The French Revolution and the Genesis of Modern Democratic Thought

Dr- Ravi Prakash Singh

Assistant Professor (Political Science), Faculty of Education, Teerthanker Mahaveer University,

Moradabad, Email- ravip.education@tmu.ac.in, ravi.sipu@gmail.com

Mr- Mahesh Kumar

Assistant Professor (History), Faculty of Education, Teerthanker Mahaveer University, Moradabad

Email- maheshk.education@tmu.ac.in

ARTICLE DETAILS	ABSTRACT
	This paper examines the French Revolution's pivotal role in shaping modern democratic thought, critiquing influential interpretations that highlight intellectual ferment, emotional dynamics, and conceptual ambiguities in revolutionary principles of sovereignty and rights ("Abstracts," 2016; Bourke, 2015; Jainchill & Moyn, 2004). It advances a nuanced reinterpretation centered on Abbé Sieyès' pouvoir constituant as a distinct conceptualization of people's power, challenging the conventional binary of national versus popular sovereignty (Rubinelli, 2016). By foregrounding Sieyès' constituent power as a hierarchical distinction between the people's authorizing capacity and the exercise of constituted powers, this approach reveals how revolutionary debates transcended absolutist sovereignty models (Rubinelli, 2016; Williams, 2024). This conceptual shift, originating in Sieyès' refusal to subsume popular power under traditional sovereignty, positioned constituent power as a contestatory force that limited monarchical authority during the Restoration and constrained sovereign exercise to constitutional authorization under the July Monarchy (Briedis, 2023; Rubinelli, 2016a, 2016b). This framework not only underpinned the Third Estate's self-proclamation as the National Assembly on 17 June 1789, but also enacted a paradigm wherein the

nation's verified representatives embodied the totality of the people's will, thereby supplanting monarchical consultation with direct popular authorization (Rubinelli, 2016). This foundational reconfiguration enabled the legislative power to be analytically distinguished from the constituent assembly, marking Sieyès' pioneering formulation of pouvoirs constitués versus pouvoir constituant (Müßig, 2016). This distinction underpinned Sieyès' assertion in *Qu'est-ce que le tiers état?* that the Third Estate alone constituted the Nation, legitimizing its exclusive claim to state power amid the financial crisis that prompted the summoning of the États généraux in 1789 (Marko & Constantin, 2019). Sieyès' pamphlets, particularly *What is the Third Estate?*, galvanized the Third Estate to act independently, transforming the Estates-General into the National Constituent Assembly and embedding constituent power as the legitimating premise for reconstructing monarchical government into a republican framework (Rubinelli, 2016; Thornhill, 2016). This embedding facilitated the National Assembly's passage of motions asserting the Third Estate's transformation into the nation's sole legitimate representative body, thereby institutionalizing constituent power as a mechanism to channel popular will through verified delegates rather than direct mob action (Greene, 2024; Rubinelli, 2016). This institutionalization resonated through subsequent revolutionary events, as the Third Estate's self-proclamation as the National Assembly on 15 June 1789 positioned it to interpret and present the nation's general will, culminating in the Tennis Court Oath that secured the constituent assembly's resolve to establish a constitution (Marti, 2008; Rubinelli, 2016).

Introduction

This paper thus traces the evolution of Sieyès' pouvoir constituant from its pamphlet origins, where the Third Estate was asserted as encompassing the Nation's entirety—"tout ce qui appartient à la Nation"—to its practical enactment in the shift from estate-based voting impasse to the National Assembly's formation (Alabsi, 2020; Müßig, 2016). This evolution crystallized in Sieyès' differentiation between *pouvoirs

