# RIGHTS OF MAN

AMONG the incivilities by which nations or individuals provoke and irritate each other, Mr. Burke's pamphlet on the French Revolution is an extraordinary instance. Neither the people of France, nor the National Assembly, were troubling themselves about the affairs of England, or the English Parliament; and that Mr. Burke should commence an unprovoked attack upon them, both in parliament and in public, is a conduct that cannot be pardoned on the score of manners, nor justified on that of policy.

There is scarcely an epithet of abuse to be found in the English language, with which Mr. Burke has not loaded the French nation and the National Assembly. Everything which rancour, prejudice, ignorance or knowledge could suggest, is poured forth in the copious fury of near four hundred pages. In the strain and on the plan Mr. Burke was writing, he might have written on to as many thousands. When the tongue or the pen is let loose in a phrenzy of passion, it is the man, and not the subject, that becomes exhausted.

Hitherto Mr. Burke has been mistaken and disappointed in the opinions he had formed of the affairs of France; but such is the ingenuity of his hope, or the malignancy of his despair, that it furnishes him with new pretences to go on. There was a time when it was impossible to make Mr. Burke believe there would be any Revolution in France. His opinion then was, that the French had neither spirit to undertake it nor fortitude to support it; and now that there is one, he seeks an escape by condemning it.

Not sufficiently content with abusing the National Assembly, a great part of his work is taken up with abusing Dr. Price (one of the best-hearted men that lives) and the two societies in England known by the

name of the Revolution Society and the Society for Constitutional Information.

Dr. Price had preached a sermon on the 4th of November, 1789, being the anniversary of what is called in England the Revolution, which took place 1688. Mr. Burke, speaking of this sermon, says, "The political Divine proceeds dogmatically to assert, that by the principles of the Revolution, the people of England have acquired three fundamental rights:

1. To choose our own governors.
2. To cashier them for misconduct.
3. To frame a government for ourselves."

Dr. Price does not say that the right to do these things exists in this or in that person, or in this or in that description of persons, but that it exists in the *whole:* that it is a right resident in the nation. Mr. Burke, on the contrary, denies that such a right exists in the nation, either in whole or in part, or that it exists anywhere; and, what is still more strange and marvellous, he says, "that the people of England utterly disclaim such a right, and that they will resist the practical assertion of it with their lives and fortunes." That men should take up arms and spend their lives and fortunes, *not to* maintain their rights, but to maintain they have *not* rights, is an entirely new species of discovery, and suited to the paradoxical genius of Mr. Burke.

The method which Mr. Burke takes to prove that the people of England have no such rights, and that such rights do not now exist in the nation, either in whole or in part, or anywhere at all, is of the same marvellous and monstrous kind with what he has already said; for his arguments are that the persons, or the generation of persons, in whom they did exist, are dead, and with them the right is dead also. To prove this, he quotes a declaration made by parliament about a hundred years ago, to William and Mary, in these words: "The Lords Spiritual and Temporal, and Commons, do, in the name of the people aforesaid [meaning the people of England then living], most humbly and faithfully *submit* themselves, their *heirs* and *posterities*, for EVER." He also

quotes a clause of another act of parliament made in the same reign, the terms of which, he says, " bind us [meaning the people of that day], our *heirs* and our *posterity*, to *them*, their *heirs* and *posterity*, to the end of time."

Mr. Burke conceives his point sufficiently established by producing those clauses, which he enforces by saying that they exclude the right of the nation for *ever*. And not yet content with making such declarations, repeated over and over again, he further says, " that if the people of England possessed such a right before the Revolution [which he acknowledges to have been the case, not only in England, but throughout Europe, at an early period], yet that the *English Nation* did, at the time of the Revolution, most solemnly renounce and abdicate it, for themselves, and for *all their posterity, for ever*."

As Mr. Burke occasionally applies the poison drawn from his horrid principles (if it is not prophanation to call them by the name of principles) [1] not only to the English nation, but to the French Revolution and the National Assembly, and charges that august, illuminated and illuminating body of men with the epithet of *usurpers*, I shall, *sans cérémonie*, place another system of principles in opposition to his.

The English parliament of 1688 did a certain thing, which, for themselves and their constituents, they had a right to do, and which it appeared right should be done: but, in addition to this right, which they possessed by delegation, *they set up another right by assumption*, that of binding and controuling posterity to the end of time. The case, therefore, divides itself into two parts; the right which they possessed by delegation, and the right which they set up by assumption. The first is admitted; but with respect to the second, I reply—

There never did, there never will, and there never can, exist a parliament, or any description of men, or any generation of men, in any country, possessed of the right

[1] This parenthetical remark is omitted in the Jordan's 6th edition (1791), in Symonds' (1792), and in many later ones. It is, however, retained by Carlile (1819), Cousins (1837), and Truelove. —H. B. B.

or the power of binding and controuling posterity to the "*end of time*," or of commanding for ever how the world shall be governed, or who shall govern it; and therefore all such clauses, acts or declarations by which the makers of them attempt to do what they have neither the right nor the power to do, nor the power to execute, are in themselves null and void. Every age and generation must be as free to act for itself *in all cases* as the ages and generations which preceded it. The vanity and presumption of governing beyond the grave is the most ridiculous and insolent of all tyrannies. Man has no property in man; neither has any generation a property in the generations which are to follow. The parliament of the people of 1688, or of any other period, had no more right to dispose of the people of the present day, or to bind or to controul them *in any shape whatever*, than the parliament or the people of the present day have to dispose of, bind or controul those who are to live a hundred or a thousand years hence. Every generation is, and must be, competent to all the purposes which its occasions require. It is the living, and not the dead, that are to be accommodated. When man ceases to be, his power and his wants cease with him; and having no longer any participation in the concerns of this world, he has no longer any authority in directing who shall be its governors, or how its government shall be organized, or how administered.

I am not contending for nor against any form of government, nor for nor against any party, here or elsewhere. That which a whole nation chooses to do, it has a right to do. Mr. Burke says, No. Where, then, does the right exist? I am contending for the rights of the *living*, and against their being willed away, and controuled and contracted for, by the manuscript assumed authority of the dead; and Mr. Burke is contending for the authority of the dead over the rights and freedom of the living. There was a time when kings disposed of their crowns by will upon their death-beds, and consigned the people, like beasts of the field, to whatever successor they appointed. This is now so exploded as scarcely to be

remembered, and so monstrous as hardly to be believed; but the parliamentary clauses upon which Mr. Burke builds his political church are of the same nature.

The laws of every country must be analogous to some common principle. In England no parent or master, nor all the authority of parliament, omnipotent as it has called itself, can bind or controul the personal freedom even of an individual beyond the age of twenty-one years. On what ground of right, then, could the parliament of 1688, or any other parliament, bind all posterity for ever?

Those who have quitted the world, and those who have not yet arrived at it, are as remote from each other as the utmost stretch of mortal imagination can conceive. What possible obligation, then, can exist between them; what rule or principle can be laid down that of two nonentities, the one out of existence and the other not in, and who never can meet in this world, the one should controul the other to the end of time?

In England it is said that money cannot be taken out of the pockets of the people without their consent. But who authorised, or who could authorise, the parliament of 1688 to controul and take away the freedom of posterity (who were not in existence to give or to withhold their consent), and limit and confine their right of acting in certain cases for ever?

A greater absurdity cannot present itself to the understanding of man than what Mr. Burke offers to his readers. He tells them, and he tells the world to come, that a certain body of men who existed a hundred years ago, made a law, and that there does not now exist in the nation, nor ever will, nor ever can, a power to alter it. Under how many subtilties or absurdities has the divine right to govern been imposed on the credulity of mankind! Mr. Burke has discovered a new one, and he has shortened his journey to Rome by appealing to the power of this infallible parliament of former days; and he produces what it has done as of divine authority, for that power must certainly be more than human which no human power to the end of time can alter.

But Mr. Burke has done some service, not to his cause, but to his country, by bringing those clauses into public view. They serve to demonstrate how necessary it is at all times to watch against the attempted encroachment of power, and to prevent its running to excess. It is somewhat extraordinary that the offence for which James II. was expelled, that of setting up power by *assumption*, should be re-acted, under another shape and form, by the parliament that expelled him. It shews that the rights of man were but imperfectly understood at the Revolution; for certain it is that the right which that parliament set up by *assumption* (for by delegation it had not, and could not have it, because none could give it) over the persons and freedom of posterity for ever, was of the same tyrannical unfounded kind which James attempted to set up over the parliament and the nation, and for which he was expelled. The only difference is (for in principle they differ not) that the one was an usurper over the living, and the other over the unborn; and as the one had no better authority to stand upon than the other, both of them must be equally null and void, and of no effect.

From what, or from whence, does Mr. Burke prove the right of any human power to bind posterity for ever? He has produced his clauses, but he must produce also his proofs that such a right existed, and shew how it existed. If it ever existed it must now exist, for whatever appertains to the nature of man cannot be annihilated by man. It is the nature of man to die, and he will continue to die as long as he continues to be born. But Mr. Burke has set up a sort of political Adam, in whom all posterity are bound for ever; he must, therefore, prove that his Adam possessed such a power, or such a right.

The weaker any cord is the less will it bear to be stretched, and the worse is the policy to stretch it, unless it is intended to break it. Had anyone proposed the overthrow of Mr. Burke's positions, he would have proceeded as Mr. Burke has done. He would have magnified the authorities, on purpose to have called the *right* of

them into question; and the instant the question of right was started, the authorities must have been given up.

It requires but a very small glance of thought to perceive that altho' laws made in one generation often continue in force through succeeding generations, yet that they continue to derive their force from the consent of the living. A law not repealed continues in force, not because it *cannot* be repealed, but because it *is not* repealed; and the non-repealing passes for consent.

But Mr. Burke's clauses have not even this qualification in their favour. They become null, by attempting to become immortal. The nature of them precludes consent. They destroy the right which they *might* have, by grounding it on a right which they *cannot* have. Immortal power is not a human right, and therefore cannot be a right of parliament. The parliament of 1688 might as well have passed an act to have authorized themselves to live for ever, as to make their authority live for ever. All, therefore, that can be said of those clauses is that they are a formality of words, of as much import as if those who used them had addressed a congratulation to themselves, and in the oriental stile of antiquity had said: O Parliament, live for ever!

The circumstances of the world are continually changing, and the opinions of men change also; and as government is for the living, and not for the dead, it is the living only that has any right in it. That which may be thought right and found convenient in one age may be thought wrong and found inconvenient in another. In such cases, Who is to decide, the living, or the dead?

As almost one hundred pages of Mr. Burke's book are employed upon these clauses, it will consequently follow that if the clauses themselves, so far as they set up an *assumed usurped* dominion over posterity for ever, are unauthoritative, and in their nature null and void; that all his voluminous inferences, and declamation drawn therefrom, or founded thereon, are null and void also; and on this ground I rest the matter.

We now come more particularly to the affairs of France. Mr. Burke's book has the appearance of being written

as instruction to the French nation; but if I may permit myself the use of an extravagant metaphor, suited to the extravagance of the case, It is darkness attempting to illuminate light.

While I am writing this there are accidentally before me some proposals for a declaration of rights by the Marquis de la Fayette (I ask his pardon for using his former address, and do it only for distinction's sake) to the National Assembly, on the 11th of July, 1789, three days before the taking of the Bastille; and I cannot but remark with astonishment how opposite the sources are from which that gentleman and Mr. Burke draw their principles. Instead of referring to musty records and mouldy parchments to prove that the rights of the living are lost, "renounced and abdicated for ever," by those who are now no more, as Mr. Burke has done, M. de la Fayette applies to the living world, and emphatically says, "Call to mind the sentiments which Nature has engraved in the heart of every citizen, and which take a new force when they are solemnly recognized by all: For a nation to love liberty, it is sufficient that she knows it; and to be free, it is sufficient that she wills it." How dry, barren, and obscure is the source from which Mr. Burke labours; and how ineffectual, though gay with flowers, are all his declamation and his arguments compared with these clear, concise, and soul-animating sentiments! Few and short as they are, they lead on to a vast field of generous and manly thinking, and do not finish, like Mr. Burke's periods, with music in the ear, and nothing in the heart.

As I have introduced the mention of M. de la Fayette, I will take the liberty of adding an anecdote respecting his farewel address to the Congress of America in 1783, and which occurred fresh to my mind, when I saw Mr. Burke's thundering attack on the French revolution. M. de la Fayette went to America at an early period of the war, and continued a volunteer in her service to the end. His conduct through the whole of that enterprise is one of the most extraordinary that is to be found in the history of a young man, scarcely then twenty years

of age. Situated in a country that was like the lap of sensual pleasure, and with the means of enjoying it, how few are there to be found who would exchange such a scene for the woods and wildernesses of America, and pass the flowery years of youth in unprofitable danger and hardship! But such is the fact. When the war ended, and he was on the point of taking his final departure, he presented himself to Congress, and contemplating, in his affectionate farewel, the revolution he had seen, expressed himself in these words: "May this great monument raised to Liberty, serve as a lesson to the oppressor, and an example to the oppressed!" When this address came to the hands of Dr. Franklin, who was then in France, he applied to Count Vergennes to have it inserted in the French Gazette, but never could obtain his consent. The fact was that Count Vergennes was an aristocratical despot at home, and dreaded the example of the American revolution in France, as certain other persons now dread the example of the French revolution in England; and Mr. Burke's tribute of fear (for in this light his book must be considered) runs parallel with Count Vergennes' refusal. But to return more particularly to his work—

"We have seen," says Mr. Burke, "the French rebel against a mild and lawful Monarch, with more fury, outrage, and insult, than any people has been known to rise against the most illegal usurper, or the most sanguinary tyrant." This is one among a thousand other instances, in which Mr. Burke shews that he is ignorant of the springs and principles of the French revolution.

It was not against Louis XVI., but against the despotic principles of the government, that the nation revolted. These principles had not their origin in him, but in the original establishment, many centuries back; and they were become too deeply rooted to be removed, and the Augean stable of parasites and plunderers too abominably filthy to be cleansed, by anything short of a complete and universal revolution. When it becomes necessary to do a thing, the whole heart and soul should go into the measure, or not attempt it. That crisis was then arrived,

and there remained no choice but to act with determined vigour, or not to act at all. The King was known to be the friend of the nation, and this circumstance was favourable to the enterprise. Perhaps no man bred up in the stile of an absolute King, ever possessed a heart so little disposed to the exercise of that sp.cies of power as the present King of France. But the principles of the government itself still remained the same. The Monarch and the Monarchy were distinct and separate things; and it was against the established despotism of the latter, and not against the person or principles of the former, that the revolt commenced, and the revolution has been carried.

Mr. Burke does not attend to the distinction between *men* and *principles*; and, therefore, he does not see that a revolt may take place against the despotism of the latter, while there lies no charge of despotism against the former.

The natural moderation of Louis XVI. contributed nothing to alter the hereditary despotism of the monarchy. All the tyrannies of former reigns, acted under that hereditary despotism, were still liable to be revived in the hands of a successor. It was not the respite of a reign that would satisfy France, enlightened as she was then become. A casual discontinuance of the *practice* of despotism, is not a discontinuance of its *principles*; the former depends on the virtue of the individual who is in immediate possession of the power; the latter, on the virtue and fortitude of the nation. In the case of Charles I. and James II. of England, the revolt was against the personal despotism of the men; whereas in France, it was against the hereditary despotism of the established government. But men who can consign over the rights of posterity for ever on the authority of a mouldy parchment, like Mr. Burke, are not qualified to judge of this revolution. It takes in a field too vast for their views to explore, and proceeds with a mightiness of reason they cannot keep pace with.

But there are many points of view in which this revolution may be considered. When despotism has estab-

lished itself for ages in a country, as in France, it is not in the person of the King only that it resides. It has the appearance of being so in show, and in nominal authority; but it is not so in practice and in fact. It has its standard everywhere. Every office and department has its despotism, founded upon custom and usage. Every place has its Bastille, and every Bastille its despot. The original hereditary despotism resident in the person of the King, divides and sub-divides itself into a thousand shapes and forms, till at last the whole of it is acted by deputation. This was the case in France; and against this species of despotism, proceeding on through an endless labyrinth of office till the source of it is scarcely perceptible, there is no mode of redress. It strengthens itself by assuming the appearance of duty, and tyrannises under the pretence of obeying.

