Freedom and Equality
as fundamental Educational
Principles in Western Democracy
From John Locke to Edmund Burke

BY
WILHELM SJÖSTRAND
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IN WESTERN DEMOCRACY
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In the focus of all attempts to regulate man's conditions of life with the help of various forms of government and judicial systems, a kind of tension has always existed between the individual and the collective called society. This point of view is of course to a great extent valid as related to the democracy which has been developed within Western civilization since the first tentative endeavours in Hellas and Rome.

But the connection between individual and society has brought the concepts of freedom and equality to the fore. The question has been how the mode and limits for the possibility of the individual of ruling over himself might be combined with the demands of society, or of the collective of which the individual is a member. The problem has concerned the extent of the freedom which man may preserve as a citizen. But one has not escaped the problem in which degree and in which way men as individuals and citizens should make the same claims upon each other in their position as representatives of their species. This is the import of the principle of equality.

Freedom and equality are essential concepts of the social debate of today all over the world. But content and scope vary from case to case. Also within Western democracy there is no longer a conventional idea of what these two concepts signify. Under these circumstances it might help to throw light upon conditions, if one examines what has been implied in the principles in the past. Such a study could be called semantic, but could also be characterized as a kind of analysis of contents concentrated on history.

It is not altogether evident where such an analysis should begin. It would be justified to go as far back as the necessary source material allows. However, an exposition of this kind would easily expand to formlessness. It is necessary to begin close to the discussion by which

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It is not altogether evident where such an analysis should begin. It would be justified to go as far back as the necessary source material allows. However, an exposition of this kind would easily expand to formlessness. It is necessary to begin close to the discussion by which
we are ourselves surrounded. Hence we are brought back to the latter part of the 18th century, when events of politics took place which generally are looked upon as the most important incitements to the development of what we now call democracy. The liberation of the American colonies from their mother country, and the constitution which was tested in this context for a rapidly growing people, and the more temporary attempts of the French revolution are the most important starting-points of the endeavours to realize the idea of autonomy of the people.

But the main stress of the scientific project, of which this book is a part, is not on the political development itself, but on an investigation of the significance of freedom and equality as fundamental ideas in the context. Besides the investigation is confined to the import of the concepts in an educational respect. This is of course a very important although not exhaustive point of attack of the problem of freedom and equality. For no one can deny that the decisive significance for the conception of the two principles is due to the ideas of man’s original, natural constitution on the one hand, and the belief in the possibility of forming the individual in various respects on the other. That which might be expected from the purposeful influence which nowadays is called the educational process, and earlier was called upbringing, instruction and vocational training of course has far-reaching consequence for that which might be implied in the concepts of freedom and equality.

But although the investigation is limited in time there are nevertheless many and important strings going backwards. Hence no one could study the problem of freedom and equality during the latter part of the 18th century without coming across all the conceptions belonging to the philosophy of natural right. But this in its turn has its root in classical antiquity. Already in Plato, Aristotle and in the Stoics we find the idea of a divine order which is the foundation of both nature and society, and which in the last-mentioned respect ought to be reflected in the positive right. But then one could not avoid discussing “man’s nature” and his position in a society that was to be a kind of reflection of a divine reason. The question of the human rights is a link of the problem of the transcendental system of the world. The philosophy of natural right was of great importance to medieval scholasticism, and it was revived during the 17th century in Grotius, Pufendorf and Hobbes. Much learning has been developed in trying to discern the threads of this complicated web.

However, a study of the concepts of freedom and equality during the latter part of the 18th century from these starting-points soon shows that John Locke has played a decisive role for the discussion during the century of the Enlightenment. Locke is a representative of a philosophy of natural right, within which the concepts of freedom and equality are fundamental for man’s position both in the so-called state of nature and in society. With this he combines a psychological analysis which deals with both questions of man’s general characteristics and individual differences. Finally he also treats the importance of educational influence in order to make possible, within the frame of society, freedom and equality for the human race with its characteristics as species and its individual variation. It is Locke’s combination of political doctrine, psychological analysis and educational conception which recurs in almost all contexts after him during the century, at the beginning of which he is one of the most important portal figures. The American colonists to a great extent derived their ideas from his philosophy when they tried to justify their liberation from the mother country, and within French Enlightenment he was a guide to many thinkers of varied temperament, from an encyclopaedist like Helvétius to his opposite Rousseau, and to many theorists of the Revolution no matter to which party they belonged. This influence from Locke is still to be found at the end of the century in Thomas Paine and in Edmund Burke, who represent a commencing crystallization of the opposition between a liberal and a conservative fundamental outlook.

But this does not mean that other thinkers did not exert a great influence on the development of the ideas which interest us. Completeness would demand that e.g. Montesquieu and Voltaire as well as others within French and English civilization were treated of, and also certain prominent social philosophers of German origin. But from considerations of space, a limit is necessary, and Locke’s philosophy then probably ought to be chosen in the first place. His “rational man” with his knowledge of the reality with the help of empirical experience, is the prototype of the Enlightenment, when it attacked the problem of freedom and equality in a society governed by the people itself. But in contrast to this rational being another philoso-
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John Locke on the importance of the educational process to human society

Introduction

If the discussion about liberty and equality as educational fundamental principles is followed from our own generation and backwards (see Sjöstrand 1970), it will soon be observed that the development in the United States and in France during the latter part of the 18th century forms an important basis for the subsequent exchange of ideas of the question. A study for instance of the American Declaration of Independence, 1776, or the French Declaration of the Human Rights, 1789, shows, however, that it is necessary to know fundamentally the opinions of one person above all in order that the argumentation of Thomas Jefferson and others will appear in its right light, namely John Locke. He stands out as the real portal figure of the age of Enlightenment. Without an analysis of his conception of society, his epistemology, and educational philosophy one lacks the essential requirements for penetrating the argumentation on several important points in the context just mentioned.

The literature about Locke is very extensive. His political conception and his ideas of the origin of human knowledge have been thoroughly dealt with, but the concepts of liberty and equality and their significance for education and upbringing have not been specially treated of. Add to this the strange fact that Locke's educational thinking has not aroused the same scientific interest as have his doctrine of government and epistemology (cf. e.g. the preface to his Conduct, p. 24).
What has now been said is the cause of the working out of this present chapter. John Locke must be paid attention to, or a successful discussion about liberty and equality before and after the turn of the 18th century in America, England, and France cannot be established. This discussion in its turn forms an important background to the exchange of opinions in e.g. Sweden.

Liberty and equality in nature and society

Locke presented his political doctrines in "Two Treatises of Government", 1689. Essential ideas in this are the liberty and equality that characterizes man's "state of nature", ideas on which is founded Locke's theory of the origin of society and commonwealth. This state of nature is to men "a State of perfect Freedom to order their Actions, and dispose of their Possessions, and Persons as they think fit, within the bound of the Law of Nature, without asking leave, or depending upon the Will of any other Man" (Two Treatises, p. 287). But this state of nature also implies "a State of Equality, wherein all the Power and Jurisdiction is reciprocal, no one having more than another". For this concerns creatures of the same species and born to the same advantages of nature. It is also a matter of individuals with "the same faculties". Therefore there is no cause to consider a subordinate relation between the individuals if God has not made it explicit that one should be set above another (ib.).

In the following Locke makes some important comments. Liberty could not involve "a State of Licence". Liberty, as is evident from the above quotation, is valid only within the bounds of the "law of nature". This law is "reason" which "teaches all Mankind, who will but consult it, that being all equal and independent, no one ought to harm another in his Life, Health, Liberty, or Possessions". All men are the workmanship and property of their Creator and born to be servants of him; furnished with "like Faculties" and "sharing all in one Community of Nature" all must try to aim at guarding the interests of others to the same extent as their own. Nobody has on account of any superior position the right to destroy the other, as long as he has not been offended (ib. pp. 288—89).

Thus the liberty is limited with the help of a natural philosophy according to which God has given birth to men and bestowed upon them a reason which, correctly used, will show that all are equals, i.e. being God's creatures who on the one hand must not hurt one another since no one rules over the other, and who on the other hand also have the same structure. The warrant against the corruption of liberty is in other words a correct use of reason which in different ways shows men that they truly are equals being the workmanship of God with one and the same natural constitution. In fact, liberty is founded on this equality realized by reason. Without this knowledge man would not be able to rule over himself with complete independence of others.

But as liberty in this way is attached to the principle of equality founded on reason, this is later given a closer definition in reference to liberty. According to Locke the sentence "that all men by Nature are equal" must not be comprehended in such a way as to include all kind of equality. For instance he thinks that "Age or Virtue may give Men a just Precedency", and "Excellency of Parts and Merit may place others above the Common Level" (the meaning of "part" will be analysed below). Equality, therefore, refers to "that equal Right that every Man hath, to this Natural Freedom, without being subjected to the Will or Authority of any other Man" (ib. p. 322).

According to this analysis, equality is above all equal liberty for all to rule over themselves. Thus liberty and equality are closely linked to each other. Locke's conception may be summed up in the following points:

1) Liberty means that each man within the frame of the law of nature decides for himself and his property.
2) Equality means that all have the same or equal right in this respect.
3) Liberty does not bring with it licentiousness, being valid only within the bounds of the law of nature.
4) This law of nature is reason which God has bestowed upon all men as his workmanship and property.
5) This reason tells man — if he uses it — that all are created in the same way, and that no one as the possession of God has the right to set himself above the other.
6) Consequently equality becomes an equality of liberty, i.e. right of self-determination, but does not dissolve the dissimilarities that are bound up with innate faculties and acquired ability.
The reason why the state of nature is replaced by a society in which men are united and select different kinds of authorities is repeated again and again in this work. The whole process Locke describes as follows (ib. pp. 348—49):

"Men being, as has been said, by Nature, all free, equal and independent, no one can be put out of his Estate, and subjected to the Political Power of another, without his own Consent. The only way whereby any de Araştırma himself of his Natural Liberty, and puts on the bonds of Civil Society is by agreeing with other Men to join and unite into a Community, for their comfortable, safe, and peaceful living one amongst another, in a secure Enjoyment of their Properties, and a greater Security against any that are not of it.

The motives of this decision to leave the state of nature with its single, properly divine law, reason, which gives to each man the right to take the law into his own hands, and also to carry out necessary measures to prevent injuries from others, or repair such as have arisen concerning either life or property (see ib. p. 289 ff.), are better defined in the exposition below (ib. p. 368):

"If Man in the State of Nature be so free, as has been said; If he be absolute Lord of his own Person and Possessions, equal to the greatest, and subject to no Body, why will he part with his Freedom? Why will he give up this Empire, and subject himself to the Dominion and Control of any other Power? To which 'tis obvious to Answer, that though in the state of Nature he hath such a right, yet the Enjoyment of it is very uncertain, and constantly exposed to the Invasion of others. For all being Kings as much as he, every Man his Equal, and the greater part no strict Observers of Equality and Justice, the enjoyment of property he has in this state is very unsafe, very uncertain. This makes him willing to quit a Condition, which however free, is full of fears and continual dangers; And 'tis not without reason, that he seeks out, and is willing to join in Society with others who are already united, or have a mind to unite for the mutual Preservation of their Lives, Liberties and Estates, which I call by the general Name, Property.

Certain important opinions ought to be observed in this exposition which is followed by the statement that man needs an established known law to tell right from wrong, "indifferent" judges to enforce this law, and executive authority to exact inflicted penalty (ib. p. 369). Apart from the fact that the insecurity of life and property in the state of nature is the principal reason to replace this with a politically regulated society, it is remarkable that Locke assigns the mentioned risks to insufficient consideration of the law of nature by most people ("no strict Observers of Equality and Justice"). He touches upon this fact in many contexts, and what is implied in it is perhaps most obvious from the following statement (ib. p. 376):

"For the Law of Nature being unwritten, and so no where to be found but in the minds of Men, they who through Passion or Interest shall misapply it, cannot so easily be convinced of their mistake where there is no established Judge".

This means in other words that the insecurity of the state of nature, according to Locke, is due to the fact that the divine law, reason, does not work as it ought to with most people. The emotions, and regard to solely own advantages overpower the individual. Therefore Locke also presumes that each man in the state of nature has to defend himself against "partiality and violence of Men". For it is not to be expected that he who encroaches upon the right of his neighbour shall be capable of judging himself for it (ib. p. 294). Reason simply does not seem to reign supreme. The human selfishness is an evil against which definite measures must be taken.

Special attention must be paid to the concept of "property" in the quotation above. Locke does not use the term consistently, and in a separate chapter about it (ib. p. 303 ff.) he points out that the gifts of nature from the beginning belong to all men in an equal degree. But the own person is the "property" of each man to which but he has any right. The "labour" or "work" which someone carries out in its turn causes products to be made of the common good in nature which become private property. Therefore, the soil a man tills in the sweat of his brow belongs to him, and no one else. God has given the world to "the industrious and rational", and that which is their work no one can take away from them. To almost a hundred per cent the natural resources are being utilized as a consequence of the individual's labour. The question of property has then been regulated within society by laws founded on mutual decisions. Gold and silver have in like manner become equal with property. In this way it can be said that man himself has approved of "a disproportionate and unequal possession of the earth" (ib. p. 320).

But in the above quotation "property" denotes more than mere property or its equivalence in gold and silver. The concept comprises "life, liberty and personal belongings". This more extended
meaning is repeated in other contexts as well (cf. e.g. p. 341, n. 5). However, it seems to be fundamental under all circumstances that Locke with "property" primarily refers to the own person. As to the relation of the parents to their children he thus points out, in a brief summary, that it is important, under the "minority" of the children, to replace "their want of Ability, and understanding how to manage their Property", whereas is added that the last phrase "as in other places" refers to "that Property which Men have in their Persons as well as Goods" (ib. p. 401).

With this basis it is easier to understand Locke's special analysis of the relation of the children to their parents with the rights and obligations that can be observed in this respect. According to Locke one must not only consider the father but the mother to the same extent (ib. p. 321 ff.). Children are not born to the state of complete freedom which otherwise characterizes the state of nature. Apart from the help they need in order to survive, they are "ignorant and without the use of reason". But since reason is the divine law on which rests liberty in equal degree for all, the parents have to compensate for the deficiencies of their children. Where there is no law, there is no liberty either, says Locke. Therefore, the parents make the decisions until reason has reached its completion. For someone has to show to the children the extent of the liberty prescribed by the law, until they have the requirements to decide this for themselves. Man is born "free" and "rational", but in both respects the circumstances are changed "with age". To give liberty to the children before they are able to control themselves would mean to place them in the same position as the wild beasts. The parents are able to perform their duty having a natural affectionate feeling and tenderness towards their children. They in their turn have a duty to reverence those who in this way become their helpers and protectors. The mutual emotional bond seems to be a warrant that no part misuses his position. The parents, however, have no right to have control over the "life and liberty" of their children when required, which is clearly pointed out. Thus Locke concludes in this way (ib. p. 399):

"The Power of the Father doth not reach at all to the Property of the Child, which is only in his own disposing".

Already in "Two Treatises" Locke's educational conception is indicated in its main principles. Besides a more comprehensive conception is given as to the liberty and equality of the child than what can be found in "Some Thoughts concerning Education". As we have seen the child cannot demand the same liberty and equality as the grown-ups. Reason has not yet developed into the law which is decisive in both respects. Therefore, the parents make the decisions and the children obey their directions, which is possible thanks to the feelings they will have towards each other.

But on the other hand education aims at letting the children become participants in the equality and consequently in the liberty of self-determination, since equality basically means nothing but complete independence to each within the frame of the divine law, reason. However, if one remembers, that, according to Locke, equality in this quoted sense does not exclude differences as regards ability and merit, and that "property" primarily refers to the own person, one notices in fact a considerable liberty for the children also during the period when their reason usually grows towards its completion. The children are controlled by their parents to the end of gradually both receiving and acknowledging equality in the proper sense, i.e. of learning to reverence their own rational liberty to the same extent as that of others. But at the same time the children must be their own "property", i.e. in their individuality be something that no one must come too close to. In other words no one must be prevented from the liberty to develop the natural talents, God's different gifts to each man.

The conclusion of all this is, that Locke has aimed at an education implying an authority for the parents to the end of realizing the possibility of reason to carry out the idea of equality. But at the same time he has repudiated all violation of the individual endowments which are a personal "property", and consequently in reality also a reason for the individuals to achieve through ambition and labour unequal positions as regards material "property". In instruction and education the parents must give the necessary liberty for a development according to natural individuality.

This last idea has not at all been sufficiently observed in educational literature. On the contrary, an infinite belief in the possibility of the environment to shape the children has often been attributed to Locke. In order to understand this misconception, attention must be paid to his epistemology and psychological thinking.
The origin of human knowledge and Locke's psychology

In the work "An Essay concerning Human Understanding" in which Locke presents his epistemology he has also given the main principles of what would now be called "general psychology". But his presentation is not an easily digested reading. Thus logical unambiguity is lacking on important points. Not even the term "understanding" is defined in a satisfactory way; obviously it is synonymous with "mind", or "soul", or "thinking" (Essay I, pp. 25—26, 122 and 127—128). Therefore, it seems to be most appropriate to regard "understanding" as a designation of "consciousness" (cf. ib. p. 33, n. 1). The object, or content of this consciousness Locke calls ideas, and the import of this is not altogether evident. But obviously it is a name for all that "the mind can be employed about in thinking" (ib. p. 32 and n. 2). On the other hand "having ideas and perception is the same thing" (ib. p. 127). The circle is closed when Locke explains that "the power of perception is that which we call the Understanding" (ib. p. 314; cf. ib. p. 159 and n. 2). This perception is of three categories comprising "perception of ideas in our mind", "perception of the signification of sign" (i.e. the signification of the words in the language), and "perception of the connection or repugnancy (agreement or disagreement) that there is between any of our ideas" (this category is in other contexts called knowledge). However, in the second edition of "An Essay" Locke seems to confuse "understanding" to the two last mentioned categories of "perception", i.e. comprehension of the meaning of words, and knowledge (ib. p. 314 and n. 5).

As a conclusion it could be said that Locke speaks of a consciousness, the content of which is made up by ideas, comprehension of the meaning of words, and knowledge.

Locke's terminological blurredness is again apparent on reading his criticism of the conception of innate ideas, and how "the mind" gets "all the materials of reason and knowledge" (ib. pp. 121—122). Locke, as is known, disputes that man by virtue of his nature is furnished with a certain knowledge or fixed moral conceptions; everything is derived from "experience". Some impressions come from our sense organs, and this is called "sensation". The soul remains passive, and may be compared to a white paper (ib. p. 121). Furthermore there is "the perception of the operations of our mind within us, as it is employed about the ideas it has got". Such "operations" are "perception, thinking, doubting, believing, reasoning, knowing, willing" (ib. p. 123). This refers to a kind of "internal sense", and "sensation", comprising the ideas derived from our external senses, corresponds to "reflection", or the ideas which "the mind gets by reflecting on its own operations within itself" (ib. pp. 123—24). Then by extending "operation" to comprise not only "the actions of the mind about its ideas", but also "some sort of passions arising sometimes from them" (ib. p. 124) Locke includes the emotional life in "reflection".

In this whole logical disorder there is, however, sometimes an explanation which gives the reader a fairly clear opinion of the chief principles of Locke's psychology. The following sentences deserve special attention (ib. p. 124):

"The understanding seems to me not to have the least glimmering of any ideas which it doth not receive from one of these two (sensation and reflection). External objects furnish the mind with the ideas of sensible qualities, which are all those different perceptions they produce in us; and the mind furnishes the understanding with ideas of its own operations".

Thus from this may be stated, as a conclusion, that Locke holds the view that the material or object of the mind primarily comes "from outside", while this mind through its own activity "prepares" this material, thereby giving birth to all the rest within the "spiritual life". To the activity of this mind belong both cognitive, emotional and volitional processes:

As regards the cognitive part of the mind it is above all a question of making abstractions, generalizations, and conclusions. Locke speaks in this context of "reason" and indicates "a faculty in man, the faculty whereby man is supposed to be distinguished from beasts, and wherein it is evident he much surpasses them" (ib. II, p. 386). Even if one cannot be sure of it, it seems probable that Locke with "reason" means both the faculty of making abstractions and generalizations, and the faculty of making deductive conclusions (ib. p. 385 ff., and I, pp. 207—08).

But which is the relation of this reason to emotion and will? "Pleasure and pain", or "delight and uneasiness" are themselves simple ideas connected both with "sensation" and "reflection", and linking themselves to other ideas from these two sources. Locke emphasizes that he intends "whatever delight or uneasiness is felt by us, whether
arising from any grateful or unacceptable sensation or reflection" (ib. I, pp. 160 and 302 ff.). Consequently Locke mentions in this context phenomena such as love, hatred, joy, sorrow, hope, fear, anger, envy &c.