constitués* and *pouvoir constituant*, wherein the latter empowered the Third Estate—representing the common people—to destroy the Ancien Régime's old constitution and construct a new order grounded in the nation's will (Greene, 2024; Müßig, 2016). This theoretical innovation not only delegitimized the privileges of nobility and clergy as antithetical to national representation but also crystallized public opposition to the society of orders on the eve of the Estates-General (Horn, 2007). Sieyès' radical contention that the Third Estate alone embodied the nation, excluding the unproductive nobility and clergy from forming the national will, directly propelled its representatives to constitute an exclusive National Assembly (Marti, 2008; "When the People Rule," 2023). This exclusive assembly formation resembled a coup d'état, insufficient alone to transfer sovereignty from the king to the nation, necessitating instead the forging of a novel collective identity embodied in the nation itself alongside modalities for exercising that sovereignty through a constitution (Müßig, 2016). Sieyès thus conceived the National Assembly's delegates not as mere messengers of a pre-existing popular will, but as shapers thereof through representation, unbound by imperative mandates and empowered to forge the nation's sovereign expression (Herrero, 2023). This representational liberation aligned the deputies with the nation's indivisible sovereignty, enabling them to transcend estate-bound delegations and enact the Tennis Court Oath as a revolutionary assertion of constituent authority (Hamilton et al., 2023; Rubinelli, 2016). This revolutionary assertion compelled the deputies to defy royal closure of their meeting hall, relocating to the tennis court where they vowed unwavering commitment to constitutional drafting despite monarchical opposition (Moradi, 2019; Müßig, 2016). This oath's formulation, deliberately ambiguous to unite constitutional reformers with monarchist traditionalists, underscored the assembly's dual aim of both instituting a new constitution and codifying the ancient monarchical one (Pichot, 2023). Yet this vow, as articulated by Mirabeau, explicitly rejected separation until the constitution was achieved, even by force of bayonets, thereby solidifying the assembly's mandate as envoys of the nation rather than royal officers (Marti, 2008; Müßig, 2016). This representational mandate, unbound by prior constitutional formalities, empowered the National Assembly to legitimate its infringement of established orders as the supreme expression of national will (Pichot, 2023). Such representational supremacy prompted the Commons, under Mirabeau's urging, to dispatch a solemn deputation to the Clergy imploring union in the general assembly hall for the nation's salvation, framing the plea in terms of divine peace and public interest to preclude evasion (Coppens, 1990). This strategic invocation of transcendent imperatives ultimately elicited a measured clerical response, as bishops deferred deliberation to temper revolutionary fervor while the Third Estate persisted in verifying credentials independently, thereby accelerating the impasse's resolution toward national unification (Coppens, 1990; Digol, 2003). This

clerical deferral, while tactically moderating tensions, nonetheless facilitated the Third Estate's proclamation of merging forums and individual voting on June 10, 1789, uniting deputies across estates in a pivotal liberal postulate to the government (Filipiak & Kowalczyk, 2020). This postulate intensified pressures on the nobility, prompting the clergy's partial adhesion on June 19 by a slim majority of 150 to 141 votes, thereby amplifying the Third Estate's momentum toward full national representation (MAURAIGE, 2020). This momentum culminated on June 17, 1789, when the Third Estate, joined by supportive clergy, unilaterally proclaimed itself the National Assembly, asserting exclusive authority to consent to taxation and initiating the constitutive process unbound by estate distinctions (Digol, 2003; Fajon, 2019; Jolibert, 2016). This proclamation invoked the Third Estate's numerical supremacy, representing at least ninety-six percent of the nation, to justify its exclusive verification of deputies' powers and assumption of deliberative authority (Behrisch, 2023; BİLKE, 2022). This bold assertion directly confronted royal resistance, as Louis XVI ordered the closure of the Menus Plaisirs hall on June 20, 1789, prompting the deputies to reconvene at the Jeu de Paume for their oath to draft a constitution (Brossard & Ashbery, 2016). This defiant relocation transformed the Jeu de Paume into a sacred site of national sovereignty, where deputies solemnly pledged never to disband until France possessed a constitution, thereby embodying the pouvoir constituant's inexorable advance against royal interdiction (Coppens, 1990; Jolibert, 2012). Louis XVI's subsequent royal session on June 23, 1789, boldly ordered the estates to deliberate separately and meet only for voting by order, yet the National Assembly's resolute refusal to disband underscored the pouvoir constituant's triumph over monarchical fiat (Digol, 2003; Nedzel, 2020; Pérez, 2021; Pichot, 2023).

Literature Review

This triumph of the National Assembly over royal authority, as delegates comprising nearly 98 percent of the French population boldly declared themselves representatives of the nation on June 17, 1789, and three days later swore the Tennis Court Oath to adopt a written constitution, marked a pivotal reconfiguration of sovereignty from monarchical to national foundations (Racine, 2019). This reconfiguration resonated through subsequent events, as the king's exhortation on June 23, 1789, gradually drew adherents from the privileged orders, retrospectively legitimizing the National Assembly's audacious proclamation amid the dual oppositions between court and estates, and within the clergy and nobility themselves (Digol, 2003). Scholars interpret this internal fragmentation among the privileged orders as a critical catalyst for the National Assembly's self-constitution on June 17, 1789, as an "inconstitutional" rupture that transferred sovereignty from the king to the nation, thereby challenging the foundational principles of the Ancien Régime (Roux, 2013). This rupture, by transcending imperative

