet, 44.

69 “these dark dwellings would be surrounded by an eternal night, without the dark windows that let pass a few faint beams of light”. Mirabeau, Des Lettres de Cachet, 44.
appealed to the sensibility of the readers, evoking their horror of arbitrary imprisonment:

“imaginez l’effet que produit sur son âme le premier coup-d’oeil qu’il jette autour de lui.”

Vis-à-vis the obscurity of the state prison, the carceral “self” questioned the prison apparatus:

“Quant aux prisonniers de famille, de bonne-foi, où est l’importance d’un secret si profond qu’il faille tout leur refuser et presque les étouffer dans leurs cachots, de peur que leur existence ne soit connue?” Highlighting the prisoner’s attachment to their families - “aux prisonniers de famille” - Mirabeau revealed that the state prison shocked the prisoners’ desire to be known to the society. Confined to their cells, the prisoners were trapped in a void. Moreover, Mirabeau rebuked the prison apparatus: “Ah! croyez-moi, lecteur, tel trait dont le ridicule vous fait rire, blesse au cœur celui qui connaît toutes les lâches et usuraires manoeuvres de l’odieux tyran qui pérore ainsi.” Here Mirabeau addressed a solitary reader, appealing to his sensibility - “tel trait dont le ridicule vous fait rire” - to condemn “toutes les lâches” and “usuraires manoeuvres” of the state prison. In this way, the carceral “self” connected with his reader, questioning the legitimacy of the state prison which divorced the prisoners from the outside world.

In appealing to his reader’s sensibility, the carceral “self” also espoused the rationality of the late Enlightenment, rallying the reading public to campaign against arbitrary imprisonment. For instance, Mirabeau cited Beccaria to condemn the uncertain duration of imprisonment:

l’âme résiste mieux à la violence et aux maux les plus extrêmes qui ne sont que passagers, qu’au temps et à la continuité de l’ennui, parce que dans le premier cas elle peut, en se rassemblant, pour ainsi dire, toute en elle-même repousser la

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70 “imagine the effect produced on his soul when he casts the first glance around him.” Mirabeau, Des Lettres de cachet, 47.

71 “As for the prisoners of families, in good faith, what is the importance of a secret so deep that it is necessary to refuse everything and almost stifle them in their dungeons, lest their existence could be known?”. Mirabeau, Des Lettres de cachet, 43.

72 “Ah! believe me, reader, such a trait whose ridicule makes you laugh, hurts the heart who knows all the cowardly and usurious maneuvers of the odious tyrant who perishes.” Mirabeau, Des Lettres de Cachet, 66.
This quotation was excerpted from Beccaria’s *On Crimes and Punishments*, Chapter 28 entitled “The death penalty”. Beccaria proposed to substitute permanent imprisonment for the death penalty, suggesting that “Our spirit withstands violence and extreme but fleeting pains better than time and endless fatigue. For it can, so to speak, condense itself to repel the former, but its tenacious elasticity is insufficient to resist the latter.” For Beccaria, the duration of a punishment had a greater impact on the prisoner’s soul than its intensity. Thus, by reinforcing the association between punishment and crime committed in criminal’s minds, the permanent imprisonment could achieve the greatest efficiency in deterring crime. Mirabeau, however, used this argument to denounce imprisonment, suggesting that the prison “aggrave en quelque sorte l’espoir, en nous empêchant de nous en affranchir: l’incertitude tourment et déchire sans relâche, et la solitude et l’ennui enveniment la blessure.” In addition to lamenting the uncertainty of the detention - “l’incertitude tourment et déchire sans relâche” - Mirabeau highlighted the role of “solitude” and “l’ennui” in perpetuating and aggravating the misery of the prisoner. Thus, Beccaria’s argument furnished Mirabeau with discourses to condemn arbitrary imprisonment, allowing him to exploit the carceral “self” to encapsulate the problems in the juridicial system, calling to reform.

73 “the soul resist better to violence and to the most extreme evils which are only transient, than to time and to the continuity of boredom, because in the first case it can, by combing together, so to speak, itself repel the pain afflicted by it, and in the second, all its power is not sufficient to withstand evils whose action is long and continuous.” Mirabeau, *Des Lettres de Cachet*, 49.


75 “in a way aggravate hope, by preventing us from freeing ourselves from it: uncertainty torments and unceasing tears, and loneliness and boredom which worsen the wound.” Mirabeau, *Des Lettres de Cachet*, 49.
In this sense, the carceral “self” did not simply expose the secrets of the prison, but also mobilized the public in favor of reform. Lambasting the secrecy of the police, the carceral “self” presented himself as an authority of truth, cultivating trust with his readers, as he wrote:

> Il est aisé de s’assurer de la vérité des faits principaux exposés dans cet écrit. En effet, à qui fera-t-on croire que l’on puisse dérober ce qui se passe à Vincennes au lieutenant de police, qui, grâce à l’inquisition civile établie dans Paris, pénètre avec une inconcevable facilité dans les secrets domestiques, découvre les trames les plus profondément ourdies, n’ignore pas même une anecdote de simple curiosité, quand il veut la savoir?76

Emphasizing the “vérité” of his writing, the carceral “self” employed the impersonal pronoun “on”, in lieu of the first person narrative “je”, to address the readers. As a pronoun “on” included the author and the readers, the carceral “self” reached the reading public through writing.77

Moreover, Mirabeau directed his criticism to the lieutenant general of the Parisian police, Jean-Charles-Pierre Lenoir, suggesting that he penetrated “les secrets domestiques” “avec une inconcevable facilité” yet turning a blind eye to the secrecy of the state prison. Contrasting the obscurity of the police administration to the accountability of his memoir, the carceral “self” elevated his voice as a source of truth and reform.

Expanding on this theme, the carceral “self” identified the police as his targets of criticism. As he put forward, “Mais au donjon, c’est un despote absolu [le commandant de Vincennes] qui jouit lorsqu’il peut ouvrir des cachots, river des chaînes, appesantir un sceptre de fer.”78

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76 “It is easy to ascertain the truth of the principal facts exposed in this writing. In fact, who will believe that one could hide what is going on at Vincennes from the lieutenant of police, who, thanks to the civil inquisition established in Paris, penetrates with an inconceivable facility in the domestic secrets, discovers the most deeply woven intrigues, does not ignore even an anecdote of simple curiosity, when he wants to know?” Mirabeau, Des Lettres de Cachet.74.

77 Darnton, The Forbidden Best-Sellers of Pre-Revolutionary France. 81.

78 “But in the dungeon, he is an absolute despot [the commander of Vincennes] who enjoys when he can open dungeons, run the chains, belch an iron scepter.” Mirabeau, Des Lettres de Cachet.42
Mirabeau denounced the commandant of Vincennes as a “despot absolu”, subverting the paternalistic image of the police and the royal authority it embodied. Furthermore, Mirabeau attacked the tyranny of the police, claiming that “Un prisonnier se conduit mal ou mécontente le commandant: il est mis au cachot; punition fréquemment infligée”\textsuperscript{79} In employing the expression “un prisonnier”, rather than the first-person pronoun “je”, Mirabeau conveyed objectivity to the reading public, turning his personal experience into a critique of the despotic injustice. Therefore, by exposing the tyrannical rule of the police, Mirabeau transformed the carceral “self” into a microcosm of the despotism in the juridical system.

In attacking the police, the carceral “self” became a reflection on the human condition. As Mirabeau proclaimed, “Séparé de mes amis, privé de livres, de correspondances, de tranquillité, de liberté, de santé, de tout, excepté de loisir et de sensibilité; on ne saurait être embarrassé de plus d’entraves; mais libre ou non, je réclamerai, jusqu’à mon dernier soupir, les droits de l’espèce humaine. Eh! quel moment plus propre à combattre le despotisme que celui où l’on gémit sous ses liens?”\textsuperscript{80} Emphasizing that the prison deprived him of the connections with the society - “séparé de mes amis, privé de livres, de correspondances” and liberty, the carceral “self” demonstrated that despotism endangered man as social beings. Furthermore, Mirabeau employed the carceral “self” to reflect on the human condition in the state prison, as he wrote: “Hélas! les moments les plus cruels de la vie ne se comptent pas moins pour la durée de l’existence que les plus doux. Ces heures si tristes où le chagrin dévore, où l’ennui consume,

\textsuperscript{79} “A prisoner misbehaves or displeases the commander: he is put in jail; punishment was frequently inflicted.” Mirabeau, \textit{Des Lettres de Cachet}, 25.

\textsuperscript{80} “Separated from my friends, deprived of books, correspondence, tranquility, liberty, health, everything except leisure and sensibility; one can not be embarrassed by more obstacles; but free or not, I will claim, until my last breath, the rights of the human. Eh! what time is better to combat despotism than that when one moans of one’s bonds?” Mirabeau, \textit{Des Lettres de Cachet}, xj.
contribuent à remplir celles qui nous sont accordées par la nature; et elles paraissent infiniment plus longues. Déplorable condition humaine!” Lambasting the “déplorable condition humaine”, the carceral “self” highlighted the role of solitude and “l’ennui” in perpetuating prisoner’s misery, affirming that arbitrary imprisonment violated man’s natural rights. In this way, the carceral “self” took the form of the universal value of humanity, summoning the public to reform.

Mirabeau concluded his prison experience by unveiling his intention to publish his mémoire:

“En voilà assez sans doute pour convaincre ceux qui liront cet écrit sans prévention, de la nécessité de remédier aux abus qui regnent dans cette maison. Elle renferme des tourmens sans nombre, elle retentit de soupirs poussés par le désespoir: la noire mélancolie l’habite, et cela ne peut être autrement. Mais pourquoi n’en pas bannir les douleurs qui n’en sont point inséparables? Pourquoi tant de contrariété barbares, tant de privations cruelles également indifférentes à la sûreté de la garde et au motif de l’emprisonnement?”