It is emotions such as these that make man active. The Creator has to certain ideas linked "a concomitant pleasure", and this prevents us from remaining "idle and unemployed". The case is the same as regards pain and discomfort. In this way we will "employ our faculties to avoid that, to pursue this" (ib. I, p. 161). What is "good or evil" is in its turn connected with this; "that we call good, which is apt to cause or increase pleasure or diminish pain in us... we name that evil which is apt to produce or increase any pain, or diminish any pleasure in us" (ib. p. 303).

This conception of motivation Locke develops further when below he deals with the question of the freedom of the will. "Volition or willing" is linked to the will as "a power of preferring", or "a power to think on its own actions and to prefer their doing or omission either to other" (ib. pp. 313—14 and 320). In this respect there is no freedom, for that which makes "the mind" use its faculty of preferring activity or rest is always present, namely the "satisfaction" which brings with it no motive for a change, and that "uneasiness", or "desire" which forms a motive for the bringing about of a change (ib. pp. 337). When the "desire" is felt, it means that we wish to be eased from the "uneasiness" which arises from pain, or is a consequence of the lack of something positive good (ib. p. 333). Locke points out that the all-wise Creator suffers us to feel hunger and thirst as well as all the feelings of fear, anger, envy &c. all basically including a "desire" and hence "uneasiness" (ib. pp. 334 and 338—39). Man seeks "happiness", and tries to avoid "misery" which words are used synonymously for "pleasure and pain". Whether these mentioned statements are compatible or not might be discussed, for Locke has altered his opinion in the different editions of his book, and has begun to emphasize, that it is "uneasiness" that makes "the mind" prefer a change, i.e. brings about an act of volition (see e.g. Euchner p. 99 ff.).

The freedom which in this way the act of volition will lack, Locke attributes to men who certainly always have to will, but also at the same time has the faculty "to do or forbear doing any particular action" (ib. p. 320). This faculty in its turn originates from the fact that "the mind" also has "a power to suspend the execution and satisfaction of any of its desires" (ib. pp. 345 and 348—49). In this the freedom lies, since every "desire", as soon as it is realized, sets free the volition. This "suspension of desire" is a result of "a due consideration, and examining any good proposed" (ib. p. 344), or of the possibility "to consider the objects of the desires, examine them on all sides, and weigh them with others" (ib. p. 345). It is a question of "the conduct of reason" through which we acquire knowledge that enables us to tell, whether or not a thing might bring with it "true or solid happiness" (ib. pp. 347—48). It is true that extreme disturbances may deprive us of these possibilities, that the passions may completely govern us so that "reason" cannot work "unbiassed", or that we fail to compare those things that must be compared, for instance the present and the future as regards "happiness", which brings with it an incorrect judgment one way or the other (ib. pp. 350 and 351 ff.). But because of this one cannot deny that a man — if he can "govern his passions" before a great man — also can do it alone or before God (ib. p. 350). Likewise one can change the pleasure and pain which is linked to certain actions, and the taste may be influenced as may "the mind". About this Locke says (ib. p. 362): "A due consideration will do it in some cases; and practice, application, and custom in most".

From this declaration it is evident, as it is from "Two Treatises", that man, according to Locke, is born "free" and "rational", which in reality denotes one and the same state. The similarity between the political treatise and the epistemological-psychological becomes even more apparent, if one considers that "morality", according to Locke, finally will have to determine the choice of each man if he only reflects. For a "rational creature" cannot but reflect upon the infinite happiness, possible only through an observance of the divine law (ib. p. 364). Moral good consists of a conformity between our actions and the law, according to which "pleasure and pain" befalls us as "reward and punishment". Along with the divine law is the civil law, the purpose of which is "to protect the lives, liberties, and possessions of those who live according to it" (ib. p. 474 ff.). This civil law within an existing society originates, as we have seen before, in the fact that most men in reality lack the power to observe the
demands of equality, an equality which — according to what we also have asserted — from a certain aspect means nothing but the equal right of all to liberty within the bounds of reason. Thus it does not seem to exist any inconsistencies as regards the relation between reason, liberty, and equality according to "Two Treatises" and "An Essay," although equality is not directly treated of in the latter work. Even "An Essay" deals indisputably with the significance of educational influence and habit in order to give reason its right place, and realize freedom, and therewith the observance of the demands of the law as to the equal right of everybody.

Misleading conclusions from Locke’s epistemology of the differences of endowments

On the other hand, very little is said in "An Essay" about the human differences of endowments, and the liberty which means that everybody as his "property" develops these in the best possible way. The discussion about "the mind" as a "white paper" simply means that all from the beginning are ignorant, and not that man would lack "latent capacities and their intellectual implicates" (Essay I, p. 121 n. 2). If one had realized this, it would have been plausible to consider individual differences in the mentioned respect. But it seems to be exactly this epistemological part of Locke’s exposition in "An Essay" that has led many educational writers astray.

Instances of such misinterpretation occur both in earlier and modern literature on education, and that which is stated below are mere sample tests. A more thorough investigation would probably have multiplied the instances. A text book that has been much in use is H. Weimer's "Geschichte der Pädagogik" (9th ed. 1938), which even succeeded in retaining its position during the Nazi era. There one can read (p. 92):

"Wenn die menschliche Seele am Anfang des Lebens, wie Locke behauptet, einem unbeschriebenen Blatt (tabula rasa) gleicht, so muss die Erziehung alles aus ihr machen können, was sie will!"

Here a conception is ascribed to Locke which much later got its radical formation above all by Helvétius. But a statement in the well-known book by F. Eby and C. F. Arrowood, "The Development of Modern Education" (11th printing 1947), is too immodulated (p. 394):

"Neither Locke nor his contemporaries had a clear conception of heredity; he declared that all children are equal at birth, and that they become chiefly what they are 'good or evil, useful or not, by their education'."

The same statement is repeated by H. G. Good in "A History of Western Education" (1947), in which is said that Locke must have meant that the school can do what it likes of a man (op. cit. p. 184). James Mulhorn claims in "A History of Education" (2nd ed. 1959) that Rousseau and Helvétius carried on Locke's sensational psychology, and that even Rousseau accordingly meant that "all individuals, because they all have senses, are intellectually equal" (op. cit. p. 448). But M. Nakosteen comes closer the truth in "The History and Philosophy of Education" (1965), when he says that Locke's rejection of innate capacities and sensational epistemology did not mean a rejection of "innate capacities", but nevertheless resulted in a belief in education as the principal source of individual differences (op. cit. p. 291). However, it is frightening to read in a quite recent work, P. Nabb's "History and Education" (1970) as follows (p. 181):

"Locke almost persuaded eighteenth-century philosophers that children, whom he ruthlessly stripped of innate ideas, were all equal at birth in the power to achieve mental maturity".

Of course there are also instances of more correct treatises on Locke's opinions about differences between men. Already Otto Andersen in "Billeder av dannelsesarbeidets historie" (Pictures from the History of Education) (1910) underlined that there is no contradiction in Locke's rejection of innate ideas and tabula-rasa-conception, and his opinion of the existence of innate differences of endowments (op. cit. pp. 206—207). And a completely correct and well documented account of this fact can be found in R. Raub's "Doctrines of the Great Educators" (4th ed. 1969, p. 127 ff.)

However, it seems the more strange that so many wrong inferences have been made from Locke's epistemology, since there is a direct explanation of the differences of endowments on one point in "An Essay". This will be elucidated when we now proceed to a detailed examination of what Locke has stated in other contexts — in addition to what is evident from "Two Treatises" (cf. above).
Locke's conception of differences founded on nature or endowments

Also in "An Essay concerning Human Understanding" Locke makes a statement about the importance of endowments in one definite respect, namely as regards memory (op. cit. I, pp. 193 ff.). It the ideas are badly imprinted this depends on several circumstances. Sometimes an object has affected our senses only once, but it also happens that we are inattentive or occupied by other things than that which would need to be observed in order to be stored for our future need. Furthermore there are instances of weak memory in spite of good conditions in the two mentioned respects, "either through the temper of the body or some other fault". In all cases everything disappears easily, perhaps even completely from the memory. This happens to many impressions from the childhood. It is true that "the memory in some is very tenacious, even to a miracle", but this does not preclude a conclusion like this:

"There seems to be a constant decay of all our ideas, even of those which are struck deepest, and in minds the most retentive; so that if they be not sometimes renewed, by repeated exercise of the senses, or reflection on some kinds of objects which at first occasioned them, the print wears out, and at last there remains nothing to be seen".

From this account it is obvious that Locke reckons with different individual qualifications for the function of memory. But however excellent they would be in some individual, certain other conditions are necessary for a good result. Attention and exercise are needed, and gradual repetitions in order to prevent oblivion. The memory cannot be made use of to its full capacity in a kind of vacuous environment. Locke deals with this problem thoroughly below. On the one hand he writes:

"The pictures drawn in our minds are laid in fading colours; and if not sometimes refreshed, vanish and disappear. How much the constitution of our bodies and the make of our animal spirits are concerned in this; and whether the temper of the brain makes this difference, that in some it retains the characters drawn on it like marble, in others like free-stone, and in others little better than sand, I shall here not inquire; though it may seem probable that the constitution of the body does sometimes influence the memory".

Thus it seems here as if Locke would be inclined to connect the individually different conditions of memory with the ancient doctrine of the temperaments, which in this particular regard has been decisive of the conception of the individual differences as regards memory and oblivion (cf Sjöstrand, 1943, pp. 80—81).

But on the other hand Locke also underlines that continuous exercise by no means can be spared:

"But concerning the ideas themselves, it is easy to remark, that those that are oftenest refreshed... by a frequent return of the objects or actions that produce them, fix themselves best in the memory, and remain clearest and longest there".

The impressions must be repeated in order to be imprinted on the "tabula", which may vary in consistency from one individual to another. The law of exercise is not incompatible with the idea of different "endowments".

However, it is important to point out that exercise in its turn cannot change the natural qualifications. This question is discussed in "Some Thoughts on Education" (p. 264 ff.). Here is stated that "Strength of Memory is owing to an happy Constitution, and not to any habitual Improvement got by Exercise". Thus what has been imprinted, memory can retain "according to its own natural Strength of Retention". It is not as easy to write on brass or steel as on beeswax or lead, but in the last case the imprints do not last if not often renewed. A possibility of compensation seems to exist, but one must not think that a permanent repetition would improve the material of the "tabula" itself. Locke says that the memory is probably not susceptible to help or improvement. Attention, carefulness, method, and order must be observed, but this is all that can be done to "help a weak memory".

Obviously Locke felt a need to explain his conception of the memory in addition to what can be read about it in "An Essay", and partly to this end he wrote "On the Conduct of the Understanding", which was posthumously published in 1706 (preface to Conduct, pp. 4—5). In this book the question of endowments and environment is treated of in a wider aspect. Locke points at the great varieties "in men's understanding" (see for the following op. cit. p. 33 ff.). The reason of this is given in the following words:
"Their natural constitutions put so wide a difference between some men in this respect, that art and industry would never be able to master, and their very natures seem to want a foundation to raise on it that which other men easily attain to".

Men given the same "education" show in spite of this "great inequality of parts". The woods of America and the schools of Athens produce "men of several abilities in the same kind". But many of the deficiencies existing in the individuals are due to errors in "exercise and improvement of this faculty of the mind".

As regards the terminology it is not altogether obvious what Locke intended with this exposition. However, it is evident that "understanding" varies in regard to the natural qualifications of each individual. Sometimes not much can be done, but mostly a proper exercise may prevent a worse result than is necessary. What Locke intended with "part" might be discussed, and it is not correct to juxtapose it solely to "ability" (cf. op. cit. p. 33, n. 8). It seems to be plausible to interpret "part" as synonymous with "capacity" in certain cases. Below in "Conduct" Locke for instance says that "there is often a complaint of want of parts when the fault lies in want of a due improvement of them" (op. cit. p. 44).

The same ambiguity of linguistic usage characterizes the important passage about practice and habit (op. cit. p. 41 ff.). The fundamental conception, however, is the same as before, as is obvious from the following:

"We are born with faculties and powers capable almost of everything — such, at least, as would carry us farther than can be easily imagined; but it is only the exercise of those powers which gives us ability and skill in anything, and leads us towards perfection".

When this conception is closer exemplified in the following, "part", however, is given a varying signification. One cannot do the same thing out of a middle-aged ploughman as out of a "gentleman", although his "natural parts" are by no means inferior, and one cannot expect a dancing-master and a musician to take over one another's professions, for if they are asked to "change their parts" they will both be equally bad in the beginning. "Part" in the former case would seem to denote "capacity", and in the latter "ability".

What is true of physical differences is equally true in a psychical respect. Also in this case there are "natural endowments", but these reach their perfection only by means of exercise and repeated use. Ability is developed thanks to a lucky chance which made someone exercise in a special respect. It is true that "natural disposition" is important in the context, but "it is practice alone that brings the powers of the mind as well as those of the body to their perfection". Lawyers and financiers have become what they are thanks to their education and experience, and not because they were born with "different parts". The similarity of capacity here alluded to might bring with it different results. The terminological inconsistency, however, is illustrated by the statement that the differences, which may so easily be observed as regards "men's understandings and parts", do not derive "so much from their natural faculties as acquired habits".

Without doubt one sometimes gets a little confused on reading Locke's different statements, but if one assumes that it must have been a consistent and well reasoned thought behind them, it seems to be possible to discern it. First, it must be asserted that Locke — according to modern terminology — refers the human differences to a variation conditioned by inheritance and environment. Secondly, it is obvious that these sources of variation co-operate with each other so that the result may become very variable. Influenced in one and the same way the natural differences will give a clear result, but it is as certain that one and the same "potentiality" can be used in a varying way. With extensive exercise perfection is achieved within the frame indicated by the endowments, but with little exercise even the best qualifications often bring about insufficient ability. On the other hand it is possible, in isolated cases, for a man of natural gifts to "break through" in spite of absence of favourable conditions. But to most men the environment is decisive, according to Locke. It is possible that he thought of "the average man" when he drew up his conception. If this is overlooked his conception of inheritance and environment becomes marred by a certain obscurity.

Of course it is in connection with "Some Thoughts concerning Education" that the question arises as to Locke's opinion of the importance of influence with consideration taken to the natural qualifications. Locke, in this work, sometimes seems very optimistic. Already in the first paragraph of the book he says (Thoughts, pp. 1—2):

"I confess, there are some Men constitutions of Body and Mind so rigorous, and well fram'd by Nature, that they need not much Assistance from
others; but by the strength of their natural Genies, they are, from their Cradles, carried towards what is excellent; and by the Privilege of their happy Constitutions, are able to do wonders. But Examples of this Kind are but few; and I think I may say, that of all the Men we meet with, nine Parts of ten are what they are good or evil, useful or not, by their Education.

In this declaration one must notice that Locke discusses the moral nature of the individual and his general usefulness, in other words, not the capacity in any definite respect. Not even as regards certain attributes of character there is in reality a free scope. When Locke treats the favour of practical exercise instead of the hammering in of rules (Thoughts, pp. 66—67) he points out that the recommended practices will show the "capacity" of the children, their "natural genius and constitution", which things must be observed in upbringing. However, one cannot hope to change "their natural Tempers", and make "the Gay pensive and grave", or "the Melancholy sportive". Locke tells us below:

"God has stamp'd certain Characters upon Mens Minds, which like their Shapes, may perhaps be a little mended, but can hardly be totally alter'd and transform'd into the contrary".

Thus one must study the "Natures and Aptitudes" of the children, and try to find out what is possible to bring about and what is not. The vices and faults to which a certain constitution is most inclined, must be prevented, if possible. At the same time, however, it is emphasized that "every one's natural Genius should be carried as far as it could; but to attempt the putting another upon him, will be but Labour in vain". According to Locke the same limitation is applicable to talent and temperament as regards the possibility of changing their natural foundation.

Many other statements point in the same direction. A separate section is devoted to the importance of temper (ib. p. 139 ff.). Some are as a consequence of their "unalterable Constitutions" stout or timorous, confident or modest, tractable or obstinate, curious or careless, quick or slow. An observation of a playing boy meeting with a slight resistance will show a lot of his "predominant Passions and prevailing Inclinations", i.e. if he is "fierce or mild, bold or bashful, compassionate or cruel, open or reserv'd &c.". For it is true that "these native Propensities, these Prevalencies of Constitutions" cannot be cured by rules or a direct resistance, but the treatment should be adjusted to the conditions, so that everything may be "turned to good purposes", as far as this is possible. One cannot implant virtue, Locke says elsewhere, without considering the natural temper (ib. pp. 204). A certain freedom to choose recreation also reveals the "natural Tempers, their Inclinations and Aptitudes" of the children, which might direct them in their choice of career and future activity (ib. pp. 150—51).

Locke's own educational conclusions

If one wishes to analyse more thoroughly the conclusions which Locke himself seems to have arrived at as to the question, in what way, in educational contexts, the demands for liberty and equality might be made concrete which, as we have seen, he has found to be fundamental to a society according to the order of God and nature, it seems — as has been stated before — important to distinguish between education-instruction on the one hand, and upbringing on the other.

In the first respect some statements in "Conduct" are illustrative. There can be read about "education" (Conduct, p. 63) that — regarding knowledge — "the business is not, as I think, to perfect a learner in all or any one of sciences, but to give his mind that freedom, that disposition, and those habits, that may enable him to attain any part of knowledge he shall apply himself to, or stand in need of, in the future course of his life". This may be compared with the statement in "Some Thoughts" (Thoughts, p. 128) that studies shall only be "the exercises of his faculties" whereas the need for actual knowledge may be satisfied in the future. However, under all circumstances it is important not to put pressure on him more than his qualifications allow, for "though the faculties of the mind are improved by exercise, yet they must not be put to a stress beyond their strength" (Conduct, p. 90). If this is done, the mind may be utterly destroyed in the same way as may the body, when someone tries to carry a weight heavier than his strength allows.

Expressed differently it might be said that Locke wants to adjust the education-instruction to the faculties or personal qualifications of each individual. Influence is necessary, but must not be brought
further than the natural endowments allow. Besides Locke underlines again and again the importance of taking into consideration the motivation. Exercise should, if possible, be a spontaneous activity at which the child feels joy. Even in cases where "inclination" is not lacking, the child must not be forced to work but when it "has a Mind and Disposition to it". As instances are mentioned reading, writing, and music (Thoughts, pp. 88—89). As regards reading Locke says elsewhere that it must not be carried on as an imposed task. Man by nature loves freedom, and Locke thinks that "Learning might be made a Play and Recreation to Children" (ib. p. 222). In contexts such as these it ought to be remembered that Locke's conception of motivation rests on the pleasure-pain principle.

Consequently education-instruction to Locke means a free self-realization, and at the same time a pleasant exercise giving the child a possibility of developing his natural qualifications. But as to upbringing things are different. As is evident from above Locke reckons with differences due to temper which must be taken into account, and which cannot be nullified, but which must be handled in order to form the children in a desirable way. But at the same time this argumentation shows that the question of liberty is almost turned into a problem of influence aiming at compensating the deficiencies of nature as far as possible. Thus it is no longer a question of free self-realization; on the other hand, it is true that Locke also in connection with upbringing emphasizes the importance of appealing to the children's own necessary inclination to behave in this or that way as far as this is possible. To that extent liberty is given a free scope also in this case. In other words they ought to "be allow'd the Liberties and Freedoms suited to their Ages, and not be held under necessary Restraints" (Thoughts, p. 75). But this permission does not mean much along with the real end of upbringing which is a quite different thing, namely virtue. What is implied in this, Locke expresses in these words: "The great Principle and Foundation of all Virtue and Worth is placed in this, That a Man is able to deny himself his own Desires, cross his own Inclinations, and purely follow what Reason directs as best, though the Appetite lean the other way" (Thoughts, p. 34). In close connection with this he points out that the worst thing the parents can do is to show indulgence towards their children and spoil them. The result will be a licentiousness which is quite reversed to virtue in the sense stated above. He who has not been taught from the beginning to submit to his own reason and to that of others cannot be expected to be self-disciplined. If it is so that "the Principle of all Virtue and Excellency lies in a Power of denying ourselves the Satisfaction of our own Desires, where Reason does not authorize them" (ib. p. 42), then it is necessary from the beginning not to yield to the "unruly and disorderly Appetites of the children". The child must learn to obey, and "liberty and indulgence" can do it no good (ib. pp. 44—45). The more the child in this way acquires self-discipline, the more one might give it a free rein, and the more the respect to others is achieved which the grown-ups possess when reason has gained mastery of the passions.

