

FORUM

Vol. CXII

No. 3



Definitions of Freedom

II. Jefferson vs. Robespierre

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*Second in a series
of four portraits*

I

BY HER failure to transcend the mercantilist pattern of colonial government, England, the least absolutist of all eighteenth century states, found herself confronted with a rebellion beyond the seas. Aided by the money and ships of a vengeful France, by French volunteers, and by Prussian drillmasters, the revolution of the British settlers in North America succeeded. Thus was ushered in the great age of revolution which, within less than two hundred years, has destroyed the entire fabric of the Western world. Today's last two protagonists, the United States and Soviet Russia, glowering at each other across the shambles, are lineal heirs of the two most important revolutionaries of the eighteenth century, Thomas Jefferson and Maximilian Robespierre.

Thomas Jefferson, if no other choice remained, declared complete anarchy would be preferable if organized government could be had only at the price of curtailing individual liberty. Robespierre considered the maintenance of order, even if it entailed the suppression of every vestige of liberty, preferable to chaotic libertarianism which would only lead to the re-establishment of monarchic absolutism. The ideological founding fathers of the liberal and the totalitarian

forms of popular government have left us much food for thought.

II

Jefferson was the son of a self-taught farmer who had become a civil engineer and justice of the peace. Robespierre descended from a long line of respectable provincial jurists. Both were contemporaries. Yet, Jefferson (although half a generation older than Robespierre—the American was born on April 13, 1743, the Frenchman on May 6, 1758) outlived Robespierre by more than thirty years, dying on July 4, 1826. Robespierre's headless body was unceremoniously buried on July 28, 1794. He was only 36 years old.

The life of the one seemed a miracle of success, that of the other an unmitigated and catastrophic failure. Both died poor. During his last months, the old American Grandseigneur was kept financially afloat by a national subscription which netted him less than \$17,000, and immediately after his death, his home in Monticello had to be sold to help pay for his debts.

The frugal Frenchman died a poor man, but he had never been wealthy. Like Rous-

seau, he loved all the people but no individual living thing, except perhaps his dog. The only human being for whom he felt something like friendship, Camille Desmoulins, he sent to the guillotine, political divergences overriding personal attachment. Jefferson, losing his young wife, to whom he was deeply attached, when she was barely 33 and he 39, never remarried, but was a loving father and grand-father in a truly Goldsmithian manner. Robespierre had few interests, Jefferson many.

Both were leery of the power of organized churches, but the Frenchman's innate preference for order led him to propound the cult of the Supreme Being as a new state-religion. Jefferson, though choosing the precepts of Christianity unadulterated by ecclesiastical dogmatism as his own, insisted: "It does me no injury for my neighbor to say there are twenty gods, or no God. It neither picks my pocket nor breaks my leg" (*Notes on Virginia*, query 17). Robespierre who was actually cooped up with a number of avowed atheists in the *Comité de Salut Public* would never agree to so liberal an interpretation of religious liberty. His concept of republican virtue required a binding ethical commitment of universal acceptance, however vague his deism might be.

Throughout his life Jefferson possessed an incalculable advantage over Robespierre: he had been born and bred in a society which had inherited from seventeenth century England certain working principles and traditions of self-government with which the equalitarian and libertarian ideas of the French thinkers of the eighteenth century could be blended. Robespierre, on the other hand, knew self-government only from the days of Greece and Rome; his practical experience with it was nil. Raised in a country in which the Estates-General had not been convoked for about a century and half, his notions of individual liberty and its compatibility with effectively organized government were those of a theorist.

It was, therefore, easier for Jefferson to conclude that limited self-government was not enough. For Robespierre, self-government itself was a staggering innovation to be defended against a hellish coalition of the monarchs of Europe. This, too, must be re-

membered: the triumph of the American revolution was due chiefly to the fact that the geographical remoteness of the rebellion did not arouse the same feeling of solidarity among the kings of Europe as the very close outburst of revolutionary energy in continental Europe. Spain and France, as well as Prussia, therefore, saw nothing incongruous in their support of the struggling American colonists against Great Britain, while in 1792 every crowned head in Europe slept uneasily.