By exposing his prison experience, Mirabeau convinced the reading public - “ceux qui liront cet écrit sans prévention” - of the urgency to curb abusive power in the juridical system. Echoing Beccaria, Mirabeau showed that the cruelties of royal punishment had nothing to do with either security or the crime; rather, they were irrational and unjustified. Championing individual autonomy and liberty, the carceral “self” fused two strands of the late enlightenment - sensibility and rationality - to reach the public, questioning the legitimacy royal punishment. In turning the

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81 “Alas! the most cruel moments of life are no less important for the duration of life than the sweetest. These sad hours, in which sorrow devours, and boredom consumes, contribute to fill those bestowed upon us by nature; and they seem infinitely longer. Deplorable human condition!”, Mirabeau, Des Lettres de Cachet, 53.

82 “This is probably enough to convince those who read this writing without prejudice, of the necessity to remedy the abuses that reign in this house. It contains numerous torments, it resonates with sighs driven by despair: the black melancholy inhabits it, and that can not be otherwise. But why not banish pains that are not inseparable? Why are there so many barbarous frustration, so many cruel privations which are equally indifferent to the security of the guard and the reason of imprisonment?”, Mirabeau, Des Lettres de Cachet, 93.
carceral subject into a carceral “self” through writing, Mirabeau identified the prison apparatus as its target of criticism, waging war on the police.
III. Waging War on the Police: the Carceral ‘Self’ Versus the Prison Apparatus

In crafting a carceral “self”, Mirabeau identified the prison apparatus for criticism, portraying the police as an emblem of monarchial despotism. The publication of Mirabeau’s memoire triggered contemporary polemics against the police, as Jean-Charles-Pierre Lenoir, the lieutenant general of the police in Paris, observed:

le changement cruel que je ne cesse d’éprouver dans l’opinion du public, ou plutôt de cette multitude aveugle qui ne s’attachant qu’aux apparences tend toujours une oreille crédule à la déformation. Mais il est difficile de vaincre cette opinion, quoique établie sur de faux principes, lorsqu’elle est appuyée et travaillée par des hommes ayant du talent...

Although Lenoir did not mention Mirabeau, he rebuked “des hommes ayant du talent” for distorting the truth and misguiding the public, attesting to the antagonism between public opinion and the police. However, when juxtaposing the inner workings of the police unmasked by clandestine authors and Lenoir, a paradox emerges - while the authors denounced the secrecy of the police as a symptom of despotism, Lenoir argued that the police’s secrecy served the welfare of the society. By inserting Mirabeau’s memoire into contemporary polemics about the secrecy of the police, this section suggests that the clash between the clandestine authors and Lenoir was a microcosm of the ideological divisions in the late Ancien Regime: the former envisioned a polity unhinged from royal authority, whereas the latter rehabilitated the police’s image as well as the ideals it embodied.

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83 “the cruel change that I am continually experiencing in public opinion, or rather of that blind multitude, which attaches itself only to appearance, always tends a credulous ear to distortion. But it is difficult to overcome this opinion, though based on false principles, when it is supported and worked by men of talent.” Milliot, Un policier des Lumières.463.
Part I: Waging War on the Police

In *Des Lettres de cachet et des prisons d’état*, Chapter II entitled *Administration intérieure du donjon de Vincennes*, Mirabeau dispelled the myth of the state prison and lambasted the secrecy of the police: “À force d’intrigues, il [le commandant du donjon de Vincennes] a écarté tout ce qui pouvait le contrarier et le surveiller. Ces magiques paroles, le SECRET, LA SÛRETÉ, lui ont suffi pour bouleverser cette maison.”

While the political ideals behind the state prison postulated a police force that endeavored to maintain “LA SÛRETÉ” of the society, Mirabeau alerted the public to the abusive powers of the police. In exposing prison conditions, Mirabeau turned the secrecy of the police into a public scandal. Rather than the guardians of social order and loyal agents of the crown, the police became the enemies of people, synonymous with despotism and antithetical to justice.

The word “police” had much broader connotations under the Ancien Regime than it does to today. According to *Dictionnaires d’autrefois*, the term “police” implied two dimensions: first, it referred to activities involved in the governance and regulation of a city, such as “ordre, règlement établi dans une ville pour tout ce qui regarde la sûreté et la commodité des habitants”; second, it signified “la Juridition établie pour la Police.” Combining administrative and judicial functions, the police was directly accountable to the crown, informing the crown of the developments in the city. Thus, the term “police” designated royal agents of law enforcement

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84 “By dint of intrigue, he [the commander of the dungeon of Vincennes] dismissed all that could annoy or supervise him. These magic words, the SECRET, THE SAFETY, were enough for him to upset this house.” Mirabeau, *Des lettres de cachet*.43.
85 Graham, *If the King Only Knew*.27.
87 Graham, *If the King Only Knew*. 26
as well as the mechanism of policing. As this section centered on the clandestine author’s attacks on the secrecy of the police and the prison apparatus, I will examine their denunciation of the judicial function of the police, demonstrating the way in which their rhetorics stigmatized the image of the police, thereby discrediting royal authority.

Written in 1782 and published in 1783, Linguet’s memoire entitled Mémoires sur La Bastille, Et La détenion de l’Auteur dans ce Château-Royal, depuis le 27 Septembre 1780, jusqu’à 19 Mai 1782 exposed his prison experience, staging a melodrama between an innocent prisoner and a corrupted minister seeking personal vengeance.88 Imbued with sensational language, Linguet’s memoire ripped off the masks, pulled back curtains, tore down facades, and brought the secrecy of the policing into the spotlight:

Dans les vues de l’instituteurs primitif du régime de la Bastille, cette effroyable politique avait un objet: c’était de se défaire sans bruit et sans éclat, des hommes pour l’assassinant de qui le bourreau lui aurait refusé son ministère...quand il avait proscriit un innocent, il voulait qu’on ignorât l’époque de sa mort, afin de ne la fixer qu’au moment précis qui convenait à ses intérêts, ou à sa vengeance.89

Linguet revealed the goal of the “effroyable politique” of the Bastille - “c’était de se défaire sans bruit et sans éclat” - alluding to the absence of judge and witness in the state prison. By victimizing the “innocent” who fell prey to the “vengeance” of the minister, Linguet showed that the secrecy of the Bastille served to eliminate the enemy of the minister, provoking readers’

88 On melodramatic language, see Maza, Private Lives and Public Affairs.251-262.
89 “In the views of the primitive teachers of the regime of the Bastille, this appalling policy had an object: it was to undo without noise and without making a scene, to murder men who rejected the minister. When he had proscribed an innocent man, he wanted that the time of his murder would not be known to the public, so as to fix it at the precise moment that suited his interests, or to his vengeance.” Linguet, Simon-Nicholas Henri, Mémoire Sur La Bastille et La Détention de l’Auteur Dans Ce Chateau-Royal, Depuis Le 27 Septembre 1780 Jusqu’au 19 Mai 1782. Londres: De L’imprimerie de Thomas Spilsbury. Snowhill. chez B. Le France. (Imprimeur-Libraire, 1782) 58.
horror of imprisonment. Thus, Linguet displaced the police’s rationale of imprisonment from maintaining social order to personal vengeance, thereby discrediting the authority of the police.

Furthermore, Linguet blasted the secrecy of the lettre de cachet and royal intervention:

"Au nom de Roi, du magistrat suprême, du protecteur né de l’innocence, du gardien de la faiblesse: c’est son intervention plus directe qui produit des effets plus cruels: c’est par ses ordres immédiats qu’on se prétend l’autorité à soumettre un infortuné qui n’ai offensé, ni lui, ni le roi, ni rien de ce qu’elles obligent de respecter, à des supplices inconnus dans les prisons ordinaires." 

By appealing to the crown - “au nom de Roi” - Linguet identified ministerial despotism as his target of criticism. For Linguet, the ministers abused his authority to serve his own interests. The police, in turn, furthered ministerial despotism by dispatching the lettre de cachet to detain the minister’s enemy. As he exclaimed, “le Ministère de France a des magasins de Lettres-de-cachet, signées d’avance, qu’il attend sans bruit le moment d’appliquer.” By demonstrating the minister’s abusive use of the lettre de cachet - “singée d’avance” et “attend sans bruit” - Linguet instilled defiance in the reading public, breaching the trust between the public and the royal authority.

Following the argument of Linguet, Latude also used the prison regime to discredit royal authority. His political concern, nevertheless, extended beyond a preoccupation with the secrecy of police to a revolt against royal authority. Written in December 1782 and edited by the lawyer Luc-Vincent-Thiéry, Latude’s memoire entitled Le Despotisme dévoilé, ou Mémoires de Henri

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90 “In the name of King, of the supreme magistrate, of the innocent protector, of the guardian of the weak: it is his direct intervention which produces the most cruel effects: it is his immediate orders that made the unfortunate man submit to his authority, a man who has offended neither himself, nor the king, nor anything which they oblige to respect, to unknown tortures in ordinary prisons.” Linguet, Mémoire Sur La Bastille, 102.

91 “the Ministry of France has storage of Letters-de-cachet, signed in advance, that he waits quietly for the moment to apply”, Linguet, Mémoire Sur La Bastille, 101.
Masers de la Tude, détenu pendant trente-cinq ans dans les diverses prisons d'état was published in 1787 in Paris. According to Latude, he was arrested for a harmless prank against the marquise de Pompadour, the mistress of Louis XV, which sparked her fury and led to his imprisonment in various state prisons intermittently for thirty-five years from May 1st, 1749 to 1784.\textsuperscript{92} Latude’s memoire attested to the rising tides of public opinion against the lettre de cachet on the eve of the Revolution, suggesting that “En France on est un peu moins tranquille sur les lettres-de-cachet, qui véritablement, font plus de ravage dans une année, que l’Inquisition, les Lacets et les Muets n’en font dans dix ans.”\textsuperscript{93} Consequently, the goal of Latude’s memoire, as highlighted in the preface, was to demonstrate that “l’histoire de M. de Latude est peut-être le meilleur ouvrage que l’on ait pu faire pour éclairer la nation et les personnes qui la gouvernent, sur l’inutile atrocité des chatimens arbitraires.”\textsuperscript{94} Echoing Beccaria’s denunciation of arbitrary punishment, Latude’s memoire aimed to enlighten the nation, alerting the public to the danger of the arbitrary power. In addressing “les personnes qui la gouvernent”, Latude demanded for change, summoning the nation to campaign against the lettre de cachet.