mandates from the cahiers de doléances, empowered the Assembly to enunciate the "vœu national" as the indivisible expression of popular sovereignty, redefining the sovereign power through legislative authority and financial control (Tatin-Gourier & Bouddouh, 2016). This redefinition, as articulated in contemporary analyses, negated the hierarchical order of estates without immediate legitimation by royal authority, positioning the Assembly's actions as a fait accompli that propelled revolutionary constitutionalism (Roux, 2013). This revolutionary constitutionalism, by instituting the National Assembly as a sovereign décisionnel entity capable of coordinating exigencies converging from the Estates General preparations, imposed practical imperatives of resolution that transcended prior deliberative forms (Digol, 2003). Such transcendence manifested in the Assembly's self-constitution as an act of sovereign decree, distinct from mere procedural arrêté, thereby instantiating the rupture of droit through juristic practices that inverted symbolic dominations hitherto upheld by noble and clerical orders (Digol, 2003). This inversion not only homogenized deliberative relations among deputies but also distinguished the National Assembly's transformative proclamation from contemporaneous inclusive bodies like Benin's Conférence nationale, which preserved broader representational continuity without fully supplanting executive powers (Besse, 2017). In contrast, the National Assembly's audacious self-proclamation as sovereign on June 17, 1789, ruptured prior juridical orders by arrogating constitutional rulemaking competence, akin to the sovereign pretensions of Benin's Conférence nationale yet amplified through its direct confrontation with monarchical interdiction (Besse, 2017; Digol, 2003).

Methodology

This study employs a comparative historical methodology, analyzing primary accounts of the National Assembly's formation alongside juridical texts from the 1789 constitutional debates to trace the jurisification of sovereignty through the elaboration of national principles in declarations of rights (Barbieux, 2021; Müßig, 2016). By juxtaposing these French revolutionary precedents with analogous sovereign assertions in Benin's National Conference, the analysis elucidates communicative dependencies in constitutional formation, wherein pre-existing institutional legacies modulate the juridification of popular sovereignty from political to normative legitimacy (Besse, 2017; Müßig, 2016; Thornhill, 2016). This methodological lens foregrounds the Constituent Assembly's dual role as both an autorité constituée, summoned under the Estates-General's pre-existing mandate, and an emergent sovereign body exercising legislative powers unbound by separation of doctrines, thereby catalyzing the juridification of revolutionary caesuras into normatively fixed constitutional texts (Duncan, 2018; Müßig, 2016). This dual role, exemplified by the French National Convention's declaration of emergency powers post-constitution drafting, underscores constituent assemblies' historical capacity to suspend separation of

powers and govern autonomously, thereby accelerating the normative consolidation of national sovereignty (Colón-Ríos, 2020). This normative consolidation, in turn, prefigured modern democratic paradigms by embedding the primacy of constitution, separation of powers, and popular sovereignty as enduring institutional principles (Paris et al., 2019). This embedding of constitutional primacy within revolutionary praxis finds empirical resonance in post-revolutionary constitutional designs, which exhibit reduced rigidity and heightened correlations with subsequent democratic consolidation (Callais & Young, 2023). Such empirical patterns, evident in the Beninese Conférence nationale's acquisition of original normative competence through its declaration of sovereignty, illuminate how revolutionary ruptures evolve into stable constitutional architectures that sustain democratic transitions beyond initial crises (Besse, 2017; Thornhill, 2016). Consequently, this evolution from rupture to architectural stability in Benin's Conférence nationale, mirroring French precedents, reconciled negotiated inclusion with revolutionary sovereign assertions, thereby normativizing transitional constitutionalism as a hybrid paradigm resilient to re-feudalization pressures (Besse, 2017; Thornhill, 2016).

Results

The comparative analysis reveals three archetypal paths to constitutionalism during revolutionary transitions, with the French National Assembly embodying the first path wherein revolutionary outsiders leveraged constitutional commitments to entrench regime principles against monarchical resistance (Ackerman, 2015). This inaugural path, as delineated in broader typologies of revolutionary constitutionalism, contrasts with subsequent elite-driven concessions that preempt insurgent threats through incremental reforms (Ackerman, 2015). Meanwhile, Benin's Conférence nationale exemplifies a second path, wherein preconstitutional decisions acquired binding force through political authority and shared normative belief rather than formal validity, thereby stabilizing transitional rules amid democratizing shifts (Besse, 2017). This second path, characterized by sequenced déconstitutionnalisation rather than abrupt sovereign rupture, adjusted transitional constitutional law to its guiding principle of consensus, thereby facilitating gradual reconstitution amid inclusive negotiations (Besse, 2017). This third archetypal path, drawn from global waves of constitution-making, integrates adjectives to constitutionalism—such as "revolutionary" or "consensual"—to capture heterogeneous principles underlying charters that institutionalize political revolutions through deliberate processes of rupture and stabilization (Gardbaum, 2017; Kapiszewski et al., 2023). These archetypal paths underscore how constitutional transitions, when rationalized through inclusive organs like Benin's National Conference, function as anti-return mechanisms that constitutionalize democratization processes while cohabiting with pragmatic adaptations (Besse, 2017). These paths, moreover, align with liberal