When a man reflects on the condition which France was in from the nature of her government, he will see other causes for revolt than those which immediately connect themselves with the person or character of Louis XVI. There were, if I may so express it, a thousand despotisms to be reformed in France, which had grown up under the hereditary despotism of the monarch, and became so rooted as to be in a great measure independent of it. Between the monarchy, the parliament, and the church there was a *rivalship* of despotism; besides the feudal despotism operating locally, and the ministerial despotism operating everywhere. But Mr. Burke, by considering the King as the only possible object of a revolt, speaks as if France was a village, in which everything that passed must be known to its commanding officer, and no oppression could be acted but what he could immediately control. Mr. Burke might have been in the Bastille his whole life, as well under Louis XVI. as Louis XIV., and neither the one nor the other have known that such a man as Mr. Burke existed. The despotic principles of the government were the same in both reigns, though the dispositions of the men were as remote as tyranny and benevolence.

What Mr. Burke considers as a reproach to the

French revolution (that of bringing it forward under a reign more mild than the preceding ones) is one of its highest honours. The revolutions that have taken place in other European countries, have been excited by personal hatred. The rage was against the man, and he became the victim. But, in the instance of France we see a revolution generated in the rational contemplation of the rights of man, and distinguishing from the beginning between persons and principles.

But Mr. Burke appears to have no idea of principles when he is contemplating governments. "Ten years ago," says he, "I could have felicitated France on her having a government, without inquiring what the nature of that government was, or how it was administered." Is this the language of a rational man? Is it the language of a heart feeling as it ought to feel for the rights and happiness of the human race? On this ground, Mr. Burke must compliment all the governments in the world, while the victims who suffer under them, whether sold into slavery, or tortured out of existence, are wholly forgotten. It is power, and not principles, that Mr. Burke venerates; and under this abominable depravity he is disqualified to judge between them. Thus much for his opinion as to the occasions of the French revolution. I now proceed to other considerations.

I know a place in America called Point-no-Point, because as you proceed along the shore, gay and flowery as Mr. Burke's language, it continually recedes and presents itself at a distance before you; but when you have got as far as you can go, there is no point at all. Just thus it is with Mr. Burke's three hundred and fifty-six pages. It is therefore difficult to reply to him. But as the points he wishes to establish may be inferred from what he abuses, it is in his paradoxes that we must look for his arguments.

As to the tragic paintings by which Mr. Burke has outraged his own imagination, and seeks to work upon that of his readers, they are very well calculated for theatrical representation, where facts are manufactured for the sake of show, and accommodated to produce,

through the weakness of sympathy, a weeping effect. But Mr. Burke should recollect that he is writing History, and not *Plays*, and that his readers will expect truth, and not the spouting rant of high-toned declamation.

When we see a man dramatically lamenting in a publication intended to be believed that "*The age of chivalry is gone!*[1] that *the glory of Europe is extinguished for ever!* that *the unbought grace of life* [if anyone knows what it is], *the cheap defence of nations, the nurse of manly sentiment and heroic enterprise is gone!*" and all this because the Quixote age of chivalry nonsense is gone, what opinion can we form of his judgment, or what regard can we pay to his facts? In the rhapsody of his imagination he has discovered a world of windmills, and his sorrows are that there are no Quixotes to attack them. But if the age of aristocracy, like that of chivalry, should fall (and they had originally some connection), Mr. Burke, the trumpeter of the Order, may continue his parody to the end, and finish with exclaiming: "*Othello's occupation's gone!*"

Notwithstanding Mr. Burke's horrid paintings, when the French revolution is compared with the revolutions of other countries, the astonishment will be that it is marked with so few sacrifices; but this astonishment will cease when we reflect that *principles*, and not *persons*, were the meditated objects of destruction. The mind of the nation was acted upon by a higher stimulus than what the consideration of persons could inspire, and sought a higher conquest than could be produced by the downfall of an enemy. Among the few who fell there do not appear to be any that were intentionally singled out. They all of them had their fate in the circumstances of the moment, and were not pursued with that long, cold-blooded, unabated revenge which pursued the unfortunate Scotch in the affair of 1745.

Through the whole of Mr. Burke's book I do not observe that the Bastille is mentioned more than once, and that

[1] The words " is gone " must have accidentlv dropped out at some time, and most of the modern editions are without them, although the sentence is thus obviously incomplete.—H. B. B.

with a kind of implication as if he were sorry it was pulled down, and wished it were built up again. "We have rebuilt Newgate," says he, "and tenanted the mansion; and we have prisons almost as strong as the Bastille for those who dare to libel the queens of France."[1] As to what a madman like the person called Lord George Gordon [2] might say, and to whom Newgate is rather a bedlam than a prison, it is unworthy a rational consideration. It was a madman that libelled, and that is sufficient apology; and it afforded an opportunity for confining him, which was the thing that was wished for. But certain it is that Mr. Burke, who does not call himself a madman (whatever other people may do), has libelled in the most unprovoked manner, and in the grossest stile of the most vulgar abuse, the whole representative authority of France, and yet Mr. Burke takes his seat in the British House of Commons! From his violence and his grief, his silence on some points and his excess on others, it is difficult not to believe that Mr. Burke is sorry, extremely sorry, that arbitrary power, the power of the Pope and the Bastille, are pulled down.

Not one glance of compassion, not one commiserating reflection that I can find throughout his book, has he bestowed on those who lingered out the most wretched of lives, a life without hope in the most miserable of prisons. It is painful to behold a man employing his talents to corrupt himself. Nature has been kinder to Mr. Burke than he is to her. He is not affected by the reality of distress touching his heart, but by the showy

[1] Since writing the above, two other places occur in Mr. Burke's pamphlet in which the name of the Bastille is mentioned, but in the same manner. In the one he introduces it in a sort of obscure question, and asks: "Will any ministers who now serve such a king, with but a decent appearance of respect, cordially obey the orders of those whom but the other day, *in his name*, they had committed to the Bastille?" In the other the taking it is mentioned as implying criminality in the French guards, who assisted in demolishing it. "They have not," says he, "forgot the taking the king's castles at Paris." This is Mr. Burke, who pretends to write on constitutional freedom—*Author*.

[2] Initials only are used in Jordan's and Symonds's editions.—H. B. B.

resemblance of it striking his imagination. He pities the plumage, but forgets the dying bird. Accustomed to kiss the aristocratical hand that hath purloined him from himself, he degenerates into a composition of art, and the genuine soul of nature forsakes him. His hero or his heroine must be a tragedy-victim expiring in show, and not the real prisoner of misery, sliding into death in the silence of a dungeon.

As Mr. Burke has passed over the whole transaction of the Bastille (and his silence is nothing in his favour), and has entertained his readers with reflections on supposed facts distorted into real falsehoods, I will give, since he has not, some account of the circumstances which preceded that transaction. They will serve to show that less mischief could scarcely have accompanied such an event when considered with the treacherous and hostile aggravations of the enemies of the revolution.

The mind can hardly picture to itself a more tremendous scene than what the city of Paris exhibited at the time of taking the Bastille and for two days before and after, nor perceive the possibility of its quieting so soon. At a distance this transaction has appeared only as an act of heroism standing on itself, and the close political connection it had with the revolution is lost in the brilliancy of the achievement. But we are to consider it as the strength of the parties brought man to man, and contending for the issue. The Bastille was to be either the prize or the prison of the assailants. The downfall of it included the idea of the downfall of despotism, and this compounded image was become as figuratively united as Bunyan's Doubting Castle and Giant Despair.

The National Assembly, before and at the time of taking the Bastille, was sitting at Versailles, twelve miles distant from Paris. About a week before the rising of the Parisians, and their taking the Bastille, it was discovered that a plot was forming, at the head of which was the Count d'Artois, the king's youngest brother, for demolishing the National Assembly, seizing its members, and thereby crushing, by a *coup de main*, all

hopes and prospects of forming a free government. For the sake of humanity, as well as freedom, it is well this plan did not succeed. Examples are not wanting to show how dreadfully vindictive and cruel are all old governments, when they are successful against what they call a revolt.

This plan must have been some time in contemplation; because, in order to carry it into execution, it was necessary to collect a large military force round Paris, and cut off the communication between that city and the National Assembly at Versailles. The troops destined for this service were chiefly the foreign troops in the pay of France, and who, for this particular purpose, were drawn from the distant provinces where they were then stationed. When they were collected to the amount of between twenty-five and thirty thousand, it was judged time to put the plan into execution. The ministry who were then in office, and who were friendly to the revolution, were instantly dismissed and a new ministry formed of those who had concerted the project, among whom was Count de Broglio, and to his share was given the command of those troops. The character of this man as described to me in a letter which I communicated to Mr. Burke before he began to write his book, and from an authority which Mr. Burke well knows was good, was that of "a high-flying aristocrat, cool, and capable of every mischief."

While these matters were agitating, the National Assembly stood in the most perilous and critical situation that a body of men can be supposed to act in. They were the devoted victims, and they knew it. They had the hearts and wishes of their country on their side, but military authority they had none. The guards of Broglio surrounded the hall where the assembly sat, ready, at the word of command, to seize their persons, as had been done the year before to the parliament of Paris. Had the National Assembly deserted their trust, or had they exhibited signs of weakness or fear, their enemies had been encouraged and the country depressed. When the situation they stood in, the cause they were engaged in

and the crisis then ready to burst, which should determine their personal and political fate and that of their country, and probably of Europe, are taken into one view, none but a heart callous with prejudice or corrupted by dependence can avoid interesting itself in their success.

The archbishop of Vienne was at this time president of the National Assembly—a person too old to undergo the scene that a few days or a few hours might bring forth. A man of more activity and bolder fortitude was necessary, and the National Assembly chose (under the form of a vice-president, for the presidency still resided in the archbishop) M. de la Fayette; and this is the only instance of a vice-president being chosen. It was at the moment that this storm was pending (July 11th) that a declaration of rights was brought forward by M. de la Fayette; and this is the same which is alluded to in page 8. It was hastily drawn up, and makes only a part of the more extensive declaration of rights agreed upon and adopted afterwards by the National Assembly. The particular reason for bringing it forward at this moment (M. de la Fayette has since informed me) was that, if the National Assembly should fall in the threatened destruction that then surrounded it, some trace of its principles might have the chance of surviving the wreck.

Everything now was drawing to a crisis. The event was freedom or slavery. On one side, an army of nearly thirty thousand men; on the other, an unarmed body of citizens; for the citizens of Paris, on whom the National Assembly must then immediately depend, were as unarmed and as undisciplined as the citizens of London are now. The French guards had given strong symptoms of their being attached to the national cause; but their numbers were small, not a tenth part of the force that Broglio commanded, and their officers were in the interest of Broglio.

Matters being now ripe for execution, the new ministry made their appearance in office. The reader will carry in his mind that the Bastille was taken the 14th July; the point of time I am now speaking of is the 12th. Immediately on the news of the change of ministry

reaching Paris, in the afternoon, all the playhouses and places of entertainment, shops and houses, were shut up. The change of ministry was considered as the prelude of hostilities, and the opinion was rightly founded.

The foreign troops began to advance towards the city. The Prince de Lambesc, who commanded a body of German cavalry, approached by the Place of Louis XV., which connects itself with some of the streets. In his march, he insulted and struck an old man with a sword. The French are remarkable for their respect to old age; and the insolence with which it appeared to be done, uniting with the general fermentation they were in, produced a powerful effect, and a cry of "*To arms! To arms!*" spread itself in a moment over the city.

Arms they had none, nor scarcely any who knew the use of them; but desperate resolution, when every hope is at stake, supplies, for a while, the want of arms. Near where the Prince de Lambesc was drawn up, were large piles of stones collected for building the new bridge, and with these the people attacked the cavalry. A party of French guards, upon hearing the firing, rushed from their quarters and joined the people; and night coming on, the cavalry retreated.

The streets of Paris, being narrow, are favourable for defence, and the loftiness of the houses, consisting of many stories, from which great annoyance might be given, secured them against nocturnal enterprises; and the night was spent in providing themselves with every sort of weapon they could make or procure: guns, swords, blacksmiths' hammers, carpenters' axes, iron crows, pikes, halberts, pitchforks, spits, clubs, etc., etc. The incredible numbers with which they assembled the next morning, and the still more incredible resolution they exhibited, embarrassed and astonished their enemies. Little did the new ministry expect such a salute. Accustomed to slavery themselves, they had no idea that Liberty was capable of such inspiration, or that a body of unarmed citizens would dare to face the military force of thirty thousand men. Every moment of this day was employed in collecting arms, concerting

plans, and arranging themselves into the best order which such an instantaneous movement could afford. Broglio continued lying round the city, but made no further advances this day, and the succeeding night passed with as much tranquillity as such a scene could possibly produce.

But defence only was not the object of the citizens. They had a cause at stake, on which depended their freedom or their slavery. They every moment expected an attack, or to hear of one made on the National Assembly; and in such a situation, the most prompt measures are sometimes the best. The object that now presented itself was the Bastille; and the *éclat* of carrying such a fortress in the face of such an army, could not fail to strike terror into the new ministry, who had scarcely yet had time to meet. By some intercepted correspondence this morning, it was discovered that the Mayor of Paris, M. Defflesselles, who appeared to be in their interest, was betraying them; and from this discovery, there remained no doubt that Broglio would reinforce the Bastille the ensuing evening. It was therefore necessary to attack it that day; but before this could be done, it was first necessary to procure a better supply of arms than they were then possessed of.

There was, adjoining to the city, a large magazine of arms deposited at the Hospital of the Invalids, which the citizens summoned to surrender; and as the place was neither defensible, nor attempted much defence, they soon succeeded. Thus supplied, they marched to attack the Bastille; a vast mixed multitude of all ages, and of all degrees, armed with all sorts of weapons. Imagination would fail in describing to itself the appearance of such a procession, and of the anxiety of the events which a few hours or a few minutes might produce. What plans the ministry were forming, were as unknown to the people within the city, as what the citizens were doing was unknown to the ministry; and what movements Broglio might make for the support or relief of the place, were to the citizens equally as unknown. All was mystery and hazard.

That the Bastille was attacked with an enthusiasm of heroism, such only as the highest animation of liberty could inspire, and carried in the space of a few hours, is an event which the world is fully possessed of. I am not undertaking a detail of the attack, but bringing into view the conspiracy against the nation which provoked it, and which fell with the Bastille. The prison to which the new ministry were dooming the National Assembly, in addition to its being the high altar and castle of despotism, became the proper object to begin with. This enterprize broke up the new ministry, who began now to fly from the ruin they had prepared for others. The troops of Broglio dispersed, and himself fled also.

Mr. Burke has spoken a great deal about plots, but he has never once spoken of this plot against the National Assembly, and the liberties of the nation; and that he might not, he has passed over all the circumstances that might throw it in his way. The exiles who have fled from France, whose case he so much interests himself in, and from whom he has had his lesson, fled in consequence of the miscarriage of this plot. No plot was formed against them; they were plotting against others; and those who fell, met, not unjustly, the punishment they were preparing to execute. But will Mr. Burke say, that if this plot, contrived with the subtilty of an ambuscade, had succeeded, the successful party would have restrained their wrath so soon? Let the history of all old governments answer the question.

Whom has the National Assembly brought to the scaffold? None. They were themselves the devoted victims of this plot, and they have not retaliated; why, then, are they charged with revenge they have not acted? In the tremendous breaking forth of a whole people, in which all degrees, tempers, and characters are confounded, delivering themselves by a miracle of exertion from the destruction meditated against them, is it to be expected that nothing will happen? When men are sore with the sense of oppressions, and menaced with the prospect of new ones, is the calmness of philosophy or the palsy of insensibility to be looked

for? Mr. Burke exclaims against outrage; yet the greatest is that which himself has committed. His book is a volume of outrage, not apologized for by the impulse of a moment, but cherished through a space of ten months, yet Mr. Burke had no provocation, no life, no interest at stake.