In talking about upbringing Locke makes a distinction between natural and fancied needs, which also makes concrete his thoughts about the treatment of the children. The children must be given the liberty to name their desires, and the parents must listen to them with tenderness, but it is quite a different thing to have the hunger appeased than to get a special dish by teasing. The satisfaction of the natural needs demands adaptiveness from the children too. As to the fancied needs no consideration should be taken to them at all; they must not even be expressed. Such a treatment is a link in the attempts to teach the children submission and modesty, and to impart to them the power to forbear, i.e. to direct them towards virtue (ib. p. 142 ff.).

It is interesting to notice that Locke nevertheless dissociates himself from compulsion as an adequate means to attain the upbringing towards virtue which he aims at. The method he proposes is "to banish the Rod" (ib. p. 146). He is a pronounced opponent of chastisement as means of influence, and he wishes to make use of the position of the tutor in his relation to the pupil when friendship and love exist between them. Confidentiality between a father and a son makes the latter "wait his Season, and love you in the mean Time" (ib. p. 134). Consequently it is important to "make them in love with the Hand that directs them" (ib. p. 150). In this way they are taught to be considerate towards friends. Reasonable self-restraint is a middle course between self-indulgence and feebleness. "He who has found a Way how to keep a Child's Spirits easy, active, and free, and yet at the same time to restrain him from many Things he has
a Mind to", he has found "the true Secret of Education" (ib. p. 49). According to Locke this secret is that love gives power. But when a child executes a mission because it has learnt to love its tutor, this does not really happen under compulsion.

The result of the examination is as follows. As regards education—

instruction Locke never considers any interferences against the natural endowments. Consequently education—

means a free self-realization of the talents. As regards upbringing which shall end in virtue, or the rule of reason over the human inclinations, there is often a struggle against an unfavourable nature. But this struggle is necessary and must not be given up. On the other hand it may be accomplished without violating the child, and without allowing a dominating strain of compulsion to arise, if the power, made up by love and friendship, and important to all influence, is there. The aim is both respect and consideration to others, self-restraint to let others live according to their wish to the same extent as oneself. Consequently upbringing means a systematical and firm but affectionate influence towards realization of the ideals of equality.

Locke as a philosopher of natural right

From above it is evident that much of Locke's thinking belongs to what has been called the philosophy of natural right. Many attempts have been made to place Locke in his right place in the development from the old conceptions formed by Greek and Roman philosophers (Aristotle, Cicero and others) which after a necessary transformation are to be found within the Catholic church (Augustine, Thomas Aquinas and others), to a changed, more individualistic conception, above all during the 17th- and 18th centuries (see Castberg, pp. 18—19). But in reality it is very difficult to come to an agreement how this placing ought to be done. In one of the latest, more important contributions can be read: "Eine befriedigende Analyse der Naturrechtslehre steht noch aus" (Euchner, p. 10).

According to the analysis in the last-mentioned book there are three principal points of view about Locke as a philosopher of natural right. Some maintain that Locke in emphasizing the self-preserving instinct would have gone beyond the frame of the earlier conception according to which man is "social" by nature, and consequently in harmony with the system of the world founded by God. Locke would have sided with Hobbes to whom the human egoism is the true motive of all actions. From the anarchy of the state of nature, or the fight of all against all only reason could help man to establish a tolerable society (op. cit. pp. 3—4).

According to another group of scholars Locke still imagines man as a reflection of the divine system of the world, following the rules of this cosmos, the fundamental principles of which are to be found also in the positive right, or in the rules of society (ib. pp. 4—5).

According to a third opinion Locke is hopelessly inconsistent. He has not succeeded in satisfactorily combining certain elements from the earlier philosophy of natural right with his own epistemology and psychology. In the first place the difficulties would depend on the fact that Locke feels the pressure on him to create a doctrine which might be an expression of the new pushing bourgeoisie in a society more and more directed towards trade and industry (ib. p. 5 ff.). Euchner himself belongs to this last category of Locke-interpreters. According to him Locke's conception in all its inconsistency becomes comprehensible only when seen against the background of the changed social conditions which he could not have helped observing.

No one could possibly deny that Locke has been influenced by the social situation which surrounded him. We cannot here deal with the question how this may have influenced his position to old and new theories, but there is one special point of view in the context which is worth emphasizing because it might contribute to a diminishing of the contrasts between different interpretations of Locke. His main works were published within a short space of time. "Two Treatises" was printed in 1689, "An Essay" in 1690, and "Some Thoughts" in 1693. In all cases the publication had been preceded by a comparatively long preparation. The important complementary addition to "An Essay" which "Of the Conduct of the Understanding" is, was close in time to the final text of the main works. Under such circumstances it is plausible to think that it must be a thorough and comprehensive view behind this literary activity. The fact that Locke in a mere terminological aspect hardly has developed an exactitude and consistency has already been mentioned, but this does not imply that...
there was no connection and synthesis in the main outlines of his conception.

It is a remarkable fact that Locke's epistemology and philosophy too often has been studied superficially from educational quarters which has resulted in an incorrect picture of the question of inheritance and environment. But it is equally striking that those who have occupied themselves with Locke's ideas of the individual and society, often fail to consider his educational conception. Locke's political thinking on the one hand, and his epistemological-psychological expositions on the other hand would seem to be joined by his views as to the influence of the grown-ups on the growing generation. None of these three main elements is lacking in his principal works, but the most important item of "Two Treatises" is the social-philosophical aspects, of "An Essay" the epistemological and psychological, and of "Some Thoughts" the educational. Contrary to what has sometimes been stated these books, however, form a kind of trilogy, which essentially is a unity.

But if this is the case one must ask oneself how Locke's "total conception" is constituted; only the outlines of it can be mentioned here. First and foremost it is an undeniable fact that Locke regarded the world and man as God's workmanship. Further, it is evident that Locke allotted to man a unique position, and that he saw in man's faculty of making abstractions, generalizations, and conclusions an emanation of a higher divine reason. But on the other hand, this man was not furnished with any innate ideas, either as regards goodness or truth. In this respect he is obliged to build on his own experience. Since man is guided by his instincts, and wholly directed towards preserving himself, and acting according to the pleasure-pain principle, it becomes decisive to all individuals in what manner reason and instinct are weighed towards each other. Not even in a theoretical state of nature reason has the same possibility of decision as with the omniscient Creator. It is by no means so that Locke — as has sometimes been said — now imagines this state of nature as peaceful, now as a war of all against all. The essential thing is instead, that he thinks that most individuals (but obviously not all) lack the possibility of following the law of nature, i.e. the divine reason. Consequently the passions and the self-interest master it, if measures to prevent this are not taken. This happens in the forming of society which in its turn facilitates a process of influence on the growing generation by means of which it becomes possible for reason to control the instinct-guided life. In this context, however, Locke makes a concession to the optimistic view of man of the earlier philosophy of natural right. He believes in a natural affection and tenderness of the parents towards their children which induces them to do so much good towards their offspring, that the result is a mutual love. This means power for the parents to let their children from habit give reason an increasing possibility of ruling the instinct-guided life. In this way it is possible to form and preserve a society which offers conditions for a balance between the demand for individual self-determination and consideration to others, i.e. liberty and equality. This may happen with due consideration taken also to men's differences of natural endowments, i.e. in a free self-realization of that which the endowments allow.

An interpretation such as this implies no "inconsistency" if one does not start from a set pattern of divers doctrines, among which one of them has to agree with this or that. Locke's conception must be regarded as a creation of his own mind and nothing but that. There was of course reason for him to accept from various quarters what he himself found to be important and valid. His task was merely to create a logically coherent synthesis of the thoughts that he approved of. This is what he tried to do with considerable success.

But one thing must be born in mind: Locke is not in the first place an apostle of reason but — as Comenius before him — an educational prophet. In what we today call the educational process Locke found the solution to the problems with which he was confronted, when he tried to unite a philosophy of natural right still based on religion with the modern empirical epistemology and more crass conception of man. Obviously it is an oversight of this simple fact which has given rise to the great amount of literature dealing with Locke's position within the philosophy of natural right.

Summary

Also in his most important works Locke has not succeeded in attaining the exact terminology which would have been desirable. Thus his psychology is full of conceptions used with varied meaning.
from case to case. For instance the important word "part" means, as it seems, both "capacity" and "ability", and the context will have to decide which sense is intended. However, there is no reason to doubt that Locke wished to present a conception that would blend political, epistemological, psychological, and educational aspects to a unity, within which the stated points of view would not be in striking contrast to each other. His three main works "Two Treatises of Government" about nature and society, "An Essay concerning Human Understanding" about epistemology and psychology, and "Some Thoughts concerning Education" about education and upbringing, were published within a very short space of time (1689—1693), but were preceded by a long conceptive period. The important addition "Of the Conduct of the Understanding" came into existence in close connection with "An Essay", but was never included in a new edition of this work which was Locke's intention, but was presented posthumously (1706). As regards its origin, however, it belongs to his other works which, though concentrated on different problems, all deal with other questions than their main problems as well.

Locke proceeds from — at least as a theoretical construction — a state of nature characterized by liberty and equality. Liberty in this context means absolute right for the individual to have mastery of himself within the bounds of the natural law, which is nothing but the reason on which God has built his system of the world. Equality means that all have an equal right to this liberty, owing to the fact that everyone is constituted in the same way as the other, and thus has no right whatsoever to rule over his fellow-beings, but on the other hand has a possibility of realizing this fact with the help of reason. Liberty is a liberty regulated by the law of reason, and in reality vouched for by the equality thought. But this thought rests on the important knowledge that liberty belongs to all in an equal degree. Liberty and equality are two principles inseparable from each other, and derived from one and the same reason, according to which the individual has a right to rule over himself (liberty) to the same extent as all others (equality).

With a point of view such as this it was not incompatible to conceive, in addition to each man's general rationality, natural differences as regards both endowments and temper. However, the transition from the state of nature to an organized society Locke attributes to a lack of rationality in most people, on which the whole previous exposition has rested. To protect themselves against the consequences of this, men commit their rights to special legislative, judicial, and executive authorities. But in this society there is still liberty and equality within the bounds of the valid legal rules. The individual has his liberty to rule over himself in the same degree as has everybody else as far as the positive law allows.

The fact that most individuals already in the state of nature with its unwritten law in reason are not influenced by it, is due to their instinct-guided life. In this respect Locke is a representative of a realistic psychology which means that he refrains from idealizing the human intellectual life with the help of metaphysical and religious doctrines. From the beginning "the mind" is a white unwritten paper, and it is the impressions supplied by the sense organs that give the material which reason then works at with the help of abstractions, generalizations, and conclusions. But the motivation of all activity is to be found in the struggle to win or maintain or increase the pleasure-experiences, and to avoid or reduce the pain. Thus Locke is a representative of the pleasure-pain conception in his view of human action both physical and psychological.

With these starting-points a newborn baby, given up to itself, would be doomed to fail to become a man. Real knowledge as well as morals in the meaning of consideration to others would be impossible. Man would develop into an animal. This must also be true of the original state of nature because of the insufficient rationality of the majority which consequently must be replaced by a constitutional society. This is the reason why Locke also in "Two Treatises" extensively discusses the relationship between parents and children which he otherwise treats more thoroughly in "Some Thoughts". In reality it is a very old argumentation that Locke develops in this question. He who is ruled by reason must help the instinct-guided child towards this goal too (cf. e.g. Plato and Aristotle). The possibility of attaining this exists thanks to the affection and tenderness of the parents towards their children. Consequently they treat them in such a way that a mutual love is established. It is this circumstance that may be used to induce the child to a gradual approach to virtue, i.e. the rule of reason over the desires. For in his willing man is not free, since a desire already felt, i.e. a state of want characterized by 'uneasiness',
immediately brings with it action on the physical and/or the psychical level. But man is free to imagine the consequences of an action before it has been carried into effect. It is by means of this process that the parents gain power and possibility to let reason gradually become dominating in their children. Locke dismisses the freedom of the will as can be seen, but founds his whole educational method on the same possibilities of using reason, which he started from in his description of the state of nature, the deficiencies of which, however, obviously cannot be removed without a systematically adjusted influence.

Also in this upbringing it is essentially a question of nothing but the pleasure-pain principle. This begins to work both when the parents show their tenderness and affection — it is here a question of a kind of original "social need" — and when the children as a consequence of the good they have experienced respond with love, and then, thanks to this, give reason a chance to anticipate the real consequences of an action. Locke defines love as "the thought he (the man) has of the delight which any present or absent thing is apt to produce in him" (Essay I, p. 303). The love to the parents means that the children "consider" what the relation to these and other experiences that might bring with them pleasure or pain, might mean to themselves.

But nevertheless it is in this way that the child "grows into" the society with its possible liberty and equality. Only by means of a reasonable foresight the individual gradually achieves an ever increasing power to rule over himself according to the laws and other expressed standards of behaviour in society, i.e. to be free. It is also in the same way that the citizen will respect everybody's right to exactly this freedom, i.e. to let the principle of equality come into force.

As regards upbringing which has hitherto been discussed, it is, according to Locke, never a question of giving the instinct-guided life of the children a possibility to be satisfied without any limits whatsoever. On the contrary upbringing means a systematical, specially adjusted influence which only gradually brings with it a realization of the freedom which is possible in society, a freedom which, however, still would be completely illusory if the principle of equality does not begin to work. The goal of upbringing is virtue, i.e. the rule of reason over the instinct-guided life, but expressed differently, it means a knowledge of how to satisfy oneself according to the valid laws and standards with consideration taken to the equal right of others in this respect.

But since freedom means a possibility of ruling over oneself as long as the right of others is not injured by it, it is easy to understand that the liberty thought to Locke means as regards education and instruction a possibility for the individual to realize the endowments given by God to each in a different degree and in varied combinations. Each man is his own "property", over which he must rule without being prevented by others, if this does not injure them. It seems to be an unexpressed assumption of Locke's, that no serious clash between different men's equal right to freedom in this respect arises. Thus freedom has quite another range in educational contexts. Locke's conception of the real importance of the endowments for our achievements in a physical and psychical aspect cannot be questioned. It is not possible by means of exercise and habit to change a man's natural endowments, but it is possible to see to it that each man gets the necessary exercise for an optimal utilization of them. Inheritance and environment are mutually dependent on each other according to Locke. Environment cannot, however good it may be, do anything beyond that which the conditions of inheritance allow, but only see to it that they are used to the utmost limit. Without doubt Locke's ideal is that each man shall have a possibility of accomplishing all he can. He does not seem to have felt a danger that this freedom might encroach upon the right of others.

Expressed in a few words Locke's conception seems to be as follows. Upbringing is a systematical, specially adjusted influence by means of which the child learns to let its reason master its desires. Only in this way liberty and equality in society is possible. For the virtuous man has his absolute possibility of ruling over himself according to the rules and standards of society, but does this without injuring the rights of others in the same aspect. As regards education and instruction nothing is necessary but the possibility of giving to each man the best imaginable conditions of developing in relation to his natural endowments. Consequently the principle of liberty in educational contexts has quite another validity than in the forming of man's social behaviour; in the latter case it is thanks to upbringing
that the principle of liberty is possible at all in society. Equality in its turn has nothing to do with the differences of endowments, or with education and instruction. Equality implies respect for other's right of self-determination according to the accepted rules of our action towards each other.

If this is a correct description Locke may be characterized in his capacity of portal figure at the beginning of the Enlightenment less as an apostle of reason than as an educational prophet. It is true that reason is a divine spark, but in order to be kindled into a warming flame in human society, upbringing is necessary. Without this the spark would be quenched in the storm of human desires.

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Chapter 2
The American Declaration of Independence as a document of freedom and equality

Introduction
The American Declaration of Independence of 1776 is one of the first principle declarations to bring up the question of freedom and equality in the form of an official document. It has been pointed out that what was stated in it, in fact, was made up of generally accepted thoughts to such an extent that it is of little importance who was responsible for the wordings (cf. e.g. Becker pp. 26-27 and Boyd p. 3). As we will see there were other documents from the same time expressing similar thoughts, but nevertheless it is important to follow the origination of the Declaration of Independence in detail. In this way it is for instance possible to support the meaning of the expressions that have been used. Of course the interpretation is better founded if one can confirm who wrote it. Under such conditions it is possible to use the remaining material that might be available about the person in question, as well as to try to illustrate the conditions by means of an examination of the ideas of those who have lent assistance. But then it is necessary to give the reader knowledge of the exact wordings of the sources.

Another important aspect is the historical background of the idea of freedom and equality of the Declaration of Independence, which is to be found in England, above all in Locke (see e.g. the works quoted in the previous chapter). His conception of society, the origin of human knowledge, various psychological fundamental problems,
and the significance of educational influence have been dealt with in the first chapter. It would be convenient to give a brief account of the results of this investigation.

John Locke on freedom and equality

In the state of nature which at least is a theoretical basis for Locke's political thinking there is freedom and equality. Freedom means that each man, independent of others, can rule over himself and his property within the frame of the law of nature, which is made up of the reason given by God to man. This law prevents freedom from degenerating into self-indulgence. Equality means that all men are created by God and belong to the same species, furnished with the same "faculties". Consequently no one stands in a subordinate relation to another, and no one is allowed to encroach upon the "life, health, freedom or property" of his neighbour. Freedom and equality are in this way indissolubly connected with each other: freedom is possible thanks to the fact that the divine reason helps every man to realize the equality of all, and equality in its turn is derived from the right of all to an equally great freedom to rule over themselves and their conditions. However, Locke emphasizes that equality must imply nothing but this, that all men, being created by God with a certain specific nature, and through reason having realized the implications of freedom, are equally free, and consequently capable of deciding for themselves that which concerns their life, health and property. On the other hand there are individual differences of memory, understanding and temper which likewise are each man's "property", and over these various resources all may rule, if it does not encroach upon the rights of others in this and other respects.

As a matter of fact there is a reference to individual differences among men already in Locke's argumentation as to the reason why the state of nature has been replaced by a society regulated by laws. Society is the result of a free agreement that brings with it the establishing of special legislative, judicial and executive institutions. The cause of this change is that most men are "no strict Observers of Equality and Justice". The law of divine nature may, being unwritten, be misused as a consequence of "Passion or Interest". Hence a voluntary union is established in order to obtain a greater security for all in their relations to each other.

The relation between reason and the instinct-guided life Locke explains in giving an account of his epistemology and his psychological conception which is closely linked to it. The content of the human mind is made up of ideas, linguistic symbols and knowledge (consistency or contrast between different ideas). This content is supplied by the external senses (sensation), but that which is transmitted in this way is further worked up in cognitive, emotional and volitional processes (reflection). To the activities of the mind belong abstractions, generalizations and deductive conclusions. The psychical activity, however, is governed by experiences of "pleasure and pain", which are connected both with sensation and reflection. We try to avoid pain and seek pleasure. In this context Locke also mentions "happiness" and "misery". The act of volition or the willing itself in its turn implies a "preferring" of a certain psychical activity either to take place or to end. This willing is not free but bound to the experiences of pleasure and pain. Good and evil consist of the pleasure one seeks and the pain one avoids. An act of volition, as soon as it has taken place, is regulated by that which we conceive to be good or evil, since it is characterized by our preferring one thing as pleasant, and our rejecting another thing as unpleasant.

But man has a possibility of controlling this development thanks to his reason. He has, because of his faculty to rationally decide what might be good or evil for him, also an incomparable possibility of postponing or "suspend" the rise of needs and desires which inflexibly would result in an act of volition. It is possible to realize in advance what brings with it "happiness" and "misery", and in this way become master of oneself. The intensity of an emotion or a misjudgment might certainly always prevent this, but principally the individual is able to "govern his passions". Besides habit may change the character of pleasure and pain of the impressions. Hence because man is rational, he also becomes free, but this freedom is of course in this way dependent on reason. There is no freedom without law, says Locke, and he primarily refers to the divine law which is reason, but also to the laws that are instituted in society, the end of which is the same as that of reason, namely to protect the "life, freedom and property" of each man.

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But since reason does not exist in the state of nature the children who grow up in it are not "rational and free". Therefore, the parents must rule over their children until reason has reached perfection. In other words the children are neither free nor equal, since the not yet developed reason neither makes them realize everybody's equal rights, nor gives them a possibility of governing themselves without encroaching upon the interests of others. However, the parents have a natural affection and tenderness towards their children, and what they do as a result of this arouses reverence and gratefulness. This mutual emotional bond becomes the essential foundation of the education by means of which the children — simultaneously as reason grows towards its perfection — gradually reach the ruling over emotion and willing by reason, the result of which is at the same time consideration to the right of others and to the own freedom (for without realizing the equality of all no freedom is possible). The children obey their parents not of compulsion, but since it really is pleasant for them to preserve the good relation to their parents in doing so. Consequently the power of the parents is not based on physical strength or similar means of influence, for instance various bodily chastisements &c.