Once rid of their sovereign, the American colonies were free from major foreign pressure to draft their constitution and to put it into effect at leisure. Only domestic factions had to be reckoned with. Revolutionary France, however, was constantly threatened by a militant coalition of all major powers except Russia whose shrewd old Catherine gave her fellow-princes her blessing but no armies against the French regicides. The American Constitution was written when the country was at peace. Robespierre's rise to power and his short hold on it was confined exclusively to a period of crucial warfare. Invaded France, striking back at her invaders as best she could, beset with economic and social troubles the like of which the United States has never known, was certainly not an ideal country in which to introduce modern forms of self-government for the first time.

Robespierre was never in the United States; Jefferson knew France from firsthand experience. It was the France of the *ancien régime* to which he was accredited as American ambassador in 1785, the France in which the then wholly unknown young lawyer of Arras was delighting in defending under-dogs in court and reading refined little papers to the local literary academy. The man who had drafted the Declaration of Independence was, of course, considered by Louis XVI's court in somewhat the same light in which ambassadors of Communist Russia are wont to be looked upon in our own days. But, unlike these modern representatives of a revolutionary regime, Jefferson studiously refrained from active interference in French internal political affairs.

After the fall of the Bastille, divergent groups amongst the French reformers tried to obtain Jefferson's advice on the new constitution which they proposed to draft.

Finally Jefferson asked Lafayette to come to dinner with some six or eight friends, spokesmen of the most important factions of the reformers' camp. After much dispassionate discussion at which Jefferson, according to his own report, remained a detached listener, the Frenchmen agreed on what later became the main principles of the first constitution actually adopted. So far, a modern Russian embassy would fit into the picture, except perhaps that the ambassador himself would play a more active role in the proceedings. But the next morning Jefferson fully informed the French royal government of that remarkable dinner party: ". . . I knew too well the duties I owed to the king, to the nation, to my own country, to take any part in councils concerning their internal government."

Ironically enough those years which Jefferson and Robespierre spent jointly in France were the ones in which the American Constitution was drafted, ratified, and put into effect. Although in full agreement with the main principles embodied in the Constitution, Jefferson found most of the safeguards of personal liberty missing, which in his opinion ought to have been an integral part of the Constitution from the first. His efforts, devoted to remedying this defect succeeded, and the first batch of amendments to the American Constitution attests his success. Freedom of the press and freedom of worship in particular bore the Jeffersonian stamp.

Whether or not Jefferson and Robespierre ever met before the American left France is doubtful. There was, however, ample opportunity for their doing so. For in the spring of 1789 Robespierre was elected as one of eight deputies of the Third Estate to represent his district in the Estates-General. He was, therefore, in Paris during the summer of that year. That Robespierre knew of the famous American ambassador can be assumed with certainty, but that Jefferson (who was on intimate terms with Lafayette and other acknowledged leaders of the reform group), took cognizance of an obscure young deputy from Arras was hardly to be expected. Yet later on it was Jefferson who on more than one occasion hearkened back to Robespierre, whose regime with excellent percep-

tion he considered as a great set-back for the cause of liberty in Europe.

III

The differences in their attitude toward personal freedom were clearly the result of their upbringing: Jefferson, disciple of Locke, assumed that all men were born with certain inalienable rights, including among others the right to life, liberty, and the pursuit of happiness. Also inalienable in his opinion were the rights to freedom of speech and freedom of worship.

Time and again Jefferson asserted that he was a Christian, although his barbed attacks against denominationalism aroused almost every sect against him. The people of Massachusetts, for instance, were weighted down by "the deceptions under which they are kept by their clergy, lawyers, and English presses." His anti-Calvinist bias led him to complain "that Calvinism has introduced into the Christian religion more absurdities than its leaders had purged it of old ones."

The conclusions which he drew from his opposition to denominational dogmatism, however, were not anti-Christian, so far as he personally was concerned. With Voltaire, Jefferson advocated freedom of worship as the only means of stirring up a hornet's nest of political difficulties. This eighteenth century concept of religious freedom was of course indispensable if the nascent United States should escape serious political trouble, the population of the 13 colonies representing all shades of European Christianity and some additional sects of their own.