For instance, Latude embedded a transcription of his interrogation by Lenoir into his text, rebuking the secret administration of the police:

\begin{quote}
M. le Noir: Votre tête est-elle rassuré? de tems en tems n’avez-vous pas encore de petites folies?
Latude (avec étonnement) Je n’ai jamais donné de preuve d’avoir perdu l’esprit.
M. le Noir: J’ai lu vos lettres.
\end{quote}

\textsuperscript{92} On Latude’s reason for his imprisonment, see Mulryan, Michael J. and Denis D. Grélé, eds. \textit{Eighteenth-Century Escape Tales: Between Fact and Fiction}. (Lanham, Maryland: Bucknell University Press, 2016). 5-8
\textsuperscript{93} “In France people are less quiet about the lettres-de-cachet, which really, damaged more in a year, than the Inquisition, Lacets and Muets did in ten years.”Henri Masers de Latude, \textit{Le Despotisme dévoilé, ou Mémoires de Henri Masers de la Tude, détenu pendant trente-cinq ans dans les diverses prisons d’état}. (Paris: Gueffier jeune, 1789).iii.
\textsuperscript{94} “the story of Mr. of Latude is perhaps the best work that could have done to enlighten the nation and the people who govern it, on the useless atrocity of arbitrary punishment.”Latude, \textit{Le Despotisme dévoilé}.iii.
Latude. Les avez-vous lues en ma présence?
M. le Noir: Non.
Latude: Mais il n’est pas permis de punir un homme sans entendre sa défense.

... 
M. le Noir: Mais vous soupçonnez quelqu’un?
Latude: Puisque vous voulez que je le dise, je crois que c’est monsieur de Sartines; votre bon ami, qui me persecute.
M. le Noir: Il est vrai que monsieur de Sartine est mon ami; mais, enfin, où prétendez-vous aller? vos papiers sont sous les yeux du roi.
Latude: S’il n’y a que mes papiers sous les yeux du roi, je dois bien espérer, parce qu’ils ne contiennent que des choses justes et équitables, et je ne cesse d’adresser au ciel des prières pour la conservation de ses jours précieux, et de toute la famille royale.  

Although the accuracy of this transcription cannot be verified, it raised the question of the credibility of royal authority. For Lenoir, the “lettres” of Latude manifested his insanity and justified his detention. Latude, however, denounced Lenoir’s unfounded charges and rebuked him for depriving him of the right to self-defense. Similar to Linguet, Latude also suggested that police secrecy served personal vengeance. As the transcription showed, it was Lenoir who first inquired about Latude’s adversary who prosecuted him, questioning that: “Mais vous soupçonnez quelqu’un?” After Latude confessed the name “monsieur de Sartines”, Lenoir acknowledged their friendship: “Il est vrai que monsieur de Sartine est mon ami”. Thus, echoing Linguet’s criticism of ministerial despotism, Latude dismantled the image of the police as loyal agents of the crown.

95 “M. le Noir: Is your head reassured? How often do you have little follies? Latude (with astonishment) I never gave any proof of having lost my mind. Mr. le Noir: I read your letters. Latude. Did you read them in my presence? Mr. le Noir: No. Latude: But it is not permissible to punish a man without hearing his defense....Mr. le Noir: But you suspect someone? Latude: Since you want me to say it, I think it’s Monsieur de Sartines; your good friend, who persecutes me.M. le Noir: It is true that Monsieur de Sartine is my friend; but, finally, where do you wish to go? your papers are under the eyes of the king. Latude: If there are only my papers under the eyes of the king, then I have hope, because they contain only just and equitable things, and I keep praying to heaven for the preservation of his precious days, and all the royal family.”Latude, Le Despotisme dévoilé. 79-83.
While Mirabeau, Linguet, and Latude denounced the secrecy of the police through firsthand experience, the urban chronicler Mercier transformed their critiques of the juridical system into a reflection on the social contract between subjects and royal institutions. Written and published between 1781 and 1787, *Le Tableau de Paris* challenged the image of the royal authority. In a chapter entitled “Government”, Mercier raised the question of the lettre de cachet, arguing that:

Plusieurs individus ressentent donc par erreur le poids et le caprice de l’autorité. Les Lettres de cachet, qui quelquefois volent au hasard, immolent un petit nombre de victimes; mais le corps de la nation est à l’abri de ces actes hardis et violents; et en ruinant ouvertement les lois le monarque se briserait lui-même contre l’écrueil. Highlighting the infrequent use of the lettre de cachet - “un petit nombre de victimes” - Mercier rebuked “plusieurs individus” who exaggerated “le poids et le caprice de l’autorité”. Furthermore, Mercier contested the legality of the lettre de cachet, arguing that the king was destroying his authority when he broke the law, which in turn endangered the “corps de la nation.” Thus, Mercier turned the criticism of the lettre de cachet into a critique of its institution, undermining the legitimacy of the lettre de cachet by striking at its roots.

When probing into the inner workings of the police unmasked in the forbidden best-sellers, perhaps an excerpt from Mercier’s *Le Tableau de Paris* most astutely captured their shared discontentment toward royal authority:

Toutes les passions vindicatives et voilées assiègent ce ministre [chargé de département de Paris], parce que le redoutable pouvoir est entre ses mains; et comme la vengeance s’étudie à se voiler du masque de la justice, et prend son temps pour assener plus

96 Darnton. *The Devil in the Holy Water*: 85
97 “Many individuals, therefore, mistakenly feel the weight and caprice of authority. Letters de cachet, which sometimes dispatched at random, secured a small number of victims; but the body of the nation is under these bold and violent acts; and by openly breaking the laws the monarch would ruin itself.” Louis-Sébastien Mercier, ed. Jeffry Kaplow. *Le tableau de Paris*. (Paris: La Découverte.2012). 323
sûrement ses corps, c’est avec promptitude qu’il doit reconnaître le véritable motif qui
conduit les hommes vers lui; car quel plus grand malheur que d’égarder l’autorité royale et
de lui prêter les couleurs de la tyrannie!98

Here Mercier cast the police as damaging the king’s royal authority by their arbitrary
punishment, attesting to the contemporary anxieties about despotism. In a similar vein, by
attacking the secrecy of the police, the clandestine authors discredited the image of the police,
breaching the trust between the public and the royal authority it embodied. Rather than guardians
of social order and loyal agents of the crown, the police furthered ministerial despotism and was
antithetical to justice. In denouncing their abusive authority in the prison system, the authors
challenged the legitimacy of royal punishment, summoning the public to reform the criminal
justice system.

Part II: “Un policier des Lumières”

Vis-à-vis the denunciations of the police, Jean-Charles-Pierre Lenoir, the lieutenant general
of the Parisian police who oversaw the state prison from April 25th, 1774 to May 1775 and from
June 1776 to August 1785, was probably better informed than anyone to comment on his
administration on behalf of the police.99 Looking back at his police career, Lenoir unveiled the
mechanism of the police in his unpublished manuscript entitled Memoire de L.C.P. Lenoir ancien
Lieutenant général de police de Paris, écrits en pays étrangers dans les années 1790 et suivants.
Lenoir rebuked the authors’ criticisms for distorting the truth, as seen in his Introduction: “Les

98 “All vindictive and veiled passions besiege this minister [in charge of Paris department], because the formidable
power is in his hands; and as vengeance veils justice and take its time to consolidate his body, it is with promptness
that he must recognize the true motive that lead men to him; for what greater misfortune than to mislead the royal
authority and to give it the colors of tyranny!”Mercier. Le tableau de Paris.328.

99 Simon Burrows, “Police and Political Pamphleteering in Pre-Revolutionary France: The Testimony of J.-P.
Lenoir, Lieutenant-Général of Police of Paris”, in Print and Power in France and England, 1500-1800, eds. Adams,
écritains ont osé annoncé que leur production contre la police de Paris pourrait être utile à l’histoire. Ce serait tromper la postérité de ne pas dévoiler leurs mensonges et de ne pas restituer à la vérité des faits qu’ils ont tronqués et dénaturés.”

Facing the polemics against the secrecy of the police, Lenoir debunked their attacks by revealing the police’s observations and reasonings - “dévoiler leurs mensonges” and “restituer à la vérité” - thus rehabilitating the image of the police.

After Lenoir emigrated to Switzerland in July 1789, he started to compose his memoire in 1790 and finished after he returned to Napoleonic France in 1802. Lenoir’s memoire survived as 3000 loose pages, ranging from highly refined treatises to barely legible notes. The memoire was structured around the different functions of the police and composed of two sections: the first section unveiled the organization and administration of the police before 1789; and the second section, probably written and edited from 1801 to 1806, documented the changes of the administration of the police from 1789 to 1799. Lenoir’s memoire was intended for publication, as he indicated in the marginal notes: “Lorsque j’écrivais ainsi, j’avais le projet de faire imprimer les mémoires auxquels je travaillais.” However, he did not specify the reason for abandoning this project except for his notes hinting at the intermittent interruptions. Thus, Lenoir’s memoire remained a manuscript.

100 “Authors dared to announce that their writing against the Paris police could be useful for history. It would be deceiving posterity not to reveal their lies and not to restore to the truth that they cut out and distorted.” Milliot, Un policier des Lumières, 463.
103 Milliot, Un policier des Lumières, 47-48.
104 “When I wrote this, I plan to print the memoirs which I was working on.” Milliot, Un policier des Lumières, 466.
105 Lenoir explained that “Mon travail a été souvent interrompu et repris, et les événements m’ont fait renoncer à ce projet”, yet he did not clarify what “les événements” caused him to give up on this project. On the reason why Lenoir did not publish his memoire, see Milliot, Un policier des Lumières, 466.
Although Lenoir’s memoire was written mostly from memory, historian Simon Burrows suggests that his narrative was generally reliable. The structure of Lenoir’s memoire was derived from a memoire drafted by his predecessor Antoine de Sartine in 1770 at the request of several foreign monarchs who wished to use the Paris police as a model. In this case, besides his memory, Lenoir’s memoire enlisted the work of his predecessor Sartine, as he indicated in Avant-Propos: “J’étais errant en pays étranger, quand j’y reçus la copie d’un ouvrage que Mr. de Sartine avait fait composer en 1770...Cette copie me fut envoyée en 1790 par Mr. Le Maire ancien commissaire de police, lequel avait beaucoup contribué à sa rédaction.” The “copie d’un ouvrage”, according to Lenoir, was a treatise entitled *Mémoire sur l’administration de la Police*, an “abrégé” on “le développement des principales fonctions des commissaires et des inspecteurs de police.” By revealing his source of information, Lenoir furnished a factual account -“quelques détails” - and strengthened the truthfulness of his memoire.