But the parents' right of determination to bring their children up to a rational self-control does not apply to instruction. For each child is its own "property". This conception is not used consistently by Locke, but in its original meaning it is attached to each man's individuality. What each man accomplishes from the gifts of nature becomes his own property. In this way the conception is widened to comprise "life, liberties and property". The rights of the parents do not embrace the "property" of the children. In this context Locke would seem to have referred to the individual qualifications that each man possesses; hence the natural qualifications must be respected. The duty of the parents is to give the endowments the necessary conditions of development.

In this context one must not make incorrect conclusions from Locke's epistemology, which many have done. Although from the beginning the soul is "an unwritten paper", it may be shaped differently in different children. For instance Locke maintains the point of view that the natural endowments, e.g. of memory, give a various "Initial material". Inheritance and environment are important for the development of the individual skills dependent on the extent of the variation of the two conditions. If the environment is the same the endowments become decisive, and if the endowments are the same the varied training decides the matter. But as little as one might change the endowments, as certain it is that they need practice in order to reach the perfection which everybody's individual furnishing makes possible. Also in upbringing the natural differences of temper are an important condition, but one must not yield to fact, but must try to attain the common goal which is to acquire virtue, i.e. the mastery of reason of the instinct-guided life. As regards the knowledge and skills of the children one must not fight against nature but follow its directions and the possibilities of the children. Upbringing becomes a firm influence towards the same end which is a realization of the equality as a rational acknowledgment of everybody's equal rights, and consequently also the freedom to be a master of oneself within the rules and standards of society. Instruction means as good an influence as possible, but in this case the end varies, owing to the fact that there is to be freedom for the child to rule over itself as its own "property", i.e. to realize its capacities. Hence equality in this sense does not exclude differences of endowments and skills in various fields. On the contrary, equality as one and the same end of upbringing implies the right of all to be different in instructional respects.

The origin of the Declaration of Independence in 1776

The purpose of the document which is to be dealt with was to justify the liberation of the colonies from the supremacy of England. On June 11, 1776 the Second Continental Congress commissioned five persons to draw up a proposal for a declaration in connection with the resolution which had been claimed some days before, and which meant that the American colonies should be free and independent states, and consequently no longer be subjected to a forced-upon relation to the British mother country. Since there was no complete unity as to the propriety of making this decisive step at once, a special declaration should be worked out until the definite decision would be universally accepted. This resolution was approved of on July 2. But already on June 28 the committee of five had presented
to Congress the draft of a declaration which was sanctioned on July 4 after a long discussion lasting from the afternoon of July 2.

The committee of five consisted of Thomas Jefferson, John Adams, Benjamin Franklin, Roger Sherman, and Robert Livingston. There are differing opinions about certain points of the course of events that led to the proposal of June 28. Jefferson and Adams and others have given partly conflicting versions of the working within the committee, and the preserved material of the main draft does not allow any reliable conclusions. But it seems to be beyond controversy that Jefferson was responsible for the first coherent draft which after an examination by Franklin and Adams was discussed by the whole committee. The changes of the committee in this draft were not important, however, compared with those later made by Congress.

Hence three main phases could be discerned in the drafting of the declaration. The first coherent text version is Jefferson's before he had communicated this proposal to any of the other members. The second phase is the unanimous draft of the committee to Congress on June 28. The third and final text is the wordings of the committee with the changes made by Congress. These three phases can be reconstructed with a relatively great certainty although complete knowledge of a few details cannot be obtained.

The uncertain point of this course of events is what possibly occurred before the origination of Jefferson's text. It is difficult not to pay attention to Adams' repeated statements that he and Jefferson had been working together before Jefferson, at the suggestion of Adams, made a summary of what had come out (Adams 2, p. 512 ff. with n.). Under all circumstances there must have been deliberations (cf. Boyd pp. 11–12). The fact that Jefferson is later officially referred to as "the penman" is not incompatible with an initial phase before the drawing up of Jefferson's coherent version.

Below we are to deal with the very introduction of the declaration, since in this the ideas of the natural right are put forward (for the mentioned history of the origination see Becker p. 3 ff. and 135 ff., Boyd p. 1 ff., Jefferson 1, p. 299 ff. and 413 ff. and Peterson p. 79 ff.).

The wording of the preamble according to the three main versions

The introduction to Jefferson's primary draft will seem to have had the following wording (Becker pp. 141–42, Boyd p. 19, Jefferson 1, pp. 423–424):

"When in the course of human events it becomes necessary for a people to advance from that subordination in which they have hitherto remained, & to assume among the powers of the earth the equal & independent station to which the laws of nature & of nature's god entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the change.

We hold these truths to be sacred & undeniable; that all men are created equal & independent; that from that equal creation they derive rights inherent & inalienable, among which are the preservation of life, & liberty, & the pursuit of happiness; that to secure these ends, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government shall become destructive of these ends, it is the right of the people to alter or to abolish it, & to institute new government, laying its foundation on such principles & organising its powers in such form, as to them shall seem most likely to effect their safety & happiness".

When the committee of five presented the proposal to Congress it seems to have had the below shaping (Becker pp. 160–61, Boyd p. 28 ff., Jefferson 1, p. 315). In order that the reader may see on which points there has been a change, the re-wordings have been underlined in these reproduced versions.

"When in the course of human events it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth the separate and equal station to which the laws of nature & of nature's god entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident; that all men are created equal; that they are endowed by their creator with inherent and inalienable rights; that among these are life, liberty, & the pursuit of happiness; that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, & to institute new government, laying its foundation on such principles, & organising its powers in such form, as to them shall seem most likely to effect their safety & happiness".
Congress let this preamble remain unchanged except on one point: "inherent and inalienable rights" was altered to "certain inalienable rights" (Becker p. 174 ff., Boyd p. 31 ff., Jefferson 1, pp. 429–30). Furthermore some words were given capital letters, among others "the Laws of Nature and Nature's God" "Creator" "Life, Liberty and the pursuit of Happiness" "Rights" "Government" "Men," &c. Whether or not Congress really changed "inalienable" to "unalienable" has been much discussed (Becker p. 175 n., and Boyd p. 32). The last expression is supposed to have been current during the 18th century.

There are also differing opinions as to the change of "sacred & undeniable" to "self-evident" which has been attributed to both Franklin and Jefferson (Becker p. 142 n., Boyd p. 22 and Jefferson 1, p. 427 n. 2). The other alterations seem to have been made by Jefferson himself, or by him in the course of his communication of the text to Franklin and Adams (Becker p. 151 and Boyd p. 29 ff.). Under all circumstances the re-wordings were finally approved of by an unanimous committee.

Comments to the wording of the preamble

He who is well versed in Locke's thinking, especially in his conception of natural right cannot escape noticing an accordance between the preamble of the Declaration of Independence and the argumentation of the English philosopher. Nature is created by God, and consequently its laws have a divine origin. According to these laws men are "created equal", and hence have equal rights. To these belong life, liberty, and the pursuit of happiness. Man can leave in the hands of a government the protection of his rights, but this is a voluntary action, and a revocation is possible as soon as the government misuses its position, and does not carry out in a proper way the task entrusted to it.

The above stated changes of the wording rather strengthen the feeling that Locke's thoughts here have been formulated to suit the actual situation. Human reason is not emphasized; instead the intention is to rely on the divine origin of the world. Hence the human rights are not derived from the equality of all in the re-worded text, but are said to be a direct gift of God. The alteration of "sacred and undeniable" to "self-evident" certainly indicates that the author wishes to found the point of view directly on reason. But the principle of freedom is not included otherwise than as a consequence of men's equality as created human-beings. It is this thought of Locke's that might best confirm this important right (cf. chap. 1). It was probably looked upon as more effective to rely on God as far as possible instead of on the human power to constitute and observe each individual's right to freedom and independence in relation to others.

The equality given by God is probably deliberately stressed, so to speak, in relation to this. But freedom is nevertheless the vital point inasmuch as no right can be transferred to another without consent, and in such a way that each transferring can be revoked, if misused. The removal of an expression with the word "subordination" and the insertion of "political bands", and the alteration of "equal and independent" to "separate and equal" may be regarded as symptomatic changes. Instead of talking about the subordination which, according to Locke, arises if the protection of one's rights is voluntarily transferred to those who govern, the primary freedom behind and in every political agreement is emphasized. It is easy to understand that such shades of meaning might seem important enough in the actual situation.

The reason why men unite and form a society, according to Locke, is "the mutual Preservation of their Lives, Liberties and Estates, which I call by the general Name, Property (see chap. 1). "Property" is not consistently used by Locke, as has been suggested above, and in a limited sense it denotes all kinds of possession (ib.). In Jefferson's summed up wordings "the preservation of &c." was included, as we have seen, but "estates" was substituted for "pursuit of happiness". It has been argued that Jefferson had replaced Locke's "property" with "happiness" (Boyd p. 3 ff.), but this is hardly correct. Locke speaks about "life, liberty & estate" and sometimes changes the word "estate" to "possession" or "fortune" (chap. 1 with reference to "Two Treatises of Government" p. 341 with n. 7). But as early as on May 15, 1776 a resolution had been passed by Congress in which the words "lives, liberties and properties" are used (Adams 1, p. 218). In this case the text had been formed by John Adams and some other influential members of Congress. It is possible that Jefferson was so
familiar with the ambiguity of the word "property" in Locke that he wished to avoid it. However, this does not seem probable. It is more plausible that he thought that "property" would give the declaration a too limited and crass economic sense. "Pursuit of happiness" signified more, and is not at all at variance with Locke's conception. Locke also uses "happiness" as a comprehensive expression of the aim of man's striving, and thereby also of the aim of the duties of society and government in respect to the individual (chap. 1). However, a more concrete possibility of explanation exists, namely a direct influence from John Adams. We will return to this in conjunction with the account of his ideas (see below the part dealing with Adams).

The principle of equality which is given a prominent position in the Declaration of Independence, but which is connected with the right of freedom has been expressed with the words "all men are created equal". Could it be understood so, that Locke's reservations to an interpretation of "equal" as "equal in all respects" (chap. 1) were valid to Jefferson too? It is not apparent from the declaration as such, but must be complemented from other sources. Hence the question arises, if Jefferson shared Locke's conception of freedom and equality, especially in educational contexts, which is our main interest.

Thomas Jefferson and John Locke

There are many evidences that Jefferson had thoroughly studied Locke, and that he shared his opinions on various points. Preserved notes from Jefferson's study of the English philosopher are available (Jefferson 1, p. 544 ff.). He recommends those to whom he gives educational advice a reading of Locke's works (Lee p. 150 and Honeywell pp. 218—19). He says that Bacon, Locke and Newton are the greatest men that ever lived, and that they laid the foundation of what has been achieved within the natural sciences and the "moral sciences" (Lee p. 14). He declares that "the doctrines of Locke" in the United States have been considered fundamental "as to the principles of liberty and the rights of man" (ib. p. 136; regarding the influence of Locke cf. Honeywell pp. 171—72).

Consequently there is no reason to doubt that the expression "created equal" had the same significance to Jefferson as to Locke. Without doubt the words express the view that all men, being created by God and belonging to the same species, are constituted in a similar way (cf. Peterson pp. 93—94). But at the same time it must be established that Jefferson differs from Locke on one important point, namely concerning the question of man's qualifications to develop in a desirable way as regards morals. Locke denied the existence of "innate ideas" in this sphere as well as in others. The only concession from his part in this respect was, that the parents — as has been pointed out — by nature feel affection and tenderness towards their children, and that these can be made to respond to this with reverence and gratitude. But Jefferson goes further, as do such authorities of the moral sense school as Shaftesbury, Francis Hutcheson, and Henry Home (Peterson p. 55 and Honeywell pp. 218—19). It is a satisfaction to show benevolence towards others, owing to the fact that "nature hath implanted in our breasts a love of others, a sense of duty to them, a moral instinct, in short, which prompts us irresistibly to feel and to succor their distress" (quoted from Peterson p. 55). It cannot be in accordance with the wise intentions of the divine Creator if "he had intended man for a social animal, without planting in him social dispositions" (ib.). In another context can be read that "morality, compassion, generosity are innate elements of the human constitution" (Lee p. 11, n. 11). On one occasion Jefferson sums up his view as follows (ib. p. 145):

"Man was destined for society. His morality therefore was to be formed to this object. He was endowed with a sense of right and wrong merely relative to this. This sense is as much a part of his nature as the sense of hearing, seeing, feeling - - - . The moral sense or conscience, is as much a part of man as his leg or arm. It is given to all human beings in a stronger or weaker degree, as force of members is given them in a greater or less degree".

There is in all men a definite natural "moral sense" although existing with varied strength. In other words this individual variation is conditioned by inheritance. When Jefferson discusses with Adams the possibility of governing the process of human breeding too, and by means of this improve the offspring, he says (ib. p. 162): "Experience proves, that the moral and physical qualities of man,
whether good or evil, are transmissible in a certain degree from father to son". But as regards man one has to be content to use in a rational way that which the matrimonial relations lead to. There is a "natural aristocracy" which society must take advantage of in order to procure the best possible selection to its government and administration.

From these starting-points the question of the upbringing of the children is different to Jefferson than to Locke, despite the fact that they have many ideas in common. However, the difference will always be obvious on account of the differing principal outlook on human nature. For instance Jefferson discusses the methods to turn the edge of youthful opposition, and therewith objects to chastisement, and he writes (ib. p. 128): "The affectionate deportment between father and son, offers in truth the best example for that of tutor and pupil". But at the same time he bases his whole position to the question on the idea that "pride of character, laudable ambition, and moral dispositions are innate correctives of the indiscretions of that lively age". Consequently it is not, as in Locke, the grown-ups that gain a certain power over the children thanks to the emotional bonds that spring forth between them. There are from the beginning "innate correctives" of recklessness and self-indulgence.

In a way Jefferson is of the same opinion as Locke when he states that the innate "moral sense", which he takes for granted, may "be strengthened by exercise, as may any particular limb of the body" (ib. p. 145). Likewise the following statement is partly in accordance with Locke: "This (moral) sense is submitted indeed in some degree to the guidance of reason" (ib.). But it is not at all in accordance with Locke to add: "But it is a small stock which is required for this; even a less one than what we call Common sense" (ib. p. 146). In this respect a peasant often has a better common sense than a professor who is easily led astray "by artificial rules". The dominating role which Locke gives to reason regarding virtue and moral, is reduced by Jefferson in a considerable degree, since he and Locke approached the problem from completely different assumptions of man's natural qualifications.

Against this background it is easier to understand Jefferson's idea of the aim of the elementary education common to all, and of the higher education. Certainly the aim of the former is also to "improve, by reading, his (the pupil's) morals and faculties" (Lee p. 117), and the aim of the grammar school is to "develop the reasoning faculties of our youth, enlarge their minds, cultivate their morals, and instill to them the precepts of virtue and order" (ib. p. 118). But the expression "by reading" in the former case must be observed. At the elementary school the children are to be taught reading, writing, arithmetic, geography, and history, and it is the study of history that is of importance for the development of morals, according to Jefferson (Lee p. 83, p. 86, p. 117; cf. e.g. Peterson p. 147). Jefferson shows a similar belief in the importance of enlightenment in treating the higher educational institutes. On the one hand he says that "education generates habits of application, of order, and the love of virtue; and controls, by the force of habit, any innate obliquities in our moral organization". Consequently it may to a certain degree change "what in his nature was vicious and perverse into qualities of virtue and social worth". On the other hand he supports this statement with a reference to the fact that each new generation may use "the knowledge acquired by all those who proceeded it", and then add of their own experience (Lee pp. 118—19). In spite of certain elements from Locke ("the force of habit") Jefferson's conception of the consideration to virtue and morals in educational contexts becomes prevalingly intellectualistic (cf. Lee p. 19 and p. 139). The end is not so much upbringing in Locke's sense, but enlightenment. Therefore he writes to his own teacher, George Wythe, the famous words: "Preach, my dear Sir, a crusade against ignorance; establish and improve the law for educating the common people" (Lee p. 100).

But in spite of the fact that Jefferson obviously had a more optimistic view than Locke of an inherent moral fundament in the minds of men, and regarded the educational purpose in this respect as a question of giving to each necessary knowledge of laws and standards in different conditions (cf. Peterson p. 56), he attached to this development of everybody's innate possibilities a great importance for the freedom in society. As to Locke the freedom is dependent on the equality, for the principle of equality such as it may be furthered by means of enlightenment for the bringing about of a good social moral, must really have such a support. To Wythe he writes about the necessity of giving knowledge to the people: "No other sure foundation can be devised for the preservation of freedom, and happiness" (Lee p. 99). And elsewhere he states his opinion with the words (ib.
p. 38): "Above all things I hope the education of the common people will be attended to; convinced that on their good sense we may rely with the most security for the preservation of a due degree of liberty". The welfare of society rests with the people, and if they are not considered to be enough enlightened to exercise control with a sufficient degree of judgment, this judgment must be fostered by means of educational measures. A nation cannot be ignorant and free at the same time. Freedom is in the hands of the people, but demands a people "with a certain degree of instruction." (ib. p. 17 ff., Honeywell p. 13).

Hence the expression "created equal" undoubtedly to Jefferson means a human nature of the same structure. However, as distinguished from Locke he includes an innate moral endowment which certainly must be looked after, but which makes necessary a certain amount of enlightenment as regards man's general obligations and the rules and standards which, on account of various circumstances, are valid in different places. This preservation of the aspect of equality becomes decisive to Jefferson too for the freedom within society as a whole.

But there is a freedom which must be observed in educational contexts, namely the freedom that is founded on man's various equipment as regards endowments and talents. In this matter Jefferson and Locke agree except that Locke never seriously was interested in education of the people, while to Jefferson this is the very foundation of the school system that he wished to organize. According to Jefferson, the moral endowments may be better or worse developed in the individuals, and this is also true of the physical and intellectual capacities. Jefferson wanted an elementary school for all of the ages 7-10. This school was to be free of cost. From each elementary school a certain number of poor pupils, "some one of the best and most promising genius and disposition" (Lee p. 91) should be selected at the public expense, and be sent to "grammar school" (sometimes called "district school" or even "college"), intended for the ages 10-15. At the learned school the best of the pupils are gradually chosen and sent to university (Jefferson now speaks of "college", now of "university"). Jefferson adhered to this gradual building up of the educational system to his death (cf. Honeywell p. 16 ff. and p. 328 ff.). His intention is "to provide an education adapted to the years, to the capacity, and the conditions of every one, and directed to their freedom and happiness" (Lee p. 95). The selection of the talented and poor children aims at providing the state with "those talents which nature has sown as liberally among the poor as the rich, but which perish without use, if not sought for and cultivated" (ib. p. 96). It is important to guard the "natural aristocracy" which is built on "virtue and talents" (ib. p. 162). Hence all children are to be given necessary possibilities, i.e. freedom to develop their natural endowments. The hereditary qualifications do not make training and instruction needless. On this point Jefferson has no objections against Locke. "Created equal" cannot exclude individual qualifications conditioned by inheritance which all in a society must be given freedom to cultivate for the benefit and joy of themselves and their fellow-beings.

Some other prominent persons at the origination of the Declaration of Independence

Although Jefferson was the penman of the first drawing up of the famous preamble of the Declaration of Independence, and although in a high degree he built on well-known lines of thought, it is interesting to study the opinions of some of his closest collaborators and friends, for instance Franklin and John Adams, beside Jefferson the most important members of the committee. However, the conditions become better illustrated if other influential persons are taken into consideration, but to choose these is not as obvious as in the case of Franklin and Adams. However, for this present purpose it seems to be reasons for choosing Benjamin Rush and Thomas Paine.

