FROM PEOPLE TO CONSTITUTION
Inventing Democracy in the French Revolution

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The constitutional debate during the French Revolution is almost based on relationship between ‘traditions’ and ‘changes’. The idea of old constitution and of ancient law (defended, for instance, by the monarchiens) was criticized by “left wing” revolutionary men that proposed a new idea of constitution that criticized and stigmatized the ancien régime (definition “invented” during the Revolution to underline the split between old and new). The revolutionary idea of constitution – as a limit to the power but also as a way to legitimise the power – found his ‘constituent moment’ in the article 16th of Declaration of rights of man and citizen, a really modern constitutionalism manifesto. The idea of separation of powers and the guarantees of rights was (and is) a powerful instrument for the new regime to legitimise itself making recourse to English (invented?) tradition. But the problem was not only the interpretation of constitution, but his relationship with the sovereignty and, in particular, with the new form of government. Starting from 1789, the new political and juridical subject was the nation that identified king and people of France, that, after the turn of 1793, the “empty throne”, was occupied by the people. But the fight of the whole revolutionary period was, briefly, based about the definition of constitution and people, interpreted in a continuous dialectic discourse between ‘tradition’ and ‘change’, or, ‘past’ and ‘future’.