However, Lenoir’s perspective on the revolution shaped his agenda in the memoire. In fact, his reflection on the Revolution was a personal trauma. As he wrote in exile, “En julliet 1789, au commencement de la révolution, je me suis éloigné de ma Patrie. J’étais errant en pays étranger...” In describing himself as a victim of the Revolution who was forced to emigrate from his own country, Lenoir dramatized the Revolution as an “volcan” of “diffamations”, a dangerous element that shattered the social tranquility and perpetuated disorder. Nonetheless,
rather than embroiling himself in polemics against the police, Lenoir did not rebuke the “diffamations” until a few years later. As he contemplated his police career, “Aujourd’hui après un silence de quelques années, gémissant sur les désordres de la France et sur la police de sa capitale, j’ose mettre au jour non ma justification, mais le régime de la police que l’on décrie aveuglément et avec acharnement.”

Imbued with his nostalgia for the Ancien Regime, Lenoir’s memoire evolved into an amalgam of a personal testimony and a political treatise on the mechanism of the police. As Burrows suggests, Lenoir’s agenda was twofold. First, Lenoir offered a testimony to defend his administration of the police against critics who denounced the abuse of power. For instance, by employing the first-person pronoun “je”, Lenoir lambasted the criticism: “Je ne déguiserai pas les abus de cette administration. Quelle est l’administration qui n’ait pas ses abus?” Thus, Lenoir’s memoire was in part a defense and a personal apology for the police. Second, Lenoir furnished a historical record of the administration of the police during the last decade of the Ancien Regime, thereby shedding light on the causes of the Revolution. As he explained, “dans les événements et les faits connus, inconnus ou mal connus que je citerai l’on apercevra peut-être quelqu’unes des causes de la Révolution actuelle.” In addition to documenting the details of the police, Lenoir wrote a reflective commentary on each section of the memoirs after 1802.

111 “Today, after a silence of a few years, moaning over the disorders of France and the Paris police, I dare to reveal not my justification, but the regime of the police that one attacked blindly and fiercely.” Milliot, Un policier des Lumières.463
112 Burrows, “Police and Political Pamphleteering in Pre-Revolutionary France”.101.
113 “I will not disguise the abuses of this administration. Which administration does not have its abuses?” Milliot. Un policier des Lumières.466.
114 Milliot. Un policier des Lumières.450.
115 “from events and facts known, unknown or badly known, which I will mention, perhaps we will discern some of the causes of Revolution.” Burrows, “Police and Political Pamphleteering in Pre-Revolutionary France”.101
Thus, by incorporating the treatise on the administration of the police into his testimony, Lenoir established himself as an authority, reinforcing the accountability of his memoire.

To rehabilitate the image of the police, Lenoir’s memoire first demonstrated his awareness of the criticisms of the abusive power in the state prison. For Lenoir, “L’abus des prisons d’État comme celui des lettres de cachet n’étaient que des prétextes dont on se servait pour soulever les esprits.”¹¹⁶ In fact, Lenoir revealed that earlier in 1783 - “époque où la France était dans un état de calme apparent” - he had advised Mr. Amelot, the secretary of the state, to abolish one of the state prison, the Vincennes.¹¹⁷ Lenoir revealed his reason for its abolition, suggesting that “Il n’y avait pas d’autres prisonniers que quatre ou cinq jeunes gens soustrait en faveur de leurs famille aux poursuites de la justice.”¹¹⁸ Emphasizing the fact that Vincennes was mostly vacant, Lenoir demonstrated his knowledge about both the number of the prisoners -“quatre ou cinq jeunes gens” - and their imprisonment by lettres de cachet at the request of their families. Thus, Lenoir defied the criticism about his negligence of the state prison. Despite Lenoir’s proposition, this plan was not executed until the next minister, as he observed, “sur son rapport, la suppression de cette prison d’État fut (décidée), mais elle ne put être effectuée que l’année suivante sous le ministère de Mr. de Breteuil.”¹¹⁹ Thus, by revealing his project to abolish the unoccupied state prison, Lenoir presented himself as an enlightened administrator determined to reform the prison system, undercutting the attacks on the abusive power of the police.

¹¹⁶ “The abuse of state prisons like that of lettres de cachet were only excuses to provoke disturbance.” Milliot, Un policier des Lumières,620.
¹¹⁷ “a time when France was in a state of apparent calm.” Milliot, Un policier des Lumières,620.
¹¹⁸ “There were no other prisoners than four or five young people who had been excluded from justice proceedings in favour of their families.” Milliot, Un policier des Lumières,620.
¹¹⁹ “According to his report, the abolition of this state prison was (decided), but it could only be carried out the following year under Mr. de Breteuil’s administration.” Milliot, Un policier des Lumières,620.
However, the abolition of the *Vincennes* prison did not pacify public hostility toward the police or the *lettre de cachet*. To refute the public’s demand to abolish the *lettre de cachet*, Lenoir argued that it served to protect family honor. For instance, Lenoir highlighted Mirabeau’s notoriety in producing illegal pornographies - “avoir composé de profit avec eux divers ouvrages licencieux tels que *L’espion dévalisé, La * * *” - and thus was imprisoned by the *lettre de cachet “à la seule réquisition de son père”*.\(^{120}\) In fact, Lenoir indicated in his marginal note that the *lettre de cachet* requested by Mirabeau’s father was an “exception à la règle” to help “un père célèbre et malheureux” to regulate his family.\(^{121}\) Rather than a symptom of despotism, Lenoir demonstrated the flexibility of the police, illuminating that the secret use of the *lettre de cachet* was a favor to a family which endeavored to preserve its honor and tranquility.

In addition to protecting family reputation, Lenoir highlighted the role of the *lettre de cachet* in detaining seditious individuals to maintain social order.\(^{122}\) For instance, Lenoir attributed multiple reasons to Linguet’s imprisonment: “Il revint à Paris et s’adresse à la police au sujet de l’impression et du débit de ses *Annales*. Il voulait poursuivre encore Mr. le Duc d’Aiguillon, dont il disait d’avoir pas été assez payé, quoiqu’il en eût reçu plus de 1000 louis d’or.”\(^{123}\) Emphasizing Linguet’s underground sensational journal *Annales* and his tumultuous personal life, Lenoir showed that Linguet was “un esprit turbulent” who disturbed social tranquility. Moreover, Lenoir suggested that Linguet was accused of slandering “des magistrats du parlement de Paris”, which in turn resulted in the police dispatching the first *lettre de cachet* commanding him to settle at

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120 “have gained profit by producing various licentious books such as *L’espion dévalisé, La * * *”, “at the only request of his father”, Milliot, *Un policier des Lumières*,661.
121 “a exception of the rule”, “a famous and unhappy father”, Milliot, *Un policier des Lumières*,663.
123 “He returned to Paris and spoke to the police about the publication of his Annales. He still wanted to sue Mr. le Duc d’Aiguillon, who had not paid enough, although he [Linguet] had received more than 1,000 louis d’or.” Milliot, *Un policier des Lumières*,648
“la terre de la duchesse de Béthune” instead of a prison. In justifying the police’s reason to detain Linguet, Lenoir illuminated that the use of the *lettre de cachet* was designated to secure turbulent individuals, thus maintaining the social order.

Furthermore, Lenoir revealed that the decision to jail Linguet in the Bastille reflected the moderation of the police rather than ministerial despotism. As Lenoir indicated, it was due to Linguet’s later personal attacks on “Mr. le maréchal” - the “tribunal des maréchaux de France” - that led to another *lettre de cachet* requesting to detain Linguet.⁵⁴ Although the ministers advised Lenoir to jail Linguet in *Bicêtre*, a mental institution intended to isolate the mentally disturbed individuals from the society, Lenoir imprisoned Linguet at the Bastille, a state prison where prisoners could live in far more confortable conditions.⁵⁵ Even though Linguet “reçut dans sa prison tous les adoucissements possibles”, Lenoir revealed that he continued to “employer sa plume à calomnier ses bienfaiteurs comme ses détracteurs.”⁵⁶ Thus, by reinforcing Linguet’s character as a malicious individual who slandered the government, Lenoir defended a paternalistic police - “ses bienfaiteurs” - who endeavored to protect the social order.