1. Benjamin Franklin

When Franklin was 19 and visited London, he had a small treatise printed which he called "A Dissertation on Liberty and Necessity, Pleasure and Pain" (1725). Proceeding from God's goodness, wisdom and omnipotence Franklin denies the existence of evil, and the existence of any real freedom for man. The freedom that exists resembles the freedom of a stone to fall. Freedom and necessity become one and the same thing. Franklin refers to the well-known picture of the world as a machine or clock (originally from John Kepler, see Cassirer p. 355 with n.) constructed by "an ingenious Artificer", and
running its inexorable course without possibility for the wheels to do anything about it (Dissertation p. 12). Consequently there can be no "Merit nor Demerit in Creatures", but all must be "equally esteem'd by their Creator" (ib. p. 13). But in that case all must be "equally us'd", which is shown by a reference to the fact that each individual is a clock which is started and kept going by pain or displeasure accompanied by a longing to replace this state with the reverse, i.e. a proportionally equal pleasure. Pleasure and pain balance each other, and the remainder, consequently, becomes the same for all. All actions originate in "pain and pleasure", i.e. in reality in "self-love", and from this follows the inaccuracy of distinguishing between "virtue and vice" (ib. p. 14 ff.).

In his first book Franklin appears as influenced by a far-reaching deism, ending up in a real fatalism. Franklin was perhaps influenced by Locke whose "Essay on Human Understanding" he had studied before (Autobiography p. 17), as to the conceptions of "pleasure and pain" as fundamental motives. But this work of his youth Franklin later in life looked upon as one of his great mistakes (ib. p. 43). His deism became less deterministic to its character. He acknowledges a belief in God as the Creator of the world, still active through his providence. Man shall praise and thank his Creator, above all by doing good to his neighbour, and God will either in this life or in the life to come reward the virtue and punish the vice (ib. p. 79 and p. 94).

From this point of view it was of course still possible to adhere to the principle of equality. All men are in the same degree created by God. But the moral conception was completely changed. In this respect Franklin became no follower of a fatalism or an indiffer­

tism. In an essay on providence in 1732 he writes: "Men are in some Degree free Agents, and accountable for their Actions" (Franklin 1, p. 269). For his own part Franklin tried to reach "moral perfection", and in order to be free from faults he wished to "conquer all that either natural inclination, custom, or company might lead me into". Therefore he made a list of thirteen important "virtues", and then tried to concentrate on developing each of these one week at a time, and he also put down all aberrations from the fixed goal, and he prayed to God for help to carry out his intent. The motive of this was his conviction that it is of no use to make up one's mind to do an action, since "inclination was sometimes too strong for reason".

Hence a fixed habit must be established (Autobiography p. 89 ff.). Franklin realizes that he never reached perfection, but that he became a better and happier man than he otherwise would have been (ib. p. 89). This training of character seems to be essentially in Locke's spirit; what reason indicates must be supported by means of a systematic training.

Locke is undoubtedly one of the authorities to whom Franklin frequently refers, when in 1749 he presented his proposal for the education of the youth in Pennsylvania (Best p. 117 et passim in the notes). The first colonists had received "a good Education" in Europe, but then became too occupied by all the things they had to do that they had no time to take necessary measures for the growing generation in the new country. Hence these are not looked upon as possessing the same "ability", for even if they do not lack "capacity", this always demands "cultivation" (ib. p. 129). From this it is obvious that Franklin, as did Locke, considered the natural endowments which, however, were developed under influence of the environment. But just as Jefferson Franklin differed from Locke in his conception of the innate endowments on one very important point. He too included a natural basis for the development in a moral respect. A certain idea of his point of view is to be found in the mentioned draft from 1749. Among the things the youth ought to learn must also be included the following (ib. p. 150):

"The Idea of what is true Merit, should also be often presented to Youth, explain'd and impress'd on their Minds, as consisting in an Inclination joint'd with an Ability to serve Mankind, one's Country, Friends and Fa­
mily; which Ability is (with the blessing of God) to be acquird or greatly increas'd by true Learning; and should indeed be the great Aim and End of all Learning".

This point of view is further illustrated with reference to a work, incorrectly attributed to Francis Hutcheson (instead it was the work of another Scottish moral philosopher, David Fordyce — see Franklin 3, p. 398 and p. 434). According to this quotation the art of education is to develop "those Natural and Moral Powers with which Man is endowed". Obviously Franklin includes various kinds of faculties, also moral, which become the foundation of the "merit" that a man might achieve with the help of a correctly formed training.

In this connection it is interesting to notice the belief in the impor-
tance of the study of history which he shared with Jefferson. On the one hand history shows how an organized society serves to protect the "properties" of the citizens, and how other advantages are won, for instance "the Advantages of Liberty, Mischiefs of Licentiousness, Benefits arising from good Laws and a due Extention of Justice" (ib. pp. 143–44). All these things seem to be in accordance with Locke. On the other hand history shows all human "virtues and vices" in the best possible way (ib. pp. 141–42). Hence "a proper Education of Youth" is the main instrument for the establishing of "the Welfare and Happiness of a People", since by means of this there is a possibility of "forming their Manners, imbuing their tender Minds with Principles of Rectitude and Morality, instructing them in the dead and living Languages, particularly their Mother Tongue, and all useful Branches of liberal Arts and Science" (ib. pp. 152–53). This is the background of Franklin's attempts to establish a "Charity school" in Philadelphia, where poor children could learn to read and write and do arithmetic, and learn the principles of "Virtue and Piety". Above this the famous academy with its two parts "grammar school" and "English school" should follow (ib. p. 153 ff. and p. 160 ff.). From this academy should be recruited the teachers to the "county schools" which also were included in Franklin's school system (ib. p. 161).

In this context Franklin also paid attention to the individual qualifications, which is evident from various statements. In passing it may well be remarked that he already in his youth maintained that the woman too had "abilities for study" (Autobiography p. 15), and it may also be noted that Franklin, after a visit to the Negro school in Philadelphia in 1763, said that he had got another opinion of "the natural Capacities of the black Race". He regarded the black children as comparable to the white children as regards understanding, memory and readiness to learn (Franklin 10, p. 396). But what he writes to Samuel Johnson in 1750 is significant (Best p. 163):

"I think moreover, that talents for the education of youth are the gift of God; and that he on whom they are bestowed, wherever a way is opened for the use of them, is as strongly called as if he heard a voice from heaven: nothing more surely pointing out duty in a public service, than ability and opportunity of performing it".

Although Franklin, as Locke when he used the concept of part (cf. chap. 1), is not consistent in his use of the word "ability", it seems obvious that the natural qualifications become an urgent force bringing with it a wish to realize that which they predispose to, and what Franklin says in the same letter to Johnson is illustrative: "Though the culture bestowed on many should be successful only with a few, yet the influence of those few and the service in their power, may be very great" (Best p. 163).

Franklin was hardly a systematic thinker of philosophy, politics and pedagogics &c. His ideas in the last-mentioned respect are not very thoroughly investigated (Best p. 21), and the expositions about them are comparatively superficial (cf. Ulleb 1945, p. 225 ff.). But the present examination seems to show that Franklin in important respects was on the same level as Jefferson. All men are created by God and consequently equal. Society protects their interests by means of laws and decrees, prevents self-indulgence, and yet gives to each man the freedom which is possible. The duty of the individual is to develop his qualifications as best he can, ultimately for the benefit of his own happiness and that of others. To reach virtue becomes a common end for all citizens, while as regards professional contributions each man has to take care of and train his special talents. To Franklin too Locke is the real master, although they differ concerning the natural basis for the development of the virtue which to both is the ultimate aim of all educational influence. Society is founded on the moral of the individual, but according to Franklin, this is forwarded by means of enlightenment. Also Franklin considers — as does Jefferson — the crusade against "ignorance" as a condition for the realization of the democracy of which he professed himself an adherent.

2. John Adams
Of the three main persons of the committee John Adams seems to have been the most distinguished publicist on political and social problems. A series of important and influential works were presented by him both before and after 1776. Consequently these contributions give material for an illustration of his thinking which to a great extent had been influenced by Locke which he also emphasizes in many contexts (see the register of Koch-Peden's Index p. XX and Adams 10, p. 486).
Before 1776 Adams presented "Dissertation on the Canon and the Feudal Law", 1765, "Novanglus", 1774—75, and "Thoughts on Government" at the beginning of 1776. To these works ought to be added "The report of a Constitution or Form of Government" for Massachusetts in 1779, a document that with all probability could be said to throw light upon Adam's point of view also at the origination of the Declaration of Indepedence some years before. This constitutional proposal which was approved of with some changes by the elected delegates is in an important degree a juridically formed counterpart to what had been stated in "Thoughts on Government". Also some other documents might be quoted in order to explain Adam's position in the respects which are mentioned in the preamble of the Declaration of Independence, either before or shortly after it was passed by Congress in 1776. There are reasons to consider these mentioned sources before turning to those of a later date.

To begin with one may ask how Adams conceived the rise of society and its government. He gives the answer in the proclamation of 1776 which he worked out in connection with his appointment as chief justice of Massachusetts. There he writes (Adams 1, p. 193 and Pole pp. 413—14).

"The frailty of human nature, the wants of individuals, and the numerous dangers which surround them through the course of life, have in all ages, and in every country, impelled them to form societies and establish governments.

As the happiness of the people is the sole end of government, so the consent of the people is the only foundation of it, in reason, morality, and the natural fitness of things. And, therefore, every act of government, every exercise of sovereignty, against or without the consent of the people, is injustice, usurpation, and tyranny".

It is interesting to notice that the duty of the government shortly afterwards is reported to be to "protect the lives, liberties, and properties of the people", which seems to be another way of expressing its duty to protect the "happiness" of the people. The authority that no longer fulfils this demand has forfeited its right, and must be opposed.

In "Thoughts on Government" the idea recurs that "the happiness of society is the end of government", from which follows that that form of government is best which succeeds in giving to the majority of the citizens "ease, comfort, security, or, in one word, happiness". But all who have searched into the question have agreed, that "the happiness of man, as well as the dignity of human nature, consists in virtue". The form of government which has the greatest possibility of realizing this end is the republican — the word republic is to be understood as "an empire of laws, not of man". The necessary legislation, however, must be delegated to a few persons, of course "the most wise and good (virtuous)" (Adams 4, p. 193 ff. and p. 203 ff.).

However, in a letter from January, 1776, Adams mentions the difficulty involved in the idea that "human happiness is clearly best promoted by virtue". He says (Koch-Peden pp. 49—50):

"Virtue and simplicity of manners are indispensably necessary in a republic among all orders and degrees of men. But there is so much rascality, so much venality and corruption, so much avarice and ambition, such a rage for profit and commerce among all ranks and degrees of men even in America, that I sometimes doubt whether there is public virtue enough to support a republic".

Before we treat the question how Adams conceives a possibility of overcoming this unsatisfactory state of things, it ought to be pointed out that he, in his constitutional proposal of 1779, repeats his idea of the end of the form of government. Here he mentions "the protection, safety, prosperity, and happiness of the people", and emphasizes, that only the people decide this constitution which they can change, if the end is not achieved. What this means to the individual is expressed in the words: "Each individual of the society has a right to be protected by it in the enjoyment of his life, liberty, and property, according to standing laws" (Adams 4, p. 225).

But beyond these expressions there is another and higher end. In the just mentioned proclamation Adams talks about "piety and virtue, which alone can secure freedom of any people" (Adams 1, p. 195). But added to this condition of freedom is another, of equal importance, which is dealt with in the dissertation on canon and feudal law (Koch-Peden pp. 18—19):

"Be it remembered, however, that liberty must at all hazards be supported. We have a right to it, derived from our Maker. But if we had not, our fathers have earned and bought it for us, at the expense of their ease, their estates, their pleasure, and their blood. And liberty cannot be preserved without a general knowledge among the people, who have a right,
from the frame of their nature, to knowledge, as their great Creator, who does nothing in vain, has given them understandings and a desire to know".

This right to knowledge which God and Nature has given man, and which is the pre-requisite of freedom, especially concerns the knowledge that all authority is commissioned by the people itself. To create possibilities of obtaining knowledge is consequently more important than the existence of wealth and property. The main thesis of the just quoted treatise is in fact that church and feudalism together held the people in ignorance which made impossible all freedom as well as "knowledge and virtue". The Reformation and the coloniza­tion of America was a fight against this unhappy state, not yet completely removed. It is still necessary to fight for "rights, derived from the great Legislator of the universe" (ib. p. 12).

The same lines of thought are put down in the introduction to "Novanglus". This work is a discussion with all those who had spoken against Massachusetts in its settlement with the English crown. The very foundation of this fight is "the love of liberty". It is said that "human nature itself is evermore an advocate for liberty", for there is in man "a love of truth, and a veneration for virtue". The people are "capable of understanding, seeing and feeling the difference between true and false, right and wrong, virtue and vice" (Adams 4, p. 14). Obviously in this case too the natural liberty is founded on the capability of knowledge and virtue.

Along with this is pointed out that man has a unique position in the universe, and that "all men by nature are equal", and that the authority has its commission from the people (ib. p. 15). The defi­nition of "a freeman" is in fact "one who is bound by no law to which he has not consented" (ib. p. 28).

In his constitutional proposal for Massachusetts 1779, Adams develops in the form of paragraphs that which we now have been inform­ed of. In the first fundamental article which in the main corre­sponds to the wording of the constitution for Virginia worked out by George Mason (see below), it is the principle of liberty which is the very starting-point for the human rights (Adams 4, p. 220):

"All men are born equally free and independent, and have certain natural, essential, and unalienable rights, among which may be reckoned the right of enjoying and defending their lives and liberties; that of acquiring, possessing, and protecting their property; in fine, that of seeking and ob­taining their safety and happiness".

In the following paragraphs is established, that "good morals" are necessary for "the preservation of civil society" (ib. p. 221), and that the people alone have a right to institute the government which is responsible for "protection, safety, prosperity, and happiness", and that each individual has a right to protection for "his life, liberty, and property" (ib. p. 225). About the means for this the opinion is still the same, educational measures being mentioned as a duty for the authorities among all groups of people, "wisdom and knowledge, as well as virtue, diffused generally among the body of the people, being necessary for the preservation of their rights and liberties" (ib. p. 259). Such laws for "the liberal education of youth, especially of the lower class of people" Adams looked upon as "extremely wise and useful" already in "Thoughts on Government" (ib. p. 199).

But Adams would have studied Locke badly, had he not realized the importance of the home for the influence which he found to be necessary for the preservation of liberty. A letter to his wife from October 1775 is elucidating in this matter. He begins to declare his belief in that which might be brought about by education (Koch-Peden p. 47):

"Human nature, with all its infirmities and deprivation, is still capable of great things. It is capable of attaining to degrees of wisdom and of goodness which, we have reason to believe, appear respectable in the estimation of superior intelligence. Education makes a greater difference between man and man than nature has made between man and brute. The virtues and powers to which men may be trained, are truly sublime and astonishing".

As instances of this he mentions Newton and Locke whose sagacity is connected with their long habits of thinking and study. Represent­atives of common mechanics and artisans show the same thing through their wonderful dexterity acquired by use. Therefore he and his wife have a great mission (ib. p. 47):

"It should be your care, therefore, and mine, to elevate the minds of our children and exalt their courage: to accelerate and animate their industry and activity; to excite in them an habitual contempt of meanness, abhor­rence of injustice and inhumanity, and an ambition to excel in every capacity, faculty, and virtue. If we suffer their minds to grovel and creep in infancy, they will grovel all their lives".
The expression seems to be valid both for an intellectual and a moral development, but the main stress is on the latter. In a diary note from 1778 one gets a certain notion of what supposedly was the gist of the letter to his wife. He now says (Adams 3, p. 171):

"The foundations of national morality must be laid in private families. In vain are schools, academies, and universities, instituted, if loose principles and licentious habits are impressed upon children in their earliest years. The mothers are the earliest and most important instructors of youth. The vices and examples of the parents cannot be concealed from the children."

During the period now treated of Adams is a representative of the conception the essential features of which are found in Locke. However, he too diverges from it concerning the idea of man's moral nature. At the same time it may be noted that the principle of freedom comes to the front. This freedom has been given to all in equal share by God and nature. When, for various reasons, it has been delegated to an authority, its power rests completely on the consent of the people. Consequently the freedom can only be warranted in society, if the people themselves develop necessary knowledge and virtue. To this end educational influence in homes and at schools is important as well as at other educational institutes. The goal of a form of government is expressed in the words "life, liberty, and prosperity", but Adams seems to prefer "happiness" as a summed up expression in the context.

Under these circumstances it is probable that the dominating position of the principle of equality in the Declaration of Independence hardly can be due to any influence from Adams. It is more likely that he felt a certain dislike not to stress the principle of freedom which may suggest that there were discussions before Jefferson worked out his draft. At the same time there is reason to believe that the word "happiness" in the declaration of 1776 may depend on an influence from Adams (see above).

Of course the principle of equality could by no means have been unfamiliar to Adams. Freedom rested, as we have seen, on knowledge and virtue, i.e. was in fact fenced about by the same limits as Locke had presented in speaking of freedom within the frame of "the law of nature", a reason with a capacity of realizing the necessity of paying respect to the equal rights and interests of others. But the question of equality took on another importance for Adams, when he, defending himself against the attacks on him concerning alleged sympathies for a "monarchical" system, closer explained the reasons for a two-chamber system (Senate and House of Representatives) with a governor as a "moderator", which he — in a letter to Benjamin Rush in 1790 — said himself to have embraced since 1776 (Koch-Peden p. 118).

To the writings which above all ought to be mentioned in this context belong Adams' magnum opus of 1787—1788 in three volumes, "A Defence of the Constitutions of Government of the United States of America". This work was caused by criticism from certain French philosophers of the decentralized form of government which had been carried out in the majority of the thirteen states of America. Adams points out that a one-chamber system was motivated by the fact that a republic is founded on the idea of equality. What then is equality? Does it mean that all citizens are to be of the same age, sex, strength, courage, industry, knowledge, wisdom, patience &c. &c.? He asks: "Was there, or will there ever be, a nation, where individuals were all equal, in natural and acquired qualities, in virtues, talents, and riches?" The answer must be in the negative. There is "a moral and political equality of rights and duties among all the individuals". But there are also "inequalities" which must be considered in the forming of a government of a country. For instance there are economical differences connected with family circumstances, skill, rate of working, or diligence. There are also differences associated with "birth". There are still all over the world families within which children and parents are as emotionally welded together as in other homes, and where the children of gratitude, affection, and moral obligation are induced to continue the work of their fathers and mothers. In every individual case it must of course be decided whether "the virtues and talents are inherited". But no one could possibly deny, that within certain families there are inherited qualifications which also are supported by an upbringing adapted to them. The causes of individual differences can never be done away with "because they are founded in the constitution of nature". There is "a natural aristocracy formed partly by genius, partly by birth, and partly by riches". But if such an aristocracy would meet in one single chamber, it would soon completely take over power. If one wishes
to prevent the natural aristocracy from spoiling "all equality and liberty" it must be isolated from the representatives of the people, and in this way create a balance within the form of government (Adams 4, pp. 389—448).

Adams wishes to protect the equality, but since he at the same time acknowledges the natural differences between men, and regards them as a necessary social resource, he wishes with proper means to protect a republican, democratic form of government that may prevent the human differences from developing into an impediment for the justified equality and freedom of all. In fact Adams opposes to a too unreflecting optimism as regards man. In the third part of his work he coins the sentence "trust not to human nature, without a control" (Adams 6, p. 204). In polemics with Montesquieu he claims that there is no natural disposition to put the public good before one's own interest, nor any original "love of equality". In these respects one has to trust in "reason, conscience, a regard to justice, and a sense of duty", and in "reflection, judgment, and a sense of duty" (ib. p. 210). The natural aristocracy, although it has a more solid foundation on which to rely also as regards "virtue", is also exposed to the risk of "running off the rails", if the rule "to control the human nature" is not followed.

The evident consequence of this conception is that educational measures are given a great significance. But "public education", besides "at public expense", might only be warranted if the natural aristocracy is deprived of the possibilities of becoming autonomous (ib. p. 198). In a correspondence with the governor of Massachusetts, Samuel Adams 1790, published in 1803, John Adams declares himself to be in agreement with his addressee about the importance of "promoting education in knowledge, virtue, and benevolence". But human passions cannot be kept within bounds only in this way. No more is to be trusted exclusively the existence of "a love of liberty". John Adams maintains that "some political institutions must be prepared", for "the multitude as well as the nobles, must have a check" (ib. pp. 411—426). The control built into the form of government is, in other words, a sine qua non to Adams, although he acknowledges certain moral qualifications in man, and this in a special degree in the natural aristocracy.

