

The American people might become a model for all others, so long as they never come to resemble our old Europe, a heap of divided powers quarreling over territory or trade profits, and continually cementing the enslavement of their peoples with their own blood. [Anne-Robert-Jacques Turgot]⁵⁴⁷

CHAPTER 11

LAW AND LAWLESSNESS: REVOLUTION IN THE AGE OF REASON

Britain's loss of her most important *American* colonies initiated an incremental—if largely ineffectual—shift in socio-political power back home. The Commons gained at the expense of the Lords and the King; merchants, manufacturers and financiers gained somewhat at the expense of the idle landed. For France the peace that followed neither returned her former colonial territorial claims to Canada nor enlightened the rule of those in power. Although the resources of the French people were sent across the Atlantic for use by the Colonials against the British, the French monarch and his ministers rigorously opposed the democratic and republican principles espoused by the practical philosophers involved in the rebel cause. Within France even moderate reformers, such as Turgot and other Physiocrats, failed to

temper the excesses of aristocracy and state religion or influence a monarchy addicted to uncontrolled spending.

French assistance had, ironically, made possible the wrenching of Old World power from the eastern regions of North America where not long before French troops and their native allies had fiercely battled the British and the largely Anglo-American Colonials. That earlier struggle had ended with Britain the titular sovereign over much of North America. Only a generation later, Americans of European blood were born free of British authority.

For Britain, the cost of warring simultaneously against her colonies and the other powers of Europe greatly damaged her economic well-being and left the government deeply in debt. Britain was on the edge of financial disaster. P.W. Wilson speculates, in fact, that “[i]f Pitt had failed, if Necker had succeeded, the scene of revolution, it is at least arguable to maintain, would have been not Paris but London.”⁵⁴⁸ Even the arch-conservative Edmund Burke felt compelled in 1780 to recommend “a plan of economy in the civil government”⁵⁴⁹ that could not help but attack some privileges and those who derived their livelihood therefrom. Pitt, as prime minister, borrowed from Adam Smith and reduced the duty on tea to a point that smuggling in order to avoid the duty was no longer profitable. Yet he proved not to be a very great convert to the full doctrine of *laissez-faire*, imposing new taxes on all manner of goods and services in order to balance the budget. In this quest he succeeded, although a considerable portion of the revenue was dedicated not to providing government but to the payment of interest on the national debt.

Despite a rising internal dissention between classes and the division of power between Whig and Tory in Parliament, the British government as constituted maintained a tenuous hold on power. The British empire did yet show any signs that a transition into a more democratically governed constitutional-republic was underway. Neither the landless peasants nor the urban workers were yet in a position to challenge

entrenched power, and the lingering policies of mercantilism kept the newer class of agrarian and industrial-landlords as well as financiers attached to the government. For those who sought refuge from the oppression of the British constitution, there was always the option of migration to the new United States of America, Canada, India or the newest acquisitions of the empire, Australia and New Zealand.

A restlessness altogether different in character was carried back to France by soldiers and aristocrats returning victorious after fighting alongside the Colonial army and militia. Many of these men, including the Marquis de Lafayette, could no longer ignore the tremendous differences in individual freedom and opportunity they observed while fighting with the Colonials from the system of entrenched privilege they lived under in France. Within a few short years many of them would forsake this heritage for an uncertain republican future. The most idealistic among them would espouse the same practical philosophy as other transnationals had adopted and were attempting to implement in the newly-formed United States. Their efforts would attract the participation of Thomas Paine, who emerged from the Colonial war for independence from Britain as a respected spokesperson on behalf of democratic institutions and the philosophy of cooperative individualism. In this sense, Paine proved to be out of step with most of his contemporaries because of his uncompromising attachment to moral principle. Paine was convinced the principles that inspired Colonial Americans on to victory would make their way back across the Atlantic Ocean—to serve those destined to rebuild the Old World on the basis of principles constructive to the common interests of people:

Conquest and tyranny, at some early period, dispossessed man of his rights, and he is now recovering them. And as the tide of all human affairs has its ebb and flow in directions contrary to each other, so also is it in this. Government founded on a *moral theory, on a system of universal peace, on the indefeasible, hereditary rights of man*, is

now revolving from West to East, by a stronger impulse than the government of the sword revolved from East to West.⁵⁵⁰

Paine was neither motivated by a desire for vengeance nor driven by the need for personal advancement. Throughout his journalistic career he donated sizeable profits from his writing to those he felt were fighting alongside him in the struggle for justice. His most serious mistake was in believing that justice could be acquired with a minimum of bloodshed. The Colonials in British North America had been pressed, they felt, very hard by a distant and illegitimate government. Eventually they had been forced to take up arms to protect their property and their freedom. More than any other writer of the period, Paine captured the passion of their struggle and created a transnational manifesto debated, attacked and defended by both the mighty and the weak in North America and Britain. "*The cause of America is in a great measure the cause of all mankind*," he declared; and "[t]he laying a country desolate with fire and sword, declaring war against the natural rights of all mankind, and extirpating the defenders thereof from the face of the earth, is the concern of every man to whom nature hath given the power of feeling."⁵⁵¹ Isaac Kramnick, in evaluating the depth of Paine's impact on late eighteenth century events, writes that, "*[i]n the bourgeois radical camp one person, more than any other, made the great of the world tremble. Tom Paine, the transatlantic revolutionary, lifted the ideology from its English context and give it universal and meta-historical meaning.*"⁵⁵²

Edmund Burke took a rather different view of Paine's meddling in the Old World, condemning as outrageous audacity Paine's determination to destroy "*in six or seven days...all the boasted wisdom of our ancestors has labored to bring to perfection for six or seven centuries.*"⁵⁵³ From Burke's narrow point of view, this was certainly true. And yet, Paine was a great defender of truth, using his powers of reason and observation to attack the folly of privilege so vehemently defended

by Burke. At the time, Paine did not fully appreciate the power of vested interest on both sides of the Atlantic underlying much of the conflict between the Colonials and British authority. Many Colonial leaders were fighting for a return to what was and not for the right to create something altogether new. At the end of the fighting, principle ran into these vested interests and the principles espoused by Paine, Franklin and the other transnationals. Fundamental moral principles were substantially compromised in the establishment of a constitutional republic. The result was a written constitution and system of federalism based on a new and dangerous balance of power assigned to untested institutions. Paine's voice, a short time ago so forceful and dominant, was relegated to the wilderness, for he was not of the Colonial establishment. Paige Smith explains:

Tom Paine had not been a delegate to the Federal Convention, but his authorship of *Common Sense* was enough to qualify him as a Founding Father. Certainly he was, with the possible exception of Jefferson, the most radical member of the American Revolutionary generation. And he was unique in that he had made his way up from the lower levels of British society to play a conspicuous role in American politics. Yet he undoubtedly paid a price for his radicalism and perhaps even more for his lower-class origins. If there were, among the leading American patriots, some who ... had begun life in modest circumstances, most were definitely of the upper-middle class or upper class. Paine was inescapably lower class; and with his untidiness, his accent, and his tendency to drink too much, he never really became a member of the inner circle of Revolutionary leaders.⁵⁵⁴

Among the post-revolutionary leadership, Paine was dismissed as reckless and unaccomplished; John Adams described him as that "*disastrous meteor*."⁵⁵⁵

Despite his increasing isolation from the people and events in the new United States, Paine was far from dismayed by the government taking shape in his adopted land. He fully expected that the people of his native

Britain would rise up against the tyranny of King and Parliament to establish the next bastion of democracy within reborn constitutional republic. Instead, he would eventually experience first-hand in France the reactionary tremors revolution absent the foundation required for a society to enjoy the benefits of participatory governance and individual liberty. Once captured by the promise of liberating the French from their historical institutions, he would be unable to extirpate himself from the events surrounding him. And, for his troubles he would eventually suffer abandonment by nearly all his friends, condemned by monarchists, statist, anarchists and true believers. The unfortunate reality of the late eighteenth century was that the moral principles he espoused could appeal only to the tiny community of truly enlightened transnationals—many of whom were destined to share his fate or worse. As a propagandist, Paine had no equal during this period; however, the depth of his message was not absorbed by the masses who quoted from his works or invoked his name to justify their actions. This was a time in the Old World of deeply-rooted despotism, and reason was not the weapon destined to pull down ancient regimes. Rousseau, for one, had understood this instinctively, when he wrote that “[o]nce customs are established and prejudices have taken root, it is a dangerous and foolhardy undertaking to want to reform them.”⁵⁵⁶ The lesson for Paine, and for us today, is that to do so incrementally absorbs the lives of many generations of reformers without permanent result. Even now we continue to suffer the consequences of a blind adherence to established custom and prejudice. Far too few of us are willing to challenge our own beliefs by testing them against moral principles or factual evidence.

Long after Rousseau was but a memory to many Frenchmen, the long-oppressed people of France found themselves with an extraordinary opportunity to sweep away the source of their misery and to treat their former governors as they had been treated. The rhetoric of revolution called for *liberty* and *equality* and *fraternity*, but the struggle

for power yielded a thirst also for vengeance and retribution. To have expected anything else is to fail to understand part of human nature. The last chance for incremental reforms disappeared with the untimely dismissal of Turgot from office. When this news reached Arouet (Voltaire), the great man of letters wrote to a correspondent: "*Nothing is left for me but to die, now that M. Turgot has gone.*"⁵⁵⁷ The affairs of state were falling to men of little vision and weak character, and the result was merely to hasten the implosion.

After a brief interim period under Clugny de Nuis, the responsibility for directing France's fiscal matters fell to one of Turgot's chief opponents, the banker Jacques Necker. Ironically, once in office Necker proposed many of the same measures as Turgot had advanced in an effort to put the government's fiscal house in order. The aristocracy resisted all attempts to force them to contribute to the support of the government. The King and Queen resisted all meaningful spending reforms. On top of these insurmountable problems, Necker was also faced with having to finance another war against Britain—and support the American Colonials in the bargain. The echo of *the shot heard around the world* had hardly died away when Charles Gravier (the Comte de Vergennes) convinced Louis XVI to secretly aid the rebellious Colonials. The *American* cause was also very favorably advanced by the arrival in France of Benjamin Franklin, whose company was very much sought by the French scientific and philosophic community.