For France, the problem was totally different. That regional tolerance was unknown which in the British colonies made Pennsylvania a Quaker haven, Maryland a Catholic asylum, Rhode Island a refuge from Calvinist dogmatism, and Massachusetts a Puritan paradise. The Edict of Nantes had been revoked in 1685, and except for some Protestants and Jews, Frenchmen until the Revolution were Roman Catholic. Religious toleration in eighteenth century France was a philosophical theory, but not a political reality. Within the Church the upper ranks of the clergy were monopolized by the aristocracy, breeding among the lower clergy a smouldering dissatisfaction which led many into the anti-ecclesiastical camp of the Revolution.

Moreover, nowhere except in Spain, was Jefferson's general statement more applicable than in France that "in every age the priest has been hostile to liberty. He is always in alliance with the despot, abetting his abuses in return for protection of his own." The disciples of Rousseau, among whom Robespierre became the most famous one, therefore, entered the French Revolution with the difficult problem of transferring the loyalty of the Catholic clergy to the new regime. Under the circumstances, separation of church and state seemed out of the question, because a measure of state control over the ecclesiastical appointees of the *ancien régime* was the only means of keeping counter-revolutionary tendencies in check.

In 1787 Billaud-Varenne, Robespierre's future colleague in the dreaded *Comité de Salut Public*, had written in his *Last Blow Against Prejudice and Superstition* (published in 1789), that the Church was a gangrened limb whose total amputation was necessary to save the body of French society. Church property should be confiscated, priests should become ordinary citizens, completely controlled by the state. Ritual was to be cut down to a minimum, the immortality of the soul being the only dogma permitted to survive.

When the de-Christianization program in France became official, Robespierre, then the committee-member in charge of the police, had no serious objections, but he was wholly out of favor with the atheist radicals who spearheaded the drive against the Church throughout France. The cult of Reason, an atheist triumph, was modified by its accompanying recognition of a Supreme Being. Few temples of reason were frequented by atheists so rabid that even this concession to monotheism was unacceptable.

A revolutionary state church established on the simplest doctrinal lines with ethical and moral underpinnings from Greek philosophy à la Rousseau was decided upon in principle in 1794. After a heated discussion within the "Politbureau" of the French Revolution, it was determined and issued as law (May 7, 1794), that the phrase *Temple of Reason* should be eradicated from the houses of worship to be replaced by "The French people recognizes the Supreme Being and the

immortality of the soul." On June 8, 1794, Robespierre led a solemn procession in public celebration of the newly established festival of the Supreme Being and of Nature. The same law of May 7 also vouchsafed freedom of worship, but in a state run by a Jacobin committee of 12 not even an atheist was free to deny the officially proclaimed existence of a Supreme Being and the immortality of his own soul. All that Robespierre (who favored, in principle at least, religious toleration), could do was to kill a Jacobin motion that atheists should be purged. He insisted that the fight against atheism was best left to the potent works of Rousseau. In his public speech on June 8, Robespierre, a month and a half before his death, spoke of God who had given men, long suffering under the yoke of despotism, the strength to battle for justice and freedom. He thus put a torch to an allegorical contraption representing atheism which duly went up in smoke.

In short, Robespierre like Jefferson believed in a supreme power, disbelieved in Christian dogmatism, and objected to the interference of the clergy in secular affairs. Freedom from dogmatism and political interference was a goal common to both men. Jefferson, however, found the Biblical writings sufficient inspiration, while Robespierre went into the bloodless realm of abstract moral speculation for the ethical code on which to found republican society. Both men favored freedom of worship, but Jefferson had merely to forge into the national constitution what had to a large extent been a social reality in the different colonies. Robespierre had to break the stranglehold which a powerful church had imposed for many centuries upon the French people, a stranglehold abetted by the monarchic order. Toleration of sectarianism therefore, would be meaningless in a France which knew no important sects outside the Church. A monolithic hierarchy devoted to monarchy had, therefore, to be transformed into one loyal to the republic. Freedom of worship thus could only be granted by cutting down dogmatism to such a minimum that all but atheists could subscribe to the new state cult.