Adams presented a profound analysis of this whole line of thought in the series of articles, "Discourses on Davila", published in 1791, later published as a book in 1805 (Davila was a French historian). According to these articles man was always "gregarious" or "social", Nature has intended that he should live in a society, and therefore has furnished him with "passions" and "faculties" for this; "the passion for distinction" is most important; this is behind competition, ambition, envy &c., and thus becomes the source of both "virtues" and "vices". It is true that "simple benevolence or an affection for the good of others also exists in the human nature", but this cannot alone keep the selfish instincts within bounds. Hence nature has added "the desire of reputation, in order to make us good members of society". Consequently the principal aim of the government of a people is to regulate this passion so that it becomes a means for the form of government (Adams 6, pp. 232—234). Below can be read that nature has added to "reason, conscience, and benevolence" a passion to be noticed by others (ib. p. 246). "A well-ordered government" is necessary to prevent emulation from turning into rivalry, sedition, and even war (ib. p. 279). Endeavours to bring about "a general education" are not enough. The distribution of power which is aimed at within American democracy is necessary, since "the essence of a free government consists in an effectual control of rivalries" (ib. p. 280). This is so much more the case since nature has arranged it in such a way that there never is any complete "equality".

It is true that all are "subjected by nature to equal laws of morality", but two persons are never "equal in person, property, understanding, activity, and virtue", i.e. some are superior and wish to be superior to others (ib. pp. 285—288). The aim of the series of articles is to give further reasons for that which Adams pointed out in his great apology for the American constitution, viz. for the possibility of uniting a moral and political equality with the existence of a natural aristocracy. In a comprised form this is expressed in a letter to Samuel Adams in 1794 (Adams 1, p. 462):

"By the law of nature, all men are men, and not angels — men, and not lions — men, and not whales — men, and not eagles — that is, they are all of the same species; and this is the most that the equality of nature amounts to. But man differs by nature from man, almost as much as man from beast. This equality of nature is moral and political only, and means that all men are independent. But a physical inequality, an intellectual inequality, of the most serious kind, is established unchangeably by the
Author of nature; and society has a right to establish any other inequalities it may judge necessary for its good. The precept, however, *do as you would be done by*, implies an equality which is the real equality of nature and Christianity*

After Benjamin Rush had succeeded in establishing a new contact between Jefferson and Adams, after the breach which took place in connection with the circumstance that Jefferson succeeded Adams as president in 1801 (see e.g. Cappon II, p. 283 ff. and Koch-Peden p. 164 f.), the active correspondence between them from 1813, however, also touched upon the question of natural and artificial aristocracy. They did not disagree with one another as to the existence of a natural aristocracy founded on "talents and virtues", and that these differences are caused by inheritance (cf. above). To Adams, however, "beauty, wealth and birth" too were important components; he meant that "talents and virtues" easily would have to withdraw in favour of these. Jefferson thought, that the artificial aristocracy was made up of men who could rely on "wealth and birth" without possessing "virtues and talents". But he realized that it could not be any great risk as long as there are free elections. Adams, on the other hand, was pessimistic; he found Jefferson's distinction difficult to maintain; "talents" often include such things that belong to "wealth and birth", and, besides, the artificial aristocracy has always developed from the natural. One must guard oneself against the corruption that might exist in free elections too. In this way Adams has returned to the necessity of a "balanced form of government" (Cappon II, pp. 370 -409). The hereditary aristocracy is not so cultivated that it does not have to be controlled in order to preserve freedom and equality in a moral and political sense.

His last great contribution to the question of the existence of the natural aristocracy Adams presented in the letters which he wrote in 1814, when his magnum opus had been severely attacked by his compeer John Taylor. In these letters (Adams 6, esp. pp. 447-454, 458 and 490-92) Adams explains what he means by freedom. He says that it is "a self-determining power in an intellectual agent". This self-determining intellectual power is morally indifferent. But man is also furnished with a "moral sense, a conscience, a moral faculty" — reference is given to Hutcheson, Rush and the Bible — i.e. "a faculty of discrimination not only between right and wrong, but between good and evil, happiness and misery, pleasure and pain". This means that all are "under moral obligation to do to others as they would have others do to them". Of course all are "born to equal rights", but this does not mean a disregarding of "a natural aristocracy of virtues and talents". On the contrary such differences are "a part of the natural history of man". In this connection Adams mentions Helvétius, the foremost representative of a pure theory of environment regarding the question of the origin of individual differences, and he says that no one can support this conception. Physically and intellectually all are different from birth. Morally all are equally "innocent" at this time, but as soon as the children can walk and talk, great differences are to be seen in this respect as well. The following quotation sums up the point of view of which Adams is a representative (ib. pp. 490-91):

"Some are born strong, others weak, some tall, others short, some agile, others clumsy, some handsome, others ugly, some black, others white. These physical qualities, too, may be, and are both improved and deprived by education, practice, exercise, and nourishment. They are all born alike morally innocent, but do not all remain so. They soon become as different and unlike, and unequal in morals as virtue and vice, merit and guilt. In their intellects they are never equal nor the same. Perception is more quick, memory more retentive, judgment more mature, reason more correct, thoughts better arranged, in some than in others. And these inequalities are the sources of the natural aristocracy among mankind"

In the middle of the 1780's Adams seems to be mainly occupied with the question of equality and natural differences, as is obvious from what has just been stated, since it is so closely linked to his defence of the constitutional ideas. All men are equal as created by God, belonging to the same species, having the same rights in a moral and political respect, and being themselves under the same moral obligation to do to others as they would have others do to them. They can be said to possess a moral faculty which enables them to tell good from evil. Physically and intellectually, however, they are given different qualifications by nature; morally, too, differences soon arise. It is not altogether evident whether or not Adams, towards the end of his life, partly ascribes this fact to differences in strength of the "moral faculty". The benevolence, common to all, is also completed by "a passion for distinction" which in its turn is developed for good or evil. Consequently one easily finds oneself in the contrasts...
which are expressed in the words "virtue and vice". The equality in the above stated sense is not at war with all the physical, intellectual, and moral differences among men which certainly could be made greater or smaller by "education", but which could never be eliminated. But if equality is to be preserved the natural aristocracy must be kept in control. This happens in a "balanced democracy".

The expression "created equal" in the Declaration of Independence, seen against this examination, could not possibly have had another significance to Adams than to Jefferson. It is the human equality that is referred to, the equality that is connected with man's equal structure, equal rights in moral and political contexts, and with equal demands for all as regards the equal right of others. But this equality is not incompatible with the individual variation which exists among men in a physical, intellectual, and moral respect.

3. Benjamin Rush

At the time of the two Continental Congresses 1774—1776 Benjamin Rush was a distinguished physician in Philadelphia, and many prominent men met in his home, among whom he won many personal friends (Autobiography p. 109 ff.). He also gives personal portraits of the "revolutionary patriots", among them Jefferson, Franklin, and John Adams (ib. p. 139 ff.). It has already been mentioned that Rush was the one who succeeded in establishing a new intimate contact between Jefferson and Adams at the beginning of the 1810's, and he obviously played a prominent part at the rise of Thomas Paine's important treatise "Common Sense" (ib. pp. 113—114), which will soon be dealt with. Rush participated as delegate in the Second Continental Congress from the end of July, 1776, and thus happened to be one of the signers of the Declaration of Independence (ib. p. 119).

Rush's political thinking resembles in many ways that of the young John Adams. "Liberty and property" are the fundamental rights belonging to man both before and after the rise of society according to Rush. The combination of these two key words recurs in expositions from as various periods as 1773, 1777, and 1792 (Rush p. 6, p. 35, and p. 68). Like Adams Rush too builds the possibility of freedom partly on "virtue", partly on "knowledge" (ib. p. 88 and p. 97). Rush refers to Locke's famous statement, that there is no liberty where there is no law (ib. p. 33). Hence like Adams Rush becomes a friend of a public system of education, made up of elementary schools, higher schools or colleges, and universities (ib. p. 87 ff.). At the same time he emphasizes that upbringing in the first place must rest on an affectionate relation between the children and the parents, respectively the teachers (ib. pp. 109—114).

Another striking similarity between John Adams and Rush is, that Rush, in spite of his contacts with Paine (cf. below), strongly opposes to a one-chamber system as unsuitable as to the risks which then could arise for democracy, as a consequence of a too strong influence from the wealthy and powerful of the society (ib. p. 54 ff). Therefore, Rush attacks the constitution in Pennsylvania of 1776, and he makes it clear, that he regards it as an obstacle for a real employment of the natural differences among men, in writing for instance (ib. p. 56; cf. ib. p. 69):

"The Constitution is wholly repugnant to the principles of action in man, and has a direct tendency to check the progress of genius and virtue in human nature. It supposes perfect equality, and an equal distribution of property, wisdom and virtue, among the inhabitants of the state".

In other words Rush could be said to be an opponent of giving an artificial aristocracy the possibility of taking over power, at the same time as he expresses his positive estimation of natural differences in a both intellectual and moral respect.

In the last case he differs from Locke in the same way as do Jefferson, Franklin and Adams. But contrary to what Adams suggests (see above) Rush distinguishes between "a moral faculty" and "conscience"; with the former he intends "a capacity in the human mind of distinguishing and choosing, good and evil, or, in other words, virtue and vice". He assumes in this case the existence of "a native principle, and though it be capable of improvement by experience and reflection, it is not derived from either of them" (ib. p. 181). "Conscience" in its turn is "a distinct and independent capacity of the mind". According to Rush the difference could be understood so, that in the one case one has a legislator, in the other a judge. "The moral faculty" is linked to the will and the action, "conscience" to "the understanding". As regards the "moral faculty" Rush refers to Hutcheson, Adam Smith and Rousseau. However, it is not possible to determine the boundary, if one wishes to investigate which physical
or other elements that may influence the moral faculty which express-
ly is said to be as hereditarily conditioned as the talents (ib. p. 184),
without being unbiassed by environment and training (ib. p. 189 and
p. 202). Rush also diverges from Locke in so far as Locke founded
morals on "reason" (ib. pp. 189—190). Since many circumstances,
such as climate, food and drink, hunger, idleness &c., might influence
both intellectual and moral capacities, Rush thinks that physicians
and politicians too have a mission in these both respects apart from
parents and teachers (ib. pp. 192—209).

Since Rush obviously believes that the capacity to decide what
is good or evil and act accordingly is an innate individually varied
capacity, and since John Adams as late as in 1814 refers to Rush, it
is possible that Adams shared his convictions, and thus in spite of
his now less explicit declarations really maintained the thought of a
variation hereditarily conditioned also concerning the question of the
moral faculties in man (cf. above).

However, Rush could hardly have influenced Jefferson as to the
prominent position of the idea of equality in the Declaration of
Independence. On the contrary "liberty and property" were words
of honour in his world of ideas. In spite of many similarities with
Adams he did not stress the concept of "happiness". However, Rush
was (see e.g. ib. p. 117 ff.) a more religious person than Jefferson
who in this respect differed from Adams too (see e.g. Rush, Autobi-
ography p. 142 and p. 152). Therefore it might be imagined that the
alteration which Jefferson made to his text, when he led back the hu-
man rights to the Creator of the world, in some degree could have
connection with the contact with men such as Rush and John Adams,
and not only be due to tactical considerations as to what would be
most convincing before the public opinion; for the Declaration of
Independence had to convince the public opinion of the right of the
colonies to free themselves from the mother country.

4. Thomas Paine

It might seem significant, that it was a newly arrived refugee from
England who — after he had, with a recommendation from Franklin,
succeeded in being given a possibility of becoming a journalist in Phi-
delphia from the beginning of 1775 — was the most eager advocate

of a separation from the British crown. In a series of articles Thomas
Paine began to work up the opinion, and his pamphlet "Common
Sense" from January 1776 continued this line of action. The pamphlet
became a best-seller which soon was spread in half a million copies,
and which besides was often quoted in newspapers and elsewhere.
When Paine's arguments were criticized in a series of newspaper
addresses in April 1776, he answered in a similar way these attacks
under the signature "The Forester" down to the beginning of May
the same year. It is these contributions of Paine's that might have in-
fluenced the wordings of the preamble of the Declaration of Inde­
pendence (I will return to Paine's later works in chap. 8, since they
belong to the liberal exchange of thoughts in Europe after he had
returned to England in 1787).

Paine's aim is to bring about a separation between the colonies and
the mother country, and he unreiservedly recommends an open decla-
ratin of the independence of the former in relation to the latter
(Paine 1, pp. 58—59). The points of view which are of a special in-
terest to us could be confined to the following. It is true that there
exist expressions such as "mankind being originally equals in the
order of creation" (ib. p. 9), but the most important point to Paine
is the obligation of the authority to provide for the "freedom and
security" of the citizens. In this matter Paine distinguishes between
society and government. A society arises because men need help from
each other, but since conscience is not equally well developed in all,
aspecial government is needed to procure a defence against "the de-
flect of moral nature". From the beginning all were members of the
"first Parliament" according to the right of nature. But things be-
came more difficult, and it was necessary to pass over to a more
limited representation founded on elections. The differences between
kings and subjects, however, cannot be defended either of natural
or religious reasons. Hence monarchy is not the form of government
which is most suitable to protect the "happiness of men" (ib. pp. 4—
9). It is in fact this overshadowing goal that forms the kernel of the
problem of liberation or not (Paine 2, p. 82).

Hence Paine cannot have stimulated Jefferson to set out from the
principle of equality, while the choice of the concept of "happiness"
as a restitution for "property" might have been nourished by a
reading of the English frondeur.
Declarations and constitutions of some states

It is important to know how the human rights were treated in the declarations and constitutions which more or less quickly came into existence in the separate states, in which the same need for caution in the world opinion was not felt as in the general Declaration of Independence. Jefferson probably knew of such a document when he wrote his preamble, viz. George Mason's proposal for a "Declaration of Rights" for Virginia from May, 1776. The first paragraph of this document runs (Boyd p. 15 and p. 47):

"All men are born equally free and independent and have certain inherent natural Rights, of which they can not, by any Compact, deprive and divest their Posterity; among which are the Enjoyment of Life and Liberty, and pursuing and obtaining Happiness and Safety".

When this paragraph was codified by the general convention at Williamsburg on July 12 some smaller alterations had been taken. "Are born" was changed to "are by nature", and "inherent Rights" became sufficient. Another addition was made so that the text runs "of which, when they enter into a state of society, they can not by any Compact ..." (Pole p. 519). But these revisions changed nothing of the fact that the principle of freedom is the very basis, that the question of "property" is not excluded, but that "happiness and safety" are mentioned at the same time. In the constitution of Pennsylvania, which was approved of by the representatives of this state at the general convention on July 15 to Sept. 28, 1776, the first paragraph has the same wording as in "Virginia Bill of Rights" (ib. p. 530). This constitution which is signed by Franklin as the president of the convention was in a high degree written by him and Paine (Paine 1, p. XV). In spite of an agreement on the question of a one-chamber system, a fact which even Paine later regretted, this evidently did not prevent an acceptance of the principle declaration which has become valid in Virginia.

As we have seen it was to this declaration John Adams agreed in his proposal for a constitution in Massachusetts in 1779 (above). The constitution which was accepted in the following year only altered the words "born equally free and independent" to "born free and equal" (cf. Pole p. 480). However, the emphasis on the idea of freedom and "happiness" as the ultimate end of the government of the people had been pronounced already in 1778 at a convention in Essex (see Adams pp. 286—287 — Adam was at this time in France) where the following statement had been made (Pole p. 449):

"The reason and understanding of mankind, as well as the experience of all ages, confirm the truth of this proposition, that the benefits resulting to individuals from a free government, conduce much more to their happiness, than the retaining of all their natural rights in a state of nature. These benefits are greater or less, as the form of government, and the mode of exercising the supreme power of the State, are more or less conformable to those principles of equal impartial liberty, which is the property of all men from their birth as the gift of their Creator".

And below can be read (ib. p. 450): "We are contending for freedom — Let us be equally free — It is possible, and it is just".

To judge from these instances the preamble of the Declaration of Independence is, as compared with the wordings of those of the states, really much more diplomatic: freedom stands back in favour of equality, "property" is excluded from the text, and "happiness" becomes a neutral and at the same time wider conception among the inalienable human rights.

Summary

In the American Declaration of Independence, approved of by the Second Continental Congress in Philadelphia on July 4, 1776, it is especially the famous preamble that deals with the problem of freedom and equality. In order to get an idea of the historical background of the wordings in question, an examination has been made of the points of view of the three leading men who were commissioned on June 11 to present a proposal for a declaration, i.e. Thomas Jefferson, Benjamin Franklin and John Adams. Moreover, special attention has been paid to two other prominent persons who might be of special interest in the context. One of them is the well-known physician Benjamin Rush, a close friend and allied with the other three, and to some extent an authority to them. The other one is Thomas Paine, the refugee from England who more eagerly, and earlier than most others began to claim a direct liberation of the colonies from the mother country.
The analysis has shown that in all cases there is an intimate knowledge of the political view of John Locke. However, to this must be added the influence from the so-called moral sense philosophy, and this is evident from the fact that the main persons, as distinguished from Locke, imply an original moral sense in man. They also refer directly to Francis Hutcheson, Henry Home, and Adam Smith (about these see Segerstedt p. 18 ff.). Locke's idea of a divine reason behind the creation, represented in the individual, in this way is completed with the conception of a moral system of the world, derived from the same divine power, but also represented in the individual by a special faculty to judge what is good or evil. It is especially in opposition to Thomas Hobbes' crude conception of man — according to which the purest egoism is behind all actions — that one did not pursue Locke's empirical fundamental conception in a moral respect, but postulated natural conditions for a moral life (Leseer p. 407).

However, the combination of Locke, who as regards the origin of knowledge was a typical empiric, and a native moral sense conception could hardly be made without a special argumentation. None of the actors of the great drama of 1776 was a real philosopher by profession. But it is evident that they nevertheless were conscious of the problem which is especially apparent in John Adams, the most contemplating and methodical of them all. As indispensable conditions for the democracy that was to be founded on freedom and equality are the demands for increased "knowledge and virtue" among the entire people. The most plausible point of view, which besides was consistent as regards the conception of man, was to assume a presence of endowments in both respects, and this point of view could in fact be found in John Adams. He believes that knowledge too is a right given by the Creator of the world to man who on account of this may be characterized by "a desire to know". There is both "a love of truth" and "a veneration for virtue". Also later in his life when he seems to have had a less optimistic view of the natural foundation of man's moral development, he mentions "reason, conscience, and benevolence" as constitutional conditions of man. He now also includes "a faculty of discrimination not only between right or wrong, but between good and evil". Jefferson and Franklin also mention man's innate qualification in a both physical and intellectual as well as moral respect. Benjamin Rush uses the expression "the progress of genius and virtue in human nature", and objected to the thought of a perfectly original "equality" in "wisdom and virtue". Even in a moral respect Rush distinguishes between "the moral faculty" which belongs to the will, and "conscience" which primarily is a function of the "understanding".

As Locke his American followers proceeded from the existence of an individual variation of "the natural endowment". Jefferson and Adams coin the phrase "natural aristocracy" for those who have been richly favoured as to their natural talents in different respects. Adams' statements as late as in 1814 about the natural variation on the moral level show a certain blurredness, for he sets out from moral "equality", implying that all from the beginning are just as "morally innocent", a state of things which is soon replaced by an individual difference of "virtue and vice". But since Adams still implies the presence of an innate "moral faculty", involving the power to distinguish between good and evil, things must be comprehended so that he regards the moral endowment as a potential possibility to a moral judgment, but from the beginning without a definite content (all are "morally innocent"). In that case this potentiality might of course still be imagined as existing in a varied degree in different individuals, and forming the primary basis for a disparate development towards virtuousness or viciousness.

Against this background one must expect both similarities and dissimilarities in relation to Locke's pedagogics. A decisive similarity is the fact that the endowments alone are not looked upon as determining the development of the individual. Influence is given a great importance, and special means are demanded for the bringing about of the best possible results concerning both "knowledge" and "virtue". But there is a difference in this respect inasmuch as Jefferson and his collaborators widened the demands to comprise the whole people, not only the leading social layer, although to the "natural aristocracy" was attached a great importance in order to procure a suitable recruitment to prominent social positions and a corresponding education for these. But the endowments must be taken advantage of and be trained to a certain extent among all the citizens in a democracy.