In a similar vein, Lenoir lambasted Latude for distorting the truth of his crime, thereby damaging the police’s authority. As he wrote, “j’ai lu loin de Paris son histoire prétendu

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⁵⁴ Milliot, *Un policier des Lumières*, 649
⁵⁵ The *Bicêtre* served to confine the mentally insane and gained a reputation for degradation. The condition of the *Bicêtre* was far worse than the Bastille, as Mercier described in *Le Tableau de Paris*: “elle [leur nourriture ordinaire] ne consistât qu’en un peu de pain, et un peu de viande un seul jour de la semaine; qu’ils [les prisonniers] n’en avaient voulu qu’au supérieur et à l’économie qui les faisaient jeûner si cruellement, afin de rendre leurs tables plus abondantes; et que, las de la vie, ils n’avaient écouté que leur désespoir. On the living condition of the *Bicêtre*, see Mercier, *Le Tableau de Paris*, 79-86.
⁵⁶ “received in his prison all the possible moderation”, “take up his pen to slander his benefactors as if they were his detractors.” Milliot, *Un policier des Lumières*, 649.
véritable, on n’a pas su y travestir entièrement ses crimes.”127 Contrary to Latude’s claim about his innocence, Lenoir offered another account for Latude’s imprisonment:

“Latude donnant le faux avis, par lui prémédité, d’un attentat à la vie de Mme de Pompadour, lui adressant une boîte chargée de poudre qui, à son ouverture, devait éclater et qu’il avait de ses mains fabriquée (forfait qu’il imputait à un tiers), fut donc traité avec indulgence, lorsque regardé comme un fol (et il ne l’était pas), le gouvernement d’alors se borna à la faire enfermer.”128

Lenoir portrayed a dangerous criminal indulged in his conspiracy against the King’s mistress, Mme de Pompadour. In fact, even if the parcel - “une boîte chargée de poudre” - was proved harmless, Latude was still guilty of the crime of treason.129 Furthermore, Lenoir unveiled the notes of the governor of the prison who described Latude as “un homme très dangereux”, alerting Lenoir “qu’on ne devait lui rendre la liberté qu’avec de grandes précautions”.130 Thus, Lenoir justified the police’s decision to detain Latude. Moreover, Lenoir’s own observation also confirmed that Latude was a potentially dangerous membre of society, suggesting that “Il [Latude] me paru violent; cependant et malgré sa désobéissance, je me (résolu) à lui intimer de partir dans les vingt-quatre heures pour se rendre au lieu de sa destination, sous peine d’être de nouveau emprisonné.”131 In revealing the police’s decision to exile Latude from Paris -“(résolu) à lui intimer de partir dans les vingt-quatre heures” - Lenoir demonstrated the moderation of the police.

127 “I have read his so-called true history when I was far from Paris, we did not know how he disguise entirely his crimes.” Milliot, Un policier des Lumières.629
128 “Latude gave the false opinions of his premeditated attack on the life of Madame de Pompadour, sending her a box of powder which, when it was opened, must have burst and was manufactured by hands with indulgence, when he was regarded as an insane, the government then decided to lock him up.”Milliot, Un policier des Lumières.629.
129 Under the Ancien Regime, a fake conspiracy was considered treason. On the crime of treason, see Claude Quétel, Escape From the Bastille: The Life and Legend of Latude. (Palgrave Macmillan,1990).10.104; On the case of Latude, see Graham, If Only the King knew, 110.
130 Milliot, Un policier des Lumières.630.
131 Milliot, Un policier des Lumières.630.
While the clandestine authors cast Lenoir in a terrible light and made him a symbol of royal injustices of the *Ancien Regime*, Lenoir felt obliged to defend the “corps” he served and his own legacy. To restrain the irrational populace, Lenoir attempted to restore the image of the police as well as the ideals it embodied - a family interested in preserving its honor, a paternalistic government, and a rational, moderate force striving to maintain social order.\(^{132}\) A spokesman for an enlightened police, Lenoir justified the police’s decision to imprison turbulent individuals, thus defending the use of the *lettre de cachet* as serving the welfare of the society.

IV. From Subject to Citizen: Abolition of the lettre de cachet

In rehabilitating the image of the police, Lenoir cited Mirabeau’s best-selling memoire, Des Lettres de cachet, which rallied the public to campaign against the state prison and the lettre de cachet:

Cette suppression [du donjon de Vincennes] causa de l’étonnement dans le public et apaisa, en apparence, des esprits turbulents qui, encouragés par le livre de Mirabeau ayant pour titre Des Lettres de cachet et prison d’État, avait fait parvenir au Roi beaucoup de mémoires anonymes et demandaient déjà, au nom de la Nation, l’abolition générale de toutes les lettres de cachet et la destruction totale des prisons d’État, quoiqu’en cette année, elles étaient alors pour la plupart vides et sans prisonniers.133

Lenoir’s memoire attested to the fact that Mirabeau inserted his authorial voice into the revolutionary public sphere, swaying the tides of the public opinion to abolish “toutes les lettres de cachet” and “des prisons d’État”. By contrasting the demand of public opinion to the reality of the state prison -“la plupart vides et sans prisonniers” - Lenoir emphasized that Mirabeau’s memoire inspired “des esprits turbulents” to denounce the prison apparatus at a time when it was disappearing. In appealing to public opinion, Mirabeau projected the carceral “self” into the public sphere through a series of representations - discourses and portraits - establishing himself as an icon of the Revolution. An apt metaphor for political disobedience, Mirabeau’s carceral “self” metamorphosed into an ideal of the citizen in the early stages of the Revolution.

After Mirabeau was released from the donjon de Vincennes in 1782, he obtained notoriety by filing for separation from his wife, an heiress from the Aix parliamentary nobility, and setting up

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133 “This suppression [of the dungeon of Vincennes] caused astonishment in the public and apparently appeased turbulent spirits who, encouraged by the book of Mirabeau entitled Des Lettres de cachet et prison d’État, had sent to the King many anonymous memoirs and already asked, in the name of the Nation, the general abolition of all the lettres de cachet and the total destruction of the state prisons, although this year, they were for the most part empty and without prisoners.”, Vincent Milliot, Un policier des Lumières.620;
a trial against her.\textsuperscript{134} Although he lost the case, Mirabeau defended himself in defiance of twenty-three lawyers hired by his wife’s family, demonstrating his talent for becoming a public orator.\textsuperscript{135} Fascinated by his literary aptitude, Charles de Calonne, a royal minister who aspired to reform the fiscal system, sent him on a secret mission to Germany in 1786.\textsuperscript{136} Two years later, the convening of the Estates-General in May 1788 opened a new career for Mirabeau as a public orator and a voice of the people.\textsuperscript{137}

The electoral campaign in Provence offered a glimpse of Mirabeau’s political acumen. In January 1789, six months before the storming of the Bastille, Mirabeau obtained a seat in the provincial government and the Assembly of the Nobility in Aix.\textsuperscript{138} Thereafter, the National Assembly became Mirabeau’s battlefield. His first speech, \textit{Sur la proposition d’envoyer des commissaires au clergé et à la noblesse qui refusaient de se réunir dans la salle commune}, pronounced on 18th May 1789 and promptly published, attacked the privileges of the nobility in the name of the Third-Estate and earned immense success.\textsuperscript{139} By the time of his death in April 1791, he had given 439 speeches and became the most prolific orator in the early years of the Revolution.\textsuperscript{140} By establishing himself as the voice of people, Mirabeau became the first political star in the National Assembly.

It is hard to square the eighteenth-century mechanism of celebrity with the vision of either publicity or the public opinion of our own age. Historian Antoine Lilti traces the phenomenon of

\begin{itemize}
  \item \textsuperscript{135} Lilti. \textit{The Invention of Celebrity}.178.
  \item \textsuperscript{136} Lilti. \textit{The Invention of Celebrity}.178-179.
  \item \textsuperscript{137} Lilti. \textit{The Invention of Celebrity}.180.
  \item \textsuperscript{138} Lilti. \textit{The Invention of Celebrity}.180.
  \item \textsuperscript{139} Lilti. \textit{The Invention of Celebrity}.179.
  \item \textsuperscript{140} Lilti. \textit{The Invention of Celebrity}.180.
\end{itemize}
celebrity in its embryonic stage, laying the groundwork for analyzing how Mirabeau seized on the popularity of the *Des lettres de cachet*, the medium of the print, and the consumer culture to become a political celebrity. As Lilti observes, a celebrated individual is known to a vast group of people with whom he has no direct contact. By identifying public curiosity as the source of celebrity, Lilti argues that celebrity espouses the rapid rhythm of events and thus is ephemeral in its nature. In revealing the most private aspects of one’s life to the public, a celebrity elicited curiosity among the contemporaries. Thus, Lilti concludes that an eighteenth-century celebrity is judged by his capacity to arouse and maintain the public curiosity.

Consequently, this mechanism of celebrity transformed the way an individual could be known to the public in the late-eighteenth century. Rather than a rational set of critics, Lilti defines the public as a group of anonymous readers who read the same books and newspapers, thereby sharing the same curiosity in the same things simultaneously. Following this vein, Mirabeau’s success as a public orator was not based on the public use of reason but public curiosity and the commercialism that accompanied it. By revealing his private experience of incarceration, Mirabeau fueled public curiosity and became a celebrity before 1789. While Lilti debunks the enlightenment notion of the public as rational critic, I intend to demonstrate that both the public use of reason and market dynamics enabled Mirabeau to inject his authorial voice into the revolutionary public sphere, calling for the abolition of the *lettre de cachet*.

In becoming a public orator, Mirabeau appealed to the rationality of the public, turning the tides of the public opinion against the *lettre de cachet*. In his speech entitled *Présentation d’un*...
projet de déclaration des droits de l’homme pronounced on 17 April, 1789, Mirabeau declared that the law ought to protect the citizen’s liberty in Article V: “la loi étant l’expression de la volonté générale, doit être générale dans son objet, et tendre toujours à assurer à tous les citoyens la liberté, la propriété et l’égalité civile.” Moreover, in Article VI, Mirabeau defined “la liberté du citoyen” as “à n’être soumis qu’à la loi, à n’être tenu d’obéir qu’à l’autorité établie par la loi, à pouvoir faire, sans crainte de punition, tout usage de ses facultés qui n’est pas défendu par la loi, et par conséquent à résister à l’oppression.” Emphasizing the law as the only authority to constrain individual liberty, Mirabeau denounced the royal prerogative in using the lettre de cachet to circumvent due process and detain prisoners. Echoing his prison experience, article VII denounced arbitrary imprisonment: “Ainsi, libre dans sa personne, le citoyen ne peut être accusé que devant les tribunaux établis par la loi; il ne peut être arrêté, détenu, emprisonné que dans les cas où ces précautions sont nécessaires pour assurer la réparation ou la punition d’un délit, et selon les formes prescrites par la loi.” Elaborating on this idea, Mirabeau demanded the transparency of the juridicial system: “il [le citoyen] doit être publiquement poursuivi, publiquement confronté, publiquement jugé.” In this sense, Mirabeau called for publicity as the precondition of justice, mobilizing the public against the secret and arbitrary use of the lettre de cachet.