Although Robespierre failed and Jefferson succeeded, the entire history of France since the days of the Jacobins has proved that the

organized church at all times remained lukewarm or openly hostile towards the successive attempts to establish a durable democratic government in France. The relations between the four French republics and the Church have almost never been cordial, seldom neutral, and often inimical. Nor was, of course, American toleration completely successful. The history of sects like the Mormons, Jehovah's Witnesses, and Quakers demonstrates that religious persecution, or at least bias, is still occasionally with us.

The juxtaposition of both men in the matter of freedom of speech and freedom of the press was equally based on the difference of their outlook. Jefferson, steeped in the liberal English tradition which since the days of Locke had advocated such freedoms and realized many of them both in England and in the British colonies of North America, merely continued a historical trend when he fought for definite recognition of these rights in the new American Constitution. France had never known a modicum of such liberties. Writings of Voltaire and Rousseau had been condemned to the flames by official ukase. Whatever leeway had been given oppositional writers had been dependent upon the power of their noble protectors and was certainly not accorded as a matter of inalienable right.

For Robespierre, however, the establishment of freedom of speech and of the press was a goal to be reached. No one more ardently espoused these aims than he. But in a France at war with all major powers of Europe except Russia, a France in which the institutions of a thousand years though toppling still had numerous and powerful defenders, he was forced to make painful distinctions between the harsh present and the glorious future after the French republic would be safely established. Words both spoken and written only too often became their authors' death warrants. His only friend and former fellow-student, Camille Desmoulins, was sent to the guillotine by Robespierre for what he had written in the *Vieux Cordelier*. Like Calvin in the case of Servetus, Robespierre did not let former personal ties deflect him if murder had to be committed *ad majoram gloriam* of the cause. As Lenin, and perhaps even Stalin, assumed that socialist freedom would replace the merely transitional

dictatorship of the proletariat, Robespierre a long time ago hoped for an age of liberty after the necessarily dictatorial reign of the *Comité du Salut Public* and its Jacobin supporters.

In their attitude towards state interference in economic life, Robespierre and Jefferson differed perceptibly, but not decisively. Like Locke, Jefferson believed that, "The earth belongs in usufruct to the living; that the dead have neither powers nor rights over it." Yet it never occurred to him to draw the logical conclusion that inheritance would be incompatible with such doctrine. Neither did he refuse to accept what he inherited nor did he hesitate to bequeath what little he left to those whom he wanted to have it. "The portion occupied by an individual," as he expressed himself to Madison in 1789, "ceases to be his when himself ceases to be, and reverts to the society." Yet he found a way to reconcile this theory with acceptable reality: "If the society has formed no rules for the appropriation of its lands in severality, it will be taken by the first occupants, and these will generally be the wife and children of the descendant." At any rate "no man can by *natural right* oblige the lands he occupied . . . to the payment of debts contracted by him."

The primary claim of society, alias the state, to all land and, by implication, all private property as a whole, was therefore accepted by Jefferson as it was by Hobbes, and very grudgingly by Locke. There was no inherent sanctity of private property, according to Jefferson. Nevertheless he conceded, piquantly enough to none other than Dupont de Nemours, founder of today's industrial empire, that "a right to property is founded in our natural wants, . . . and the right to what we acquire by those means without violating the similar rights of other sensible beings." Freedom of property, as he put it, was happily anchored in the constitutions of most states of the union. Yet his often repeated assertion of the sacred right of the majority to establish its will as law even by a majority of a single vote, contained the necessary safeguard that in case of conflict the interests of the majority were rightfully able to override the property rights of a minority and, of course, those of a single in-

dividual. The law of eminent domain was clearly a necessary corollary of the freedom of property.

Robespierre, on the other hand, saw before his very eyes the collapse of whatever sanctity of property had once prevailed. The partitioning of the feudal estates amongst the peasantry, the wholesale confiscation of emigrée properties, the annexation of church lands, these were revolutionary trends which even without active encouragement from him were the events of his day. Nor could even Jefferson in his heated denial of hereditary rights contest the necessity of redistributing French lands hitherto exploited by secular and ecclesiastical lords through millions of poverty-stricken serfs. The first years of the French Revolution were, therefore, not propitious for the expounding of the theory that private property was sacred. Legally, high-treason in all ages was grounds enough for confiscation of the culprit's estate, and in revolutionary France those opposing the new order were summarily branded as traitors. Hence from the legal point of view, a thin justification existed for the wholesale expropriations.