More of the citizens fell in this struggle than of their opponents; but four or five persons were seized by the populace and instantly put to death; the Governor of the Bastille, and the Mayor of Paris, who was detected in the act of betraying them; and afterwards Foulon, one of the new ministry, and Berthier, his son-in-law, who had accepted the office of intendant of Paris. Their heads were stuck upon spikes,[1] and carried about the city; and it is upon this mode of punishment that Mr. Burke builds a great part of his tragic scenes. Let us therefore examine how men came by the idea of punishing in this manner.

They learn it from the governments they live under, and retaliate the punishments they have been accustomed to behold. The heads stuck upon spikes, which remained for years upon Temple Bar, differed nothing in the horror of the scene from those carried about upon spikes at Paris; yet this was done by the English government. It may perhaps be said that it signifies nothing to a man what is done to him after he is dead; but it signifies much to the living; it either tortures their feelings or hardens their hearts, and in either case it instructs them how to punish when power falls into their hands.

Lay then the axe to the root, and teach governments humanity. It is their sanguinary punishments which corrupt mankind. In England the punishment in certain cases is by *hanging, drawing,* and *quartering:* the heart of the sufferer is cut out and held up to the view of the populace. In France, under the former government, the punishments were not less barbarous. Who does not remember the execution of Damien, torn to pieces

[1] In some modern editions " pikes " is substituted here and in the following paragraph for " spikes."—H. B. B.

by horses? The effect of those cruel spectacles exhibited to the populace is to destroy tenderness or excite revenge; and by the base and false idea of governing men by terror, instead of reason, they become precedents. It is over the lowest class of mankind that government by terror is intended to operate, and it is on them that it operates to the worst effect. They have sense enough to feel they are the objects aimed at; and they inflict in their turn the examples of terror they have been instructed to practise.

There is in all European countries a large class of people of that description, which in England is called the "*mob.*" Of this class were those who committed the burnings and devastations in London in 1780, and of this class were those who carried the heads upon spikes in Paris. Foulon and Berthier were taken up in the country, and sent to Paris, to undergo their examination at the Hotel de Ville; for the National Assembly, immediately on the new ministry coming into office, passed a decree, which they communicated to the King and Cabinet, that they (the National Assembly) would hold the ministry, of which Foulon was one, responsible for the measures they were advising and pursuing; but the mob, incensed at the appearance of Foulon and Berthier, tore them from their conductors before they were carried to the Hotel de Ville, and executed them on the spot. Why then does Mr. Burke charge outrages of this kind on a whole people? As well may he charge the riots and outrages of 1780 on all the people of London, or those in Ireland on all his countrymen.

But everything we see or hear offensive to our feelings and derogatory to the human character should lead to other reflections than those of reproach. Even the beings who commit them have some claim to our consideration. How then is it that such vast classes of mankind as are distinguished by the appellation of the vulgar, or the ignorant mob, are so numerous in all old countries? The instant we ask ourselves this question, reflection feels an answer. They arise, as an unavoidable consequence, out of the ill construction of all old govern-

ments in Europe, England included with the rest. It is by distortedly exalting some men, that others are distortedly debased, till the whole is out of nature. A vast mass of mankind are degradedly thrown into the background of the human picture, to bring forward, with greater glare, the puppet-show of state and aristocracy. In the commencement of a revolution, those men are rather the followers of the *camp* than of the *standard* of liberty, and have yet to be instructed how to reverence it.

I give to Mr. Burke all his theatrical exaggerations for facts, and I then ask him if they do not establish the certainty of what I here lay down? Admitting them to be true, they show the necessity of the French revolution, as much as any one thing he could have asserted. These outrages were not the effect of the principles of the revolution, but of the degraded mind that existed before the revolution, and which the revolution is calculated to reform. Place them then to their proper cause, and take the reproach of them to your own side.

It is to the honour of the National Assembly and the city of Paris that, during such a tremendous scene of arms and confusion, beyond the controul of all authority, they have been able, by the influence of example and exhortation, to restrain so much. Never were more pains taken to instruct and enlighten mankind, and to make them see that their interest consisted in their virtue, and not in their revenge, than have been displayed in the revolution of France. I now proceed to make some remarks on Mr. Burke's account of the expedition to Versailles, October the 5th and 6th.

I can consider Mr. Burke's book in scarcely any other light than a dramatic performance; and he must, I think, have considered it in the same light himself, by the poetical liberties he has taken of omitting some facts, distorting others, and making the whole machinery bend to produce a stage effect. Of this kind is his account of the expedition to Versailles. He begins this account by omitting the only facts which as causes are known to be true; everything beyond these is con-

jecture even in Paris; and then he works up a tale accommodated to his own passions and prejudices.

It is to be observed throughout Mr. Burke's book that he never speaks of plots *against* the revolution; and it is from those plots that all the mischiefs have arisen. It suits his purpose to exhibit the consequences without their causes. It is one of the arts of the drama to do so. If the crimes of men were exhibited with their sufferings, the stage effect would sometimes be lost, and the audience would be inclined to approve where it was intended they should commiserate.

After all the investigations that have been made into this intricate affair (the expedition to Versailles), it still remains enveloped in all that kind of mystery which ever accompanies events produced more from a concurrence of awkward circumstances than from fixed design. While the characters of men are forming, as is always the case in revolutions, there is a reciprocal suspicion, and a disposition to misinterpret each other; and even parties directly opposite in principle will sometimes concur in pushing forward the same movement with very different views, and with the hopes of its producing very different consequences. A great deal of this may be discovered in this embarrassed affair, and yet the issue of the whole was what nobody had in view.

The only things certainly known are that considerable uneasiness was at this time excited at Paris by the delay of the King in not sanctioning and forwarding the decrees of the National Assembly, particularly that of the *Declaration of the Rights of Man*, and the decrees of the *fourth of August*, which contained the foundation principles on which the constitution was to be erected. The kindest, and perhaps the fairest conjecture upon this matter is, that some of the ministers intended to make remarks and observations upon certain parts of them before they were finally sanctioned and sent to the provinces; but be this as it may, the enemies of the revolution derived hope from the delay, and the friends of the revolution uneasiness.

During this state of suspense, the *Garde du Corps*,

which was composed as such regiments generally are, of persons much connected with the Court, gave an entertainment at Versailles (October 1) to some foreign regiments then arrived; and when the entertainment was at the height, on a signal given the *Garde du Corps* tore the national cockade from their hats, trampled it under foot, and replaced it with a counter-cockade prepared for the purpose. An indignity of this kind amounted to defiance. It was like declaring war; and if men will give challenges they must expect consequences. But all this Mr. Burke has carefully kept out of sight. He begins his account by saying: "History will record that on the morning of the 6th October, 1789, the King and Queen of France, after a day of confusion, alarm, dismay, and slaughter, lay down under the pledged security of public faith to indulge nature in a few hours of respite, and troubled melancholy repose." This is neither the sober stile of history, nor the intention of it. It leaves everything to be guessed at and mistaken. One would at least think there had been a battle; and a battle there probably would have been had it not been for the moderating prudence of those whom Mr. Burke involves in his censures. By his keeping the *Garde du Corps* out of sight Mr. Burke has afforded himself the dramatic licence of putting the King and Queen in their places, as if the object of the expedition was against them. But to return to my account—

This conduct of the *Garde du Corps*, as might well be expected, alarmed and enraged the Parisians. The colours of the cause, and the cause itself, were become too united to mistake the intention of the insult, and the Parisians were determined to call the *Garde du Corps* to an account. There was certainly nothing of the cowardice of assassination in marching in the face of the day to demand satisfaction, if such a phrase may be used, of a body of armed men who had voluntarily given defiance. But the circumstance which serves to throw this affair into embarrassment is, that the enemies of the revolution appear to have encouraged it as well as its friends. The one hoped to prevent a civil war by

checking it in time, and the other to make one. The hopes of those opposed to the revolution rested in making the King of their party, and getting him from Versailles to Metz, where they expected to collect a force and set up a standard. We have, therefore, two different objects presenting themselves at the same time, and to be accomplished by the same means; the one to chastise the *Garde du Corps*, which was the object of the Parisians; the other to render the conclusion of such a scene an inducement to the King to set off for Metz.

On the 5th of October a very numerous body of women, and men in the disguise of women, collected round the Hotel de Ville or town-hall of Paris, and set off for Versailles. Their professed object was the *Garde du Corps*; but prudent men readily recollect that mischief is more easily begun than ended; and this impressed itself with the more force from the suspicions already stated, and the irregularity of such a cavalcade. As soon, therefore, as a sufficient force could be collected, M. de la Fayette, by order from the civil authority of Paris, set off after them at the head of twenty thousand of the Paris militia. The revolution could derive no benefit from confusion, and its opposers might. By an amiable and spirited manner of address he had hitherto been fortunate in calming disquietudes, and in this he was extraordinarily successful; to frustrate, therefore, the hopes of those who might seek to improve this scene into a sort of justifiable necessity for the King's quitting Versailles and withdrawing to Metz, and to prevent at the same time the consequences that might ensue between the *Garde du Corps* and this phalanx of men and women, he forwarded expresses to the King, that he was on his march to Versailles, by the orders of the civil authority of Paris, for the purpose of peace and protection, expressing at the same time the necessity of restraining the *Garde du Corps* from firing upon the people.[1]

He arrived at Versailles between ten and eleven at

[1] I am warranted in asserting this, as I had it personally from M. de la Fayette, with whom I lived in habits of friendship for fourteen years.—*Author.*

night. The *Garde du Corps* was drawn up, and the people had arrived some time before, but everything had remained suspended. Wisdom and policy now consisted in changing a scene of danger into a happy event. M. de la Fayette became the mediator between the enraged parties; and the King, to remove the uneasiness which had arisen from the delay already stated, sent for the President of the National Assembly, and signed the *Declaration of the Rights of Man*, and such other parts of the constitution as were in readiness.

It was now about one in the morning. Everything appeared to be composed, and a general congratulation took place. By the beat of the drum a proclamation was made that the citizens of Versailles would give the hospitality of their houses to their fellow-citizens of Paris. Those who could not be accommodated in this manner remained in the streets, or took up their quarters in the churches; and at two o'clock the King and Queen retired.

In this state matters passed till the break of day, when a fresh disturbance arose from the censurable conduct of some of both parties, for such characters there will be in all such scenes. One of the *Garde du Corps* appeared at one of the windows of the palace, and the people who had remained during the night in the streets accosted him with reviling and provocative language. Instead of retiring, as in such a case prudence would have dictated, he presented his musket, fired, and killed one of the Paris militia. The peace being thus broken, the people rushed into the palace in quest of the offender. They attacked the quarters of the *Garde du Corps* within the palace, and pursued them throughout the avenues of it, and to the apartments of the King. On this tumult, not the Queen only, as Mr. Burke has represented it, but every person in the palace was awakened and alarmed; and M. de la Fayette had a second time to interpose between the parties, the event of which was that the *Garde du Corps* put on the national cockade, and the matter ended as by oblivion, after the loss of two or three lives.

During the latter part of the time in which this confusion was acting, the King and Queen were in public at the balcony, and neither of them concealed for safety's sake, as Mr. Burke insinuates. Matters being thus appeased, and tranquility restored, a general acclamation broke forth of *Le Roi à Paris—Le Roi à Paris*—The King to Paris. It was the shout of peace, and immediately accepted on the part of the King. By this measure all future projects of trepanning the King to Metz, and setting up the standard of opposition to the constitution, were prevented, and the suspicions extinguished. The King and his family reached Paris in the evening, and were congratulated on their arrival by M. Bailly, the Mayor of Paris, in the name of the citizens. Mr. Burke, who throughout his book confounds things, persons, and principles, as in his remarks on M. Bailly's address, confounded time also. He censures M. Bailly for calling it "*un bon jour*," a good day. Mr. Burke should have informed himself that this scene took up the space of two days, the day on which it began with every appearance of danger and mischief, and the day on which it terminated without the mischiefs that threatened; and that it is to this peaceful termination that M. Bailly alludes, and to the arrival of the King at Paris. Not less than three hundred thousand persons arranged themselves in the procession from Versailles to Paris, and not an act of molestation was committed during the whole march.

Mr. Burke, on the authority of M. Lally Tollendal, a deserter from the National Assembly, says, that on entering Paris, the people shouted "*Tous les évèques à la lanterne.*" All Bishops to be hanged at the lanthorn or lamp-posts. It is surprising that nobody should hear this but Lally Tollendal, and that nobody should believe it but Mr. Burke. It has not the least connection with any part of the transaction, and is totally foreign to every circumstance of it. The bishops had never been introduced before into any scene of Mr. Burke's drama: why then are they, all at once, and altogether, *tout à coup, et tous ensemble*, introduced now?

Mr. Burke brings forward his bishops and his lanthorn-like figures in a magic lanthorn, and raises his scenes by contrast instead of connection. But it serves to show, with the rest of his book, what little credit ought to be given where even probability is set at defiance, for the purpose of defaming; and with this reflection, instead of a soliloquy in praise of chivalry, as Mr. Burke has done, I close the account of the expedition to Versailles.[1]

I have now to follow Mr. Burke through a pathless wilderness of rhapsodies, and a sort of descant upon governments, in which he asserts whatever he pleases, on the presumption of its being believed, without offering either evidence or reasons for so doing.

Before anything can be reasoned upon to a conclusion, certain facts, principles, or data, to reason from, must be established, admitted, or denied. Mr. Burke, with his usual outrage, abused the *Declaration of the Rights of Man*, published by the National Assembly of France as the basis on which the constitution of France is built. This he calls "paltry and blurred sheets of paper about the rights of man." Does Mr. Burke mean to deny that *man* has any rights? If he does, then he must mean that there are no such things as rights anywhere, and that he has none himself; for who is there in the world but man? But if Mr. Burke means to admit that man has rights, the question then will be: What are those rights, and how came man by them originally?

The error of those who reason by precedents drawn from antiquity, respecting the rights of man, is that they do not go far enough into antiquity. They do not go the whole way. They stop in some of the intermediate stages of an hundred or a thousand years, and produce what was then done, as a rule for the present day. This is no authority at all. If we travel still farther into antiquity, we shall find a direct contrary opinion and practice prevailing; and if antiquity is to be authority,

[1] An account of the expedition to Versailles may be seen in No. 13 of the *Revolution de Paris* containing the events from the 3rd to the 10th of October, 1789.—*Author.*

a thousand such authorities may be produced, successively contradicting each other; but if we proceed on, we shall at last come out right; we shall come to the time when man came from the hand of his Maker. What was he then? Man. Man was his high and only title, and a higher cannot be given him. But of titles I shall speak hereafter.

We are now got at the origin of man, and at the origin of his rights. As to the manner in which the world has been governed from that day to this, it is no farther any concern of ours than to make a proper use of the errors or the improvements which the history of it presents. Those who lived a hundred or a thousand years ago, were then moderns, as we are now. They had *their* ancients, and those ancients had others, and we also shall be ancients in our turn. If the mere name of antiquity is to govern in the affairs of life, the people who are to live an hundred or a thousand years hence, may as well take us for a precedent, as we make a precedent of those who lived an hundred or a thousand years ago. The fact is, that portions of antiquity, by proving everything, establish nothing. It is authority against authority all the way, till we come to the divine origin of the rights of man at the creation. Here our inquiries find a resting-place, and our reason finds a home. If a dispute about the rights of man had arisen at the distance of an hundred years from the creation, it is to this source of authority they must have referred, and it is to this same source of authority that we must now refer.

Though I mean not to touch upon any sectarian principle of religion, yet it may be worth observing, that the genealogy of Christ is traced to Adam. Why then not trace the rights of man to the creation of man? I will answer the question. Because there have been upstart governments, thrusting themselves between and presumptuously working to *un-make* man.

If any generation of men ever possessed the right of dictating the mode by which the world should be governed for ever, it was the first generation that existed;

and if that generation did it not, no succeeding generation can show any authority for doing it, nor set any up. The illuminating and divine principle of the equal rights of man (for it has its origin from the Maker of man) relates, not only to the living individuals, but to generations of men succeeding each other. Every generation is equal in rights to the generations which preceded it, by the same rule that every individual is born equal in rights with his contemporary.