144 “the law is the expression of the general will, must be general in its object, and always tend to assure liberty, property and civil equality of all the citizens”, Honoré Gabriel Riqueti, Mirabeau. Discours et opinions de Mirabeau (Paris: Chez Kleffer, Aug. 1820).305.
145 “the liberty of citizen” was “to be subject only to the law, to be required to obey only the authority established by the law, to be able to do, without fear of punishment, any use of the faculties which is not forbidden by law, and therefore to resist oppression.” Mirabeau. Discours et opinions de Mirabeau. 305.
146 “Thus, free in his person, the citizen can be accused only before the courts established by the law; he may be arrested, detained, imprisoned only in those cases where such precautions are necessary to ensure the reparation or punishment of a crime, and in the forms prescribed by law.” Mirabeau. Discours et opinions de Mirabeau. 305.
147 “On ne peut lui infliger que des peines déterminées par la loi; avant l’accusation, ces peines doivent toujours être graduées suivant la nature des délits, et enfin égales pour tous les citoyens.” Mirabeau. Discours et opinions de Mirabeau. 305-306.
In fact, Article XVII echoed Beccaria’s conclusion to his treatise *On Crimes and Punishments*, “In order that punishment should not be an act of violence perpetrated by one or many upon a private citizen, it is essential that it should be public, speedy, necessary, the minimum possible in the given circumstances, proportionate to the crime, and determined by the law.” Here Beccaria demanded lenient punishment - “the minimum possible in the given circumstances” - and called for the abolition of secret denunciation. Reinforcing Beccaria’s agendas for criminal law reform, Mirabeau continued in Article seven: “On ne peut lui infliger que des peines déterminées par la loi; avant l’accusation, ces peines doivent toujours être graduées suivant la nature des délits, et enfin égales pour tous les citoyens.” Highlighting the accountability of the law - “des peines déterminées par la loi” - and the proportionality of punishment, Mirabeau toppled the royal prerogative in using the lettre de cachet to inflict punishment. By appealing to the rationality of public opinion, Mirabeau assumed political authority to abolish the lettre de cachet.

Mirabeau’s discourses effected the abolition of the lettre de cachet. Four months later, in August 1789, the *La Déclaration des droits de l’homme et du citoyen* outlawed extrajudicial imprisonment, as evidenced in the Article seven: “Nul homme ne peut être accusé, arrêté, ni détenu que dans les cas déterminés par la loi et selon les formes qu’elle a prescrites. Ceux qui sollicitent, expédient, exécutent ou font exécuter des ordres arbitraires doivent être punis.” Moreover, the Article eight emphasized the law as the only authority to determine and inflict

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149 “A person can be only inflicted by penalties determined by law; before the accusation, these sentences must always be scaled to the nature of the crimes, and finally equal for all the citizens.” Mirabeau. *Discours et opinions de Mirabeau*. 305-306.
punishment: “La loi ne doit établir que des peines strictement et évidemment nécessaires, et nul ne peut être puni qu’en vertu d’une loi établie et promulguée antérieurement au délit et légalement appliquée.” In this way, the Déclaration revoked the royal prerogative to denounce individuals in secrecy. Three months later, in November 1789, a special committee on the lettre de cachet was created under the direction of Mirabeau. In 1790, the National Assembly decreed the abolition of the lettre de cachet, attesting to Mirabeau’s impact on establishing legal protection of individual liberty.

In appealing to the rationality of the public, Mirabeau took advantage of the medium of print to celebrate himself as an icon of the Revolution. The innovation of print technology enabled engravings to reproduce images faithfully and produce large print runs, thereby reducing the cost. Consequently, the portraits of political celebrities became the objects of mass consumption. Entrepreneurial publishers, along with artists, seized on public curiosity for the assembly deputies, sketching out new leaders and selling them to the citizen-customer of revolutionary France. Vehicles for revolutionary ideas, the cheap, widely-circulated engravings made an argument for change.

Highlighting the confluence of the revolutionary ideas and the commercial culture, art historian Amy Freund raises the question of how portraiture refashioned the definition of

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151 “The law must only establish strict and obviously necessary penalties, and no one can be punished except by virtue of a law established and promulgated before the crime and legally applied.” Jaume. Les déclarations des droits de l’Homme. 14.
153 Quétel, Une Légende Noire: Les Lettres de Cachet. 342
citizenship for a wide audience. As the revolutionaries eroded the crown’s authority and vested sovereignty in the people, portraiture reflected these ideological changes, because it required the artist and sitter - the revolutionary - to think through the markers of “selfhood” and displayed them to viewers. While Freund discusses the portraiture and the politics of the Revolutionary France broadly, I intend to examine the way Mirabeau’s portraits captured the ideal of the French citizen, transforming the carceral “self” into an emblem of the Revolution.

Nicolas-François Levachez, a minor engraver and publisher in Paris, was the first editor to seize on the popularity of deputies and launch a portrait series in the summer of 1789. As Freund noted, Levachez was working at a shop in the Palais-Royal, a commercial hub of the portrait market and a center of political activity in 1789. Levachez’s portrait series, Collection générale des portraits de MM. les députés aux États-généraux, dédiée à la nation, et présentée à Nosseigneurs les États-généraux, was composed of 173 pages. On July 24, 1789, Levachez announced the first deliveries of the portraits in the Gazette de France, a quasi-official periodical in Paris. The first few delivery revealed Levachez’s bias toward political celebrities, as he included portraits of popular deputies, such as Mirabeau. Levachez also highlighted that each batch would contain representatives from various constituencies, enabling each province to see at least one of its deputies in print. Moreover, Levachez’s print series were affordable. Each livraison of eight portraits cost eight livres, and the single-sheet individual portraits probably

157 Freund. Portraiture and Politics in Revolutionary France. 49.
158 Freund. Portraiture and Politics in Revolutionary France. 4-9.
159 Freund. Portraiture and Politics in Revolutionary France. 54.
160 Freund. Portraiture and Politics in Revolutionary France. 54.
163 Freund. Portraiture and Politics in Revolutionary France. 54.
164 Freund. Portraiture and Politics in Revolutionary France. 54.
cost one *livre*.

Thus, by targeting provincial viewers and reducing the price, Levachez enlarged the viewership and market for his print series.

The massive distribution of Mirabeau’s portraits attested to his celebrity among the public. For instance, Levachez included at least two portraits of Mirabeau entitled *Le Comte de Mirabeau, député d'Aix en Provence* in his series (see Figure 2). Set in an oval frame with a dark background, the portrait depicted Mirabeau at bust length, with his face turned in three-quarter view, making eye-contact with the viewer. Mirabeau’s posture was simple and almost negligent, as if he was asked to sit in a chair with his arms at his sides.

In addition, Mirabeau’s robe was fastened by two buttons, and the winkle of his robes were faithfully recorded. In this way, Mirabeau’s portrait conveyed a modest, transparent “selfhood” to the viewers, echoing Mirabeau’s revolutionary ideals of the transparency of the juridical system. Furthermore, the cartouche under his portrait - “Le comte de Mirabeau. Député d’Aix en Province.” - highlighted his full name, occupation and constituency, reinforcing Mirabeau as a political celebrity. The cartouche continued, revealing the publisher’s information: “À Paris chez Levachez, sous les Colonades du Palais Royal, No.258”. Both political propaganda and consumer product, Mirabeau’s portrait attested to the commodification of politics during the Revolution.

Other publishers quickly imitated Levachez’s initiative, establishing Mirabeau as an icon of the French Revolution. For example, a portrait of Mirabeau entitled *Le Comte de Mirabeau Dédié à la Commune de France, Constitution, patrie, liberté, vérité, voilà nos Dieux* was published in 1790. (see Figure 3) Similar to the style of the Levachez series, Mirabeau’s body

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165 Freund, *Portraiture and Politics in Revolutionary France*.55.

166 Freund, *Portraiture and Politics in Revolutionary France*.55.


168 Artist unknown, *Le Comte de Mirabeau Dédié à la Commune de France, Constitution, patrie, liberté, vérité, voilà nos Dieux*, 1790, portraits. [https://gallica.bnf.fr/ark:/12148/btv1b69431022?rk=321890;0](https://gallica.bnf.fr/ark:/12148/btv1b69431022?rk=321890;0)
was set in an oval frame with the same costume against the dark background. However, instead of a casual posture, Mirabeau tilted his body, turned his head, and cast a serious gaze at the viewers, as if he was urging viewers to become active participants of the Revolution. Moreover, the portrait paired Mirabeau’s image with the vignettes of his political ideals, such as “constitution”, “liberté”, and “vérité”, celebrating Mirabeau as an emblem of the Revolution. Thus, Mirabeau’s revolutionary “selfhood” intersected with, and was amplified by, the thriving print market.

Mirabeau’s political career, however, ended on April 2, 1791. Mirabeau’s doctor, Pierre Jean Georges Cabanis, drew up a detailed narrative of Mirabeau’s death in the pamphlet entitled *Journal de la maladie et de la mort d’Honoré-Gabriel-Victor Riquetti Mirabeau* in 1791.

Mirabeau’s death elicited public curiosity, as Cabanis wrote: “Dès le premier jour, la maladie de Mirabeau était devenue un intérêt public. Le mardi soir, on accourait déjà de tous côtés pour savoir de ses nouvelles.” For Cabanis, the death scene of Mirabeau became a spectacle:

> Sa porte ne cessa tout le jour d’être assiégée par une suite nombreuse d'hommes de tout état, de tout parti, de toute opinion. La rue se remplissait déjà de peuple; et dans tous les lieux publics, les groupes ne s’entretenaient que de cette maladie, qu'on regardait, avec raison, comme un très-grand événement. Les bulletins se renouvelaient plusieurs fois dans la journée; mais ils ne suffisaient pas à l’inquiétude universelle.  

Emphasizing the presence of the public in both the private - “sa porte”- and public space - “dans tous les lieux publics”, Cabanis revealed that Mirabeau’s death was “un très grand événement”.

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169 “From the first day, Mirabeau's disease had become a public interest. On Tuesday evening, we were already coming from all sides to know his news.” Pierre Jean Georges Cabanis, *Journal de la maladie et de la mort d’Honoré-Gabriel-Victor Riquetti Mirabeau* Par P.J.G. Cabanis. Docteur en Médecine, et de la Société Philosophique de Philadelphie. (Paris: Grabit.1791).40.