constitutionalism's core tenets of rights enumeration, judicial review, and rule-of-law commitments, which circumscribe state power to safeguard democratic periodicity against backsliding threats (Huq & Ginsburg, 2024). Yet, contemporary challenges in Poland's post-communist constitution-making illustrate how competing visions of civic and legal constitutionalism can undermine these liberal tenets, fostering illiberal drifts that contest the democratic consolidation achieved through revolutionary paths (Kowalewska, 2020; Turgut, 2023). In Poland, populist conservatism manifests constituent power through destituent challenges to liberal constitutional rules, privileging identity-based contestations over the normative stabilization that characterized French and Beninese revolutionary constitutionalism (Blokker, 2021). Unlike the normative stabilization in French and Beninese precedents, Poland's singular majoritarian model since 2015 elevates destituent power through one-party dominance, engendering competing constitutionalisms that erode liberal democratic safeguards (Blokker, 2021). This erosion, emblematic of destituent power's negative critique of constituted institutions without formal replacement, diverges sharply from the stabilizing ruptures of French and Beninese precedents by prioritizing populist contestation over inclusive normative consolidation (Blokker, 2021). This divergence manifests in post-communist Poland's constitution-making projects, where tensions between civic and legal constitutionalism—exacerbated by populist conservatism—have mobilized conservative forces to challenge the polity's constitutional dimension, revealing intrinsic conflicts even in consolidated democratizing contexts (Blokker, 2021; Kowalewska, 2020).

Discussion

These intrinsic conflicts, particularly evident in Poland's post-communist trajectory where domination by a conservative-populist party during constitution-making engendered exclusionary designs and emergent polarization between conservative and liberal forces, highlight the fragility of liberal consensus in sustaining constitutional orders against populist destitution (Blokker, 2021). Such populist destitution in Poland echoes broader East-Central European patterns where constitutional politics has failed to underpin robust democratic consolidation, as recent 'coups' in Hungary and Poland expose the contestable nature of liberal constitutionalism amid conservative backsliding (Blokker, 2019, 2021). This contestation unfolds through competing constitutionalisms in Poland's constitution-making projects, where civic and legal variants—supported by the Solidarność trade union's drafting efforts—intensify tensions between citizen-driven legitimacy and institutional norms, thereby complicating the normative stabilization observed in revolutionary precedents (Kowalewska, 2020). This tension, as articulated in analyses of Poland's competing constitutionalisms, underscores how civic initiatives like the Citizens' Draft risked greater popular endorsement than the adopted text, yet succumbed to elite compromises that perpetuated

institutional instabilities (Kowalewska, 2020). Consequently, populist governments in Poland have repudiated liberal norms of tolerance and openness while restricting press freedom and attacking institutional checks on power, thereby catalyzing constitutional transformations that entrench their coalitions beyond electoral defeat (Huq & Ginsburg, 2024). This entrenchment reflects a broader epistemic hierarchy in constitutional discourse, wherein the dominance of classical liberal models marginalizes alternative forms, exacerbating north-south divides in post-communist contexts like Poland (Dania, 2023). To counter this marginalization, Polish constitutional discourse has increasingly invoked social rights as a counterweight to neo-liberal dominance, reflecting a societal attachment to welfare provisions forged under socialism yet challenged by illiberal electoral platforms (Krajewski, 2023). Nevertheless, these social rights invocations in Polish discourse have been instrumentalized by conservative-populist forces to justify an alternative constitutional order rooted in ethnonational community and historical traditions, thereby contesting the liberal institutionalization that followed 1989 (Blokker, 2019). This instrumentalization aligns with variegated roles of anti-liberal, conservative-populist positions across post-communist societies, where such forces have mobilized illiberal counter-revolutions in cases like Poland while exhibiting more subdued contestations elsewhere (Blokker, 2021). In Romania, by contrast, populist conservatism during constitution-making produced a less fractious parliamentary draft, eschewing the parallel grass-roots counter-projects that amplified polarization in Poland (Blokker, 2021). This Romanian restraint, in turn, preserved a veneer of institutional continuity amid populist pressures, averting the destituent escalations that populist regimes elsewhere achieve through manipulative constitutional amendments presented as popular mandates (Tóth et al., 2025). SuchSuch manipulative tactics resonate with global populist ascents, where leaders in diverse contexts like Hungary and India have similarly hollowed out legal institutions through legislative maneuvers masquerading as democratic imperatives, thereby entrenching power beyond electoral cycles (Suteu, 2024). These populist maneuvers, extending to Eastern Europe and post-Soviet spaces, invoke retraditionalization processes that deny ideological pluralism and constitutional justice's neutrality, deploying diverse revision technologies from conservative revolutions to extra-constitutional mechanisms (Medushevsky, 2018). In Hungary, these revision technologies have crystallized into an illiberal constitutional paradigm that reconfigures societal visions through institutional engineering and media capture, normalizing majoritarian governance at the expense of liberal norms (Sajó, 2019; Țăranu & Pîrvulescu, 2025).