The French also had a strong desire to divert British forces away from immediate French interests. Gravier, fearful that the British might reach an accord with the Colonials, pressed Louis XVI to openly provide support and to commit to an alliance should Britain declare war on France. Necker was now asked to raise nearly a billion livre for the war; he was able to do nothing but watch as the government's debt rose to over 500 million livres. By early 1781, the state of France's finances forced Necker's resignation; and, a key point had been passed on the road toward chaos and upheaval.

Within the French *middle class* there was also a growing animosity toward the untaxed and landed Catholic hierarchy. As taxes on peasant farmers and the bourgeoisie increased again and again, the population of Paris became ever more critical of those who produced nothing, received their livelihood from tithes or rents and contributed nothing to the maintenance of the government. The sons of the bourgeoisie, educated in the colleges and stirred by the republican rhetoric of the American rebellion, formed the core around which the discontented would gather.

Unlike Britain, France remained rather feudal in its rural life, and the institution of serfdom continued until abolished by Louis XVI in 1779. Yet, across France large sections of agricultural land remained uncultivated by the noble families who held title. For the peasant farmer, rents, Church tithes and taxes absorbed more than half the agricultural wealth produced. More and more of the commons were enclosed by nobles desperate to replace purchasing power lost to a depreciating paper currency. Although unsuccessful in taking on the landed, Turgot had aroused the animosity of many nobles in 1776 by having one of his supporters publish an attack on their remaining feudal rights. The agricultural system was breaking down, and many propertyless peasants were making their way to the towns and cities, although with much less potential for some kind of employment than was the case for their British counterparts. This was the case despite the fact that France was dotted with industry.

France's rural population approached twenty-five million, while only two million lived in the in the towns and cities. The French worker suffered enormously under the weight of the State, and as the decade of the 1770s brought rebellion to Britain's North American colonies, conditions in France ripened for a general uprising. In the short-run, the debt incurred by the French state to assist the American Colonials and rebuild the military also generated great profits and created large fortunes for the manufacturers, merchants and financiers of France.

Thus, although still predominantly rural and agricultural, enough of the policies set in motion by Turgot had remained in place to nurture a growing *bourgeoisie*. As Will and Ariel Durant have concluded:

While the nobility lost numbers and wealth through idleness, extravagance, and biological decay, and the clergy lost ground through the rise of science, philosophy, and an urban epicurean life and code, the middle classes grew in money and power by the development of industry, technology, commerce, and finance.⁵⁵⁸

Under the directives of French law, however, this same group—in many ways the most able to provide leadership into the coming century—was excluded by birth from taking part in the governing of the nation. They condemned the extravagance of the State and attacked the landed aristocracy as parasites; and, as the financial circumstances of the monarchy worsened they demanded the King look to the nobility and the Church for the tax revenue to fund the national debt. They, more than any other group, initiated the events that would bring about the fall of the ancient regime.

From November 1783 on, the challenge of rearranging the chairs on the deck of the French Titanic fell to Charles-Alexandre de Calonne, as Louis XVI's new finance minister. Through a combination of a national lottery, debasement of the coinage, promises to the clergy of censorship against Voltaire and other heretics—combined with additional borrowing—Calonne managed to keep up the charade until late in 1786. Only heavy taxation imposed on the nobility and the Catholic Church could rescue the government, and Calonne proposed to Louis XVI that the King convene an *Assembly of Notables* to make recommendations on what should be done. Among other reforms, Calonne pushed hard for a tax on landed property, a cause he took directly to the general population. The political struggle was now on in full force. Calonne was soon removed from office and, sensing the dangers building, departed for a safer harbor in England. His

replacement, Lomenie de Brienne also failed in getting the Notables to support a land tax or any other measure that might resolve Louis XVI's fiscal nightmare. The Assembly was dismissed by the King in May of 1787 without result, and Brienne's only avenue was to push for economies and a refunding of the national debt.

In August Louis XVI actually pressed ahead with the land tax. His edict was rejected by the Paris Parlement, who demanded that a States-General be called to deal with the nation's financial crisis. The King responded to this challenge by banishing the Paris Parliament; in retaliation, riots broke out in Paris which ceased only after Louis XVI agreed to convene a new session of the Parliament. This time, the King forced the members to approve the land tax; but as soon as he departed the measure was reversed. The King then suspended the Parlement and set about to impose his will on a recalcitrant nobility. Not surprisingly, the provincial parlements were soon united against him. Now overwhelmed by this widespread resistance to his prerogative, Louis XVI gave in and issued the call for a States-General.

France was, indeed, virtually bankrupt, and Brienne began issuing notes in lieu of coinage as payment of the government's debt. These notes were by order of the government to be accepted as legal tender. Once again, Gresham was proved right in his prediction that bad money chases out good. Prices in terms of the paper currency increased dramatically, imposing hardship on many Paris workers and adding to an already chronic shortage of food. Shortly thereafter, Brienne resigned and Jacques Necker was brought back into the government as secretary of state. Necker rescinded the measure requiring bondholders to accept paper currency and successfully negotiated a large loan from the nation's financiers. Large sums were needed during the coming winter to avert mass starvation in the face of the year's crop failures, and the government's half-hearted measures proved increasingly futile. The French were being pulled inextricably toward violent upheaval.

The States-General

In June of 1789, Louis XVI ordered that elections be held for representatives to the States-General. The clergy, the nobility and the bourgeoisie would all be represented, and in the petitions of grievances prepared the one common denominator was a demand for an end to absolutism and its replacement by a constitutional monarchy modeled after that of Britain.

The cause of democracy was taken up by Honore-Gabriel-Victor Riqueti, the young Comte Mirabeau, as a candidate of the *Third Estate*. The rural population was now in almost constant revolt over food shortages and rising prices, and Riqueti was looked to by the King as a voice of reason. In the same manner as Paine's *Common Sense* had so thoroughly expressed the cause of the European-American Colonials, now a political tract by the Abbe Emmanuel-Joseph Sieyes⁵⁵⁹ circulated throughout France with a similar impact. "*Sieyes put into words that everyone could understand things that everyone was thinking,*" writes J.M. Thompson, adding, "*[h]is democratic idea dwarfed the throne.*"⁵⁶⁰ He understood that landlordism and heavy taxation had long oppressed those whose labor provided their fellow citizens with food and other goods, and his desire to see reform of the agricultural system was expressed in his writing.

Around the person of Louis-Philippe-Joseph Orleans (the fourth Duc d' Orleans) and other Freemasons, a vanguard of revolutionaries kept the political situation unsettled and dangerous. These men and more than a thousand other deputies constituted the new States-General. At the first session, Louis XVI informed the assembled deputies of France's true financial condition, which he weakly attributed to the recent war on behalf of the American Colonials. The King's minister of finance, Necker, went into greater detail but merely requested that the States-General sanction another round of borrowing to finance the national debt. Neither Louis XVI nor Necker understood

that only very fundamental reforms could prevent further riots and the coming upheaval. The extent to which they were unable to recognize the seriousness of their circumstances is described by Winston Churchill, who observes:

French political machinery in no way expressed the people's will. It did not match the times and could not move with them. ...At the same time the growing middle classes in France were reaching out for the power that was withheld from them. They felt they should have a say in how they were governed. An intellectual ferment filled the land which was denied a political outlet.⁵⁶¹

Riqueti was one of those close to the government who did realize that neither the King nor Necker were in touch with reality. He warned them that "*it is no longer possible to resist the tide of public opinion—one must either swim with it, or be drowned.*"⁵⁶²

A month passed without any decisions or actions taken by the nobility or the clergy, who were meeting separately from the deputies representing the bourgeoisie and peasants. In mid-June deputies of this *Third Estate* elected Jean-Sylvain Bailly as president and formed what became the *Assemblée Nationale*. The King's response was to assert the sanctity of "*ancient and constitutional rights...of property...[and] privileges*"⁵⁶³ enjoyed by the aristocracy and clergy. His only response to public opinion was to offer a semblance of reform. Their patience ended, the members of the Third Estate moved to take control of the city government in Paris. In protest, the nobles withdrew from the States-General. Louis XVI brought in (mostly mercenary) troops to maintain order while the remaining deputies debated creation of a new constitution for the French state.

Riqueti headed the faction who supported maintenance of the King within a constitutional-monarchy. At this point, most of the leading deputies shared his sentiments; however, events soon destroyed what opportunity there had been for a peaceful and incremental transition.

Necker and other ministers sympathetic to reform were dismissed by Louis XVI. Necker actually prepared his family for departure to Holland. Within a matter of days, the mounting revolutionary fervor culminated in the storming of the Bastille and execution of its commandant. Thomas Jefferson, then the minister in Paris from the United States, sensed there would be no turning back. In May he had written to George Washington that he was "*in great pain for the Marquis de LaFayette*," who had been elected to the States-General to represent the nobility. Jefferson urged LaFayette to "*follow his conscience*" and "*take his stand manfully...with the Tiers Etat*,"⁵⁶⁴ which Jefferson believed to desire a thorough reconstitution of the State on representative principles.