170 “His door never ceased to be besieged by numerous people of every state, party, and opinion. The street was already filled with people; and in all public places the groups talked only about his disease, which was reasonably regarded as a very great event. The bulletins were renewed several times a day; but they were not enough to (pacify) universal anxiety.” Cabanis, *Journal de la maladie*. 40-41.
In addition to the public interest, Mirabeau’s death evoked “l’inquiétude universelle”, as if he was associated with the fate of the Revolution itself. Therefore, Cabanis’s account attested to Mirabeau’s popularity among his contemporaries.

In response to public curiosity about Mirabeau’s death, Cabanis blamed Mirabeau’s illness on his imprisonment at Vincennes between 1777 and 1780. Echoing the atrocity of the prison condition in Des lettres de cachet, Cabanis suggested that incarceration destroyed Mirabeau’s health, as he wrote:

"Sa jeunesse [Mirabeau] avait été très-saine et très-vigoureuse. A l’exception du temps qu’il avait passé dans le donjon de Vincennes, pendant lequel son estomac s’était considérablement dérangé, la douleur, la maladie, les incommmodités même, semblaient s’être imposé la loi de respecter des années et des travaux dont la Patrie devait un jour recueillir tant de fruits précieux." 171

By reminding readers of Mirabeau’s prison experience, Cabanis located the origins of Mirabeau’s illness in the injustice of the Ancien Regime, making his death proof of the abuses of the lettre de cachet. Furthermore, Cabanis suggested that Mirabeau’s health deteriorated at Vincennes and during the Revolution: “l’excès de travail et de contention d’esprit, les inquiétudes, les traverses, les anxiétés, en un mot cet état continuel d’émotion profonde où le tenaient les affaires publiques, avait tendu toutes les libres sensibles.” 172 Emphasizing the excessive workload, Cabanis demonstrated that Mirabeau scarified his health for “les affaires publiques”, reinforcing his patriotisme and devotion to the Revolution.

171 “His youth [Mirabeau] had been very healthy and very vigorous. With the exception of the time he had spent in the dungeon of Vincennes, during which his stomach had been considerably disturbed, the pain, the sickness, even the inconveniences, seemed to have imposed the law of respecting years and works of which the Fatherland was one day to collect so many precious fruits.” Canabis, Journal de la maladie. 8.
172 “the excess of work and mental exertion, the anxieties, the traverse, the anxieties, in a word, that continual state of deep emotion in which public affairs held him, had exhausted all sensible liberties.” Canabis, Journal de la maladie. 18.
Mirabeau’s death was also embroiled in the polemics of the revolutionary newspapers. *Le patriote français*, a daily newspaper founded by the leader of the Girondin faction, Jacques Pierre Brissot, dedicated long articles everyday to report Mirabeau’s dying and funeral.\(^{173}\) On April 3, 1791, *Le patriote français* captured the grief of the revolutionaries, signaling that Mirabeau’s death was a national cause: “Sa mort cause les regrets les plus vifs parmi les patriotes; quelques-uns la regardons comme une calamité nationale.”\(^{174}\) On April 4, *Le patriote français* portrayed Mirabeau as the founder of the “principes de la liberté” and “la constitution”:

> Depuis le commencement de sa maladie, jusqu’au moment où il a expiré, il n’a cessé de professer les principes de la liberté et de la constitution; il déplorait amèrement le sort de l’empire, livré à des factions de tout genre, et à des intrigues de toute espèce. J’emporte avec moi, disait-il, le deuil de la monarchie; les factieux, s’en partagerons les lambeaux.\(^{175}\)

Here the article cited *Les derniers paroles de Mirabeau* published in the newspaper *Révolutions de Paris* on April 2, 1789: “J’emporte avec moi, disait-il, le deuil de la monarchie; les factieux, s’en partagerons les lambeaux.”\(^{176}\) In this way, the article transformed Mirabeau into a revolutionary “self” who battled the enemies of the Revolution - “les factieux” - until the last moments of his life. Moreover, a portrait entitled *Les derniers paroles de Mirabeau* was published alongside the article. (see Figure 4). In positioning the viewers to stand at the foot of Mirabeau’s deathbed, the portrait confirmed Lilti’s argument about the public’s desire for


\(^{175}\) “From the beginning of his illness to the time when he deceased, he never ceased to profess the principles of liberty and constitution; he lamented bitterly the fate of the empire, delivered to factions of all kinds, and intrigues of every kind. I carry them with me, he said, the mourning of the monarchy; the dissidents, will be shred in pieces.” Brissot. *Le Patriote français*.365.

intimacy with people one does not know, reinforcing Mirabeau’s celebrity and the public curiosity to peer inside his private life.

In contrast to *Le patriote français*, Jean-Paul Marat, leader of the radical Montagnard faction, seized on the publicity of Mirabeau’s death and denounced his political career in the newspaper *L’ami du peuple ou le publiciste parisien, Journal Politique et impartial*. On April 4, 1791, an article entitled “Oraison funèbre de Riquetti” condemned Mirabeau as the enemy of the people: “Peuple, rend grace aux dieux, ton plus rédoutable ennemi vient de tomber sous la faux de la parque, Riquetti n’est plus.”177 The article, however, referred to Mirabeau by his first name, “Riquetti”, implying the intimacy between Mirabeau and the public. Moreover, by expunging Mirabeau’s influence on the Revolution, Marat attested to Mirabeau’s aptitude in swaying public opinion:

> Aujourd’hui l’Assemblée traîtresse profite habilement de la mort d’un de ses membres les plus gangrenés pour égarer l’opinion publique par le sentiment de la reconnaissance, et couvrir du cliquant des honneurs qu’elle lui décerne les funestes décrets qu’il a fait passer. Elle vient de le conduire en grand cortège au tombeau, ce traître infâme qu’elle s’efforce de faire pleurer au peuple comme son défenseur, et qu’elle voudrait faire adopter à la nation comme le sauveur de la patrie.178

Although Marat discredited Mirabeau as a “traître infâme” who “égarer l’opinion publique”, he highlighted that Mirabeau appealed to the sensibility of the public - “faire pleurer au peuple” - establishing himself as “le sauveur de la patrie.” In this way, despite their opposing attitudes

177 “People, give thanks to the gods, your most formidable enemy has just fallen under the scythe of the park, Riquetti is not (alive) anymore.” Marat, Jean-Paul *L’ami du peuple ou le publiciste parisien, Journal Politique et impartial, Par M. Marat, auteur de l’Offrande à la patrie, du Moniteur, du Plan de constitution, etc.* (Paris: Rozé, Imprimeur National, 1791). April 4. 1791.7.

178 “Today the treacherous Assembly skillfully took advantage of the death of one of its most corrupted members to mislead public opinion by the feeling of gratitude, and cover with the click of the honours that it bestowed on him the fateful decrees that he has passed. The disease has just led him, in great procession, to the tomb, that infamous traitor who endeavors to make the people cry like his defender, and who would like to make the nation think of him as the savior of the fatherland.” Marat. *L’ami du peuple*.164.
toward Mirabeau’s death, both Brissot and Marat affirmed Mirabeau’s eloquence as a public orator.

A former political celebrity, Mirabeau gained posthumous prestige during the early years of the Revolution. In retracing Mirabeau’s life trajectory, eulogies charted Mirabeau’s revolutionary “selfhood” - the carceral “self” - and his influence on the ideal of citizenship. On May 5, 1791, an eulogy entitled *Oraison funèbre d’Honoré Riquetti-Mirabeau, prononcée dans l’église de Saint-Lazare, le 5 mai 1791, par Jacques Carré Professeur au Collège d’Avalon* highlighted Mirabeau’s prison experience and his pamphlet *Des Lettres de cachet*:

Mais ce qu’il n’avait qu’ébauché dans cet ouvrage inspiré par la douleur profonde de voir cette terre qu’aurait fertilisée un gouvernement paternel, dévastée par les plus horribles speculations contre la fortune et la liberté des citoyens, il l’acheva dans son livre sur le Lettres de Cachet.179

In attacking the paternal authority of the government in the *Ancien Regime*, Jacques Carré, the author of the eulogy, revealed that the publication of *Des Lettres de cachet* marked the beginning of Mirabeau’s political career. A defender of “la liberté des citoyens”, Mirabeau wove rationality and sensibility into the fabric of his memoire, as evidenced in the eulogy:

Ah que ne m’est-il permis de le suivre cet éloquent philosophe dans ses hautes conceptions, dans ses digressions aussi instructives que touchantes! Quel feu de sentiments, quelle profondeur de pensées, quelle force de raisonnemens; comme il pulvérise ces misérables argumens dont les apôtres du despotisme n’ont pas rougi d’étayer leur abominable doctrine.180

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179 “Inspired by the deep sorrow of seeing the land that would have fertilized a paternal government, devastated by the most horrible speculations against the fortunes and the liberty of the citizens, he finished the book on *Lettres de Cachet*.”Jacques Carré, *Oraison funèbre d’Honoré Riquetti-Mirabeau, prononcée dans l’église de Saint-Lazare, le 5 mai 1791, par Jacques Carré Professeur au Collège d’Avalon*. (Avallon: Aubry. 1791).

180 “Ah, how can I not follow this eloquent philosopher in his high conceptions, in his digressions as instructive as they are touching! What fire of sentiments, what depth of thought, what force of reasoning; as he pulverizes those miserable arguments of which the apostles of despotism have not blushed to support their abominable doctrine.”Carré, *Oraison funèbre d’Honoré Riquetti-Mirabeau*, 7.
An amalgam of “feu de sentiments” and “profondeur de pensée”, Mirabeau rebuked “les apôtres du despotisme” and enlightened the public. In commemorating Mirabeau as an “éloquent philosophe”, the eulogy transformed Mirabeau into an emblem of the Revolution.