Every history of the creation, and every traditionary account, whether from the lettered or unlettered world, however they may vary in their opinion or belief of certain particulars, all agree in establishing one point, *the unity of men*; by which I mean that men are all of *one degree*, and consequently that all men are born equal, and with equal natural rights, in the same manner as if posterity had been continued by *creation* instead of *generation*, the latter being the only mode by which the former is carried forward; and consequently every child born into the world must be considered as deriving its existence from God. The world is as new to him as it was to the first man that existed, and his natural right in it is of the same kind.

The Mosaic account of the creation, whether taken as divine authority or merely historical, is fully up to this point, *the unity or equality of man*. The expressions admit of no controversy. "And God said, Let us make man in our own image. In the image of God created he him; male and female created he them." The distinction of sexes is pointed out, but no other distinction is even implied. If this be not divine authority, it is at least historical authority, and shows that the equality of man, so far from being a modern doctrine, is the oldest upon record.

It is also to be observed that all the religions known in the world are founded, so far as they relate to man, on the *unity of man*, as being all of one degree. Whether in heaven or in hell, or in whatever state man may be supposed to exist hereafter, the good and the bad are the only distinctions. Nay, even the laws of govern-

ments are obliged to slide into this principle, by making degrees to consist in crimes and not in persons.

It is one of the greatest of all truths, and of the highest advantage to cultivate. By considering man in this light, and by instructing him to consider himself in this light, it places him in a close connection with all his duties, whether to his Creator or to the creation, of which he is a part; and it is only when he forgets his origin, or, to use a more fashionable phrase, his *birth and family*, that he becomes dissolute. It is not among the least of the evils of the present existing governments in all parts of Europe that man, considered as man, is thrown back to a vast distance from his Maker, and the artificial chasm filled up with a succession of barriers, or sort of turnpike gates, through which he has to pass. I will quote Mr. Burke's catalogue of barriers that he has set up between Man and his Maker. Putting himself in the character of a herald, he says: "We fear God—we look with *awe* to kings—with affection to parliaments—with duty to magistrates—with reverence to priests, and with respect to nobility." Mr. Burke has forgotten to put in "*chivalry*." He has also forgotten to put in Peter.

The duty of man is not a wilderness of turnpike gates, through which he is to pass by tickets from one to the other. It is plain and simple, and consists but of two points. His duty to God, which every man must feel; and with respect to his neighbour, to do as he would be done by. If those to whom power is delegated do well, they will be respected; if not, they will be despised; and with regard to those to whom no power is delegated, but who assume it, the rational world can know nothing of them.

Hitherto we have spoken only (and that but in part) of the natural rights of man. We have now to consider the civil rights of man, and to show how the one originates from the other. Man did not enter into society to become *worse* than he was before, nor to have fewer rights than he had before, but to have those rights better secured. His natural rights are the foundation

of all his civil rights. But in order to pursue this distinction with more precision, it will be necessary to mark the different qualities of natural and civil rights.

A few words will explain this. Natural rights are those which appertain to man in right of his existence. Of this kind are all the intellectual rights, or rights of the mind, and also all those rights of acting as an individual for his own comfort and happiness, which are not injurious to the natural rights of others. Civil rights are those which appertain to man in right of his being a member of society. Every civil right has for its foundation some natural right pre-existing in the individual, but to the enjoyment of which his individual power is not, in all cases, sufficiently competent. Of this kind are all those which relate to security and protection.

From this short review it will be easy to distinguish between that class of natural rights which man retains after entering into society and those which he throws into the common stock as a member of society.

The natural rights which he retains are all those in which the *power* to execute is as perfect in the individual as the right itself. Among this class, as is before mentioned, are all the intellectual rights, or rights of the mind; consequently religion is one of those rights. The natural rights which are not retained, are all those in which, though the right is perfect in the individual, the power to execute them is defective. They answer not his purpose. A man, by natural right, has a right to judge in his own cause; and so far as the right of the mind is concerned, he never surrenders it. But what availeth it him to judge, if he has not power to redress? He therefore deposits this right in the common stock of society, and takes the arm of society, of which he is a part, in preference and in addition to his own. Society *grants* him nothing. Every man is a proprietor in society, and draws on the capital as a matter of right.

From these premisses two or three certain conclusions will follow:

First, That every civil right grows out of a natural right; or, in other words, is a natural right exchanged.

Secondly, That civil power properly considered as such is made up of the aggregate of that class of the natural rights of man, which becomes defective in the individual in point of power, and answers not his purpose, but when collected to a focus becomes competent to the purpose of every one.

Thirdly, That the power produced from the aggregate of natural rights, imperfect in power in the individual, cannot be applied to invade the natural rights which are retained in the individual, and in which the power to execute it is as perfect as the right itself.

We have now, in a few words, traced man from a natural individual to a member of society, and shown, or endeavoured to show, the quality of the natural rights retained, and of those which are exchanged for civil rights. Let us now apply these principles to governments.

In casting our eyes over the world, it is extremely easy to distinguish the governments which have arisen out of society, or out of the social compact, from those which have not; but to place this in a clearer light than what a single glance may afford, it will be proper to take a review of the several sources from which governments have arisen and on which they have been founded.

They may be all comprehended under three heads. First, Superstition. Secondly, Power. Thirdly, The common interest of society and the common rights of man.

The first was a government of priestcraft, the second of conquerors, and the third of reason.

When a set of artful men pretended, through the medium of oracles, to hold intercourse with the Deity, as familiarly as they now march up the back-stairs in European courts, the world was completely under the government of superstition. The oracles were consulted, and whatever they were made to say became the law; and this sort of government lasted as long as this sort of superstition lasted.

After these a race of conquerors arose, whose government, like that of William the Conqueror, was founded

in power, and the sword assumed the name of a sceptre. Governments thus established last as long as the power to support them lasts; but that they might avail themselves of every engine in their favour, they united fraud to force, and set up an idol which they called *Divine Right*, and which, in imitation of the Pope, who affects to be spiritual and temporal, and in contradiction to the Founder of the Christian religion, twisted itself afterwards into an idol of another shape, called *Church and State*. The key of St. Peter and the key of the Treasury became quartered on one another, and the wondering cheated multitude worshipped the invention.

When I contemplate the natural dignity of man, when I feel (for Nature has not been kind enough to me to blunt my feelings) for the honour and happiness of its character, I become irritated at the attempt to govern mankind by force and fraud, as if they were all knaves and fools, and can scarcely avoid disgust at those who are thus imposed upon.

We have now to review the governments which arise out of society, in contradistinction to those which arose out of superstition and conquest.

It has been thought a considerable advance towards establishing the principles of Freedom to say that government is a compact between those who govern and those who are governed; but this cannot be true, because it is putting the effect before the cause; for as man must have existed before governments existed, there necessarily was a time when governments did not exist, and consequently there could originally exist no governors to form such a compact with. The fact therefore must be that the *individuals themselves*, each in his own personal and sovereign right, *entered into a compact with each other* to produce a government: and this is the only mode in which governments have a right to arise, and the only principle on which they have a right to exist.

To possess ourselves of a clear idea of what government is, or ought to be, we must trace it to its origin. In doing this we shall easily discover that governments

must have arisen either *out* of the people or *over* the people. Mr. Burke has made no distinction. He investigates nothing to its source, and therefore he confounds everything; but he has signified his intention of undertaking, at some future opportunity, a comparison between the constitutions of England and France. As he thus renders it a subject of controversy by throwing the gauntlet, I take him up on his own ground. It is in high challenges that high truths have the right of appearing; and I accept it with the more readiness because it affords me, at the same time, an opportunity of pursuing the subject with respect to governments arising out of society.

But it will be first necessary to define what is meant by a *constitution*. It is not sufficient that we adopt the word; we must fix also a standard signification to it.

A constitution is not a thing in name only, but in fact. It has not an ideal, but a real existence; and wherever it cannot be produced in a visible form, there is none. A constitution is a thing *antecedent* to a government, and a government is only the creature of a constitution. The constitution of a country is not the act of its government, but of the people constituting its government. It is the body of elements, to which you can refer, and quote article by article; and which contains the principles on which the government shall be established, the manner in which it shall be organized, the powers it shall have, the mode of elections, the duration of parliaments, or by what other name such bodies may be called; the powers which the executive part of the government shall have; and in fine, everything that relates to the complete organization of a civil government, and the principles on which it shall act, and by which it shall be bound. A constitution, therefore, is to a government what the laws made afterwards by that government are to a court of judicature. The court of judicature does not make the laws, neither can it alter them; it only acts in conformity to the laws made: and the government is in like manner governed by the constitution.

Can, then, Mr. Burke produce the English Consti-

tution? If he cannot, we may fairly conclude that though it has been so much talked about, no such thing as a constitution exists, or ever did exist, and consequently that the people have yet a constitution to form.

Mr. Burke will not, I presume, deny the position I have already advanced—namely, that governments arise either *out* of the people or *over* the people. The English Government is one of those which arose out of a conquest, and not out of society, and consequently it arose over the people; and though it has been much modified from the opportunity of circumstances since the time of William the Conqueror, the country has never yet regenerated itself, and is therefore without a constitution.

I readily perceive the reason why Mr. Burke declined going into the comparison between the English and French constitutions, because he could not but perceive, when he sat down to the task, that no such a thing as a constitution existed on his side the question. His book is certainly bulky enough to have contained all he could say on this subject, and it would have been the best manner in which people could have judged of their separate merits. Why then has he declined the only thing that was worth while to write upon? It was the strongest ground he could take, if the advantages were on his side, but the weakest if they were not; and his declining to take it is either a sign that he could not possess it or could not maintain it.

Mr. Burke said, in a speech last winter in parliament, that when the National Assembly first met in three Orders (the Tiers Etats, the Clergy, and the Noblesse), France had then a good constitution. This shews among numerous other instances, that Mr. Burke does not understand what a constitution is. The persons so met were not a *constitution*, but a *convention*, to make a constitution.

The present National Assembly of France is, strictly speaking, the personal social compact. The members of it are the delegates of the nation in its *original* character; future assemblies will be the delegates of

the nation in its *organized* character. The authority of the present assembly is different from what the authority of future assemblies will be. The authority of the present one is to form a constitution; the authority of future assemblies will be to legislate according to the principles and forms prescribed in that constitution; and if experience should hereafter show that alterations, amendments, or additions are necessary, the constitution will point out the mode by which such things shall be done, and not leave it to the discretionary power of the future government.

A government on the principles on which constitutional governments arising out of society are established, cannot have the right of altering itself. If it had, it would be arbitrary. It might make itself what it pleased; and wherever such a right is set up, it shews there is no constitution. The act by which the English Parliament empowered itself to sit seven years, shews there is no constitution in England. It might, by the same self-authority, have sat any greater number of years, or for life. The bill which the present Mr. Pitt brought into Parliament some years ago, to reform parliament, was on the same erroneous principle. The right of reform is in the nation in its original character, and the constitutional method would be by a general convention elected for the purpose. There is, moreover, a paradox in the idea of vitiated bodies reforming themselves.

From these preliminaries I proceed to draw some comparisons. I have already spoken of the declaration of rights; and as I mean to be as concise as possible, I shall proceed to other parts of the French constitution.

The constitution of France says, That every man who pays a tax of sixty sous *per annum* (2*s.* 6*d.* English) is an elector. What article will Mr. Burke place against this? Can anything be more limited, and at the same time more capricious, than the qualifications of electors are in England? Limited—because not one man in an hundred (I speak much within compass) is admitted to vote. Capricious—because the lowest character that

can be supposed to exist, and who has not so much as the visible means of an honest livelihood, is an elector in some places: while in other places, the man who pays very large taxes, and has a known fair character, and the farmer who rents to the amount of three or four hundred pounds a year, with a property on that farm to three or four times that amount, is not admitted to be an elector. Everything is out of nature, as Mr. Burke says on another occasion, in this strange chaos, and all sorts of follies are blended with all sorts of crimes. William the Conqueror and his descendants parcelled out the country in this manner, and bribed some parts of it by what they call charters to hold the other parts of it the better subjected to their will. This is the reason why so many of those charters abound in Cornwall; the people were averse to the government established at the conquest, and the towns were garrisoned and bribed to enslave the country. All the old charters are the badges of this conquest, and it is from this source that the capriciousness of elections arises.

The French constitution says, That the number of representatives for any place shall be in a ratio to the number of taxable inhabitants or electors. What article will Mr. Burke place against this? The county of Yorkshire, which contains nearly a million of souls, sends two county members; and so does the county of Rutland, which contains not an hundredth part of that number. The town of Old Sarum, which contains not three houses, sends two members; and the town of Manchester, which contains upwards of sixty thousand souls, is not admitted to send any. Is there any principle in these things? [1] Is there anything by which you can trace the marks of freedom, or discover those of wisdom? No wonder then Mr. Burke has declined the comparison, and endeavoured to lead his readers from the point by a wild, unsystematical display of paradoxical rhapsodies.

[1] At this point the following sentence has been interpolated at some period: "It is admitted that all this is altered, but there is much to be done yet, before we can have a fair representation of the people." This, although suitable enough as an editor's note, is curiously out of place in the text.—H. B. B.

The French constitution says, That the National Assembly shall be elected every two years. What article will Mr. Burke place against this? Why, that the nation has no right at all in the case; that the government is perfectly arbitrary with respect to this point; and he can quote for his authority the precedent of a former parliament.

The French constitution says, There shall be no game laws, that the farmer on whose lands wild game shall be found (for it is by the produce of those lands they are fed) shall have a right to what he can take; that there shall be no monopolies of any kind—that all trade shall be free and every man free to follow any occupation by which he can produce an honest livelihood, and in any place, town, or city throughout the nation. What will Mr. Burke say to this? In England, game is made the property of those at whose expense it is not fed; and with respect to monopolies, the country is cut up into monopolies. Every chartered town is an aristocratical monopoly in itself, and the qualification of electors proceeds out of those chartered monopolies. Is this freedom? Is this what Mr. Burke means by a constitution?

In these chartered monopolies, a man coming from another part of the country is hunted from them as if he were a foreign enemy. An Englishman is not free of his own country; every one of those places presents a barrier in his way, and tells him he is not a freeman —that he has no rights. Within these monopolies are other monopolies. In a city, such for instance as Bath, which contains between twenty and thirty thousand inhabitants, the right of electing representatives to Parliament is monopolized by about thirty-one persons. And within these monopolies are still others. A man even of the same town, whose parents were not in circumstances to give him an occupation, is debarred, in many cases, from the natural right of acquiring one, be his genius or industry what it may.

Are these things examples to hold out to a country regenerating itself from slavery, like France? Cer-

tainly they are not, and certain am I, that when the people of England come to reflect upon them they will like France, annihilate those badges of ancient oppression, those traces of a conquered nation. Had Mr. Burke possessed talents similar to the author of *On the Wealth of Nations*, he would have comprehended all the parts which enter into, and, by assemblage, form a constitution. He would have reasoned from minutiæ to magnitude. It is not from his prejudices only, but from the disorderly cast of his genius, that he is unfitted for the subject he writes upon. Even his genius is without a constitution. It is a genius at random, and not a genius constituted. But he must say something. He has therefore mounted in the air like a balloon, to draw the eyes of the multitude from the ground they stand upon.

Much is to be learned from the French constitution. Conquest and tyranny transplanted themselves with William the Conqueror from Normandy into England, and the country is yet disfigured with the marks. May, then, the example of all France contribute to regenerate the freedom which a province of it destroyed!

The French constitution says that to preserve the national representation from being corrupt no member of the National Assembly shall be an officer of the government, a placeman or a pensioner. What will Mr. Burke place against this? I will whisper his answer: *Loaves and Fishes.* Ah! this government of loaves and fishes has more mischief in it than people have yet reflected on. The National Assembly has made the discovery, and it holds out the example to the world. Had governments agreed to quarrel on purpose to fleece their countries by taxes, they could not have succeeded better than they have done.