Within only a few months, the National Assembly debated and adopted a *Declaration of Rights* (an early draft of which had been written by Thomas Jefferson) as an introduction to the new French constitution. During the months that followed, serfdom and the remaining vestiges of feudalism were overturned. Positions within the government and military were opened to all citizens and the nobility's exemption from taxation was ended. Church lands were nationalized and sold off or awarded to peasant farmers. Categorizing this last measure, in particular, as integral to an individualist social revolution rather than the statist political revolution, J.M. Thompson concludes that by redistributing land, the Assembly "*gave to a vast number of small proprietors a stake in the country which...kept France faithful to the principles of 1789*."⁵⁶⁵ More specifically, the French farmers and bourgeoisie were not against private property in land, per se, but against aristocratic control perpetuated by feudal rights granted to the few. They gave little thought to the future or the possibility that a new landlord class might evolve, acquiring large holdings by purchase as had already occurred in Britain (and, for that matter, was underway even in the new United States). In this sense, the Declaration advanced the interests of the bourgeoisie and set the stage for further exploitation of

those who remained or became landless. Thomas Jefferson was prompted to write James Madison of the fundamental principles involved in the claims by individuals to title to nature:

The question, whether one generation of men has a right to bind another, seems never to have been started either on this or our side of the water. Yet it is a question of such consequences as not only to merit decision, but place also among the fundamental principles of every government. ...I set out on this ground, which I suppose to be self-evident, that *the earth belongs in usufruct to the living*; that the dead have neither powers nor rights over it. The portion occupied by any individual ceases to be his when himself ceases to be, and reverts to the society.⁵⁶⁶

Jefferson went on to state his view that inheritance of titleholdings might be permitted by society under positive law, but that this was by no means a “*natural right*” or obligation which society was obligated by principle to continue. Consistent with this logic, he goes on to conclude “*that neither the representatives of a nation, nor the whole nation itself assembled, can validly engage debts beyond what they may pay in their own time...*”⁵⁶⁷ This warning against a permanent national debt was a warning few governments had ever heeded.

In the same letter, Jefferson is confident enough in his understanding of France’s economy to argue that the accumulated debt incurred by Louis XVI and his predecessors is but a small portion of the annual rental value of the land of France.⁵⁶⁸ This suggests that he also thought the rent of land an appropriate source of revenue to retire the debt. And yet, he goes on to defend the status quo in a manner that foretells the coming era of socio-political relativism:

[N]o society can make a perpetual constitution, or even a perpetual law. The earth belongs always to the living generation; they may manage it, then, and what proceeds from it, as they please, during their usufruct. They are masters, too, of their own persons, and consequently may govern them as they please.⁵⁶⁹

Jefferson's principles include a judgment that laws ought to have a stated date of expiration rather than be subject to repeal. In this way, the overwhelming majority of citizens must take decisive action on behalf of renewing laws rather than having to organize against vested interests for the repeal of unjust laws. When the mechanics of governing require that laws must be debated and presented before the public for re-adoption, the probability does exist that few laws will be passed in the first place. Our own experience in the United States with laws that linger on far past their usefulness or appropriateness suggests that we would do well to give Jefferson's proposal serious consideration.

Jefferson also raises another issue over which socialists and cooperative individualists (among others) would argue over during the course of the nineteenth century: compensation to titleholders, license holders and other monopolists for the privileges taken away in the interest of justice. Jefferson presents in understated fashion the ethics of using public revenue to compensate individuals for the retraction of privileges they long enjoyed to the detriment of the general citizenry; he suggests this is "*a question of generosity and not of right.*"⁵⁷⁰ Justice would, I argue, be far better served by compensating the producers who for centuries were forced to relinquish portions of the wealth they produced to those who used their idle time to involve themselves in intrigues, speculations and warfare. Generosity, by Jefferson's meaning, involves paying thieves for stolen goods as an inducement for them to act in accord to universal moral principles. Force and theft, even when sanctioned by positive law and cloaked in tradition, are still acts of license. When unjust laws are obeyed, the benefits of the license granted or secured may appear to be only an economic privilege; however, deeper analysis reveals that countless others are usually denied as a result the opportunity for a decent human existence. Thus, not only the acts of license but the laws that allow them are unjust and criminal.

We can assume that Jefferson expressed his views as described above in discussion with his circle of friends described by Claude Bowers as

“genuine reformers and not revolutionists.”⁵⁷¹ Among this group was included the Marquis de Lafayette (whose actual name was Marie-Paul-Yves-Roch-Gilbert du Motier), Sieyes and others who would come under attack during the reign of terror orchestrated by Robespierre and others. In North America, even though individual states differed in the extent to which laws conformed to moral principles and thereby protected individual liberty, many within the leadership were committed to a more potent national government. In France, debate ensued in the National Assembly over the specific powers to be divided between the legislature and the monarchy. Riqueti led the faction who argued the King should retain the power to sanction all measures adopted by the legislature before they could become law. In opposition, others sought to turn the Crown into an executive branch on the order of the American model, empowered with a limited form of veto. In the meantime, Louis XVI stalled for time, hoping to bring in troops in defense of royal prerogative.

Paris in 1789 was fast approaching a state of chaos. Food was in short supply, and many among the bourgeoisie decided to leave the country rather than suffer more hardship and the probability of violence. Thomas Jefferson was, at the same time, preparing to return to Virginia and what he hoped would be a well-deserved retirement from public life. Back in New York the following April and increasingly distressed by the news arriving from France, Jefferson cautioned the Marquis de Lafayette to take care, writing:

[T]hough I think your nation would in any event work out her salvation, I am persuaded, were she to lose you, it would cost her oceans of blood, and years of confusion and anarchy.⁵⁷²

Events would prove Jefferson’s words prophetic. Late in 1789 the seat of government was moved from Versailles to Paris. An important lesson was in the making; for, as J.M. Thompson assessed events, “*control was*

passing from the intellectuals to the demagogues."⁵⁷³ Once beyond a certain point, the attack on the status quo advanced by those who wield the pen enters the domain of the ruthless, whose opportunistic qualities raise them momentarily to positions of great if fleeting power. This becomes the time of the true believer and ends only with destruction. For the next two years in France, the new Constituent Assembly peaceably but often near chaos debated the affairs of state while those who sought vengeance awaited their opportunity to strike.

Where the Colonials in North America embraced the works of Locke and Harrington, the *Patriots* of France turned to Secondat (Montesquieu) and Rousseau. Political clubs appeared everywhere throughout Paris to host informal debates on the issues of the day. One of the largest and most provocative was commonly referred to as the Jacobin club (after an order of Dominican monks), whose generally well-to-do members were staunch defenders of the new constitution. Other clubs housed debates by representatives of the lower bourgeoisie and urban workers, or the remaining supporters of the monarchy. At the same time, the French press experienced a period of unprecedented freedom to expound on revolutionary and other socio-political ideas.

The issue that hastened a violent solution to the impasse was the question of the franchise. The Declaration of Rights failed to spell out whether particular political rights were to be applied universally or conditionally. The bourgeoisie and the landed were naturally attached to a property requirement (and payment of taxes) as requisite to voting rights. Above the objections of the few real equalitarian democrats in the Assembly (and those fearful of the potential consequences), more than a third of France's adult males were denied the vote. Interestingly, by and large the surviving adherents to the Physiocratic school strongly advocated the property requirement as essential to the promotion of agricultural interests.

A similar struggle developed over reform of the French legal system. The proposals submitted by reformers constituted the core of a report

submitted by the Constitutional Committee and which was enacted into law in August of 1790. Key elements of these reforms were designed to:

...keep the judiciary quite independent of the legislature; wholly to abolish purchase [of magistrate positions]; to do away with all expenses of litigation; to conduct all judicial proceedings in public; to institute judges of assizes, juries, and poor men's lawyers; to confine capital punishment to cases of murder and high treason; to abolish the penalty of confiscation; and to introduce an element of popular election into the appointment of judges.⁵⁷⁴

Another constitutional question arose over the right of individuals to form coalitions in order to petition the government on behalf of their special interests. A leading deputy, Isaac-Rene-Guy Le Chapelier, argued vigorously against permitting such associations, whether of titleholders, landless peasants, wage laborers or capitalists. This measure was enacted into law by the Assembly in June of 1790. On the surface, reform seemed to be proceeding along a path that would unite the French and firmly establish law as supreme over all individuals. The illusion was soon to disappear.

The Legacy of Empire Building

Lingering just beneath the surface was the problem of the national debt and how it would be reduced and refunded. Corruption was a problem of enormous magnitude; estimates by economic historians suggest that between forty-five and sixty percent of France's tax revenue was privately appropriated before reaching the government. Added to the problem of leakage, both domestic and foreign financiers demanded very high rates of interest on funds advanced to the government. By the time of the National Assembly, in fact, the revenue

structure was in ruins. Turgot had proposed to shift all taxation to the value of landed property, but the deputies rejected this idea on the grounds that no valuation had ever been made and would be impossible to make without great expense. Instead, they imposed new and (on paper) heavy taxation on property owners based on a rough assessment of ability to pay. Unfortunately for the revolution, influence and corruption were permitted to reduce or exempt altogether the burden on those whose land was most valuable and were, in fact, in the best position to pay. Faced with the need to raise revenue, the deputies engaged in a heated debate over nationalization of Church property.

In a speech made before the Assembly in September of 1789, DuPont de Nemours sounded very Jeffersonian, declaring the "*Church had never had more than a right of usufruct in the property it held.*"⁵⁷⁵ He went on to argue that once nationalized, the government was obligated to use the revenue derived from the sale or lease of these lands to continue the charitable work previously performed by the Church. Tallyrand,⁵⁷⁶ himself a bishop, and Riqueti joined with DuPont de Nemours to support the measure. The State was about to absorb a large portion of the lands of the Catholic church into the public domain. This accomplished, the Assembly decided to use these lands as collateral for new borrowing, the debt to be retired by the proceeds from land sales. A new bank was created with authorization to issue certificates backed by the value of confiscated Church property. As the sale of land occurred, the proceeds were to be used to redeem the outstanding certificates. Unfortunately, many investors remained concerned that their land purchases might later be overturned by an Assembly more inclined to champion the Catholic Church; as a consequence, the land sales provided far less revenue than anticipated or needed.

A secondary, if even more critical outcome of this failed scheme was the dampening effect on commerce. The certificates, even though issued in large denominations, soon displaced gold and silver coinage as currency. With so much of the nation's hard money hoarded, the

Assembly yielded to public pressure and made the certificates legal tender. More and more notes were in this way issued by both the national and municipal governments; coinage disappeared from circulation and legal tender prices of goods and services skyrocketed.