In 1792, the year following Mirabeau’s death, another eulogy entitled *Discours prononcés dans la séances extraordinaire de la société des amis de la constitution Jacobins de Strasbourg; À l’occasion de l’Anniversaire de la mort de Mirabeau* echoed Mirabeau’s carceral “self”, rallying the Jacobins to carry Mirabeau’s legacy and push the Revolution into a successive stage. By attributing Mirabeau’s turbulent youth to the “odieuses institutions”, the eulogy excused his libertinage by blaming the injustices of the *Ancien Regime* for Mirabeau’s “excès”. As the eulogy demonstrated, “Oui, hommes injustes, Mirabeau fut vertueux, et si sa jeunesse fut obscurcie par des écarts, si elle fut troublée par des excès; ce n’est pas à sa belle âme qu’il faut s’en prendre, mais à vos odieuses institutions, à votre régime barbare, à vos moeurs féroces et corrompues.”

Furthermore, the eulogy highlighted Mirabeau’s memoire, extolling his courage to denounce arbitrary power: “C’est là, c’est au donjon de Vincennes, où il étaient enfermé par lettre-de-cachet qu’il écrivit son ouvrage sur les lettres-de-cachet. Le glaive du tyran était suspendu sur sa tête, suspendu à un fil, et MIRABEAU oubliant le danger, embrasé de l’amour de la liberté, traçait la sentence du tyran.”

Inspired by Mirabeau’s “l’amour de la liberté”, “toute la France” campaigned against the arbitrary imprisonment and appealed to “des Etats-généraux”: “plus

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181 “Yes, unjust men, Mirabeau was virtuous, and if his youth was obscured by differences, if it were disturbed by excesses; it is not his beautiful soul that must be attacked, but your odious institutions, your barbarous regime, your ferocious and corrupt morals.”Jean-Charles. Laveaux. *Discours prononcés dans la séances extraordinaire de la société des amis de la constitution Jacobins de Strasbourg; À l’occasion de l’Anniversaire de la mort de Mirabeau* . (Strasbourg: Treuttel, Jean-Georges.1792).2

182 “It is there, it is in the dungeon of Vincennes, where he was imprisoned by the lettre de cachet that he wrote his work on the lettres-de-cachet. The sword of the tyrant was suspended on his head, suspended on a thread, and MIRABEAU forgetting the danger, embraced the love of liberty, and plotted the sentence of the tyrant.”Laveaux. *Discours prononcés dans la séances extraordinaire*. 4-5.
d’ordres arbitraires, plus de lettres-de-cachet, plus de tyrannie, plus de tyrans.” Thus, the eulogy identified Mirabeau as an author of the abolition of the lettre de cachet, transforming him into a patriotic hero of the Revolution.

A prisoner turned-celebrity, Mirabeau inserted his authorial voice into the revolutionary public sphere, leading the campaign to abolish the lettre de cachet. Through a series of representations - discourses and portraits - Mirabeau’s carceral “self” intersected with, and was amplified by, a thriving consumer culture in late-eighteenth-century France. By taking advantage of the medium of print, Mirabeau glorified himself as an icon of the Revolution avant la lettre. Moreover, echoing his prison experience, the eulogies charted Mirabeau’s revolutionary “selfhood” - the carceral “self” - creating a patriotic hero after his death. An apt metaphor for political disobedience, Mirabeau’s carceral “self” metamorphosed into an ideal of the citizen in the early stages of the Revolution.

183 Laveaux. Discours prononcés dans la séances extraordinaire.5
Figure 2: Levachez, Nicolas-François, *Le Comte de Mirabeau, député d'Aix en Provence*, 1790, portraits, Collection générale des portraits de MM. les députés aux États-généraux, dédiée à la nation, et présentée à Nosseigneurs les États-généraux, Paris.
Figure 3: Artist unknown, *Le Comte de Mirabeau Dédie à la Commune de France, Constitution, patrie, liberté, vérité, voilà nos Dieux*, 1790, portraits. Image from BNF Online.
Figure 4. Tournon, Antoine and Loustalot, Élysée. *Dernières paroles de Mirabeau*. engraving, Révolutions de Paris. Paris. 1791.
Qui sait ce qui s’est fait à la Bastille, ce qu’elle renferme, ce qu’elle a renfermé ?  
Mais comment écrira-t-on l’histoire de Louis XIII, de Louis XIV et de Louis XV, si l’on ne sait pas l’histoire de la Bastille ? Ce qu’il y a de plus intéressant, de plus curieux, de plus singulier, s’est passé dans ses murailles. La partie la plus intéressante de notre histoire nous sera donc à jamais cachée: rien ne transpire de ce gouffre, non plus que de l’abîme muet des tombeaux.  

Excerpted from a chapter entitled “Bastille” in Mercier’s *Le Tableau de Paris*, this quotation highlighted that the history of the Bastille - “la partie la plus intéressante de notre histoire” - captivated public attention. Emphasizing the secrecy of the Bastille, Mercier speaks to larger tensions and concerns that surrounded royal punishment embodied in the state prison under the *Ancien Regime*. Locked up with no hope of escape, an individual was reduced into a carceral subject, isolated from society and condemned to silence.

Mirabeau, however, took up his pen to reveal his prison experience, bringing the secrets of the state prison into the limelight. By appealing to public curiosity, Mirabeau used self-writing to assert his existence, reconnect to the outside world, and address public opinion for justice. By consequence, the carceral “self” emerged from the desire to protest royal injustice and defend individual liberty. Synthesizing two threads of the late enlightenment - sensibility and rationality - the carceral “self” reached the public and claimed liberty as an inalienable human right. A microcosm of the problems in the juridicial system, the carceral “self” demonstrated that the secrecy of the state prison had nothing to do with crime or the security of the state, thereby undermining the legitimacy of royal punishment. By crafting a carceral “self”, Mirabeau brought

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184 “Who knows what was done in the Bastille, what it contains, what it contained? But how will one write the history of Louis XIII, Louis XIV and Louis XV, if one does not make the history of the Bastille? What is more interesting, more curious, more singular, has happened in its walls. The most interesting part of our history will therefore be forever hidden: nothing transpires from this gulf, nor from the silent abyss of the tombs.” Mercier. *Le tableau de Paris*. 77
natural rights of liberty, secrecy, and royal injustice in conversation with one another, anticipating the Revolution.

By revealing his private experience of incarceration, Mirabeau’s memoire fueled public curiosity and became a best-seller in the clandestine book market of the late-eighteenth century. Seizing on the popularity of his memoire, the medium of print, and the consumer culture, Mirabeau projected the carceral “self” into the public sphere, joining the campaign to abolish the lettre de cachet. Emphasizing transparency as the precondition of justice, the carceral “self” demanded due process, legal protection of individual liberty, and equality before the law. Furthermore, the eulogies of Mirabeau’s death echoed his prison experience and the publication of his memoire, creating a patriotic hero after his death. Emblem of liberty, Mirabeau’s carceral “self” metamorphosed into an ideal of the citizen in the early stages of the Revolution.

A year and a half after Mirabeau’s death, however, the public discovered his secret correspondence with the king and realized that the revolutionary hero had betrayed them. When Napoleon Bonaparte seized power in a coup d’état in 1799 and crowned himself emperor in 1804, the political mood shifted rightward. Promulgated in March 1804, the Code civil des français curtailed individual liberty, restored the lettre de cachet, and reinforced policing powers. As Article 376 affirmed, “Si l’enfant est âgé de moins de seize ans commencés, le père pourra le faire détenir pendant un temps qui ne pourra excéder un mois ; et, à cet effet, le président du tribunal d’arrondissement devra, sur sa demande, délivrer l’ordre d’arrestation.”

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185 Lilti, The Invention of Celebrity, 192.
187 “If the child is less than sixteen years old, the father may have him detained for a period not exceeding one month; and, for this purpose, the president of the district court shall, at his request, issue the arrest order.” Titre IX. De la puissance paternelle. Article 376. Code civil des français. (Paris: De l’imprimerie de la République, 1804)
the paternal authority to incarcerate children under the permission of a local juge, the Code reintroduced the lettre de cachet to regulate familial and social order. As social tranquility took precedence over individual liberty, the Code abandoned Mirabeau’s ideal of legal protection of individual rights.

Article 378 continued, declaring that “Il n’y aura, dans l’un et l’autre cas, aucune écriture ni formalité judiciaire, si ce n’est l’ordre même d’arrestation, dans lequel les motifs n’en serons pas énoncés.” Here the Code restored the extrajudicial measure to incarcerate children, suggesting that the police could arrest individuals without “formalité judiciaire” nor “l’écriture” specifying crimes. The Code, however, granted the detained children the right of self-defense, as Article 382 affirmed:

L’enfant détenu pourra adresser un mémoire au commissaire du Gouvernement près le tribunal d’appel. Ce commissaire se sera rendre compte par celui près le tribunal de première instance, et fera son rapport au président du tribunal d’appel, qui, après en avoir donné avis au père, et après avoir recueilli tous les renseignemens, pourra révoquer ou modifier l’ordre délivré par le président du tribunal de première instance.

Echoing Mirabeau’s demand for transparency in the prison system, the Code abolished arbitrary imprisonment, allowing children to appeal to the “commissaire du Gouvernement” and “le tribunal d’appel” to revoke or moderate punishment. Nonetheless, by reasserting paternal authority over children, the Code reflects the triumphs of the Ancien Régime’s paternalism over revolutionaries’ ideals to protect individual rights. Envisioning paternal authority as the essence of consolidating familial and social order, the legislators hammered out the Code to reknit the

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188 “There will be, in either case, no writing or judicial formality, except the very order of arrest, in which the reasons will not be stated.” Titre IX. De la puissance paternelle. Article 378. Code civil des français.

189 “The detained child may send a brief to the government commissioner at the tribunal. This commissioner will be aware by the one of the court of first instance, and will report to the president of the tribunal of appeal, who, having given notice to the father, and after having collected all the information, may revoke or modify the order issued by the president of the court of first instance.” Titre IX. De la puissance paternelle. Article 383. Code civil des français.
social fabric of Napoleon’s empire. As new historical actors entered the scene, the carceral “self”, as well as the revolutionary ideals it embodied, lost its luster and withered. The life of Mirabeau had now spent itself, whereas human life is no more than the life of a spirit, given at birth and taking form in action only by accidents and circumstances of one’s life. The carceral “self” still awaits his readers to glimpse his experience, gathering another storm of the Revolution in another era.

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