Everything[1] in the English government appears to

[1] "Everything" was altered to "Many things" in the Jordan editions, and this reading has been followed by most of the later editors. P. Byrne, of Dublin (1791), however, kept to the original, and Conway (*Writings of Thomas Paine*, vol. i) says also that "Burke in his 'Appeal' was careful to quote the original sentence." —H. B. B.

me the reverse of what it ought to be, and of what it is said to be. The parliament, imperfectly and capriciously elected as it is, is nevertheless *supposed* to hold the national purse in *trust* for the nation; but in the manner in which an English Parliament is constructed it is like a man being both mortgager and mortgagee, and in the case of misapplication of trust it is the criminal sitting in judgment upon himself. If those who vote the supplies are the same persons who receive the supplies when voted, and are to account for the expenditure of those supplies to those who voted them, it is *themselves accountable to themselves*, and the Comedy of Errors concludes with the Pantomime of Hush. Neither the ministerial party nor the opposition will touch upon this case. The national purse is the common hack which each mounts upon. It is like what the country people call "Ride and tie—You ride a little way, and then I."[1] They order these things better in France.

The French constitution says that the right of war and peace is in the nation. Where else should it reside but in those who are to pay the expence?

In England this right is said to reside in a *metaphor* shown at the Tower for sixpence or a shilling a piece: so are the lions; and it would be a step nearer to reason to say it resided in them, for any inanimate metaphor is no more than a hat or a cap. We can all see the absurdity of worshipping Aaron's molten calf, or Nebuchadnezzar's golden image; but why do men continue to practise themselves the absurdities they despise in others?

It may with reason be said that in the manner the English nation is represented it signifies not where the right resides, whether in the crown or in the parliament.

[1] It is a practice in some parts of the country, when two travellers have but one horse, which, like the national purse, will not carry double, that the one mounts and rides two or three miles ahead and then ties the horse to a gate and walks on. When the second traveller arrives he takes the horse, rides on, and passes his companion a mile or two, and ties again, and so on—*Ride and tie.—Author.*

War is the common harvest of all those who participate in the division and expenditure of public money, in all countries. It is the art of *conquering at home*; the object of it is an increase of revenue; and as revenue cannot be increased without taxes, a pretence must be made for expenditure. In reviewing the history of the English Government, its wars and its taxes, a bystander, not blinded by prejudice nor warped by interest, would declare that taxes were not raised to carry on wars, but that wars were raised to carry on taxes.

Mr. Burke, as a member of the House of Commons, is a part of the English Government; and though he professes himself an enemy to war, he abuses the French constitution, which seeks to explode it. He holds up the English Government as a model, in all its parts, to France; but he should first know the remarks which the French make upon it. They contend in favour of their own, that the portion of liberty enjoyed in England is just enough to enslave a country by more productively than by despotism, and that as the real object of all despotism is revenue, a government so formed obtains more than it could do either by direct despotism, or in a full state of freedom, and is, therefore, on the ground of interest, opposed to both. They account also for the readiness which always appears in such governments for engaging in wars by remarking on the different motives which produce them. In despotic governments wars are the effect of pride; but in those governments in which they become the means of taxation, they acquire thereby a more permanent promptitude.

The French constitution, therefore, to provide against both these evils, has taken away the power of declaring war from kings and ministers, and placed the right where the expence must fall.

When the question of the right of war and peace was agitating in the National Assembly, the people of England appeared to be much interested in the event, and highly to applaud the decision. As a principle it applies as much to one country as another. William the Conqueror, *as a conqueror*, held this power of war

and peace in himself, and his descendants have ever since claimed it under him as a right.

Although Mr. Burke has asserted the right of the parliament at the revolution to bind and controul the nation and posterity for *ever*, he denies at the same time that the parliament or the nation had any right to alter what he calls the succession of the crown in anything but in part, or by a sort of modification. By his taking this ground he throws the case back to the *Norman Conquest*, and by thus running a line of succession springing from William the Conqueror to the present day, he makes it necessary to inquire who and what William the Conqueror was, and where he came from, and into the origin, history and nature of what are called prerogatives. Everything must have had a beginning, and the fog of time and antiquity should be penetrated to discover it. Let, then, Mr. Burke bring forward his William of Normandy, for it is to this origin that his argument goes. It also unfortunately happens, in running this line of succession, that another line parallel thereto presents itself, which is, that if the succession runs in the line of the conquest, the nation runs in the line of being conquered, and it ought to rescue itself from this reproach.

But it will perhaps be said that tho' the power of declaring war descends in the heritage of the conquest, it is held in check by the right of the parliament to withhold the supplies. It will always happen when a thing is originally wrong that amendments do not make it right, and it often happens that they do as much mischief one way as good the other, and such is the case here, for if the one rashly declares war as a matter of right, and the other peremptorily withholds the supplies as a matter of right, the remedy becomes as bad, or worse, than the disease. The one forces the nation to a combat, and the other ties its hands; but the more probable issue is that the contest will end in a collusion between the parties, and be made a screen to both.

On this question of war, three things are to be considered. First, the right of declaring it; secondly,

expence of supporting it; thirdly, the mode of conducting it after it is declared. The French constitution places the *right* where the *expence* must fall, and this union can only be in the nation. The mode of conducting it after it is declared, it consigns to the executive department. Were this the case in all countries, we should hear but little more of wars.

Before I proceed to consider other parts of the French constitution, and by way of relieving the fatigue of argument, I will introduce an anecdote which I had from Dr. Frankli...

While the Doctor resided in France as Minister from America during the war, he had numerous proposals made to him by projectors of every country and of every kind, who wished to go to the land that floweth with milk and honey, America; and among the rest, there was one who offered himself to be king. He introduced his proposal to the Doctor by letter, which is now in the hands of M. Beaumarchais, of Paris—stating first, that as the Americans had dismissed or sent away[1] their King, that they would want another. Secondly, that himself was a Norman. Thirdly, that he was of a more ancient family than the Dukes of Normandy, and of a more honourable descent, his line having never been bastardized. Fourthly, that there was already a precedent in England of kings coming out of Normandy, and on these grounds he rested his offer, *enjoining* that the Doctor would forward it to America. But as the Doctor neither did this, nor yet sent him an answer, the projector wrote a second letter in which he did not, it is true, threaten to go over and conquer America, but only with great dignity proposed that if his offer was not accepted, an acknowledgement of about £30,000 might be made to him for his generosity! Now, as all arguments respecting succession must necessarily connect that succession with some beginning, Mr. Burke's arguments on this subject go to shew that there is no English origin of kings, and that they are descendants of the

[1] The word he used was *renvoye*, dismissed or sent away.—*Author.*

Norman line in right of the Conquest. [1] It may therefore be of service to his doctrine to make this story known and to inform him, that in case of that natural extinction to which all mortality is subject kings may again be had from Normandy, on more reasonable terms than William the Conqueror; and consequently that the good people of England at the Revolution of 1688, *might have done much better*, had such a generous Norman as *this* known *their* wants, and they had known *his*! The chivalry character which Mr. Burke so much admires, is certainly much easier to make a bargain with than a *hard dealing Dutchman*. But to return to the matters of the constitution.

The French constitution says, *There shall be no titles*; and, of consequence, all that class of equivocal generation which in some countries is called "*aristocracy*" and in others "*nobility*," is done away, and the *peer* is exalted into MAN.

Titles are but nicknames, and every nickname is a title. The thing is perfectly harmless in itself, but it marks a sort of foppery in the human character, which degrades it. It reduces man into the diminutive of man in things which are great, and the counterfeit of women in things which are little. It talks about its fine *blue ribbon* like a girl, and shows its new *garter* like a child. A certain writer, of some antiquity, says: "When I was a child, I thought as a child; but when I became a man, I put away childish things."

It is, properly, from the elevated mind of France that the folly of titles has fallen. It has outgrown the baby cloaths of *Count* and *Duke*, and breeched itself in manhood. France has not levelled, it has exalted. It has put down the dwarf, to set up the man. The punyism of a senseless word like *Duke*, *Count* or *Earl* has ceased to please. Even those who possessed them have disowned the gibberish, and as they outgrew the rickets, have despised the rattle. The genuine mind of man,

[1] The conclusion of this paragraph commencing "it may therefore be of service" is omitted in several modern editions.—H. B. B.

thirsting for its native home, society, contemns the gewgaws that separate him from it. Titles are like circles drawn by the magician's wand, to contract the sphere of man's felicity. He lives immured within the Bastille of a word, and surveys at a distance the envied life of man.

Is it, then, any wonder that titles should fall in France? Is it not a greater wonder that they should be kept up anywhere? What are they? What is their worth, and "what is their amount"? When we think or speak of a *Judge* or a *General*, we associate with it the ideas of office and character; we think of gravity in one and bravery in the other; but when we use the word *merely as a title*, no ideas associate with it. Through all the vocabulary of Adam there is not such an animal as a Duke or a Count; neither can we connect any certain idea with the words. Whether they mean strength or weakness, wisdom or folly, a child or a man, or the rider or the horse, is all equivocal. What respect then can be paid to that which describes nothing, and which means nothing? Imagination has given figure and character to centaurs, satyrs, and down to all the fairy tribe; but titles baffle even the powers of fancy, and are a chimerical nondescript.

But this is not all. If a whole country is disposed to hold them in contempt, all their value is gone, and none will own them. It is common opinion only that makes them anything, or nothing, or worse than nothing. There is no occasion to take titles away, for they take themselves away when society concurs to ridicule them. This species of imaginary consequence has visibly declined in every part of Europe, and it hastens to its exit as the world of reason continues to rise. There was a time when the lowest class of what are called nobility was more thought of than the highest is now, and when a man in armour riding throughout Christendom in quest of adventures was more stared at than a modern Duke. The world has seen this folly fall, and it has fallen by being laughed at, and the farce of titles will follow its fate. The patriots of France have discovered in good

time that rank and dignity in society must take a new ground. The old one has fallen through. It must now take the substantial ground of character, instead of chimerical ground of titles; and they have brought their titles to the altar, and made of them a burnt-offering to Reason.

If no mischief had annexed itself to the folly of titles they would not have been worth a serious and formal destruction, such as the National Assembly have decreed them; and this makes it necessary to inquire further into the nature and character of aristocracy.

That, then, which is called aristocracy in some countries and nobility in others arose out of the governments founded upon conquest. It was originally a military order for the purpose of supporting military government (for such were all governments founded in conquest); and to keep up a succession of this order for the purpose for which it was established, all the younger branches of those families were disinherited and the law of *primogenitureship* set up.

The nature and character of aristocracy shows itself to us in this law. It is the law against every other law of nature, and Nature herself calls for its destruction. Establish family justice and aristocracy falls. By the aristocratical law of primogenitureship, in a family of six children five are exposed. Aristocracy has never more than one child. The rest are begotten to be devoured. They are thrown to the cannibal for prey, and the natural parent prepares the unnatural repast.

As everything which is out of nature in man affects, more or less, the interest of society, so does this. All the children which the aristocracy disowns (which are all except the eldest) are, in general, cast like orphans on a parish, to be provided for by the public, but at a greater charge. Unnecessary offices and places in governments and courts are created at the expence of the public to maintain them.

With what kind of parental reflections can the father or mother contemplate their younger offspring? By nature they are children, and by marriage they are heirs;

but by aristocracy they are bastards and orphans. They are the flesh and blood of their parents in the one line, and nothing akin to them in the other. To restore, therefore, parents to their children, and children to their parents—relations to each other, and man to society—and to exterminate the monster Aristocracy, root and branch—the French constitution has destroyed the law of PRIMOGENITURESHIP. Here then lies the monster; and Mr. Burke, if he pleases, may write its epitaph.

Hitherto we have considered aristocracy chiefly in one point of view. We have now to consider it in another. But whether we view it before or behind, or sideways, or any way else, domestically or publicly, it is still a monster.

In France aristocracy had one feature less in its countenance than what it has in some other countries. It did not compose a body of hereditary legislators. It was not "a *corporation of aristocracy*," for such I have heard M. de la Fayette describe an English House of Peers. Let us then examine the grounds upon which the French constitution has resolved against having such a House in France.

Because, in the first place, as is already mentioned, aristocracy is kept up by family tyranny and injustice.

Secondly. Because there is an unnatural unfitness in an aristocracy to be legislators for a nation. Their ideas of *distributive justice* are corrupted at the very source. They begin life by trampling on all their younger brothers and sisters, and relations of every kind, and are taught and educated so to do. With what ideas of justice or honour can that man enter a house of legislation, who absorbs in his own person the inheritance of a whole family of children or doles out to them some pitiful portion with the insolence of a gift?

Thirdly. Because the idea of hereditary legislators is as inconsistent as that of hereditary judges, or hereditary juries; and as absurd as an hereditary mathematician, or an hereditary wise man; and as ridiculous as an hereditary poet-laureate.

Fourthly. Because a body of men, holding themselves

accountable to nobody, ought not to be trusted by anybody.

Fifthly. Because it is continuing the uncivilised principle of governments founded in conquest, and the base idea of man having property in man, and governing him by personal right.

Sixthly. Because aristocracy has a tendency to deteriorate the human species. By the universal œconomy of nature it is known, and by the instance of the Jews it is proved, that the human species has a tendency to degenerate, in any small number of persons, when separated from the general stock of society, and inter-marrying constantly with each other. It defeats even its pretended end, and becomes in time the opposite of what is noble in man. Mr. Burke talks of nobility; let him show what it is. The greatest characters the world have known have risen on the democratic floor. Aristocracy has not been able to keep a proportionate pace with democracy. The artificial NOBLE shrinks into a dwarf before the NOBLE of Nature; and in the few instances of those (for there are some in all countries) in whom nature, as by a miracle, has survived in aristocracy, THOSE MEN DESPISE IT. But it is time to proceed to a new subject.

The French constitution has reformed the condition of the clergy. It has raised the income of the lower and middle classes, and taken from the higher. None are now less than twelve hundred livres (fifty pounds sterling) nor any higher than about two or three thousand pounds. What will Mr. Burke place against this? Hear what he says.[1]

He says: "That the people of England can see without pain or grudging, an archbishop precede a duke; they can see a bishop of Durham, or a bishop of Winchester in possession of £10,000 a-year; and cannot see why it is in worse hands than estates to a like amount, in the hands of this earl or that 'squire." And Mr. Burke offers this as an example to France.

As to the first part, whether the archbishop precedes

[1] This paragraph is omitted in some modern editions.—H. B. B.

the duke, or the duke the bishop, it is, I believe, to the people in general, somewhat like *Sternhold* and *Hopkins*, or *Hopkins* and *Sternhold*; you may put which you please first: and as I confess that I do not understand the merits of this case, I will not contend it with Mr. Burke.

But with respect to the latter, I have something to say. Mr. Burke has not put the case right. The comparison is out of order, by being put between the bishop and the earl or the 'squire. It ought to be put between the bishop and the curate and then it will stand thus:—"The people of England can see without pain or grudging, a bishop of Durham, or a bishop of Winchester, in possession of ten thousand pounds a-year, and a curate on thirty or forty pounds a-year, or less." No, sir, they certainly do not see those things without great pain or grudging. It is a case that applies itself to every man's sense of justice, and is one among many that calls aloud for a constitution.

In France the cry of "*the church! the church!*" was repeated as often as in Mr. Burke's book, and as loudly as when the Dissenters' Bill was before the English Parliament; but the generality of the French clergy were not to be deceived by this cry any longer. They knew that whatever the pretence might be, it was themselves who were one of the principal objects of it. It was the cry of the high beneficed clergy, to prevent any regulation of income taking place between those of ten thousand pounds a-year and the parish priest. They therefore joined their case to those of every other oppressed class of men, and by this union obtained redress.

The French constitution has abolished tythes, that source of perpetual discontent between the tythe-holder and the parishioner. When land is held on tythe, it is in the condition of an estate held between two parties; the one receiving one-tenth, and the other nine-tenths of the produce: and consequently, on principles of equity, if the estate can be improved, and made to produce by that improvement double or treble what it

did before, or in any other ratio, the expense of such improvement ought to be borne in like proportion between the parties who are to share the produce. But this is not the case in tythes: the farmer bears the whole expence, and the tythe-holder takes a tenth of the improvement, in addition to the original tenth, and by this means gets the value of two-tenths instead of one. This is another case that calls for a constitution.

The French constitution hath abolished or renounced *Toleration* and *Intolerance* also, and hath established UNIVERSAL RIGHT OF CONSCIENCE.

Toleration is not the *opposite* of Intolerance, but is the *counterfeit* of it. Both are despotisms. The one assumes to itself the right of withholding Liberty of Conscience, and the other of granting it. The one is the Pope armed with fire and faggot, and the other is the Pope selling or granting indulgences. The former is church and state, and the latter is church and traffic.