A pamphlet written by DuPont de Nemours against the issuance of the paper currency circulated widely in the Fall of 1790, and he restated his arguments against the new paper currency before the Assembly (including a reminder of what a similar policy had brought about in North America during the rebellion) in an attempt to warn of the even worse increases in prices that were certain to occur. Riqueti was, however, one of the leading advocates of the plan. Thus, the measure to deliberately expand the supply of legal tender was adopted. For his trouble and adherence to principle, DuPont de Nemours was threatened and nearly attacked physically by some of those in opposition to his stance. This battle lost, he concentrated his efforts in the preparation of a report on the nation's finances. Surprisingly, however, instead of calling for a Physiocratic program of removing taxes from all but the landed, DuPont de Nemours offered only the replacement of a number of nuisance taxes with a surtax added to others. When these measures failed to generate enough revenue, the Assembly imposed a tax on the revenue (which might include rent, wages and interest combined) derived from improved land. More positively, they also imposed a tax on unused land that captured at least some of the imputed rental value and so penalized those landowners who left their land idle.⁵⁷⁷ In the longer run, none of these efforts mattered much; French society was far too divided by class and wealth for reconciliation under either a constitutional-monarchy or constitutional-democracy. The newly-formed Republic was about to be torn apart by a reactionary leadership more than willing to use terror and coercion as the basis for forming a new social order under their direction.

Late in 1790, the Marquis de Lafayette wrote in correspondence that “*the only way to avoid civil war is to exploit the present situation, and to work with and through the partnership of the king and the assembly in Paris.*”⁵⁷⁸ He was, of course, sadly behind in his assessment of the public mood. By this time, the shell game played by Necker with the government’s finances was coming to light. France was in serious trouble, and Necker was no longer able to rely on his popularity to hide the facts. He was not only removed from government office but fled the country in fear of his life.

In the Spring of 1791 an exhausted and out of favor Riqueti passed away, and with his death was lost whatever opportunity might have remained for compromise with the radicals. Louis XVI then made the fatal mistake of attempting to flee Paris in disguise in order to take up arms with royalist forces in Austria; captured, he was brought back to Paris and eighteen months later deposed, tried and executed. In the interim, the nominal work of the Assembly was completed and a new written constitution adopted in September of 1791.

Elections were held for positions in the new legislature. And, inexplicably, eligibility was restricted to exclude any individual who had served in the Assembly, thereby denying France the services of some of its most dedicated and democratically-minded leaders. The new legislature moved quickly to address many of the great issues of the day. Sweeping, if short-lived, changes were undertaken to remove the remnants of feudalism and aristocratic privilege. Nevertheless, all across France the people were deeply divided into factions, each aggressively supporting or resisting the new form of government or particular changes being made. A continuation of economic hardship imposed by rising prices and the use of the State to impose religious intolerance added the final bit of fuel that virtually assured a violent upheaval.

Friends And Foes

In the spring of 1787, Thomas Paine, now recognized around the world as one of Britain's most enlightened and radical expatriates departed North America for the Old World. Paine had left England for the Americas already past his youth, armed only with his talents and a letter of introduction from Benjamin Franklin; now, on his return to Europe, Franklin's letters once again opened doors to Paine. As the author of *Common Sense*, he already enjoyed something of a reputation within France's intellectual and political community; however, the fact that Benjamin Franklin requested his French friends to treat him favorably saved Thomas Paine an enormous amount of time and energy.

Paine's primary reason for coming to France had nothing to do with political agitation. He reserved his animosity for the British constitution, the monarchy, the aristocracy, its systems of virtual representation, the huge pensions granted to the privileged few and corruption. He was in France as an entrepreneur intent on selling the French on his design for an iron bridge. He was successful in getting a committee appointed by the French Academy of Sciences to review his design; and, while they completed their work, Paine spent his time in contact with France's intellectual community. Curiously, however, David Hawke concludes that "*he seemed unaware that he had arrived in the midst of a revolution;*" which might be explained by the fact that his "*early judgments...came from gossip collected from the lofty circles these rich, successful gentlemen moved in.*"⁵⁷⁹

Upon receipt of a positive report in August from the French Academy, Paine left France for London, equipped with a small-scale model of his bridge and carrying a number of Thomas Jefferson's letters to be delivered to various British and American friends. While in Britain, Paine also called on Edmund Burke and William Petty.

Brought back to France by information that his design was in jeopardy, the months that followed cemented Paine's relationship with Thomas Jefferson and the Marquis de Lafayette. In the matter of the bridge, Lafayette won the great affection of Paine by making every attempt to help him secure appointments with the appropriate officials. All the while, they discussed the news of the constitutional debates taking place across the Atlantic. Out of these conversations came an essay on *natural rights* that Paine submitted to Jefferson, who responded in virtual agreement with the sentiment as well as the specific policy implications expressed by Paine.

Not long thereafter, Paine was back in Britain, where he was called upon by Jefferson to informally fill the role of minister until a successor to John Adams (who returned to North America during the winter of 1788) arrived. He renewed his acquaintance with Edmund Burke and frequently met with Burke and other prominent Members of Parliament. Many of those he met expressed their belief that, on the whole, the French people had greater individual freedom than existed in Britain; the Lords and other conservatives, however, viewed the actions of the National Assembly with considerable alarm. Soon after the storming of the Bastille, Edmund Burke warned a French correspondent of what he saw as the real threat to French liberty:

You hope, Sir, that I think the French deserving of liberty. I certainly do. I certainly think that all men who deserve it, deserve it. It is not the reward of our merit, or the acquisition of our industry. It is our inheritance. It is the birth-right of our species. But whenever a separation is made between liberty and justice, neither is in my opinion safe.⁵⁸⁰

Yet, Burke's subsequent speeches and correspondence demonstrate that he never really accepted the logical conclusions associated with his rhetoric. In the autumn of 1788, for example, when George III drifted into incompetency, Paine urged on Burke without success the

desirability of calling a national convention. The prospect of expanding the franchise or broadening the base of representation in the House of Commons—key reforms to the British constitution in the design of just government pursued by Paine—found no support from the likes of Burke or other defenders of the status quo. What mattered to Burke were the traditional rivalries and intrigues surrounding the throne and Parliament. A constitutional crisis now afflicted Britain, around which Charles James Fox sought to grab power through his influence over the Prince of Wales, heir to the throne. Burke gave his support to a Regency Bill, which passed the House of Commons and was nearing adoption by the Lords when George III began to recover. With the succession no longer an issue of immediate question and the need for a regency removed, the crisis was averted and the younger William Pitt's authority affirmed.

What troubled Paine but not Burke was that Britain remained a nation deeply divided by class and a gross concentration of wealth, its government controlled by this same, small minority whose concerns were not in the least for the general welfare of the population. These societal problems were not yet sufficiently threatening to move the British government toward meaningful reform. Or, more appropriately, the demands of the many were not yet sufficiently loud or threatening to elicit even a moderate response.

For the moment, Pitt's government was secure. As far as the Prime Minister was concerned, the most dangerous domestic issue he faced was the nation's mounting national debt. Pitt had not only committed the government to an expansion of Britain's military forces (hoping to dissuade a new alliance between France and Spain), he sought every opportunity to expand the reach of the British empire. Observing Pitt's actions from afar, Paine was astute enough to see the dangers such policies raised for the British people. Writing to Thomas Jefferson, he suggested that only a harsh dose of what war was really like would cure

Pitt and those who might succeed him in office of romantic notions about warfare and empire:

Wars carried on at a distance, they [the British] care but little about, and seem always disposed to enter into them. It is bringing the matter home to them that makes them fear and feel, for their weakest part is at home. This I take to be the reason of the attention they are paying to Spain; for while France and Spain make a common cause and *start* together, they may easily overawe this country.⁵⁸¹

Unprepared for a prolonged war, Pitt moved quickly to reduce the tensions between Britain and France by concluding a commercial treaty, the terms of which included several important steps away from mercantilism and toward the free trade policies advocated by Adam Smith (and the French Physiocrats). While Pitt sought an accommodation with France, those in opposition worried that this treaty would prevent Britain from forming alliances against the traditional enemy. At that crucial moment in time, however, civil war erupted in Holland; France came to the assistance of the rebellious states, while Prussia threw its weight on the side of the current stadholder, the Prince of Orange. Pitt wisely kept Britain uncommitted, providing only financial assistance to the Dutch and Prussians and expanding the British army and fleet without committing to the struggle. In return, Pitt felt secure that he had gained formidable allies in his own quest to deny Spain its possessions in Britain's new sphere of interest, the Pacific northwest.

Within France, the making of foreign policy by the King was compromised to accommodate the new sharing of power with the National Assembly. Pitt dispatched Sir Hugh Elliott to France to impress upon Tallyrand, the Marquis de Lafayette, Riqueti and others that Britain had no interest in another war, particularly not a war from which neither government could benefit. Again, Pitt achieved his purpose. Britain was free to challenge Spanish ambitions on the

northwestern coast of the Americas without fear of French interference, causing the Spanish to abandon their plans to establish a colonial foothold on Vancouver Island off the western coast of Canada. Pitt then tested the limits of his (and Britain's) power by attempting to thwart Catherine the Great of Russia in the Baltic and Black Seas. The French were also testing the sensitivities of their neighboring continental powers; Avignon and Carpentras were annexed to France in September of 1791, and a peasant insurrection encouraged in Alsace. New empires were arising and old ones falling apart across Europe. These unified nations were also poised for the industrialization of their systems of production. The democratic experience of the French, amounting to a brief interlude in the progression of the nation-states toward a centralizing form of agrarian and industrial-landlordism, was about to degenerate into anarchy. The men of ideas who had transformed the eighteenth century did not, at first, recognize the inevitability of the tragedy about to befall the people of Europe.