Nevertheless it is in this very context that the tension between the thinking of Locke and that of the moral sense school becomes evident.
With a natural moral endowment the endeavours to bring about an educational influence become both easier and differently constituted. Principally it would not be necessary to use an intensive education in order to establish a rule of reason over the instincts. There exists an original power to tell good from evil, and an innate benevolence towards others to build on. Consequently there is an emphasis on the need of enlightenment for the people. To Jefferson it is necessary to preach "a crusade against ignorance". But the situation was not as simple as that on closer consideration. Not even Jefferson failed to observe the necessity of giving the natural moral qualifications requisite conditions for development. As Locke he emphasized in this context, and so did Adams and Rush, the importance of the emotional bonds between parents and teachers and the children for the rise of "virtue", and avoidance of "vice". However, it is more important to notice that, in spite of the adherence to the moral sense philosophy, one often expressed distrust in the possibilities of nature itself to shape morally perfect men. Adams makes remarkably pessimistic comments in this direction, and his despair seems to have been strengthened with years, so that he warns against a trust in the human nature without controlling it. There is, in spite of the talking of "moral faculty" and "conscience", an element of the pleasure-pain psychology left which is central in Locke's conception of man. Not only Franklin's book from his youth could be mentioned, which he later condemned himself. His later attempts to a systematic training of all "virtues" aiming at perfection, hardly ever attainable, were connected with his belief that the "inclination often becomes too strong for the individual". To Adams the benevolence towards others is an important altruistic element, but this is not enough to keep the selfish instincts within necessary limits. The equally important disposition to be noticed and esteemed by others must be taken care of by society and its government, if democracy with its freedom and equality is to be possible. Hence the distribution of power is decisive to Adams. It is also remarkable that the reasons given for the transition from the state of nature are completely in accordance with Locke's argumentation, namely that it is the defective capability to develop a social behaviour, at least in some men, that creates a need for security and precautionary measures for the individuals towards each other. These are the points of view of Adams and Paine. The moral sense philosophy would most likely have forbidden such an unreflecting taking over of a central idea in Locke's political thinking.

When the concepts of freedom and equality are subjected to a direct examination there is reason to expect, in view of what has been stated, similarities between Locke (see chap. 1) and his American admirers, but also certain distinguishing shades in the conceptions. It would seem to be easiest to begin with the principle of equality. This is connected with the idea that all men, being created by God, belong to the same species, and consequently are of the same structure. However, in this is included a moral endowment, which, like physical and intellectual capacities, in spite of the similarity of species, varies in strength from one individual to another. To the concept of equality belongs, moreover, the idea that all have the same rights, but also the same duties. To the rights belong "life, liberty and property", but Adams and others prefer to change "property" to "happiness". The import of duties is that all are under the same obligation, expressed as the duty to do to others as one would be done by.

Freedom means, as to Locke, the right for each man to rule over himself and his conditions, but of course within the frame of that which the principle of equality admits. Freedom must not degenerate into inconsiderateness, but has its given limits by the equal rights of all. The freedom of the individual to develop his individual talents is not incompatible with this.

Freedom and equality are closely connected with each other which is obvious from what has been said. So it is to Locke as well as to Jefferson and his contemporaries. Freedom cannot exist if the people do not acquire necessary knowledge and virtue. Reference is also given to Locke's sentence that there is no freedom without law. But all this means that freedom only exists in so far as it is governed by the principle of equality, but in the same way freedom can be said to be a condition precedent for a society in which equality is prevailing in the form of equal rights and duties. Without a right of self-determination for each man in society such an equality cannot exist, but conditions of superiority or subordination will arise which are incompatible with the very idea of equality.

At last if we treat, from these starting-points, the origination of the Declaration of Independence and the wording of the preamble, the following ought to be pointed out. The relation between the
people depends on the agreements which are founded on the fact that all, according to the laws of God and nature, are "equal". These agreements might be broken if there is cause for it. The circumstances are the same concerning the citizens and the government of the state. All men "are created equal", and from this follows that they have all the same rights, namely to "life, liberty and happiness". If these rights are not protected in a proper way the citizens have a right to change their constitutions.

It is especially three points of view that deserve attention in connection with these wordings. First, it is obvious that the principle of equality comes to the front; thereby freedom is directly implied, and it besides mentioned as one of the common rights. But it seems as if one had generally proceeded from the principle of freedom. This principle is most important to Adams at the time of the origination of the Declaration. Rush speaks constantly of "liberty and property", Paine emphasizes "freedom and security", and in many of the constitutions of the individual states the principle of freedom is stressed and looked upon as the predominant demand.

Furthermore in the Declaration of Independence the word "property" is avoided, and the expression "pursuit of happiness" is used instead. Franklin uses the concept "happiness", it is essential to Adams and Paine, and it occurs together with "property" in the "bills of rights" of some states both before and after June 11, 1776.

Finally the human rights are not derived, after necessary alterations of the first wording, from "created equal", but it is said to be an endowment by the Creator of the world. This gives to the principle of equality a more marked religious basis.

These observations are important because they might illustrate the dispute of the origination of the first coherent version of the preamble. It seems to be a common point of view that Jefferson's version has a greater reliability than that of Adams, i.e. there probably were no deliberations before Jefferson wrote his draft, which later was presented to Franklin and Adams, and finally to the whole committee of five. It is difficult to accept this point of view as the final solution to the problem of the origination. Undoubtedly it was diplomatic to stress the principle of equality, to avoid the crass concept of "property", and to found the demands on a divine authority as far as possible. But the strong emphasis on the idea of equality is surprising in relation to the contemporary domination of the principle of freedom. This might suggest that Jefferson already before the drawing up of his first version had been in contact with Adams who could not personally have been inclined for an argumentation of this kind. The alteration of "property" to "happiness" may also point in the same direction. The stronger religious emphasis may also be due to an influence from both Adams and Rush. Hence there certainly is reason to doubt a resolute rejection of Adams' statement about preliminary discussions, which nowadays seems to be accepted.

It is difficult not to look upon the events in Philadelphia from May to July 1776 as a grand historical spectacle, and full of admiration one tries to get to know the performing actors. But at the same time one begins to doubt whether their mutual deliberations were not more numerous than what is apparent from the three versions.

One thing is certain, namely that he who wishes to interpret the words "all men are created equal" as a kind of declaration of equality in the sense nowadays current (an example can be found in Ardrey pp. 36–37), is guilty of a historical falsification. Men are equal, being of the same structure, but not equal in individual qualifications according to the opinions of all the persons concerned. To deviate from a personal conviction was hardly their intention.

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(In necessary cases the references used in the text have been put in brackets after the mentioned work.)

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Chapter 3

Rousseau and Helvétius — two opposites in the discussion about freedom and equality in French pre-revolutionary pedagogics.

I. Rousseau

Introduction

A study of Rousseau implies great difficulties. The published sources are abundant, and would really demand a critical examination if one wishes to be sure of relying on the most authentic texts. The literature is overwhelming, and a thorough perusal would alone take the labour of a considerable time. Since the sole intention of this exposition is to deal with the concepts of freedom and equality in Rousseau, and since the available means for such a task are limited, the claims in these respects have been reduced of necessity. It cannot be a question of examining the versions of the texts on all points from source critical aspects, and neither has it been possible to read through all that has been written about the citizen of Geneva. The intention is, on the basis of acceptable texts and above all of certain modern works, to try to arrive at a total conception of the significance of freedom and equality to Rousseau.

A problem in this respect is the sometimes disputed but yet probably inescapable fact that Rousseau’s outlook in no small degree was coloured by the conditions under which he lived at the time. His personal experiences were often the important background of his
conceptions (cf. Cassirer pp. 39—40). Consequently he was no con­
sistent theorist to whom the demands of logic became of predominant
significance, and the discrepancy of his declarations was often pointed
out by his contemporaries. But it is as necessary to remember this as it
is important not to lose sight of the fact, that one and the same
problem may be examined from different aspects, and that it is easy
to find conceptions which seem to be more incompatible than they
actually are. Such a judgment seems to be appropriate to Rousseau.
He probably did very little himself to avoid misconceptions of this
kind, and this circumstance apparently is the reason why he has been
referred to as an authority from widely different quarters. The dis­
pute about Rousseau has been going on since the 18th century (cf.
e.g. Röhrs p. 11 ff. and the introduction to Cassirer p. 3 ff.). This
present investigation supports the idea that there is unity and coher­
ence behind his various main works (cf. Rang pp. 60—92, who in
important respects deviates from the point of view presented below).

However, under these circumstances it would seem to be difficult
to speak of all the influences that other thinkers might have exerted
on Rousseau in this or that respect. The aim of this study has been
to give a picture of Rousseau's own presented ideas. In doing this
comparisons refer to John Locke which is justified, since the
aim has been to explain Rousseau's and Helvétius' opinions about the
problem of freedom and equality, and to both Locke probably was
an important and inevitable starting-point. Certain differences be­
tween Rousseau and Helvétius might be ascribed to and perhaps
derived from divergent interpretations of the English philosopher,
social thinker, psychologist and pedagogue.

The negative phase - the two discourses

The foundation of Rousseau's fame was laid by his two discourses
"Si le rétablissement des sciences et des arts a contribué à épurer les
mœurs", 1750, and "Discours sur l'origine de l'inégalité parmi les
hommes", 1755. These contributions have the same theme, and the
idea that were dealt with thoroughly in 1755 are discernible already
in 1750, especially if the explanations are added which Rousseau gave
in answer to certain critical objections to his rewarded treatise.

However, both discourses are instances of an analysis of man's posi­
tion in nature and society in such a way that the transition essentially
involves a development in a negative direction. But this implies in
itself, by no means, that Rousseau regarded the forming of society
as an evil from which man ought to escape to the wilderness. He
wished to show what man had incurred by the loss of nature and
by the development of civilization, but this does not exclude the pos­
sibility of establishing more acceptable forms and conditions for
human living. The losses, as compared with the state of nature, may
be revived within civilization, if the faults are being observed. To
show these and the origin of them was Rousseau's first task. But to
his own times and to posterity he stands out — often wrongly —
as an unreserved enemy of civilization whose individualism would
have driven him to induce man to return to the state of nature as
such. However, this is obviously a total misconception.

An indication of this is the statement, that it is a beautiful spec­
tacle to see man with the help of reason dispel the darkness in which
nature has covered him, and even more to find him study himself to
learn his nature, his duties and purpose (Havens pp. 99—100, Hejll
p. 21). Rousseau's own endeavours in this respect had made him
realize that man from the beginning is free, and that he is innocent
and virtuous (Havens pp. 102 and 140, Hejll pp. 22 and 39). But
both body and soul have their needs. The former have been taken care
of by laws and government in order to be warranted security and
welfare, while the latter belong to the arts and sciences (Havens
p. 101, Hejll p. 22). But in this development the soul has been corrupted,
for virtue has disappeared to the same extent as enlightenment has
been enhanced (Havens pp. 109—110, Hejll p. 25). The arts and the
sciences have caused luxury, artificial needs, hypocrisy, and false­
ness. How has this been possible? Why has the "beautiful spectacle"
which would dispel the darkness of ignorance with the help of rea­
son brought with it a row of evil practices? According to Rousseau
the answer is to be found in the disastrous dissimilarity between men
cased by differences of endowments and the disdain of virtue con­
nected with it. Endowments have been a greater significance
than uprightness (Havens p. 149, Hejll p. 43). A foolish education
has contributed to the corruption of morals by science (Havens
p. 145 and n. 247 on p. 233, Hejll p. 41). The breeding of the heart has
taken a step back. But a change would not be difficult to bring about. The discourse ends with the pathetic words (Havens p. 162, Hejll p. 49):

"O vertue! science sublime des âmes simples, faut-il donc tant de peines et d'appareil pour te connaître? Tes principes ne sont-ils pas gravés dans tous les cœurs? et ne suffit-il pas, pour apprendre tes lois, de rentrer en soi-même et d'écouter la voix de sa conscience dans le silence des passions?"

Here Rousseau appears as a representative of the moral sense philosophy which becomes even more obvious from his answers to certain critics. For instance he says that science in itself is good, but that it has not done to man that which a simple study of the duties brings about, a study for which all have the necessary "inner guide" (Havens pp. 36—37 and 249; cf. also ib. pp. 46—47). Besides he now suggests that the very reason of the long row of evil practices caused by the development, is to be found in the rise of property appertaining to the "odious words of mine and thine" (ib. p. 46; cf. Vaughan I, p. 8).

Accordingly it is evident that Rousseau in this first discourse imagines an original state of freedom and innocence or virtue, and that there is a kind of innate conscience, and that it is the likewise natural endowments which, in the operations of reason to create sciences and arts, have got predominance over the natural innocence, which also has become aggravated by an inappropriate education. Consequently all ideas have been mentioned with which Rousseau struggled in various ways during his life, and with which he dealt more thoroughly in the second discourse in 1775.

In this man's original constitution is the basis of the exposition. If one puts all books aside and studies the first and simplest operations of the human mind, two principles are found to be in action long before all understanding, namely the interest in the personal welfare, and the dislike to see other human beings, especially man's equals be ruined or suffer. On these two principles rest the precepts of the law of nature (Vaughan p. 138, Hejll p. 58). The lack of coherence among the philosophers of natural right is due to their insufficient knowledge of the original human nature (Vaughan p. 136, Hejll p. 56). If this fundamental starting-point of Rousseau's entire thinking had been better considered many essays might have been reduced in size (e.g. Rang).

When man was subjected to the law of nature he acted according to the principle of self-love ("l'amour de soi-même"). He lived to satisfy his common physical needs, and he had enough strength to supply them. Therefore, he was at the same time free and independent, since not even the emotional needs united a man and a woman more than temporarily. The mothers could soon leave their children to look after themselves as the animals do. No language was needed (Vaughan p. 155 ff., Hejll p. 75 ff.). It is true that there were already physical and intellectual differences between the individuals, i.e. natural differences, but these were of slight significance in the state of the savage (Vaughan pp. 145 and 160 ff., Hejll pp. 61 and 97—98).

Since man had not yet opened up a connection with other men it may seem as if there were neither vices nor virtues. In any case one must not like Hobbes suppose that man was evil since he lacked the notion of goodness. Besides one must not forget the other fundamental characteristic of man's nature, namely compassion, or each man's dislike to see his fellow-being suffer. In fact it is from this all social virtues originate, i.e. generosity, mercy, love, benevolence, and friendship. Without the help of reflection compassion induces man to help the distressed, and this compassion occupies in the state of nature the place of laws, morals and virtue. No one is tempted to disobey "its gentle voice" (Vaughan p. 159 ff., Hejll p. 87 ff.).

However, man had in the state of nature two qualities that separated him from other living creatures. On the one hand he had freedom in another sense than has hitherto been treated of. While the animal chooses or rejects by instinct, man does it by a free action. At a certain given impulse he can agree or resist. Consequently he has "la puissance de vouloir ou plutôt de choisir", but on the other hand man possessed the capacity for development. It is this capacity that has brought his reason to its high level of development which has happened by means of influence of the driving force which emanates from the needs (Vaughan p. 149 ff., Hejll p. 73 ff.). But with this the conditions of his misfortunes are stated, which have befallen the whole race.

For gradually man began to establish lasting connections with other men, and difficulties arose which had to be overcome. Accordingly man had to make himself tools from branches and stones, to fish with hook, and hunt with bow and arrows. He became aware of
the conditions under which he lived, and began to observe his equals whom he looked upon as analogous to himself. He also realized that there were opportunities when they could help each other. Gradually he got a dim notion of mutual obligations, and tried to fulfill them. They built huts and united into families. The love between husband and wife and their children was developed. The concord was much greater if based on freedom and mutual affection (Vaughan p. 169 ff., Hejll p. 101 ff.). According to Rousseau the two principles in the human mind still seem to have been working and compatible with each other. Now, if ever, the golden age of mankind was prevailing. Evl had not yet entered into the relation of the individuals.

But as soon as the need of mutual support was a fact, the seeds of man's all misfortunes were sown. The rise of mining and farming would show natural differences between the workers: "Le plus fort faisait plus d'ouvrage; le plus adroit tirait meilleur parti du sien; le plus ingénieux trouvait des moyens d'abréger le travail" (Vaughan p. 178, Hejll p. 113). It was the co-operation between men which occasioned the emergence of the natural differences. But, according to Rousseau, the battle would not have been lost yet. For a self-love guided by reason and modified by compassion gives birth to human­ness and virtue (Vaughan p. 217, Hejll p. 150). But instead property came into existence, i.e. each man for himself laid hands on that which before had been common to all, and it was considered advantageous to have possessions sufficient for more than one person (Vaughan p. 169 and 176, Hejll pp. 100 and 110). At the same time a public reputation became connected with the individual capability which soon developed into a sickly need, and which put the pretentions higher than the personal merits deserved, i.e. than the personal contributions to the common good in themselves demanded (Vaughan p. 173 ff., Hejll p. 107 ff.). Obviously Rousseau is inclined to accept a regulation that would have meant a preference according to merit (Vaughan p. 189 and esp. pp. 219-20, Hejll p. 129). But instead a "status-society" arose where self-conceit ("l'amour-propre") is dominating. Man began to value himself more than others, and this meant that he suppressed "la pitié naturelle et la voix encore faible de la justice" (Vaughan pp. 160, 217 and 180, Hejll pp. 89, 149—50 and 115). In this way men became avaricious, ambitious and wicked. The differences appertaining to wealth, rank and power were even more manifest (Vaughan pp. 140 and 191—92, Hejll pp. 61 and 131—32). When the relations between men were to be regulated and a contract concluded, the people in reality only transferred their freedom to an authority that should answer for the common interests of all. As soon as this is not the case each government is without real power. But instead a civil right developed as a substitute for the natural right, by means of which wealth, rank and power won legal force. Thus these moral differences were authorized by the accepted right, and was adverse to the natural right, since they had not been proportioned according to the natural differences (Vaughan pp. 181 ff., 188 ff., and 196, Hejll pp. 118 ff., 126 ff., and 137).

If one reads Rousseau enough attentively, it is evident that human society is a degeneracy, and the political conditions a caricature of that which the social contract would have led to. But for that reason he did not mean that the issue necessarily would have been as miserable as it mostly has been. He even says that the government could not possibly from the beginning have been founded on arbitrariness and violence, and he admits that also the most corrupted morals have not completely succeeded in ruining the natural compassion (Vaughan pp. 187 and 161, Hejll pp. 126 and 90). Therefore, it is not — as he also points out in answer to criticism — inconsistent to honour the republic of Geneva (Vaughan pp. 125 ff., and 221 ff.). What he believed to have found there was the possible development of self-love under the guidance of reason and influenced by compassion to "humanité et vertue".

As we have seen Rousseau places freedom in the sense of independence and self-determination against compassion with its derivations in the form of friendship and love, i.e. consideration towards those whom one looks upon as one's equals. He finds these two principles lodged in man's original nature, and he finds them again in the first rudimentary formings of society, especially in the family. But in the course of the continued development the natural differences in a physical and intellectual respect brought with them moral differences in the form of unjustified discrepancies as to property, social reputation, and power over other people. The necessary social contract failed to establish a civil right which, within the bounds of society, preserved freedom as far as possible, and love among men, in using, to the benefit of all, the different qualifications as regards capacity
which nature has bestowed upon them. But it is evident that Rousseau did not wish that this goal would be lost sight of (see Vaughan p. 207 and Hejll p. 149). Freedom and equality ought to be united in a better way than what had usually been the case.

Similarities and dissimilarities in relation to Locke (see chap. 1) become apparent when seen against this background. According to Rousseau the state of nature is not governed by the divine reason by way of its reflection in human creatures, as was Locke’s thought. But the Creator has seen to it that self-love and compassion balance each other. The transition from the state of nature does not take place as a consequence of the fact that some individuals allow their passions to have predominance over the law of reason, but is due to the discovery of a mutual need of support. The aim of the social contract in connection with this was to express legally the mutual rights and duties, i.e. to preserve the freedom which no one definitely could have parted with to an authority, if it misuses its position. In this respect Rousseau and Locke are in agreement. But according to Rousseau, this achievement has failed in most cases, while Locke, in spite of certain critical objections, did not regard the development as a catastrophe as to the establishing, within the positive right, of a correspondence to the freedom and equality regulated by the natural law.

The first positive attempt — the article on political economy Simultaneously or perhaps somewhat later than the second discourse Rousseau wrote for the great encyclopedia the article “Economie politique” which was published in November, 1755 (see Vaughan I, p. 14 n. 1). This is an attempt to develop a theory of political right ending up in a positive view of the possibility of establishing a society befitting human beings. At the same time the educational problems which come to the fore are treated of.

Rousseau begins his article with pointing out the differences between the family and the state. By nature the father has authority as long as the children need his protection. In a state where “tous les membres sont naturellement égaux”, the authority is based on a contract and exercised with the help of the law. The father fulfils his duties on account of the emotional bonds (“sentiments naturels”) from which

he seldom can free himself. Within the state the relation between the governing body and the people is regulated by what they are obliged to do to each other according to the contract. Further the children have no property belonging solely to themselves, while the state exists just to warrant each his individual property.