But Toleration may be viewed in a much stronger light. Man worships not himself, but his Maker; and the liberty of conscience which he claims is not for the service of himself, but of his God. In this case, therefore, we must necessarily have the associated idea of two things; the *mortal* who renders the worship, and the IMMORTAL BEING who is worshipped. Toleration, therefore, places itself, not between man and man, nor between church and church, nor between one denomination of religion and another, but between God and man; between the being who worships, and the BEING who is worshipped; and by the same act of assumed authority by which it tolerates man to pay his worship, it presumptuously and blasphemously sets itself up to tolerate the Almighty to receive it.

Were a bill brought into any parliament, entitled, "An Act to tolerate or grant liberty to the Almighty to receive the worship of a Jew or a Turk," or "to prohibit the Almighty from receiving it," all men would startle and call it blasphemy. There would be an uproar. The presumption of toleration in religious matters would then present itself unmasked; but the pre-

sumption is not the less because the name of "Man" only appears to those laws, for the associated idea of the *worshipper* and the *worshipped* cannot be separated. Who then art thou, vain dust and ashes! by whatever name thou art called, whether a King, a Bishop, a Church, or a State, a Parliament, or anything else, that obtrudest thine insignificance between the soul of man and its Maker? Mind thine own concerns. If he believes not as thou believest, it is a proof that thou believest not as he believes, and there is no earthly power can determine between you.

With respect to what are called denominations of religion, if every one is left to judge of his own religion, there is no such thing as a religion that is wrong; but if they are to judge of each other's religion, there is no such thing as a religion that is right; and therefore all the world is right, or all the world is wrong. But with respect to religion itself, without regard to names, and as directing itself from the universal family of mankind to the Divine object of all adoration, *it is man bringing to his Maker the fruits of his heart*; and though those fruits may differ from each other like the fruits of the earth, the grateful tribute of every one is accepted.

A bishop of Durham, or a bishop of Winchester, or the archbishop who heads the dukes, will not refuse a tythe-sheaf of wheat because it is not a cock of hay, nor a cock of hay because it is not a sheaf of wheat; nor a pig, because it is neither one nor the other; but these same persons, under the figure of an established church, will not permit their Maker to receive the varied tythes of man's devotion.

One of the continual choruses of Mr. Burke's book is "Church and State." He does not mean some one particular church, or some one particular state, but any church and state; and he uses the term as a general figure to hold forth the political doctrine of always uniting the church with the state in every country, and he censures the National Assembly for not having done this in France. Let us bestow a few thoughts on this subject.

All religions are in their nature kind and benign, and united with principles of morality. They could not have made proselytes at first by professing anything that was vicious, cruel, persecuting, or immoral. Like everything else, they had their beginning; and they proceeded by persuasion, exhortation, and example. How then is it that they lose their native mildness, and become morose and intolerant?

It proceeds from the connection which Mr. Burke recommends. By engendering the church with the state, a sort of mule-animal, capable only of destroying, and not of breeding up, is produced, called *the Church established by Law*. It is a stranger, even from its birth, to any parent mother, on whom it is begotten, and whom in time it kicks out and destroys.

The inquisition in Spain does not proceed from the religion originally professed but from this mule-animal engendered between the church and the state. The burnings in Smithfield proceeded from the same heterogeneous production; and it was the regeneration of this strange animal in England afterwards that renewed rancour and irreligion among the inhabitants, and that drove the people called Quakers and Dissenters to America. Persecution is not an original feature in *any* religion; but it is always the strongly-marked feature of all law-religions, or religions established by law. Take away the law-establishment and every religion reassumes its original benignity. In America a Catholic priest is a good citizen, a good character, and a good neighbour; an Episcopalian minister is of the same description; and this proceeds, independently of the men, from there being no law establishment in America.

If also we view this matter in a temporal sense we shall see the ill effects it has had on the prosperity of nations. The union of church and state has impoverished Spain. The revoking the edict of Nantes drove the silk manufacture from France into England; and church and state are driving the cotton manufacture from England to America and France. Let then Mr. Burke continue to preach his antipolitical doctrine of Church and State.

It will do some good. The National Assembly will not follow his advice but will benefit by his folly. It was by observing the ill effects of it in England, that America has been warned against it; and it is by experiencing them in France, that the National Assembly have abolished it, and, like America, have established UNIVERSAL RIGHT OF CONSCIENCE AND UNIVERSAL RIGHT OF CITIZENSHIP.[1]

[1] When in any country we see extraordinary circumstances taking place, they naturally lead any man who has a talent for observation and investigation, to enquire into the causes. The manufactures of Manchester, Birmingham, and Sheffield, are the principal manufactures in England. From whence did this arise? A little observation will explain the case. The principal, and the generality of the inhabitants of those places, are not of what is called in England, *the church established by law*; and they, or their fathers (for it is within but a few years), withdrew from the persecution of the chartered towns, where test laws more particularly operate, and established a sort of asylum for themselves in those places. It was the only asylum that then offered, for the rest of Europe was worse.—But the case is now changing. France and America bid all comers welcome, and initiate them into all the rights of citizenship. Policy and interest, therefore, will, but perhaps too late, dictate in England, what reason and justice could not. Those manufactures are withdrawing, and are arising in other places. There is now erecting at Passy, three miles from Paris, a large cotton-mill, and several are already erected in America. Soon after the rejecting the Bill for repealing the test-law, one of the richest manufacturers in England said in my hearing, "England, Sir, is not a country for a dissenter to live in—we must go to France." These are truths, and it is doing justice to both parties to tell them. It is chiefly the dissenters who have carried English manufactures to the height they are now at, and the same men have it in their power to carry them away; and though those manufactures will afterwards continue to be made in those places, the foreign market will be lost. There are frequently appearing in the *London Gazette*, extracts from certain acts to prevent machines and persons, as far as they can extend to persons, from going out of the country. It appears from these, that the ill effects of the test-laws and church-establishment begin to be much suspected; but the remedy of force can never supply the remedy of reason. In the progress of less than a century, all the unrepresented part of England, of all denominations, which is at least a hundred times the most numerous, may begin to feel the necessity of a constitution, and then all those matters will come regularly before them.—*Author.*

[This note and the whole of the paragraph to which it belongs are omitted in some of the later editions.—H. B. F.]

I will here cease the comparison with respect to the principles of the French Constitution, and conclude this part of the subject with a few observations on the organization of the formal parts of the French and English governments.

The executive power in each country is in the hands of a person stiled the King; but the French Constitution distinguishes between the King and the Sovereign. It considers the station of King as official, and places Sovereignty in the nation.

The representatives of the nation who compose the National Assembly, and who are the legislative power, originate in and from the people by election, as an inherent right in the people. In England it is otherwise; and this arises from the original establishment of what is called its monarchy; for as by the conquest all the rights of the people or the nation were absorbed into the hands of the Conqueror, and who added the title of King to that of Conqueror, those same matters which in France are now held as rights in the people, or in the nation, are held in England as grants from what is called the Crown. The Parliament in England, in both its branches, was erected by patents from the descendants of the Conqueror. The House of Commons did not originate as a matter of right in the people to delegate or elect, but as a grant or boon.

By the French Constitution the nation is always named before the King. The third article of the declaration of rights says: "The nation is essentially the source (or fountain) of all sovereignty." Mr. Burke argues that in England a King is the fountain—that he is the fountain of all honour. But as this idea is evidently descended from the conquest I shall make no other remark upon it, than that it is the nature of conquest to turn everything upside down; and as Mr. Burke will not be refused the privilege of speaking twice, and as there are but two parts in the figure, the *fountain* and the *spout*, he will be right the second time.

The French Constitution puts the legislative before the executive, the Law before the King; *La loi, le Roi.*

This also is in the natural order of things, because laws must have existence before they can have execution.

A King in France does not, in addressing himself to the National Assembly, say "My assembly," similar to the phrase used in England of "*my* parliament"; neither can he use it consistently with the constitution, nor could it be admitted. There may be propriety in the use of it in England, because as is before mentioned, both Houses of Parliament originated from what is called the Crown by patent or boon—and not from the inherent rights of the people, as the National Assembly does in France, and whose name designates its origin.

The President of the National Assembly does not ask the King *to grant to the Assembly liberty of speech*, as is the case with the English House of Commons. The constitutional dignity of the National Assembly cannot debase itself. Speech is, in the first place, one of the natural rights of man always retained; and with respect to the National Assembly the use of it is their *duty*, and the nation is their *authority*. They were elected by the greatest body of men exercising the right of election the European world ever saw. They sprung not from the filth of rotten boroughs, nor are they the vassal representatives of aristocratical ones. Feeling the proper dignity of their character, they support it. Their parliamentary language, whether for or against the question, is free, bold, and manly, and extends to all the parts and circumstances of the case. If any matter or subject respecting the executive department or the person who presides in it (the King) comes before them it is debated on with the spirit of men, and the language of gentlemen; and their answer or their address is returned in the same stile. They stand not aloof with the gaping vacuity of vulgar ignorance, nor bend with the cringe of sycophantic insignificance. The graceful pride of truth knows no extremes, and preserves, in every latitude of life, the right-angled character of man.

Let us now look to the other side of the question. In the addresses of the English parliaments to their Kings we see neither the intrepid spirit of the old parlia-

ments of France, nor the serene dignity of the present National Assembly; neither do we see in them anything of the stile of English manners, which borders somewhat on bluntness. Since then they are neither of foreign extraction, nor naturally of English production, their origin must be sought for elsewhere, and that origin is the Norman Conquest. They are evidently of the vassalage class of manners, and emphatically mark the prostrate distance that exists in no other condition of men than between the conqueror and the conquered. That this vassalage idea and stile of speaking was not got rid of even at the revolution of 1688, is evident from the declaration of parliament to William and Mary in these words: "We do most humbly and faithfully *submit* ourselves, our heirs and posterities, for ever." Submission is wholly a vassalage term, repugnant to the dignity of freedom, and an echo of the language used at the Conquest.

As the estimation of all things is by comparison, the revolution of 1688, however from circumstances it may have been exalted beyond its value, will find its level. It is already on the wane, eclipsed by the enlarging orb of reason, and the luminous revolutions of America and France. In less than another century it will go, as well as Mr. Burke's labours, "to the family vault of all the Capulets." Mankind will then scarcely believe that a country calling itself free would send to Holland for a man, and cloath him with power on purpose to put themselves in fear of him, and give him almost a million sterling a year for leave to *submit* themselves and their posterity, like bondmen and bondwomen, for ever.

But there is a truth that ought to be made known: I have had the opportunity of seeing it; which is, *that notwithstanding appearances, there is not any description of men that despise monarchy so much as courtiers.* But they well know, that if it were seen by others, as it is seen by them, the juggle could not be kept up. They are in the condition of men who get their living by a show, and to whom the folly of that show is so familiar that they ridicule it; but were the audience to be made as wise

in this respect as themselves, there would be an end to the show and the profits with it. The difference between a republican and a courtier with respect to monarchy, is that the one opposes monarchy, believing it to be something; and the other laughs at it, knowing it to be nothing.

As I used sometimes to correspond with Mr. Burke, believing him then to be a man of sounder principles than his book shews him to be, I wrote to him last winter from Paris, and gave him an account how prosperously matters were going on. Among other subjects in that letter, I referred to the happy situation the National Assembly were placed in; that they had taken ground on which their moral duty and their political interest were united. They have not to hold out a language which they do not themselves believe, for the fraudulent purpose of making others believe it. Their station requires no artifice to support it, and can only be maintained by enlightening mankind. It is not their interest to cherish ignorance, but to dispel it. They are not in the case of a ministerial or an opposition party in England, who, though they are opposed, are still united to keep up the common mystery. The National Assembly must throw open a magazine of light. It must shew man the proper character of man; and the nearer it can bring him to that standard, the stronger the National Assembly becomes.

In contemplating the French constitution, we see in it a rational order of things. The principles harmonize with the forms, and both with their origin. It may perhaps be said as an excuse for bad forms, that they are nothing more than forms; but this is a mistake. Forms grow out of principles, and operate to continue the principles they grow from. It is impossible to practise a bad form on anything 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.

I will here finally close this subject. I began it by remarking that Mr. Burke had *voluntarily* declined going

into a comparison of the English and French constitutions. He apologises (in page 241) for not doing it, by saying that he had not time. Mr. Burke's book was upwards of eight months in hand, and is extended to a volume of three hundred and sixty-six pages. As his omission does injury to his cause, his apology makes it worse; and men on the English side of the water will begin to consider, whether there is not some radical defect in what is called the English constitution, that made it necessary for Mr. Burke to suppress the comparison, to avoid bringing it into view.

As Mr. Burke has not written on constitutions so neither has he written on the French revolution. He gives no account of its commencement or its progress. He only expresses his wonder. "It looks," says he, "to me, as if I were in a great crisis, not of the affairs of France alone, but of all Europe, perhaps of more than Europe. All circumstances taken together, the French revolution is the most astonishing that has hitherto happened in the world."

As wise men are astonished at foolish things, and other people at wise ones, I know not on which ground to account for Mr. Burke's astonishment; but certain it is, that he does not understand the French revolution. It has apparently burst forth like a creation from a chaos, but it is no more than the consequence of a mental revolution priorly existing in France. The mind of the nation had changed beforehand, and the new order of things has naturally followed the new order of thoughts. I will here, as concisely as I can, trace out the growth of the French revolution, and mark the circumstances that have contributed to produce it.

The despotism of Louis XIV., united with the gaiety of his Court, and the gaudy ostentation of his character had so humbled, and at the same time so fascinated the mind of France, that the people appear to have lost all sense of their own dignity, in contemplating that of their grand Monarch; and the whole reign of Louis XV., remarkable only for weakness and effeminacy, made no other alteration than that of spreading a sort of

lethargy over the nation, from which it shewed no disposition to rise.

The only signs which appeared of [1] the spirit of Liberty during those periods, are to be found in the writings of the French philosophers. Montesquieu, president of the Parliament of Bordeaux, went as far as a writer under a despotic government could well proceed; and being obliged to divide himself between principle and prudence, his mind often appears under a veil, and we ought to give him credit for more than he has expressed.

Voltaire, who was both the flatterer and the satirist of depotism, took another line. His forte lay in exposing and ridiculing the superstitions which priestcraft, united with statecraft, had interwoven with governments. It was not from the purity of his principles, or his love of mankind (for satire and philanthropy are not naturally concordant), but from his strong capacity of seeing folly in its true shape, and his irresistible propensity to expose it, that he made these attacks. They were, however, as formidable as if the motive had been virtuous; and he merits the thanks rather than the esteem of mankind.

On the contrary, we find in the writings of Rousseau and the Abbé Raynal, a loveliness of sentiment in favour of liberty, that excites respect, and elevates the human faculties; but having raised this animation, they do not direct its operation, and leave the mind in love with an object, without describing the means of possessing it.

The writings of Quesnay, Turgot, and the friends of those authors, are of the serious kinds; but they laboured under the same disadvantage with Montesquieu; their writings abound with moral maxims of government, but are rather directed to œconomise and reform the administration of the government, than the government itself.

But all those writings and many others had their weight; and by the different manner in which they treated the subject of government, Montesquieu by his

[1] "To" takes the place of "of" in the later editions, but this is clearly an absurd error.—H. B. B.

judgment and knowledge of laws, Voltaire by his wit, Rousseau and Raynal by their animation, and Quesnay and Turgot by their moral maxims and systems of œconomy, readers of every class met with something to their taste, and a spirit of political inquiry began to diffuse itself through the nation at the time the dispute between England and the then colonies of America broke out.

As it was impossible to separate the military events which took place in America from the principles of the American revolution, the publication of those events in France necessarily connected themselves with the principles which produced them. Many of the facts were in themselves principles; such as the declaration of American independence, and the treaty of alliance between France and America, which recognised the natural rights of man, and justified resistance to oppression.

The then Minister of France, Count Vergennes, was not the friend of America; and it is both justice and gratitude to say, that it was the Queen of France who gave the cause of America a fashion at the French Court. Count Vergennes was the personal and social friend of Dr. Franklin; and the Doctor had obtained, by his sensible gracefulness, a sort of influence over him; but with respect to principles Count Vergennes was a despot.