The Rights Of Man

Thomas Paine returned to Paris in November of 1789, convinced that the French were in the process of leading Europe into a new age of enlightened government. In January of 1790 he wrote to Edmund Burke, describing the progress of the Assembly in the drafting of a written constitution. Burke's return comments let Paine know that he (Burke) would have none of it for Britain:

Do you mean to propose that I, who have all my life fought for the constitution, should devote the wretched remains of my days to conspire its destruction? Do you not know that I have always opposed the things called reform; to be sure, because I did not think them reforms.⁵⁸²

The intellectual lines of battle between Burke, as defender of tradition and the status quo, and Paine, champion of universal rights and of moral principles as the basis for law, were being drawn. For his part, Paine expressed in clear terms what he meant by reform. Earlier in the year he had written to Jefferson of his hope that the French would recognize in their new government not only moral principles but an understanding of fundamental principles of political economy:

To enrich a Nation is to enrich the individuals which compose it. To enrich the farmer is to enrich the farm—and consequently the Landlord;—for whatever the farmer is, the farm will be. The richer the subject, the richer the revenue, because the consumption from which Taxes are raised is in proportion to the abilities of people to consume; therefore the most effectual method to raise both the revenue and the rental of a country is to raise the condition of the people, ...⁵⁸³

Paine fully expected that the people of his homeland would rally around the moral principles and measures of reform he espoused. In private, many British did express to him their sympathy with his principles. Within the public arena reform societies emerged whose members attacked the constitution of government as a violation of ancient Saxon rights, tracing the evils of the British government to the Norman invasion and conquest. Others invoked Locke and the Glorious Revolution of 1688 and even Magna Carta to condemn the corrupt state of their government. Paine was, however, the most direct and most dangerous opponent faced by those in power. His attacks on hereditary government as an outright usurpation of power were finely reasoned and drove to the very heart of Britain's oppressive system of power and privilege. Nevertheless, nothing really happened. Britain's minority of reform-minded leaders were unable to rally public support against the nation's conservative socio-political institutions. Those who dared to publicly call for radical reforms—or those most likely to join the ranks of a citizen army—were harshly dealt with, and more than a

few political dissenters found themselves on a prison ship headed for Australia.

Some 750 convicts (a third women) made the first forced voyage to Australia in 1787. Thousands of others would follow during the next three decades. Large numbers of Scots, driven from their Highland farms by enclosure of the commons and creation of vast landed estates, *voluntarily* migrated to North America and Australia. Economic hardship also drove Welsh farmers to North America in the last decade of the eighteenth century and after. In 1792, the radical English journalist, William Cobbett (1763-1835) fled for a time to the United States in order to avoid prosecution for attacking the British army. Two years later, the scientist Joseph Priestley (1733-1804) was driven out of Britain for his public support of the French Revolution. Others, such as the chemist, Thomas Cooper (1759-1839), made their way to North America to escape political oppression in Britain. Burke spoke for those who enjoyed privilege and held power without conscience, when he wrote:

As to the people at large, when once these miserable sheep have broken the fold, and have got themselves loose, not from the restraint, but from the protection, of all the principles of natural authority and legitimate subordination, they become the natural prey of impostors. ...Men are as much blinded by the extremes of misery as by the extremes of prosperity.⁵⁸⁴

Feeling pressed from without, those who controlled Britain's institutions were not about to permit open discussion of Parliamentary reforms to evolve into agitation for constitutional restructuring. Britain's soul, despite whatever Paine might hope or condemn, was tied to the institutions of monarchy and parliament, and few in Britain were as yet willing to exchange British institutions for those of their former North American colonies or the despised French. To be sure, the writings of Adam Smith and David Hume were beginning to nurture a

new sense of individualism among the vanguard of scientific reformers and intellectuals. Even in the late eighteenth century, however, mercantilism yet dominated the sentiments of manufacturers and of policy within the government. What we now know from such experiments is that policies designed to create trade monopolies or otherwise restrict commerce benefit the interests of a few at the expense of the many. Only when the economic benefit derived from such monopolistic licenses is collected by the government and distributed to the entire population—either as a social dividend or in the form of democratically approved services—is justice served.

Those who had long profited under British mercantilism also hampered Pitt's efforts to balance the budget. Debts owed by newly-independent Americans to British merchants, incurred during the colonial period, remained an outstanding issue. During the negotiations over repayment of these obligations, Paine met with Sir Joseph Banks (a leading member of the Royal Society) and condemned Britain's extremely short-sighted prohibition on the importation of American wheat. Relaying the conversation to Jefferson, Paine wrote:

I told him the weevil had always more or less been in the wheat countries of America, and that if the prohibition was on that account it was as necessary fifty or sixty years ago, as now; that I believe it was only a political manoeuvre of the Ministry to please the landed interest, as a balance for prohibiting the exportation of wool to please the manufacturing interest. ...I went farther by saying—The English ought not to complain of the non-payment of Debts from America while they prohibit the means of payment.⁵⁸⁵

Paine also chastised Pitt's government for continuing the short-sighted practice of constant refunding of the national debt and for adding even more paper currency to the quantity of in circulation. ^{it}

What not even Paine could foresee was that his efforts ^{to} stimulate reform in Britain ~~was~~ ^{here} about to bring him international attention on a

scale few other writers had to that point achieved. By early 1790, his support of the French Revolution made him an enemy of the British government and placed him well out in front of British radicals. He was destined to once again become an exile from his native land but returned to Britain late in March, anxious to do verbal battle with Edmund Burke in a manner that would awaken the general population to the need for dramatic reforms. More specifically, "his real design was to write a Constitution for the English nation."⁵⁸⁶ Paine also made a measured attack against Burke as a defender of state religion. Consistent with his moral principles, Paine declared that among our natural rights was the right to our own form of spirituality. Government was responsible, therefore, for assuring all citizens experience equality of treatment under law, regardless of their religious convictions (or absence thereof):

My idea of supporting liberty of conscience and the rights of citizens, is that of supporting those rights in *other people*, for if a man supports only his *own* rights for his *own* sake, he does no moral duty.⁵⁸⁷

The philosophical conflict between Paine and Burke was inevitable, and Paine eagerly looked forward to the publication of Burke's *Reflections on the Revolution in France*. In the interim, Paine had written a number of letters to the Marquis de Lafayette concerning Pitt's actions against Spain in the Pacific northwest; his role as Jefferson's agent of American policy in Britain had now passed to Gouverneur Morris, and neither Washington nor Jefferson continued to take Paine into their confidence. When Burke's pamphlet was finally distributed in November of 1790, the work found an eager and receptive audience within Britain and among the conservatives on the continent. Within days after reading Burke's *Reflections*, Paine began work on his *Rights of Man*, finishing the manuscript in February of 1791. In the preface of the English edition, Paine made clear his intent to demonstrate the

absence of reasoning contained in Burke's defense of monarchy and privilege:

As the attack was to be made in a language but little studied, and less understood, in France, and as everything suffers by translation, I promised some of the friends of the Revolution in that country, that whenever Mr. Burke's pamphlet came forth, I would answer it.

This appeared to me the more necessary to be done, when I saw the flagrant misrepresentations which Mr. Burke's pamphlet contains; and that while it is an outrageous abuse on the French Revolution, and that principles of Liberty, it is an imposition on the rest of the world.⁵⁸⁸

Paine was, to be sure, not the only critic of Burke's backward-looking thinking. Many Whigs were anxious to reduce the monarchy to a mere figurehead. For the more radical reformers close to Paine, Burke served to focus attention on the degree of entrenched privilege that lingered on in Britain. With *Rights of Man*, Paine produced what David Freeman Hawke describes as a "counter-manifesto"⁵⁸⁹ and Philip Foner "the book of the hour."⁵⁹⁰ As he had in Colonial America, Paine brought to the general population ideas that declared the constitutional-republic and democratic processes as key to creating the just society. He attacked with wit and reason the constitution of government, the socio-political arrangements and institutions of Britain. This was too much for the conservatives, and in June of 1792 he was charged with sedition. Paine managed to escape to France in September before he could be brought to trial. Before doing so he responded in writing to his accusers:

If to expose the fraud and imposition of monarchy and every species of hereditary government—to lessen the oppression of taxes—to propose plans for the education of helpless infancy, and the comfortable support of the aged and distressed—to endeavor to conciliate nations to each other—to extirpate the horrid practice of war—to promote universal peace, civilization, and commerce—and to break the

chains of political superstition, and raise degraded man to his proper rank;—if these things be libellous, let me live the life of a *libeller*, and let the name of libeller be engraven on my tomb!⁵⁹¹

In response to Paine, Edmund Burke declared that he was merely defending the true principles of the Revolution, by which he meant the events that brought William of Orange to the throne of England in 1688. He properly argues for a “*regulated liberty*”⁵⁹² and against unlimited freedom, consistent with the restrictions John Locke placed on the freedom to commit criminal license. Sadly, he clouds the importance of this fundamental principle by trusting in the power of tradition and order over that of experience and reason:

Circumstances...give in reality to every political principle its distinguishing color and discriminating effect. The circumstances are what render every civil and political scheme beneficial or noxious to mankind.⁵⁹³

In his mind, the liberty of British *subjects* is preserved by the constitutional-monarchy. The English revolution yielded no bill of rights under which the people as a whole were granted the power to “*choose [their] own governors, ...cashier them for misconduct, ...[or] frame a government for [themselves]*.”⁵⁹⁴ Justice he equates to the rule of law, whether or not law is consistent with moral principles such as are the basis for a doctrine of natural rights. Burke not merely admits but argues that the King “*does not owe his high office to any form of popular election;*”⁵⁹⁵ nor can the King, the Lords or the members of the Commons “*in their several public capacities...be called to an account for their conduct.*”⁵⁹⁶ By casting aside ancient traditions and practice, the French had, he concluded, condemned themselves to anarchy and chaos:

They have found their punishment in their success: laws overturned; tribunals subverted; industry without vigor; commerce expiring; the revenue unpaid, yet the people impoverished; a church pillaged, and a state not relieved; civil and military anarchy made the constitution of the kingdom; ...⁵⁹⁷

His ideal state is that of a meritocracy, but one in which the dictum that all positions be “*open, but not indifferently, to every man*”⁵⁹⁸ is tempered by a system of positive law that ensures property remains tightly controlled. For, in Burke’s mind, only those who have the most to lose will guard with their lives the status quo and, hence, the constitution and order he so admires. Within this contest, Burke is—he believes—a defender of the rights of man:

If civil society be made for the advantage of man, all the advantages for which it is made become his right. It is an institution of beneficence; and law itself is only beneficence acting by a rule. Men have a right to live by that rule; they have a right to do justice, as between their fellows, whether their fellows are in public function or in ordinary occupation. They have a right to the fruits of their industry and to the means of making their industry fruitful. They have a right to the acquisitions of their offspring, to instruction in life, and to consolation in death. Whatever each man can separately do, without trespassing upon others, he has a right to do for himself; and he has a right to a fair portion of all which society, with all its combinations of skill and force, can do in his favor. In this partnership all men have equal rights, but not to equal things.⁵⁹⁹

This, and no more, argues Burke, is the fundamental social contract. How this principle is to operate, constrained by positive law that sanctions the monopolization of the land (as the source of all wealth) and concentration of political power, is a dilemma left unreconciled by Burke. Paine counters that justice can only come out of the adoption of just principles and that the squalor and misery in which so many

Britons are forced to live demonstrate just how far removed from just principles is the British constitution:

Forms grow out of principles, and operate to continue the principles they grow from. It is impossible to practise a bad form on any thing but a bad principle. It cannot be ingrafted on a good one; and wherever the forms in any government are bad, it is a certain indication that the principles are bad also.⁶⁰⁰

When we survey the wretched condition of man under the monarchical and hereditary systems of government, dragged from his home by one power, or driven by another, and impoverished by taxes more than by enemies, it becomes evident that those systems are bad, and that a general revolution in the principle and construction of governments is necessary.⁶⁰¹

Burke does not pretend that those who govern are blessed intuitively by either wisdom or a moral sense of justice; rather, he argues that the protections contained within the British constitution—the balance of power—is the best man can hope to render as the instrument for civil order. As Paine himself was to experience, even in France the adoption of representative government and a written commitment to natural rights was not widely enough held to thwart totalitarian factions from grabbing power. Events would strengthen Burke's reputation as a visionary and, conversely, return Paine to the realm of a quieted voice from the wilderness. The cause of *cooperative individualism*, as advanced by Paine, would never regain the momentum achieved during the first stage of revolution in France. A firm believer in the moral principles learned through a combination of observation and reasoning, Paine resisted the temptation to become dogmatic. He recognized that adaptability was essential to the incorporation of principle within societies dominated by very different social mores and characterized by diverse institutions. Still, Paine's message is one filled with the wisdom of an individual whose thinking transcends time and space:

[T]he restraints on men, as well as their liberties, are to be reckoned among their rights. But as the liberties and the restrictions vary with times and circumstances and admit to infinite modifications, they cannot be settled upon any abstract rule; ...

The science of constructing a commonwealth, or renovating it, or reforming it, is, like every other experimental science, not to be taught *a priori*. Nor is it a short experience that can instruct us in that practical science, because the real effects of moral causes are not always immediate; ...⁶⁰²

For the last two hundred years, those who fought for moral principles have been unable to overcome the power of vested interest or the propensity of people to become *true believers* of revealed ideologies. The impetus for reform also became incremental, appealing to the philanthropic sentiments of those who profited most from the underlying privileges sanctioned within existing socio-political arrangements. When this proved insufficient to mitigate the worst consequences of the modern version of entrenched privilege—industrial-landlordism—a second era of reform and revolution was initiated. All along, the principles of cooperative-individualism, as espoused by Paine (and later in the nineteenth century by Henry George and others) were rejected.

Paine, in his own time, was defeated by the same type of rationalizations that plague us today. One clear example is Burke's almost matter-of-fact defense of landed property as a cornerstone of national well-being:

In every prosperous community something more is produced than goes to the immediate support of the producer. This surplus forms the income of the landed capitalist. It will be spent by a proprietor who does not labor. But this idleness is itself the spring of labor; this repose the spur to industry. The only concern of the state is that the capital taken in rent from the land should be returned again to the industry from whence it came, ...⁶⁰³

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By this logic, Burke suggests that a source of Britain's greatness is the surplus accumulated by the small number of landed who, by virtue of their concentrated control over wealth, are able to invest their unearned income into huge speculative ventures. In an essay written in 1795, Burke defended what is best described as the existing distribution of wealth on *laissez-faire* and Social-Darwinist grounds, warning Pitt against the view "that it is within the competence of government...to supply to the poor those necessities, which it has pleased the Divine Providence for a while to withhold from them."⁶⁰⁴ He failed totally to acknowledge that the sanctioning of titleholdings was a form of economic license, a fundamental interference by the State on behalf of one faction of citizens and against the remainder. Despite the fact that religious and civil wars brought about the wholesale transfer of titles by force and theft, Burke defends the principle of aristocratic control over the nation's land. He is silent on the enclosures that virtually eliminated the commons and the erosion of responsibilities the feudal manor lords had to provide care for the peasant population within their domain.

It was Burke's view that the power of the idle landed (of whom absentee landlords are the most visible examples) to confiscate ever more of the wealth produced by those who actually labor did not adversely affect the "social economy" or "impede in any degree the great wheel of circulation which is turned by the strangely-directed labor of these unhappy people..."⁶⁰⁵ Only those who are not required to labor are able to concern themselves with the affairs of state, ostensibly, without corrupting influences. The same could not be said of officials dependent for their livelihood on government salaries or pensions.

By his *Reflections*, Burke acquired renewed prestige throughout Europe as a champion of tradition and defender of constitutional-monarchy. Even in the United States, sentiment was divided over the republicanism of Paine and the defense of traditional government made by Burke. Jefferson's unqualified acceptance of *Rights Of Man* as an expression of his own views was used by journalists in the republican

camp as a basis for attacking Federalist rhetoric and, in particular, John Adams. In retaliation, John Quincy Adams wrote a series of unsigned articles refuting Paine's findings, published in a Boston paper, that added considerable fuel to republican charges that Adams and the Federalists sought to overturn the new constitution in favor of hereditary government. Thus, the appearance of Thomas Paine's *Rights of Man* early in 1791 triggered a debate revealing just how thin was the general commitment to pluralism as a cornerstone of American society. As historian Page Smith observes, John Adams was ill-suited for the party politics arising in the united states:

Adams with his stubborn honesty refused to learn the lesson that a democracy demands orthodoxy from its political leaders even at the cost of truth.⁶⁰⁶

Adams believed in meritocracy (as did Jefferson) and was fearful that anything approaching full citizen participation would discourage the most able from involvement in public affairs. Unlike Jefferson, however, he did not foresee that individuals of great ability would arise to distinguish themselves from all stations in life. His fears led him to warn future generations that a republic must nurture leadership:

A society can no more subsist without gentlemen than an army without officers. So says Harrington; so says history; so says experience; so says reason. Out of a body of gentlemen, somehow or other formed, are to be drawn officers to command your armies for national defense; magistrates to execute the laws and distribute justice; legislators to enact laws; physicians to preserve or restore health; clergymen to preach the moral science, etc.⁶⁰⁷

Jefferson, on the other hand, understood that the real danger to his new republic was the potential for corruption that vested interests sought to institutionalize. In the following year, Jefferson would write to the Marquis de Lafayette that "A sect has shown itself among us, who

declare they espoused our new Constitution, not as a good and sufficient thing in itself, but only as a step to an English constitution” and that “[t]oo many of these stock-jobbers and king-jobbers have come into our Legislature, or rather too many of our legislators have become stock-jobbers and king-jobbers.”⁶⁰⁸ As he watched, and even participated, the operation of the Federal and state governments responded not to high ideals but to a great struggle over the division of the public domain and the monopoly licenses sought by those with influence. There were concrete signs that the United States *were* drifting in practice if not in form down the road taken by their counterparts in Britain. On this Jefferson and Adams were in agreement. The process had been all too swift.

At the outset of revolution in France, John Adams had expressed the hope that republican government would “*produce effects in favor of liberty, equity, and humanity as extensive as this whole globe and as lasting as all time.*”⁶⁰⁹ He nevertheless appeared to aligned himself with Burke by declaring as folly the overthrow of established order absent a well-conceived and widely-supported replacement structure. Such a structure had been present throughout the colonies in British North America, and the constitutions adopted by each sovereign state (as well as their confederation formed under the Articles) merely formalized what was in most respects the established order. Later, serving as Vice President under the new Constitution, Adams was very much concerned that the principles upon which the federal system had been designed were already seriously threatened by divisive competition between the states and political parties. He warned his contemporaries that “*avarice and ambition, vanity and pride, jealousy and envy, hatred and revenge, as well as the love of knowledge and desire of fame, are very often nothing more than various modifications of that desire of the attention, consideration, and congratulations of our fellow men which is the great spring of social activity.*”⁶¹⁰ These were threats to liberty that only a small minority recognized; and, of those who understood the

dangers, only a smaller minority (of which Adams considered himself, by default, a necessary spokesperson) felt compelled to cry out from the wilderness. Thus, publication of his *Discourses on Davila* in the Federalist *Pennsylvania Gazette* brought accusations that Adams had succumbed to Old World ideas and had turned against the principles of republicanism. Paine's uncompromising statement linking representative government to natural rights raised a frightening prospect for Adams; namely, that power might gravitate into the hands of those he considered least able to govern wisely and with the disinterest of statesmen.

There were other signs that things were not all that well within the new United States. The death of Benjamin Franklin had, for example, generated a sincere outpouring of emotion from the French National Assembly. William Maclay, a member of the U.S. House of Representatives, observed that not only was the reading of the French eulogy by Adams characterized by "coldness and apathy" but added that "we, cold as clay, care not a fig about them [the French], Franklin, or freedom."⁶¹¹ Events also quickly overtook and subordinated the debate generated by Paine's *Rights of Man*. The French monarchy was soon to fall and the long night of mob rule was on the horizon. Paine urged on the French a degree of self-control they could hardly be expected to exercise, while at the same time directing them to eliminate the monarchy.