There is a division of informed opinion on the extent to which Robespierre backed St. Just's radical levelling schemes aimed at a complete redistribution of wealth. St. Just's *Republican Institutions* at any rate were outdistanced by the far more radical communist views proclaimed by Billaud-Varenne, his fellow member on the *Comité de Salut Public*. In his *Elements of Republicanism*, published in 1793, this close colleague of Robespierre denied the right to live without working and insisted on everybody's "inalienable" right to employment. Equal distribution of all confiscated property was the first step towards an equalitarian society with ceilings on the maximum individually owned acreage.

These views were based on the idea of the social contract and can, therefore, not have been wholly alien to Robespierre's way of thinking. Actually, though, we possess too little accurate information about his stand in these matters. Ethical and moral reorganization captivated him more than economic problems, but it seems certain that he went along a good deal of the way with his radical colleagues.

In the spring of 1794 the Committee, apparently without any dissent from Robespierre, hatched a batch of laws allotting lands to needy patriots. These properties were to be confiscated from persons of suspected loyalty. Sums realized from the sale of lands other than those redistributed would go to the public treasury to finance relief payments for indigent patriots. The inherent discrepancy between charity payments and actual redistribution of tangible assets was hardly noticed in the welter of revolutionary activities of that fateful spring, and in any case the laws were not carried out.

The original revolutionary policy of establishing ceilings on everything but wages was altered: labor was now also strictly controlled, and wholly dependent upon the revolutionary government for any betterment. Capital and labor, therefore, united against the Jacobin dictatorship. One may conclude that on the whole Robespierre's views concerning private property were in conformity with those of Rousseau: gross inequality between masses of the poor and a minority of the middle-class or the rich were contrary to the social contract's intention and should, therefore, be remedied. Once the redistribution had ended the plight of the poor, the government might again firmly protect private property except in cases of public necessity.

The ultimate role of government in its relations with free citizens was envisaged along similar lines by both Jefferson and Robespierre. Anticipating much of the spirit and even the form of the Gettysburg address, Robespierre, a few weeks before his fall, addressed the French nation in the following terms: "Let us be . . . terrible in adversity, modest and vigilant in success. Let us be generous toward the good, compassionate toward the unfortunate, inexorable against men of evil, just toward all." The psychological obstacle in the path of blissful peace and freedom for all, however, was the urgency of the present against the remoteness of the future.

People who disagreed with Jacobin republicanism in general, and Robespierre in particular were at once credited with the most malignant intentions against the new regime. To be suspected was almost equivalent to being considered guilty, and only speedy

flight (or going "underground"), would save a dissenter from prison or the guillotine. Thomas Paine, author of the *Rights of Man* and greatly respected by Jefferson, for instance, escaped the guillotine by a hair's breadth. If even men like Paine ran afoul of the Jacobin state, one can imagine how little it took ordinary people to become enmeshed in the web of revolutionary justice. To see a conspirator under every bed, a spy in every stranger, an enemy in every dissenter has always been characteristic of police-state dictatorships.

No man was more subject to fits of righteous wrath against all who disagreed with him than Robespierre. Eternal vigilance was, indeed, the price of liberty, but striking terror into the hearts of incorrigibles converted passive watchfulness into active protection of the newly won freedom from royal absolutism. Nor was even Jefferson greatly shocked by the wholesale executions of Robespierre's regime. In 1793, when Robespierre was at the zenith of his power and the terror at its peak, Jefferson (who, after all, knew France well) admitted, "It was necessary to use the arm of the people, a machine not quite so blind as balls and bombs, but blind to a certain degree. . . . The liberty of the whole earth was depending on the issue of the contest, and was ever such a prize won with so little innocent blood?" And in words which could equally well stem from Robespierre himself Jefferson concluded, "Were there but an Adam and Eve left in every country, and left free, it would be better than as it now is." His sympathy with the September massacre, however, did not lead Jefferson to blind acceptance of party-terror as a means of government. Looking back upon the French history of his time, he accused Robespierre, Napoleon, and Louis XVIII as being equally guilty in wrecking France's chances for a free government.