The situation of Dr. Franklin, as Minister from America to France, should be taken into the chain of circumstance. The diplomatic character is of itself the narrowest sphere of society that man can act in. It forbids intercourse by the reciprocity of suspicion; and a diplomatic is a sort of unconnected atom, continually repelling and repelled. But this was not the case with Dr. Franklin. He was not the diplomatic of a Court, but of MAN. His character as a philosopher had been long established, and his circle of society in France was universal.

Count Vergennes resisted for a considerable time the publication in France of the American constitutions, translated into the French language: but even in this

he was obliged to give way to public opinion, and a sort of propriety in admitting to appear what he had undertaken to defend. The American constitutions were to Liberty what a grammar is to language: they define its parts of speech, and practically construct them into syntax.

The peculiar situation of the then Marquis de la Fayette is another link in the great chain. He served in America as an American officer under a commission of Congress, and by the universality of his acquaintance was in close friendship with the civil government of America, as well as with the military line. He spoke the language of the country, entered into the discussions on the principles of government, and was always a welcome friend at any election.

When the war closed, a vast reinforcement to the cause of Liberty spread itself over France, by the return of the French officers and soldiers. A knowledge of the practice was then joined to the theory; and all that was wanting to give it real existence was opportunity. Man cannot, properly speaking, make circumstances for his purpose, but he always has it in his power to improve them when they occur, and this was the case in France.

M. Neckar was displaced in May, 1781; and by the ill-management of the finances afterwards, and particularly during the extravagant administration of M. Calonne, the revenue of France, which was nearly twenty-four millions sterling per year, was become unequal to the expenditure, not because the revenue had decreased, but because the expences had increased; and this was a circumstance which the nation laid hold of to bring forward a revolution. The English Minister, Mr. Pitt, has frequently alluded to the state of the French finances in his budgets, without understanding the subject. Had the French Parliaments been as ready to register edicts for new taxes as an English Parliament is to grant them, there had been no derangement in the finances, nor yet any revolution; but this will better explain itself as I proceed.

It will be necessary here to show how taxes were

formerly raised in France. The King, or rather the court or ministry acting under the use of that name, framed the edicts for taxes at their own discretion, and sent them to the parliaments to be registered; for until they were registered by the parliaments they were not operative. Disputes had long existed between the court and the parliaments with respect to the extent of the parliaments' authority on this head. The court insisted that the authority of parliaments went no farther than to remonstrate or shew reasons against the tax, reserving to itself the right of determining whether the reasons were well or ill-founded; and in consequence thereof, either to withdraw the edict as a matter of choice, or to *order* it to be enregistered as a matter of authority. The parliaments on their part insisted that they had not only a right to remonstrate, but to reject; and on this ground they were always supported by the nation.

But to return to the order of my narrative. M. Calonne wanted money: and as he knew the sturdy disposition of the parliaments with respect to new taxes, he ingeniously sought either to approach them by a more gentle means than that of direct authority, or to get over their heads by a manœuvre; and for this purpose he revived the project of assembling a body of men from the several provinces, under the style of an "Assembly of the Notables," or men of note, who met in 1787, and who were either to recommend taxes to the parliaments, or to act as a parliament themselves. An assembly under this name had been called in 1617.

As we are to view this as the first practical step towards the revolution, it will be proper to enter into some particulars respecting it. The Assembly of the Notables has in some places been mistaken for the States-General, but was wholly a different body, the States-General being always by election. The persons who composed the Assembly of the Notables were all nominated by the King, and consisted of one hundred and forty members. But as M. Calonne could not depend upon a majority of this Assembly in his favour, he very ingeniously arranged them in such a manner as

to make forty-four a majority of one hundred and forty; to effect this he disposed of them into seven separate committees, of twenty members each. Every general question was to be decided, not by a majority of persons, but by a majority of committees; and as eleven votes would make a majority in a committee, and four committees a majority of seven, M. Calonne had good reason to conclude that as forty-four would determine any general question he could not be outvoted. But all his plans deceived him, and in the event became his overthrow.

The then Marquis de la Fayette was placed in the second committee, of which the Count D'Artois was president, and as money matters were the object, it naturally brought into view every circumstance connected with it. M. de la Fayette made a verbal charge against Calonne for selling crown lands to the amount of two millions of livres, in a manner that appeared to be unknown to the King. The Count D'Artois (as if to intimidate, for the Bastille was then in being) asked the Marquis if he would render the charge in writing? He replied that he would. The Count D'Artois did not demand it, but brought a message from the King to that purport. M. de la Fayette then delivered in his charge in writing, to be given to the King, undertaking to support it. No farther proceedings were had upon this affair, but M. Calonne was soon after dismissed by the King and sent off to England.

As M. de la Fayette, from the experience of what he had seen in America, was better acquainted with the science of civil government than the generality of the members who composed the Assembly of the Notables could then be, the brunt of the business fell considerably to his share. The plan of those who had a constitution in view was to contend with the court on the ground of taxes, and some of them openly professed their object. Disputes frequently arose between Count D'Artois and M. de la Fayette upon various subjects. With respect to the arrears already incurred the latter proposed to remedy them by accommodating the expences to the

revenue instead of the revenue to the expences; and as objects of reform he proposed to abolish the Bastille and all the State prisons throughout the nation (the keeping of which was attended with great expence), and to suppress *Lettres de Cachet*; but those matters were not then much attended to, and with respect to *Lettres de Cachet, a majority of the Nobles appeared to be in favour of them.*

On the subject of supplying the Treasury by new taxes the Assembly declined taking the matter on themselves, concurring in the opinion that they had not authority. In a debate on this subject M. de la Fayette said that raising money by taxes could only be done by a National Assembly, freely elected by the people, and acting as their representatives. Do you mean, said the Count D'Artois, the *States-General*? M. de la Fayette replied that he did. Will you, said the Count D'Artois, sign what you say to be given to the King? The other replied that he would not only do this but that he would go farther, and say that the effectual mode would be for the King to agree to the establishment of a constitution.

As one of the plans had thus failed, that of getting the Assembly to act as a parliament, the other came into view, that of recommending. On this subject the Assembly agreed to recommend two new taxes to be enregistered by the parliament: the one a stamp-tax and the other territorial tax, or sort of land-tax. The two have been estimated at about five millions sterling per annum. We have now to turn our attention to the parliaments, on whom the business was again devolving.

The Archbishop of Thoulouse (since Archbishop of Sens, and now a Cardinal) was appointed to the administration of the finances soon after the dismission of Calonne. He was also made Prime Minister, an office that did not always exist in France. When this office did not exist, the chief of each of the principal departments transacted business immediately with the King, but when a Prime Minister was appointed they did business only with him. The Archbishop arrived to more state-authority than any minister since the Duke de Choiseul. and the nation was strongly disposed in his

favour; but by a line of conduct scarcely to be accounted for he perverted every opportunity, turned out a despot, and sunk into disgrace, and a Cardinal.

The Assembly of the Notables having broken up, the minister sent the edicts for the two new taxes recommended by the Assembly to the parliaments to be enregistered. They of course came first before the Parliament of Paris, who returned for answer, *That with such a revenue as the nation then supported the name of taxes ought not to be mentioned but for the purpose of reducing them*, and threw both the edicts out.[1]

On this refusal the parliament was ordered to Versailles, where, in the usual form, the King held what under the old government was called a Bed of Justice; and the two edicts were enregistered in presence of the parliament by an order of State in the manner mentioned in p. 64.

On this the parliament immediately returned to Paris, renewed their session in form, and ordered the enregistering to be struck out, declaring that everything done at Versailles was illegal. All the members of the parliament were then served with *Lettres de Cachet*, and exiled to Trois; but as they continued as inflexible in exile as before, and as vengeance did not supply the place of taxes, they were after a short time recalled to Paris.

The edicts were again tendered to them, and the Count D'Artois undertook to act as representative of the King. For this purpose he came from Versailles to Paris, in a train of procession; and the parliament were assembled to receive him. But show and parade had lost their influence in France; and whatever ideas of importance he might set off with, he had to return with those of mortification and disappointment. On alighting from his carriage to ascend the steps of the Parliament House, the crowd (which was numerously collected) threw out trite expressions, saying: "This is Monsieur D'Artois, who wants more of our money to spend." The marked disapprobation which he saw impressed

[1] When the English Minister, Mr. Pitt, mentions the French finances again in the English Parliament it would be well that he noticed this as an example.—*Author.*

him with apprehensions, and the word *Aux armes!* (*To arms!*) was given out by the officer of the guard who attended him. It was so loudly vociferated, that it echoed through the avenues of the House, and produced a temporary confusion. I was then standing in one of the apartments through which he had to pass, and could not avoid reflecting how wretched was the condition of a disrespected man.

He endeavoured to impress the parliament by great words, and opened his authority by saying, "The King, our Lord and Master." The parliament received this very coolly and with their usual determination not to register the taxes; and in this manner the interview ended.[1]

After this a new subject took place: In the various debates and contests which arose between the Court and the parliaments on the subject of taxes, the Parliament of Paris at last declared that although it had been customary for parliaments to enregister edicts for taxes as a matter of convenience, the right belonged only to the *States-General;* and that, therefore, the parliament could no longer with propriety continue to debate on what it had not authority to act. The King after this came to Paris and held a meeting with the Parliament, in which he continued from ten in the morning till about six in the evening, and, in a manner that appeared to proceed from him as if unconsulted upon with the cabinet or ministry, gave his word to the Parliament that the States-General should be convened.

But after this another scene arose, on a ground different from all the former. The minister and the cabinet were averse to calling the States-General. They well knew that if the States-General were assembled, themselves must fall; and as the King had not mentioned *any time*, they hit on a project calculated to elude, without appearing to oppose.

For this purpose, the Court set about making a sort of constitution itself. It was principally the work of M. Lamoignon, Keeper of the Seals, who afterwards

[1] See note on p. 50.

shot himself. This new arrangement consisted in establishing a body under the name of a *Cour plénière*, or full Court, in which were invested all the powers that the government might have occasion to make use of. The persons composing this Court were to be nominated by the King. The contended right of taxation was given up on the part of the King, and a new criminal code of laws and law proceedings was substituted in the room of the former. The thing, in many points, contained better principles than those upon which the government had hitherto been administered; but with respect to the *Cour plénière*, it was no other than a medium through which despotism was to pass, without appearing to act directly from itself.

The cabinet had high expectations from their new contrivance. The persons who were to compose the *Cour plénière* were already nominated; and as it was necessary to carry a fair appearance, many of the best characters in the nation were appointed among the number. It was to commence on the 8th of May, 1788; but an opposition arose to it on two grounds—the one as to Principle, the other as to Form.

On the ground of Principle it was contended that government had not a right to alter itself, and that if the practice was once admitted it would grow into a principle and be made a precedent for any future alterations the government might wish to establish; that the right of altering the government was a national right, and not a right of government. And on the ground of Form it was contended that the *Cour plénière* was nothing more than a larger cabinet.

The then Duke de la Rochefoucault, Luxembourg, De Noailles, and many others, refused to accept the nomination, and strenuously opposed the whole plan. When the edict for establishing this new court was sent to the parliaments to be enregistered and put into execution, they resisted also. The Parliament of Paris not only refused, but denied the authority; and the contest renewed itself between the parliament and the cabinet more strongly than ever. While the parliament were

sitting in debate on this subject, the ministry ordered a regiment of soldiers to surround the House and form a blockade. The members sent out for beds and provisions, and lived as in a besieged citadel; and as this had no effect, the commanding officer was ordered to enter the Parliament House and seize them, which he did, and some of the principal members were shut up in different prisons. About the same time a deputation of persons arrived from the province of Brittany to remonstrate against the establishment of the *Cour plénière*, and those the archbishop sent to the Bastille. But the spirit of the nation was not to be overcome, and it was so fully sensible of the strong ground it had taken, that of withholding taxes, that it contented itself with keeping up a sort of quiet resistance, which effectually overthrew all the plans at that time formed against it. The project of the *Cour plénière* was at last obliged to be given up, and the Prime Minister not long afterwards followed its fate, and M. Neckar was recalled into office.

The attempt to establish the *Cour plénière* had an effect upon the nation which itself did not perceive. It was a sort of new form of government that insensibly served to put the old one out of sight and to unhinge it from the superstitious authority of antiquity. It was government dethroning government; and the old one, by attempting to make a new one, made a chasm.

The failure of this scheme renewed the subject of convening the States-General; and this gave rise to a new series of politics. There was no settled form for convening the States-General; all that it positively meant was a deputation from what was then called the Clergy, the Noblesse, and the Commons; but their numbers or their proportions had not been always the same. They had been convened only on extraordinary occasions, the last of which was in 1614; their numbers were then in equal proportions, and they voted by orders.

It could not well escape the sagacity of M. Neckar, that the mode of 1614 would answer neither the purpose of the then government nor of the nation. As matters

were at that time circumstanced it would have been too contentious to agree upon anything. The debates would have been endless upon privileges and exemptions, in which neither the wants of the government nor the wishes of the nation for a constitution would have been attended to. But as he did not choose to take the decision upon himself, he summoned again the *Assembly of the Notables* and referred it to them. This body was in general interested in the decision, being chiefly of the aristocracy and high-paid clergy, and they decided in favour of the mode of 1614. This decision was against the sense of the nation, and also against the wishes of the Court; for the aristocracy opposed itself to both and contended for privileges independent of either. The subject was then taken up by the Parliament, who recommended that the number of the Commons should be equal to the other two: and they should all sit in one house and vote in one body. The number finally determined on was 1,200; 600 to be chosen by the Commons (and this was less than their proportion ought to have been when their worth and consequence is considered on a national scale), 300 by the Clergy, and 300 by the Aristocracy; but with respect to the mode of assembling themselves, whether together or apart, or the manner in which they should vote, those matters were referred.[1]

[1] Mr. Burke (and I must take the liberty of telling him he is very unacquainted with French affairs), speaking upon this subject, says, "The first thing that struck me in the calling the States-General, was a great departure from the ancient course;" —and he soon after says, "From the moment I read the list, I saw distinctly, and very nearly as it happened, all that was to follow."—Mr. Burke certainly did not see all that was to follow. I endeavoured to impress him, as well before as after the States-General met, that there would be a *revolution*; but was not able to make him see it, neither would he believe it. How then he could distinctly see all the parts, when the whole was out of sight, is beyond my comprehension. And with respect to the "departure from the ancient course," besides the natural weakness of the remark, is shews that he is unacquainted with circumstances. The departure was necessary, from the experience had upon it, that the ancient course was a bad one. The States-General of 1614 were called at the commencement of the civil war in the

The election that followed was not a contested election, but an animated one. The candidates were not men, but principles. Societies were formed in Paris, and committees of correspondence and communication established throughout the nation, for the purpose of enlightening the people, and explaining to them the principles of civil government; and so orderly was the election conducted, that it did not give rise even to the rumour of tumult.

The States-General were to meet at Versailles in April, 1789, but did not assemble till May. They situated themselves in three separate chambers, or rather the clergy and aristocracy withdrew each into a separate chamber. The majority of the aristocracy claimed what they called the privilege of voting as a separate body, and of giving their consent or their negative in that manner; and many of the bishops and the high-beneficed clergy claimed the same privilege on the part of their Order.

The *Tiers Etat* (as they were then called) disowned any knowledge of artificial Orders and artificial privileges; and they were not only resolute on this point, but somewhat disdainful. They began to consider the aristocracy as a kind of fungus growing out of the corruption of society, that could not be admitted even as a branch of it; and from the disposition the aristocracy had shown by upholding *Lettres de Cachet*, and in sundry other instances, it was manifest that no constitution

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minority of Louis XIII.; but by the clash of arranging them by orders, they increased the confusion they were called to compose. The author of *L'Intrigue du Cabinet* (Intrigue of the Cabinet), who wrote before any revolution was thought of in France, speaking of the States-General of 1614, says, "They held the public in suspense five months; and by the questions agitated therein, and the heat with which they were put, it appears that the Great (*les grands*) thought more to satisfy their *particular* passions, than to procure the good of the nation; and the whole time passed away in altercations, ceremonies, and parade." *L'Intrigue du Cabinet*, vol i, p. 329.—*Author.*

[This note has been omitted in many of the modern editions.—H. B. B.]

could be formed by admitting men in any other character than as National Men.