Conclusion

In conclusion, these populist counter-constitutional trajectories in East-Central Europe, by prioritizing socio-cultural retraditionalization and symbolic critiques of liberal constitutionalism over institutional pluralism, signal a profound reconfiguration of democratic legitimacy that challenges the universalist aspirations inherited from revolutionary constitutional paradigms (Blokker, 2019; Medushevskiy, 2021). Rather than fostering inclusive civic bonds akin to those in the French Revolution, these trajectories in Poland and Hungary revive pre-communist nationalistic discourses and historical constitutional myths, thereby fragmenting legal legitimacy along ethnonational lines (Blokker, 2019, 2021; Medushevskiy, 2021). This fragmentation, mirrored in Romania's embedded populist democracy and Hungary's ethno-nationalist dominance, underscores the divergent post-communist pathways where conservative counter-movements erode constitutional pluralism through retraditionalist reforms targeting human rights and judicial independence (Blokker, 2019, 2021; Medushevsky, 2018). Ultimately, this populist reconfiguration in Hungary and Poland exemplifies counter-constitutionalism, wherein ruling parties have captured judiciaries and curtailed constitutional review through supermajority amendments and judicial packing, thereby institutionalizing defiance of liberal democratic standards under the guise of sovereign majoritarianism (Blokker, 2019; Scholtes, 2018). Future scholarship must thus interrogate these counter-constitutional dynamics through comparative lenses that encompass post-Soviet retraditionalization and EU-level responses, fostering pathways toward resilient pluralistic frameworks (Medushevskiy, 2021; Medushevsky, 2018). By integrating insights from illiberal constitutionalism's entrenchment in Hungary and Poland, where public law mechanisms have demonstrably failed to remedy democratic backsliding through international oversight and citizen empowerment, (Drinóczi & Bień-Kacała, 2018) such comparative analyses can illuminate adaptive strategies for bolstering constitutional resilience against populist retraditionalization. This imperative extends to probing mnemonic constitutionalism's role in Poland and Hungary, where memory laws entrench historical narratives that legitimize deviations from European pluralism (Bełavusaŭ & Gliszczyńska-Grabias, 2021). Similarly, Romania's subtler populist conservatism has sustained a structurally resilient, albeit flawed, democratic polity resistant to radical conservative overhauls, highlighting the need for nuanced typologies of constitutional backsliding across East-Central Europe (Blokker, 2021; Medushevskiy, 2021). This nuanced typology reveals how the undemocratic liberal legal constitutionalism of post-1989 elites, lacking participatory elements and social embeddedness, has inadvertently fueled memory politics manipulations by illiberal governments in Hungary (Blokker, 2019; Halmai, 2023). and Poland, fostering mnemonic regimes that instrumentalize historical memory to delegitimize supranational rule-of-law

interventions (Blokker, 2021; Perju, 2018). These mnemonic regimes, exemplified by commemorative lawmaking techniques such as bricolage and re-stylization in Poland's PiS-era memory politics, further erode liberal constitutionalism by framing supranational oversight as an assault on national historical sovereignty (Bucholc, 2018). This framing, in turn, intersects with broader practices of visual constitutionalism across Central and Eastern Europe, where crises prompt reimaginings of public spaces through the destruction or reconfiguration of monuments tied to imperial, communist, and Soviet legacies, thereby layering collective memories with invented traditions that bolster illiberal narratives (Belov, 2024). Consequently, these visual reimaginings in Central and Eastern Europe contribute to constitutional backsliding typologies by entrenching deviations from liberal pluralism through conservative transformations that reevaluate national legal identities and prioritize authoritarian narratives over European standards (Medushevskiy, 2021; Medushevsky, 2018).

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