Some modern historians have held that Robespierre and his *Comité du Salut Public* tried to establish the firm, centralized government of a modern state in France. Their

failure has, it is said, prevented the formation of a strong executive in France ever since. The shadow of the terror was too sinister a memory to overcome. Actually, Robespierre and his followers were the first Europeans who converted a democratic regime into a one-party dictatorship. Their plea of national emergency as an excuse for absolute terror, their constant promises of a morally rejuvenated free future for everyone, and their method of government by commissars have been aped by the Marxist luminaries of Russian communism in our own time. What ruined Robespierre was the old-fashioned half-heartedness which left ultimate control to a parliament in which his party had only a minority. Once that frightened majority asserted itself, the terrorists were lost. No army came to their support. The fall of Robespierre in July, 1794, marked the end of the first attempt at totalitarian government in modern times, a government which considered any opposition as high treason *per se*.

It would, however, do our present hysterical witch-hunters some good to re-read Jefferson, who, in contrast to Robespierre, preached a theory strangely akin to the late Trotsky's "permanent revolution." Could a man become president today—or hold an important job with the atom sorcerers—who believed "a little rebellion, now and then, is a good thing, and as necessary in the political world as storms in the physical. . . . It is a medicine necessary for the health of government. . . . The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants!" For Jefferson government was a necessary evil; personal freedom, an inalienable right. For Robespierre government was a necessary means of forcing all citizens into a mold in which they would agree that the government's ideals of morality and personal liberty were their very own. Then and only then might man be relieved from totalitarian terror. Robespierre died before realizing the inherent fallacy of his argument. Stalin still lives.



We have no cause for
fear

German Nationalism

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GERMAN political life is awakening from the stupor of disillusionment and misery in which it has lain since the Nazi collapse. The currency reform of June, 1948, soon supplemented by the first effects of the Marshall Plan, brought the seemingly moribund German economy back to life. Industrial production doubled. The reconstruction of the war-torn cities, which had progressed at a snail's pace up to that time, soon went into high gear, even though the unprofitable construction of dwellings lagged perceptibly behind the reconstruction of shops and factories. The food supply improved. The rationing of potatoes and vegetables was abolished, and meat, which in the beginning of 1948 had been absent from city rations for three months, is available regularly now, even though in small rations and at a price which poor people cannot often afford.

Such a period of halting recovery is bound to be a period of social tension and of political crisis. When, during the summer of 1945, General Eisenhower came to realize what certain Allied policies in Germany meant, he warned that "a hungry people is a desperate people." Apparently he expected revolutionary unrest during the following winter. This was a natural expectation, but it overlooked the fact that people close to starvation do not have the physical or mental energy to revolt. The struggle for daily existence absorbs every waking moment; the hunt for food, shelter, and clothing supersedes every other preoccupation. At the moment when the bare essentials are again available, however, a psychological awakening sets in, during which the pent-up reactions of the preceding period tend to explode. In the case of Germany, revolutionary upheavals are even now a moral

as well as a physical impossibility. There is, however, a renewed interest in public affairs, and the election for the West German diet of August 14 brought much to the surface which had previously been hidden under a cover of sullen resignation. Dissatisfaction with major policies of the Western Allies plays an unexpectedly large part in current campaign oratory, and is expressed by the leaders of all parties.

There are two ways of looking at this development. The most convenient is to regard German criticism of Allied policies as proof of the existence of an incorrigible nationalism. In view of the record of some of our correspondents in Germany, it was natural that they should interpret events in this fashion. An A.P. dispatch, dated July 30, begins with the following remarks:

West German political leaders are abusing the western allies and almost ignoring the Communists in their drive for votes in the Aug. 14 elections.

Charges of deceit and arrogance, greed and repression are hurled at the United States, France, and Britain.

Candidates center their fire on the allies' security program, intended to prevent future German aggression. Singled out for attacks are the dismantling of German factories which produced war materials, the international Ruhr authority, and the military security board. The issues of Germany's territorial losses in the east and west also are raised.

In effect the Germans are serving notice that the anti-Communist parties will present a solid front against many of the allies' basic policies when the German federal republic is formed.

The author of this dispatch must be unaware of the fact that what he regards as a manifestation of German nationalism could