

## Exemplary Punishment, Exemplary Terror

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This paper began by arguing that exemplarity was one of the principal justifications for punishment in Old Regime Europe. Rulers, political philosophers, and jurists sometimes invoked retribution and atonement as reasons to punish, but they most consistently pointed to the exemplary, pedagogical effects of punishment. A wide range of commentators—from King Francis I in 1564 to the Parlement of Toulouse in 1762, from Leibniz and Locke to Voltaire and Beccaria—all affirmed the value of punishment as exemplarity. The popularity of utilitarianism further supported this way of thinking, which suggested that the suffering of a single miscreant would lead to the greater happiness of society by deterring future crimes. Although authors disagreed on what, precisely, would be the greatest deterrent (death or a life sentence to hard labor, for example), there was widespread agreement that exemplary punishment was a good and effective thing.

The paper went on to argue that the logic of exemplary punishment broke down during the French Revolution. This breakdown took two forms. First, the most famous execution during the Revolution—the “exemplary” exemplary punishment—was that of Louis XVI. Yet unlike the punishment of ordinary criminals, whose deaths could serve as examples to potential malefactors, the punishment of a king could only be a true deterrent to other kings. Whereas the execution of a thief sent the message, “Don’t be a thief,” the execution of a king seemed to say, “Don’t be a king.”

The second form of exemplarity’s breakdown came in the meaning of execution to revolutionaries and counter-revolutionaries. By examining prints of the king’s execution that were distributed by revolutionaries and prints of the same event distributed by counter-revolutionaries, Schechter showed there was nothing in the image of the beheading itself to indicate whether viewers should approve or disapprove of the revolutionaries’ action. It was only from reading the caption that they could “know” what they were supposed to think and how they were supposed to feel. For revolutionaries, the pedagogical value of the punishment lay in the message that the king deserved to die, whereas for counter-revolutionaries the king was “exemplary” in the sense that he died in exemplary fashion. He went to his death in Christ like fashion, forgiving his enemies but unequivocally demonstrating that they were in the wrong.

This breakdown of exemplarity had real consequences. Schechter concluded: “In the end we are authorized to ask what this exemplary event [the killing of the king] was an example of. The rightful end of all crowned charlatans? The bloody but necessary inauguration of a free republic and the right of “peoples” to kill their oppressors? Or the martyrdom of a Christ-like ruler at the hands of ungrateful killers? The very multiplicity of answers assured that the Revolution would not end quickly, that the king’s execution would not be the last exemplary punishment, and that despite the Leibnizian formulation according to which one could spare blood by spilling it, neither the revolutionaries nor their enemies would be sparing in the blood they were willing to shed.”