The Fate Of The Moderates

Upon Paine's return to France in September of 1792, the French showered him with affection, offered him citizenship and elected him to a seat at the National Convention. In his absence, however, France had already changed dramatically. The air in Paris was thick with intrigue and anticipation. Even the Marquis de Lafayette had seen

enough and attempted to escape the coming deluge, only to be captured and made a prisoner of the Austrians. Du Pont de Nemours had been denounced by extremist Jacobins as a counter-revolutionary and for several weeks remained in hiding at the Paris Observatory. In just three days in August, the Paris Commune—dominated by radical revolutionaries—had murdered over 1,300 imprisoned Catholic priests; now, in September, the same fate began for royalist prisoners and others declared enemies of the revolution. With little time to spare, Du Pont de Nemours managed to escape from Paris.

As September came to an end, an army of largely untrained French militia turned back the Prussian army at Valmy, only a hundred miles northeast of Paris, and a temporary calm returned. When the new deputies to the National Convention gathered on September 21, 1792, they declared France a republic and (by a narrow majority) sentenced Louis XVI to death. In October a constitutional committee was appointed that included Paine, Marie Jean Antoine Nicolas de Caritat (the Marquis de Condorcet⁶¹²) and the Abbe Emmanuel Joseph Sieyes—but (with disastrous consequences) excluded Robespierre and other extremist Jacobins.

The final form of the constitution was largely the work of Caritat. In the countryside, the French peasant had little or no idea of events in Paris. Nor, as J.M. Thompson records, did they really care, at least for the time being:

All they asked was that the government should leave them alone to exploit their new freedom from feudal charges and their new access to the land. ...Like most country populations, they were the joy of the first generation of reformers and the despair of the second.⁶¹³

Early in December Robespierre delivered two hard-hitting speeches against Louis XVI for his treachery and called for his execution without the bother of a trial. Paine chose to add his voice to the moderates in an

effort to spare the life of the deposed King. In January of 1793 Louis XVI was tried, convicted and summarily executed. On the eve of what would be for the French people a new period of despotism and tyranny, even some the Jacobin faction sensed that the ideals of the Revolution were being sacrificed by a rising tide of intolerance and thirst for power. In a remarkably prophetic editorial on freedom of speech, a Jacobin newspaper made a last grasp at principle:

If we silence today the [reactionary journalists], tomorrow silence will be paid on the Thomas Paines, the J.J. Rousseaus; for a policy which begins by closing the mouths of servile and cowardly pamphleteers because they can do harm, will end by depriving of utterance the generous defenders of the rights of man, because they do not know how to flatter or to compromise with principles.⁶¹⁴

The new Jacobin leaders—Robespierre, Marat, Danton—came from the masses and were men who had nothing to lose by abandoning compromise in a blind quest for power. They were committed to the overturning of socio-political arrangements that had for so long crushed the many to the advantage of the few. They were in the right place at the right time, armed with revolutionary zeal and opposed by factions weaker in resolve and conviction. As true believers, they utilized whatever means was available to them, justifying their actions by the end they pursued, even though the more aggressively they acted the further they pulled themselves from their stated objectives.

The drift toward totalitarian government was also stimulated by the rising tide of nationalism that accompanied the victories by the French citizen armies under the command of General Charles Francois Dumouriez. Then, in March of 1793, the fortunes of war shifted against Dumouriez, and he turned his energies to establishment of a constitutional monarchy. Dumouriez plotted the overthrow of the National Convention and initiated peace negotiations with the Austrians. To his surprise, his citizen army turned against him, and he

fled to the protection of the Austrians. While scores of new volunteers made their way from Paris to the frontier to join the army, insurrections against conscription and the Paris government ignited in the provinces. Not only was France at war with Prussia, Austria and Britain, civil war now threatened to bring down the government. The moderates lost control of the National Convention and were displaced in key positions by Jacobin extremists. Other Jacobins worked to organize the propertyless workers of Paris into a mob willing to forcibly take what all their lives had been denied them under the crumbling social order.

Paine, by this time, had lost all faith in the Revolution. In May he wrote to the Jacobin leader Georges Jacques Danton that he "*d[es]pair[ed] of seeing the great object of European liberty accomplished,*" and that his loss of hope came "*not from the combined foreign powers, not from the intrigues of aristocracy and priestcraft, but from the tumultuous misconduct with which the internal affairs of the present revolution is conducted.*"⁶¹⁵ Within the month, Jacobin-led mobs destroyed much of the opposition press. On June 2 the Jacobins generated enough citizen support to force a purging of moderates from the National Convention. Danton brought charges of counter-revolutionary activity against Du Pont de Nemours (who was still in hiding) and a long list of other moderates, and the Revolutionary Tribunal hastened to indict the enemies of the Republic before they could make their escape:

Nothing could have better pleased the fierce heart of the Paris slums. The Revolutionary Tribunal went to work, and a steady slaughtering began. The invention of the guillotine was opportune to this mood. The queen was guillotined, and most of Robespierre's antagonists were guillotined; atheists who argued that there was no Supreme Being were guillotined; Danton was guillotined because he thought there was too much guillotine; day by day, week by week, this infernal new machine chopped off heads and more heads and more. The reign of Robespierre

lived, it seemed, on blood, and needed more and more, as an opium-taker needs more and more opium.⁶¹⁶

The extremists nevertheless sought legal sanction for their actions, and so pressed forward the final drafting and adoption of a new written constitution. This document was, to be sure, quite different from that composed by the Marquis de Condorcet; the guiding influence of Rousseau was found throughout, beginning with a change in sequence that put *Equality* ahead of *Liberty*. Approved by plebiscite, the new constitution never took effect; there was to be no rule of law—certainly no rule of principle—in revolutionary France, merely the suffering imposed by a force of law utilized by those whose will temporarily commanded the police powers of the state. The promise of the Revolution had ended:

Soon signs were not wanting that the Jacobins were falling into the most dangerous snare of dictatorship. They were beginning to despise the people; to lecture them instead of consulting them, to force them instead of persuading them, to keep them excited by trifles instead of telling them the truth.⁶¹⁷

By the Spring of 1794 the desperate state of the economy, the disunity and indecision among moderates and the isolation of the French people from the rest of Europe all combined to thrust power into the hands of Jacobin extremists. There were some 80,000 *counter-revolutionaries* imprisoned, and Robespierre now pressed for their trial and execution. Not only would these enemies of France be forever removed, the Republic could raise badly needed revenue by disposing of their property.

Although Paine was neither an aristocrat nor a member of the bourgeoisie, he had been arrested in late December of 1793, apparently to silence his pen and prevent him from being used by the opposition as a symbol. He remained imprisoned for more than ten months until

James Monroe, the new ambassador from the United States, was able to secure his release.

By decree, the Revolutionary Tribunal was empowered by the Committee of Public Safety to suspend normal rules of justice in the trial of enemies of the Revolution. Those accused faced either acquittal or the death sentence and were denied the opportunity to defend themselves. Robespierre believed that for such change as the Revolution sought to establish, intimidation was a necessary evil. Public unrest, labor strikes and growing dissention within the ranks of Jacobins themselves ignited fears and suspicions of everyone and everything. It was not long before the military had enough of Robespierre and governing by guillotine. The Jacobins had also alienated the military by imposing standards for advancement that valued political correctness over professional ability. The actions of Robespierre and his fellow extremists brought other deputies together in opposition out of the fear that their turn to be accused and guillotined might come at any moment.

forces?
Robespierre threatened to rid the Convention of those who (in his opinion) impeded the work of the Revolution; on July 27 former Jacobin leaders joined force with the moderates to orchestrate Robespierre's downfall and arrest. Robespierre attempted to commit suicide, but failed. Within hours he and more than eighty of his supporters were put to death at the guillotine. The remaining Convention deputies reorganized the government to prevent renewed fanaticism from taking control, and in November the Jacobin club itself was ordered closed. The Revolutionary Tribunal survived in a weakened state until abolished in May of 1795.

The Terror had taken the lives of some 2,600 individuals by guillotine; tens of thousands more died unceremoniously on the frontier battlefields in defense of the Revolution. Robespierre and the extremists sought to institute by force socio-political arrangements that were vigorously opposed by groups with deeply-rooted vested interest.

They invoked the philosophy of Rousseau to pursue a course of action Rousseau condemned. There exists an irreconcilable contradiction in any effort to obtain liberty by means of enslavement, addressed in this way by Rousseau:

Since no man has any natural authority over his fellow man, and since force produces no right, there remain only conventions as the basis of all legitimate authority among men. ...

To say that a man gives himself gratuitously is to say something absurd and inconceivable. Such an act is illegitimate and null, if only because he who does so is not in his right mind. To say the same thing about an entire people is to suppose a people of madmen. Madness does not make right.⁶¹⁸

Robespierre had conducted an orchestra of madness, one that made impossible the implementation of the principles espoused by Paine and championed by many of the moderates. Yet, in the months after Robespierre's death and the dismantling of Jacobin extremism, a renewed hope in the Revolution emerged. As Carlyle wrote:

[T]he death of Robespierre was a signal at which great multitudes of men, struck dumb with terror heretofore, rose out of their hiding-places; and, as it were, saw one another, how multitudinous they were; and began speaking and complaining. They are countable by the thousand and the million; who have suffered cruel wrong. Ever louder rises the plaint of such a multitude; into a universal sound, into a universal continuous peal, of what they call Public Opinion.⁶¹⁹

And yet, Thomas Paine still languished in prison and would not be released until November 4. Du Pont de Nemours had been arrested on July 22 and sent to La Force, where he remained imprisoned until August 25. The Marquis de Lafayette remained a prisoner of the Austrians and continued to be sought by the Revolutionary government as a traitor. His own wife had been imprisoned since January 1794 as a

counter-revolutionary, along with many of her family. Her own execution had seemed near when on July 22, Mme Lafayette's grandmother, mother and sister were all guillotined. What she did not know was that her fate hung on the Jacobin concern over the loss of support the government might experience in the United States should she be executed.