After various altercations on this head, the *Tiers Etat* or Commons (as they were then called) declared themselves (on a motion made for that purpose by the Abbé Sieyes) "THE REPRESENTATIVES OF THE NATION; *and that the two Orders could be considered but as deputies of corporations, and could only have a deliberate voice when they assembled in a national character with the national representatives.*" This proceeding extinguished the stile of *Etats Généraux*, or States-General, and erected it into the stile it now bears, that of L'Assemblée Nationale, or National Assembly.

This motion was not made in a precipitate manner. It was the result of cool deliberation, and concerted between the national representatives and the patriotic members of the two chambers, who saw into the folly, mischief, and injustice of artificial privileged distinctions. It was become evident, that no constitution, worthy of being called by that name, could be established on anything less than a national ground. The aristocracy had hitherto opposed the despotism of the Court, and affected the language of patriotism; but it opposed it as its rival (as the English Barons opposed King John), and it now opposed the nation from the same motives.

On carrying this motion, the national representatives, as had been concerted, sent an invitation to the two chambers, to unite with them in a national character, and proceed to business. A majority of the clergy, chiefly of the parish priests, withdrew from the clerical chamber, and joined the nation; and forty-five from the other chamber joined in like manner. There is a sort of secret history belonging to this last circumstance, which is necessary to its explanation; it was not judged prudent that all the patriotic members of the chamber stiling itself the Nobles, should quit it at once; and in consequence of this arrangement, they drew off by degrees, always leaving some, as well to reason the case, as to watch the suspected. In a little time the numbers increased from forty-five to eighty, and soon

after to a greater number; which, with the majority of the clergy, and the whole of the national representatives, put the malcontents in a very diminutive condition.

The King, who, very different from the general class called by that name, is a man of a good heart, showed himself disposed to recommend a union of the three chambers, on the ground the National Assembly had taken; but the malcontents exerted themselves to prevent it, and began now to have another project in view. Their numbers consisted of a majority of the aristocratical chamber and a minority of the clerical chamber, chiefly of bishops and high-beneficed clergy; and these men were determined to put everything to issue, as well by strength as by stratagem. They had no objection to a constitution; but it must be such a one as themselves should dictate, and suited to their own views and particular situations. On the other hand, the Nation disowned knowing anything of them but as citizens, and was determined to shut out all such upstart pretensions. The more aristocracy appeared, the more it was despised; there was a visible imbecility and want of intellects in the majority, a sort of *je ne sais quoi*, that while it affected to be more than citizen, was less than man. It lost ground from contempt more than from hatred; and was rather jeered at as an ass, than dreaded as a lion. This is the general character of aristocracy, or what are called Nobles or Nobility, or rather No-ability, in all countries.

The plan of the malcontents consisted now of two things; either to deliberate and vote by chambers (or orders), more especially on all questions respecting a constitution (by which the aristocratical chamber would have had a negative on any article of the constitution); or, in case they could not accomplish this object, to overthrow the National Assembly entirely.

To effect one or other of these objects they began to cultivate a friendship with the despotism they had hitherto attempted to rival, and the Count D'Artois became their chief. The King (who has since declared himself deceived into their measures) held, according to

the old form, a *Bed of Justice*, in which he accorded to the deliberation and vote *par tête* (by head) upon several subjects; but reserved the deliberations and vote upon all questions respecting a constitution to the three chambers separately. This declaration of the King was made against the advice of M. Neckar, who now began to perceive that he was growing out of fashion at court, and that another minister was in contemplation.

As the form of sitting in separate chambers was yet apparently kept up, though essentially destroyed, the national representatives immediately after this declaration of the king resorted to their own chambers to consult on a protest against it; and the minority of the chamber (calling itself the Nobles), who had joined the national cause, retired to a private house to consult in like manner. The malcontents had by this time concerted their measures with the court, which the Count D'Artois undertook to conduct; and as they saw from the discontent which the declaration excited, and the opposition making against it, that they could not obtain a control over the intended constitution by a separate vote, they prepared themselves for their final object—that of conspiring against the National Assembly, and overthrowing it.

The next morning the door of the chamber of the National Assembly was shut against them, and guarded by troops; and the members were refused admittance. On this they withdrew to a tennis-ground in the neighbourhood of Versailles, as the most convenient place they could find, and, after renewing their session, took an oath never to separate from each other, under any circumstance whatever, death excepted, until they had established a constitution. As the experiment of shutting up the house had no other effect than that of producing a closer connection in the members, it was opened again the next day, and the public business recommenced in the usual place.

We are now to have in view the forming of the new ministry, which was to accomplish the overthrow of the National Assembly. But as force would be neces-

sary, orders were issued to assemble thirty thousand troops, the command of which was given to Broglio, one of the new-intended ministry, who was recalled from the country for this purpose. But as some management was necessary to keep this plan concealed till the moment it should be ready for execution, it is to this policy that a declaration made by Count D'Artois must be attributed, and which is here proper to be introduced.

It could not but occur, while the malcontents continued to resort to their chambers separate from the National Assembly, that more jealousy would be excited than if they mixed with it, and that the plot might be suspected. But as they had taken their ground, and now wanted a pretence for quitting it, it was necessary that one should be devised. This was effectually accomplished by a declaration made by the Count D'Artois: "That if they took not a part in the National Assembly, the life of the King would be endangered"; on which they quitted their chambers, and mixed with the Assembly, in one body.

At the time this declaration was made, it was generally treated as a piece of absurdity in the Count D'Artois, and calculated merely to relieve the outstanding members of the two chambers from the diminutive situation they were put in; and if nothing more had followed, this conclusion would have been good. But as things best explain themselves by their events, this apparent union was only a cover to the machinations which were secretly going on; and the declaration accommodated itself to answer that purpose. In a little time the National Assembly found itself surrounded by troops, and thousands more were daily arriving. On this a very strong declaration was made by the National Assembly to the King, remonstrating on the impropriety of the measure, and demanding the reason. The King, who was not in the secret of this business, as himself afterwards declared, gave substantially for answer, that he had no other object in view than to preserve the public tranquillity, which appeared to be much disturbed.

But in a few days from this time the plot unravelled itself. M. Neckar and the ministry were displaced, and a new one formed of the enemies of the revolution; and Broglio, with between twenty-five and thirty thousand foreign troops, was arrived to support them. The mask was now thrown off, and matters were come to a crisis. The event was that in a space of three days the new ministry and their abettors found it prudent to fly the nation; the Bastille was taken, and Broglio and his foreign troops dispersed, as is already related in the former part of this work.

There are some curious circumstances in the history of this short-lived ministry, and this short-lived attempt at a counter-revolution. The Palace of Versailles, where the Court was sitting, was not more than four hundred yards distant from the hall where the National Assembly was sitting. The two places were at this moment like the separate headquarters of two combatant armies; yet the Court was as perfectly ignorant of the information which had arrived from Paris to the National Assembly, as if it had resided at a hundred miles distance. The then Marquis de la Fayette, who (as has been already mentioned) was chosen to preside in the National Assembly on this particular occasion, named by order of the Assembly three successive deputations to the King, on the day and up to the evening on which the Bastille was taken, to inform and confer with him on the state of affairs; but the ministry, who knew not so much as that it was attacked, precluded all communication, and were solacing themselves how dexterously they had succeeded; but in a few hours the accounts arrived so thick and fast that they had to start from their desks and run. Some set off in one disguise, and some in another, and none in their own character. Their anxiety now was to outride the news, lest they should be stopped, which, though it flew fast, flew not so fast as themselves.

It is worth relating that the National Assembly neither pursued those fugitive conspirators, nor took any notice of them, nor sought to retaliate in any shape

whatever. Occupied with establishing a constitution founded on the Rights of Man and the Authority of the People, the only authority on which government has a right to exist in any country, the National Assembly felt none of those mean passions which mark the character of impertinent governments, founding themselves on their own authority, or on the absurdity of hereditary succession. It is the faculty of the human mind to become what it contemplates, and to act in unison with its object.

The conspiracy being thus dispersed, one of the first works of the National Assembly, instead of vindictive proclamations, as has been the case with other governments, was to publish a declaration of the Rights of Man, as the basis on which the new constitution was to be built, and which is here subjoined:

## DECLARATION

### OF THE

## RIGHTS OF MAN AND OF CITIZENS,

### BY THE

### NATIONAL ASSEMBLY OF FRANCE.

"The representatives of the people of France, formed into a National Assembly, considering that ignorance, neglect, or contempt of human rights, are the sole causes of public misfortunes and corruptions of Government, have resolved to set forth in a solemn declaration, these natural, imprescriptible, and inalienable rights; that this declaration being constantly present to the minds of the members of the body social, they may be forever kept attentive to their rights and their duties; that the acts of the legislative and executive powers of government, being capable of being every moment compared with the end of political institutions, may be more respected; and also, that the future claims of the citizens, being directed by simple and incontestable principles, may always tend to the maintenance of the constitution, and the general happiness.

"For these reasons the National Assembly doth recognise and declare, in the presence of the Supreme Being, and with the hope of his blessing and favour, the following *sacred* rights of men and of citizens:

"'I. *Men are born, and always continue, free and equal in respect of their rights. Civil distinctions, therefore, can be founded only on public utility.*

"'II. *The end of all political associations is the preservation of the natural and imprescriptible rights of man; and these rights are liberty, property, security, and resistance of oppression.*

"'III. *The nation is essentially the source of all sovereignty; nor can* ANY INDIVIDUAL, *or* ANY BODY OF MEN, *be entitled to any authority which is not expressly derived from it.*

"'IV. Political Liberty consists in the power of doing whatever does not injure another. The exercise of the natural rights of every man, has no other limits than those which are necessary to secure to every *other* man the free exercise of the same rights; and these limits are determinable only by the law.

"'V. The law ought to prohibit only actions hurtful to society. What is not prohibited by the law should not be hindered; nor should anyone be compelled to that which the law does not require.

"'VI. The law is an expression of the will of the community. All citizens have a right to concur, either personally or by their representatives, in its formation. It should be the same to all, whether it protects or punishes; and all being equal in its sight, are equally eligible to all honours, places, and employments, according to their different abilities, without any other distinction than that created by their virtues and talents.

"'VII. No man should be accused, arrested, or held in confinement, except in cases determined by the law, and according to the forms which it has prescribed. All who promote, solicit, execute, or cause to be executed, arbitrary orders, ought to be punished, and every citizen called upon, or apprehended by virtue of the

law, ought immediately to obey, and renders himself culpable by resistance.

"'VIII. The law ought to impose no other penalties but such as are absolutely and evidently necessary; and no one ought to be punished, but in virtue of a law promulgated before the offence, and legally applied.

"'IX. Every man being presumed innocent till he has been convicted, whenever his detention becomes indispensable, all rigour to him, more than is necessary to secure his person, ought to be provided against by the law.

"'X. No man ought to be molested on account of his opinions, not even on account of his *religious* opinions, provided his avowal of them does not disturb the public order established by the law.

"'XI. The unrestrained communication of thoughts and opinions being one of the most precious rights of man, every citizen may speak, write, and publish freely, provided he is responsible for the abuse of this liberty, in cases determined by the law.

"'XII. A public force being necessary to give security to the rights of men and of citizens, that force is instituted for the benefit of the community and not for the particular benefit of the persons to whom it is intrusted.

"'XIII. A common contribution being necessary for the support of the public force, and for defraying the other expenses of government, it ought to be divided equally among the members of the community, according to their abilities.

"'XIV. Every citizen has a right, either by himself or his representative, to a free voice in determining the necessity of public contributions, the appropriation of them, and their amount, mode of assessment, and duration.

"'XV. Every community has a right to demand of all its agents an account of their conduct.

"'XVI. Every community in which a separation of powers and a security of rights is not provided for, wants a constitution.

"'XVII. The right to property being inviolable and sacred, no one ought to be deprived of it, except in cases of evident public necessity, legally ascertained, and on condition of a previous just indemnity.'"

## OBSERVATIONS
### ON THE
## DECLARATION OF RIGHTS.

THE first three articles comprehend in general terms the whole of a Declaration of Rights; all the succeeding articles either originate from them or follow as elucidations. The 4th, 5th, and 6th define more particularly what is only generally expressed in the 1st, 2nd, and 3rd.

The 7th, 8th, 9th, 10th, and 11th articles are declaratory of *principles* upon which laws shall be constructed, conformable to *rights* already declared. But it is questioned by some very good people in France, as well as in other countries, whether the 10th article sufficiently guarantees the right it is intended to accord with; besides which it takes off from the divine dignity of religion, and weakens its operative force upon the mind, to make it a subject of human laws. It then presents itself to man like light intercepted by a cloudy medium, in which the source of it is obscured from his sight, and he sees nothing to reverence in the dusky ray.[1]

[1] There is a single idea, which, if it strikes rightly upon the mind, either in a legal or a religious sense, will prevent any man, or any body of men, or any government, from going wrong on the subject of Religion; which is, that before any human institution of government was known in the world, there existed, if I may so express it, a compact between God and Man, from the beginning of time; and that as the relation and condition which man in his *individual person* stands in towards his Maker, cannot be changed, or any-ways altered by any human laws or human authority, that religious devotion, which is a part of this compact, cannot so much as be made a subject of human laws; and that all laws must conform themselves to this prior existing compact, and not assume to make the compact conform to the laws, which, besides being human, are subsequent thereto. The first act of man, when he looked around and saw himself a creature which he

The remaining articles, beginning with the twelfth, are substantially contained in the principles of the preceding articles; but in the particular situation in which France then was, having to undo what was wrong, as well as to set up what was right, it was proper to be more particular than what in another condition of things would be necessary.

While the Declaration of Rights was before the National Assembly some of its members remarked that if a declaration of rights were published it should be accompanied by a declaration of duties. The observation discovered a mind that reflected, and it only erred by not reflecting far enough. A declaration of rights is, by reciprocity, a declaration of duties also. Whatever is my right as a man is also the right of another; and it becomes my duty to guarantee as well as to possess.

The first three articles are the basis of Liberty, as well individual as national; nor can any country be called free whose government does not take its beginning from the principles they contain, and continue to preserve them pure; and the whole of the Declaration of Rights is of more value to the world, and will do more good, than all the laws and statutes that have yet been promulgated.

In the declaratory exordium which prefaces the Declaration of Rights we see the solemn and majestic spectacle of a nation opening its commission, under the auspices of its Creator, to establish a government, a scene so new, and so transcendently unequalled by anything in the European world, that the name of a revolution is diminutive of its character, and it rises into a regeneration of man. What are the present governments of Europe but a scene of iniquity and oppression? What is that of England? Do not its own inhabitants say it is a market where every man has his price, and

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did not make, and a world furnished for his reception, must have been devotion, and devotion must ever continue sacred to every individual man, *as it appears right to him*; and governments do mischief by interfering.—*Author.* [This note is omitted in many modern editions.—H. B. B.]

where corruption is common traffic at the expence of a deluded people? No wonder, then, that the French revolution is traduced. Had it confined itself merely to the destruction of flagrant despotism perhaps Mr. Burke and some others had been silent. Their cry now is, "It has gone too far"—that is, it has gone too far for them. It stares corruption in the face, and the venal tribe are all alarmed. Their fear discovers itself in their outrage, and they are but publishing the groans of a wounded vice. But from such opposition the French revolution, instead of suffering, receives an homage. The more it is struck the more sparks it will emit; and the fear is it will not be struck enough. It has nothing to dread from attacks: Truth has given it an establishment, and Time will record it with a name as lasting as his own.

Having now traced the progress of the French revolution through most of its principal stages, from its commencement to the taking of the Bastille, and its establishment by the Declaration of Rights, I will close the subject with the energetic apostrophe of M. de la Fayette—*May this great monument, raised to Liberty, serve as a lesson to the oppressor, and an example to the oppressed!* [1]

[1] See page 9 of this work.

N.B.—Since the taking of the Bastille, the occurrences have been published; but the matters recorded in this narrative are prior to that period; and some of them, as may be easily seen, can be but very little known.—*Author.* [This is another omitted note.—H. B. B.]