James Monroe succeeded Gouverneur Morris as minister to France from the United States and did what he could to have Lafayette's wife released from prison. Monroe's petitions finally secured the release of Paine, who then came to stay with Monroe during his recuperation. Near the end of January 1795 Mme Lafayette was also released. She sought out Monroe to thank him, to ask for his assistance in arranging passage to America for her son and for her own passage to the Austrian prison where her husband was still being held. She and her two daughters found their way to the prison where the Marquis de Lafayette was being held, where they were taken into custody and treated to the same inhumane conditions. Information about their imprisonment spread around the world. George Washington wrote in protest to the Austrian emperor. From exile in Britain, the Comte de Lally Tolendal defended the Marquis's role in the Revolution with unexpected vigor:

It was through trying to save Louis XVI that M. de Lafayette came to disaster. He was offered the highest place in the Republic; he refused it! ...Those people who credit M. de Lafayette with responsibility or even partial responsibility for the French Revolution are the victims of entirely mistaken conceptions. He played an important part in it; but he was not its author; he had no part in any of its evils, and the only good things done were his own work.⁶²⁰

Only with the Austrian armies in retreat in the face of French forces under Napoleon Bonaparte were the Marquis and his family finally released in September of 1797. Yet, Lafayette out of prison remained an outspoken critic of oppression in whatever form, and he was quick to

challenge the decisions of the Directory. As a consequence, he was not permitted to return to France and remained an exile in the Danish territory of Holstein. Isolated from events and without power to influence their direction, he was forced to sit in the background and watch as the Directory took France precariously close to war with the United States. In the process, American sympathies toward France disappeared and toward Britain improved. Even more so than Paine, Lafayette was now man without a country.

During these two years, while the fate of Lafayette remained in doubt, Paine had been once more called upon to serve as a deputy of the National Convention but did not take his seat until July 7, 1795, when he came to state his views on the new constitution and what he believed was an abandonment of principle. Addressing the assembly, he declared:

In my opinion, if you subvert the basis of the Revolution, if you dispense with principles, and substitute expedients, you will extinguish that enthusiasm and energy which have hitherto been the life and soul of the Revolution; and you will substitute in its place nothing but a cold self-interest, which will again degenerate into intrigue, cunning and effeminacy.⁶²¹

This was Paine's last part in the drama. As David Freeman Hawke concludes, "[t]he rights of man had gone out of fashion in France."⁶²² A new government was formed from which Paine was excluded. He would continue to write, and early in 1796, he collaborated with Sir Robert Smyth on a political tract⁶²³ bringing to light the extent of Britain's national debt and possible collapse of its banking system. By the Spring of 1797, however, the relationship between the French and United States governments had heated to the point that even Paine recognized war might erupt; only his fear of being captured on the high seas by a British *man of war* kept him in France. Later in the year he would go so far as to call for a French invasion of Britain in order to

bring the horrors of war directly upon the British population. Paine's thoughts were published and reached Napoleon, who invited him to his home for more in-depth discussions, and (as an apparent diversion) began preparations for just such an invasion. Napoleon's next objective, however, turned out to be Egypt and not Britain.

As the months passed, Paine became increasingly estranged from the government of the United States. He now resided at the home of the republican journalist and publisher, Nicholas de Bonneville, but his influence within France had greatly diminished. His close association with Irish nationalists seeking French support for rebellion against English rule also made him a marked man in Britain.

In October of 1799 Napoleon returned to France from Egypt and orchestrated a coup d'etat the end result of which was his assumption of dictatorial powers. Lafayette managed to obtain forged papers and returned to France, giving his word to Napoleon that he would remain silent on the affairs of state and out of public life. DuPont de Nemours, on the other hand, had already returned to public life, serving on the Council of Elders in a tireless effort to assert discipline on the Directory's expenditure of public funds. On July 31, 1797 he went so far as to resurrect the Physiocratic proposal for a land tax. He was arrested during the coup and, although held only overnight, once released he hastened his plans to leave France forever for life in North America. Before ever setting foot on American soil, he would write:

It is now America's turn. The temperate, moderate, judicious and republican government of the United States offers almost the only asylum where persecuted men can find safety, where fortunes can be rebuilt through work, where the prudence of heads of families may invest their last savings, the last portion of the subsistence of their children.⁶²⁴

In mid-September of 1799 he left France, accompanied by his family, for a long and tortuous journey that brought them to Newport, Rhode

Island and then to New York. By the time of Paine's return to North America late in 1802, the sons of Du Pont de Nemours had already raised the necessary financial resources, acquired land in Delaware and were constructing the buildings and machinery for the manufacture of gunpowder. The elder Du Pont carried with him to North America a grand vision for a new society built on Physiocratic principles; and, stimulated by a request by Thomas Jefferson to comment on the creation of a new university, he wrote (in French) a detailed treatise on education. Already, however, both he and his wife longed to return to France and the comfort of friends and familiar surroundings. In June of 1802, with France temporarily at peace with Britain and Napoleon Bonaparte's government firmly in control, they made the voyage back to France. They returned to a warm welcome, including even an audience with Napoleon.

Returned to Paris, Du Pont de Nemours almost immediately became an active player in the negotiations between Napoleon Bonaparte and Thomas Jefferson over the disposition of the Louisiana Territory, which France had acquired from Spain in 1800. In a letter written by Du Pont de Nemours to Jefferson in April of 1802, the Frenchman supported the idea that the United States offer to purchase Louisiana from France and offered his services in such a negotiation. Jefferson was initially against a wholesale purchase for the simple reason that his government lacked the financial resources. In October, Du Pont de Nemours wrote from France proposing that Jefferson offer Napoleon six million dollars. Ironically, only days before this letter was delivered to Jefferson, Thomas Paine had made much the same proposal in the form of an essay, arguing, in part:

The French treasury is not only empty, but the government has consumed by anticipation a great part of the next year's revenue. A monied proposal will, I believe, be attended to; if it should, the claims upon France can be stipulated as part of the payment, and that sum can be paid here to the claimants.⁶²⁵

Jefferson did not reveal to Paine his own concerns over this proposal; yet, in February the U.S. President wrote to Du Pont de Nemours with a positive expression of interest. James Monroe was sent to France, charged with delivering not only Jefferson's response to Du Pont de Nemours but also instructions to Robert Livingston to offer the French ten million dollars for the city of New Orleans and the Floridas. Before this offer could be made, the French foreign minister, Charles Maurice de Talleyrand-Perigord (Talleyrand) inquired of Livingston what the United States would be willing to pay for all of Louisiana. By the end of April the Louisiana Purchase was completed and the United States acquired a new, Federal territory available to be populated and eventually organized into new states. The nature of the Union was to be forever changed; the original states might still retain their sense of sovereignty and independence within the Union, but what of those new states? Would the population of a territory controlled by the Federal government have the option to not join the Union despite eligibility after certain conditions were present? Were the rights of citizenship guaranteed by state constitutions and extended to the Federal constitution by virtue of the Union applicable to new states? These issues were left to future generations to resolve.

A year later, Napoleon was Emperor and master over much of continental Europe. Few in France dared to resist his authority or stand against his wishes. And yet, the Marquis de Lafayette, without personal wealth or political power, declined Napoleon's invitation to serve as the French minister to the United States and boldly held to his principles. When Lord Cornwallis, whom Napoleon's brother, Joseph, had invited to a meeting with Lafayette, suggested that the Marquis had not yet been cured of his republicanism, Lafayette boldly responded:

Cured? Of What? Of my love for freedom? What is there that could have cured me of that? The misdeeds of terrorists? The murders of my relatives in France, or my

imprisonment at Olmutz? Every injustice has only increased my hatred of despotism and oppression.⁶²⁶

From the wilderness, Lafayette quietly, if publicly, branded the government of Napoleon Bonaparte as an illegitimate despotism. Du Pont de Nemours, on the other hand, seemed caught between the era departed and that to come. As bad as were the political conditions in France, he worked to make the best for his family and himself, hoping that his Physiocratic ideals would yet find widespread support and eventual adoption. Amidst the turmoil following the first fall of Napoleon in 1814, Du Pont de Nemours accepted the fact, that he had "*only a little esteem and consideration in France, no influence, and the smallest credit*"⁶²⁷ and made his final departure from France in March of 1815.

Across the Atlantic Ocean, Paine's last years had also been those of a voice in the wilderness. He had returned to live among a people who no longer held to the revolutionary zeal for liberty or the republican fervor for just government. His generation of practical philosophers was rapidly disappearing, and Paine's own time would come within only a few years. Paine was not surprised but he did despair for the future. At one point he challenged the new generation in America to pause and give thought to the principles that had brought them a new nation and to not take their liberties for granted:

The independence of America would have added but little to her own happiness, and been of no benefit to the world, if her government had been formed on the *corrupt models of the old world*. It was the opportunity of *beginning the world anew*, as it were; and of bringing forward a *new system* of government in which the rights of *all* men should be preserved that gave *value* to independence. ...*Mere* independence might at some future time, have been effected and established by arms, *without* principle, but a *just* system of government could not. In short, it was the *principle* at *that* time, that produced the independence; for until the principle spread itself abroad

among the people, independence was not thought of, and America was fighting without an object.⁶²⁸

Few were listening. And, when Paine quietly died on June 8, 1809, not even Thomas Jefferson bothered to publicly acknowledge Paine's passing. Paine's socio-political philosophy was shared only by a very few others and was compromised in practice by all those who held high public office. His standing among the revolutionary fathers was greatly damaged by his attack on Christianity in *The Age Of Reason*, based on which the true believers of doctrinaire religion condemned him as an atheist.

Paine is certainly important as an historical figure. More importantly, his writing has much to say to us today. He champions a path quite different from that taken by any society to date; of his ideas, one historian concludes that "*laissez-faire sometimes appears to conflict with a decided bias in favor of state socialism.*"⁶²⁹ More accurately, I suggest, is that Paine advocated an activist government charged with securing and protecting what Henry George later referred to as "*a fair field with no favors.*" He was the architect not merely of iron bridges but of a deeply moral socio-political philosophy that serves as the cornerstone of *cooperative individualism*. He was simultaneously a moderate and a radical, and he left us much to ponder. The next chapter is devoted to Thomas Paine's contribution to political economy and political philosophy.