According to Rousseau it is in the nature of things that the right to decide within a family belongs to the father. He does not think that the mother has the same rights as he. The power must be concentrated in one person, and the husband must watch over the behaviour of his wife, if he will be able to have responsibility for his children. They must obey him, first of necessity (“par nécessité”), then of gratitude (“reconnaissance”), so that they — having had their needs satisfied by their father — can support him in the future. Of this there is nothing in the relation between government and citizen in the state. He who governs cannot listen to “la voix du cœur” without making mistakes, since obligations and rights are regulated by the contract and the law (Vaughan I p. 237 ff., Hutchins pp. 367—68). Therefore, one must distinguish between public and private political economy.

Rousseau also makes the important distinction between sovereignty which is connected with the legislative right, and government which is solely an executive authority. Rousseau compares “le corps politique” to an organism with head or brain which rules all the organs, and the message of which is carried out by all individual parts or limbs making it together possible for the entirety to survive. But this political body accordingly has a will. This "volonté générale" which aims at everybody’s happiness, and on which the law is founded, decides for all citizens in their mutual relation what is just and unjust. In the word right the whole principle of the exposition is placed, Rousseau says in his manuscript to the article (Vaughan pp. 241—42, Hutchins pp. 368—69). However, each society is divided into smaller units, and this is what brings about certain contrasts between "la volonté générale" from the point of view of the totality.

The first principle for a government is to act according to "la volonté générale". From the beginning men united in order that their property, life and freedom would be protected. This happens with the help of the law. The law is the warrant of justice and freedom. As a manifestation of the will of all it restores, in the shape of the civil
law, the natural equality among men. In this way the law makes possible a unity of freedom and equality (Vaughan pp. 244—45, Hutchins p. 370).

But in that case the other great principle of political economy must be observed, namely that which refers to the task of combining the individual will with the general will. Since this conformity of individual and general will is the same as virtue, one has to see to it that this latter really becomes predominant. This happens when the citizens learn to love it because they are made to love their country. But then it is necessary that the citizens are taught this while they are still children. Everyone must learn to look upon himself as a part of the whole and identify himself with it (Vaughan pp. 248—256, Hutchins pp. 372—76).

But how shall this necessary education be carried out? In fact Rousseau thinks that the father has no right to take care of it; instead within society it would be easy to carry out taxation if all were living under equal conditions. However, a strict proportionality in relation to one’s property would probably not bring about justice, but one has to take into consideration each man’s conditions of life as such, and the superfluity which someone may have at his disposal. Therefore Rousseau suggests heavy taxes on luxuries (Hutchins p. 377 ff., Vaughan p. 258 ff.).

As can be seen, there is no serious contrast between the exposition of the second discourse and the contributions to the encyclopedia. The former gives from psychological assumptions a conjectural picture of the failure of mankind to transfer the freedom and equality of the state of nature to civilization and society. The main point is this failure without implying a denial of the possibility of bringing about something better. The article on political economy discusses this problem without for that reason giving cause to speak about a transition from an earlier individualism (Vaughan I, p. 18 et passim). Just as before the social contract is described as a step from the freedom and equality of the state of nature to the preservation of these principles by the legal right. In the original manuscript of the article can be read that man is free also when subjected to the law, for in this can be found only that which is an expression of the will of all. Hence all are equals and no one is above the other (ib. p. 274). In other words freedom is warranted in the same degree for all, as long as the common interest allows an independence. The new theme of this article is, that the realization of this society to a great extent rests on education, and that this becomes the duty of the state. Rousseau does not explain how the educational method will be formed, but it is obvious that he relies on the emotional foundation of a family which he has touched upon in the second discourse in which compassion is the source of love and friendship, indeed of all social virtues. The fact that Rousseau imagines a state control of the family life itself is evident from his manuscript in which he says that the state ought to provide common rules for all families, and ought to give the authority of the parents and the education of the children the same shaping (ib. p. 280). Obviously it is no repudiation from the idea of having the children formed to freedom in obedience to the law within the family with the help of the emotional bonds between their fellow-beings. Self-love and compassion still seem to be used to realize the ideals of freedom and equality within human society, according to Rousseau.

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The great synthesis: Contrat Social, Julie and Émile
When Rousseau in 1756 left Paris and lived in more idyllic circumstances at Montmorency, he began to develop further the fundamental conception of which he had previously presented merely the outlines. On the one hand he worked out "Contrat Social" (printed in 1762), on the other he treated the educational problems in "Julie ou La nouvelle Héloïse" (printed in 1761), and "Emile ou de l'éducation" (printed in 1762). In the one case he develops his theories relating to political law without dealing with education, in the other case he treats just this, his social conception being merely the necessary background. Just as the second discourse and the article on political economy ought to be regarded as complementary to each other, these mentioned works, produced at about the same time, must be looked upon as a symphony with various movements; together they form the great synthesis of Rousseau's thoughts of the manner in which the individual and society, nature and civilization might be brought to harmony.

a) Contrat Social
There exists a certain complication in treating the book about the social contract — apart from the original aim of the exposition to be a part of a greater work about the political institutions on a whole — since the text in some parts was rewritten and the disposition changed shortly before its publishing. In other words there are at least one partly unprinted and one printed version (see Vaughan I, p. 434 ff., and II, p. 1 ff.). But if some chapters of the former version are excluded which cannot be found in the latter, the conception is on the whole the same (Vaughan I, p. 20). Consequently the printed version will be used in the analysis below. Some introductory observations are fundamental for it. The aim of the book is to be an examination of "les principes du droit politique", an expression which in the title is equivalent to "contrat social". The aim of the book is to find these principles "en prenant les hommes tels qu'ils sont, et les lois telles qu'elles peuvent être" (Vaughan II, p. 23). It is evident that this exclusively refers to the problems which in the article to the encyclopedia were treated in connection with the first principle of the political economy, i.e. the relations within a family must not be applied to the state, "la voix du cœur" has no voice in this matter, and it is therefore not a question of showing how the abstract principles might be brought to a concrete realization. Hence it is only one of the two motives in man, viz. the self-love, which will be treated of. Compassion, from which originate friendship and love and all virtues, according to the second discourse, is not and could not be discussed, for man has to establish connection with other men before any emotional bonds between them could arise. In the state of nature all are free and independent and accordingly equal; consequently no law which decides their mutual relations is possible, which Rousseau emphasizes in a chapter of the unprinted version in opposition to Diderot (Vaughan I, p. 447 ff.). How the state of nature was replaced by society and state, Rousseau in this exposition leaves an open question, and confines himself on purpose to its justification (Vaughan II, p. 24). He does not completely leave the historical aspect which he had developed in the second discourse. For instance he says that men had to unite when it became evident that their individual powers no longer were sufficient (Vaughan p. 32), a point of view in agreement with his earlier conception. But otherwise he pays no attention to the course of development. What he wishes to investigate is how man's union with others, and their agreement to unite their strength to one, becomes an equal protection for the life and property of all, and yet admitting the same freedom as before (ib.).

By means of this act of union which the social contract constitutes, "un Corps moral et collectif" arises made up of as many parts as the number of the individuals. This "Corps politique", or "République" has a general will ("la volonté générale") implying an absolute power over the individuals, and consequently is the sole real sovereign. In this general will rests the legislative power, while the execution of the laws is committed to a government and its various institutions (Vaughan pp. 33—34, 39 ff. and 64 ff.). Which is the relation of this new state — this is an important question — to the state of nature? The instinctive conduct is replaced by the right, the physical impulse by the duty, and the desires are relieved by conditions under which man, instead of only regarding himself, has to consult his reason. Of "un animal stupide et borné" is created "un être intelligent et un homme". What man loses is the natural freedom of only taking into account those things that tempt him, and instead he has got "la
liberté civile et la propriété". The former freedom is only limited by the strength of the individual, the latter by the general will. The moral freedom within society also frees man from his desires, and makes him in this way a master over himself, i.e. liberates him from the slavery of these desires (Vaughan pp. 36—37).

Rousseau repeatedly emphasizes that the freedom and equality of the state of nature in this way has got a correspondence in the society and state. All citizens possess the same qualifications and the same rights, namely those constituted by the general will. But at the same time no one obeys anyone but himself, since each man's will is behind the general will which, by way of legislation, determines its own contents (Vaughan pp. 45—46). However, this does not at all mean that the natural differences between men have been eliminated. It is true that the natural equality ("l'égalité naturelle") within the frame of the social contract is replaced by a moral and legal equality, and that consequently all are equal according to convention and right although there are differences of strength and endowments (Vaughan p. 39). But when Rousseau deals with various constitutions, the significance that he still attaches to the natural differences becomes evident. Democracy in which all govern all is only possible among a small number of citizens. In a great state monarchy is necessary. The natural aristocracy, where age and experience assert themselves, only suits simple primitive peoples, while the hereditary aristocracy, where wealth and power have obtained mastery without respect to capacity, is the worst form of government. It is different as to the elected aristocracy, since "la probité, les lumières, l'expérience, et toutes les autres raisons de préférence et d'estime publique, sont autant de nouveaux garants qu'on sera sagement gouverné" (Vaughan p. 71 ff.).

Is it then Rousseau's opinion that the individual has given up himself and his various interests, and submitted himself completely to a social contract of this kind? Sometimes it seems as if he thought so. He mentions "l'aléllation totale de chaque associé avec tous ses droits à toute la communauté" (Vaughan p. 33). However, judged from many other declarations the expression must be interpreted so, that the statement is valid within the bounds of what might be the general will; for when Rousseau more precisely expresses this he proceeds from the concepts "la volonté de tous" and "la volonté générale". The latter refers solely to the common interest, while the former is the total amount of everybody's personal interests. If from this latter is taken that which is incompatible, the equal and common remains (Vaughan p. 42). In the first version of the social contract can be read that "la volonté générale est rarement celle de tous" with the important continuation that "la force publique est toujours moindre que la somme des forces particulières" (Vaughan I, p. 462).

But it must not be forgotten that the general will, as expressed in the legislation, only comprises what Rousseau calls the constitutional laws. The mutual relation of men is to be regulated by civil laws and criminal laws, and above all by "les mœurs, les coutumes et l'opinion" (Vaughan II, pp. 63—64). Elsewhere is stated that the disparities between the particular electors are to be compared to the deficient conformity of "les mœurs et les lois" (Vaughan p. 66). With consideration to what has now been said, it is incomprehensible that Rousseau's social contract has been understood as an expression of the primary doctrine on which the totalitarian states have been built (Ardrey p. 96; cf. Cassirer pp. 7—8).

Against this background Rousseau is hardly inconsistent when he below sides with Montesquieu (see Vaughan I, p. 31 ff.). Freedom may not ripen everywhere, since climate and conditions of work, soil and the strength of the population vary, bringing with it a larger or smaller surplus in proportion to that which constitutes the necessaries for each man. In unfruitful and barren regions Rousseau seems to prefer the state of nature with its total individual freedom and independence, in wealthy countries the monarchy might be best, since there will be room, within a concentrated executive power, to give amply the necessaries to all, and have the surplus consumed by the monarch and his indispenseral administration (Vaughan II, p. 82 ff.). As a logical consequence of this Rousseau asserts that equality within the civil society must not be understood so, that power and wealth would be equally allotted to all. The power shall only exclude violence, and be exerted only by virtue of rank and laws. No one is allowed to be so rich that he might buy someone else, nor so poor that he has to sell himself (Vaughan p. 61).

Hence the book about the social contract confines itself to the general will which in actual situations might be common in relation to the various interests of the individuals. But the book does not deal with the possibility of bringing the individuals to that point that
they follow the general will expressed in the constitutional laws, nor with the aim of bringing manners, customs and opinion, and the self-interests of each man in harmony with those of his fellow-beings. This is, as has been mentioned, a study of political law and highly abstract. But the result is, that the absolute freedom and equality of the state of nature, by means of the social contract, has only partly been transferred to and regulated within society and state. "Une existence partielle et morale" (Vaughan p. 52) is mentioned, and Rousseau still distinguishes between the obligations of the subjects as citizens, and "la rectitude naturelle" which the individuals ought to enjoy as men (Vaughan p. 44).

But Rousseau did not only devote himself to the abstract world of political law, but at the same time tried to find a solution to the practical problems which he had treated as the second principle in the article on political economy. These are the ideas he deals with in his two educational novels.

b) Julie and Émile

Also in "Julie ou La nouvelle Héloïse" the educational problems are being discussed, and the book might in fact be looked upon as a shorter version dealing with subjects more completely and comprehensively treated of in "Émile ou de l'éducation" (see e.g. Röhrs p. 163 ff.). Julie maintains among other things the view that the natural differences of endowments must not alone be decisive of the choice of profession. One must also consider the possibility of becoming happy and virtuous. As long as the endowments cannot be assumed to be absolutely proportioned in relation to the various needs of society, it would be unwise to have the peasants take other professions, and perhaps in doing so jeopardize the support of the whole people (Lanson 4, p. 21 ff.). On the other hand Julie asserts as absolutely the demand for a natural upbringing. This means that the child must be allowed to develop according to its individuality at different points of time of its life, and that one must not try to talk sense to it — as Locke suggested — until reason is properly developed. The children must be allowed to be children before they become men, and then the upbringing can be left in their own hands. Along with the constitutional fundamental characteristics common to the race, each man has a special temper which determines his endowments and character. Here it is important to shape and complete, not to change or exercise compulsion. An equal treatment of all is an impossibility under such circumstances. The differences must not be looked upon as a result of the conditions of environment and growth, but are really due to nature itself. In Rousseau's own manuscript this statement has been directed against Helvétius (see Lanson 1, pp. 83—84 and 4, p. 65 ff.). The correct method is to refrain from interfering instead of risking an injurious intervention. However, those who can live in simpler circumstances might dispense with the intellectual education which may be necessary in other cases.

The principle of freedom, and the consideration to the personal individuality is strongly emphasized. But nevertheless Julie pronounces an equally unconditional claim on upbringing, which develops the child's capability to pay regard to others. The child must be given an affectionate help, but this applies only to unconditional needs. No indulgence must be fomented. The law of necessity which prevails in the world of objects, the child must learn to reverence in the world of men too. The sole law, which must be obeyed, is that of liberty, i.e. not obstruct, nor disturb anyone unnecessarily. Physical organs, sense organs, attention and mind of the children in this way get all the training they need, and the children are not being tormented by books. To learn to read becomes a task which each child spontaneously sets to, since this ability proves to be necessary in the social environment. Surrounded by affectionate parents and intelligent and benevolent servants the child will itself be filled with love and friendliness. In trying to win someone else's heart, one gives one's own away to him whom one wishes to win. From the self-love the love to others is created, and this mutual emotional tie, sprung from the idea of equality, results in all the good qualities which one otherwise tries to force from the children in vain (Lanson 4, pp. 60 98).

The similarities to the theory in "Émile" is undoubtedly significant. But two divergences are immediately conspicuous. Julie's three children, two sons and a daughter, are brought up to individuals and men within the frame of a happy family life. Furthermore the physical and intellectual development takes place at one and the same time, together with upbringing in the proper sense of the word. These two processes Rousseau has placed in different phases of the period of...
growth in "Emile", as we shall see, in a completely different way than in the home of Julie and her husband, although there is not even in the case of Emile a strict boundary-line.

Here Rousseau's great educational novel will not be treated from any other aspects than those that are relevant to our account. First may be mentioned that the conception of man that was presented in the second discourse is completely preserved in "Emile". Hence without doubt the self-love ("l'amour de soi-même") is a basic physiological principle. Self-love is the most primary of all instincts and is behind these; they serve self-preservation and are consequently something good and in complete accordance with the order of nature (Garnier p. 237 ff., Fablistetd 1, p. 289 ff.). Goodness in this context means the same thing as suitability for a purpose. Against this background the famous opening words of "Emile" must be understood: "Tout est bon sortant des mains de l'Auteur des choses, tout dégénère entre les mains de l'homme" (Garnier p. 1, Fablistetd 1, p. 2).

Self-love is "bon et utile" (Garnier, p. 76, Fablistetd 1, p. 91). The natural instincts accordingly become tools for the freedom of man (Garnier p. 238, Fablistetd 1, p. 289). As long as man stays within the limits of his needs, which needs he by nature has enough strength to fill, he is independent and consequently free. When he is induced to demand more than he can accomplish himself, he is transformed to a slave (Garnier p. 65 ff., Fablistetd 1, p. 75 ff.). The only limit which, according to this way of looking, exists for man, is the dependence which is due to the inexorable laws of the physical world in which he lives; the child is, because of its weakness, in the beginning dependent on its parents, and so far its freedom is restricted. But it is important not to widen the gulf between its needs and its strength (ib.).

As in the second discourse Rousseau takes this primary transitory unfreedom as a starting-point for a description of the development of the emotional bonds between men. In this he deals with the same theme as in "Julie". From the self-love the love and gratitude of the children grow towards their parents. The relation of the parents and the servants in "Julie" is expressed in a similar way in the relation of the nurse and the tutor in "Emile". In fact Rousseau still thinks that nothing can replace the motherly tenderness (Garnier p. 13, Fablistetd 1, p. 17). However, a long experience teaches Emile that he is loved by his tutor, which lays the foundation of his attitude towards him (Garnier p. 284, Fablistetd 1, p. 347). But the most important thing is the friendship which is developed in relation to children of the same age. Affection and tenderness arise when they are observed to be suffering. It is the weakness of man that draws him to others, and it is the common suffering that creates the sense of community. Compassion is the first feeling of affinity which according to the order of nature affects the human heart. It is when Emile is sixteen and his sexual need is aroused that he seriously begins to identify himself with his unhappy fellow-beings. His further experiences of human misery in the end give rise to a sincere love of all mankind (Garnier pp. 288—293, Fablistetd 1, pp. 303—338). Still it is the natural compassion that, according to Rousseau, is the very foundation of the moral relationship between men.

However, it seems as if Rousseau sometimes would proceed further than to an emphasis on compassion as the origin of community; the high-pitched last words of the first discourse mentioning an innate conscience (see above), are somewhat differently worded in "Emile". Rousseau says for instance that, if he had before doubted that the feeling of right and wrong was innate in man, he no longer found it possible after having seen a fit of rage in a child which in itself was justified (Garnier p. 41, Fablistetd 1, p. 52). The duty to keep a promise is regarded as due to a law of conscience, or an inner innate principle already from an early age, which only needs certain experiences in order to become valid. This is not a work of human hand but has been engraved in each heart by the originator of all things (Garnier p. 87 the note, Fablistetd 1, p. 104 the note). It is not possible to imagine a natural law founded on reason and independent of conscience. There must be a natural need for the human heart, Rousseau says. The foundation of all human justice is in reality the love of mankind developed from the self-love (Garnier p. 268 with note, Fablistetd 1, p. 327 with note). Thoughts like these are most apparent in the confession of the Savoyard vicar, this dithyramb to a divine will and a divine reason beyond the world of matter in which man, the foremost work of the Creator, has to live. Man has an immortal soul and a free will. The latter is founded on the power of reason to compare and judge. In choosing between different actions two forces will be of importance, namely on the one
hand the self-love, and on the other the conscience, an inner voice which tells us that we act evilly when we base our own good on the expense of others, and which approves of mercy and mildness, or which makes us feel compassion for the unhappy and makes us suffer with them. From this it is evident that to Rousseau there, in fact, never was a contrast between the statement of the first and second discourses. The conscience is an emotion, not a judgment, namely the emotion which in relation to other people corresponds to an individual's emotion to himself. This emotion in relation to other people can never deceive man who, however, in his actions may follow its gentle voice, or otherwise the self-love. But reason often leads him astray in placing itself beside the self-love. It is always a struggle between conscience which speaks for the common good, and reason which refers everything to the individual. Consequently virtue cannot be founded on reason. In this struggle it is at last the divine love that brings about the victory of the good, according to the Savoyard vicar. The religious experience seems to be the ultimate warrant that freedom is used to self-conquest, and thereby leads to mercy and justice; for without belief there is no real virtue (Garnier pp. 309—374, Fahlstedt 2, pp. 11—92). Hence Rousseau appears as a representative of a moral sense philosophy anchored to a kind of deistic conception, which he himself calls "natural religion". But this conception certainly has its obscurities. For instance Rousseau can say that "l'homme est sociable par sa nature, ou du moins fait pour le devenir" (Garnier p. 342, Fahlstedt 2, p. 51), an expression which makes his denial of the "social instinct" doubtful (cf. Cassirer p. 101). But the main conception seems to be that conscience founded on compassion is an innate emotion towards others, that reason shows what is just or unjust, that freedom implies a choice between one thing or another, but that power to overcome the selfishness is only possible from the contact with God (cf. Rang p. 523 ff.).

But this does not at all mean that Rousseau has abandoned his way of looking at things from the aspect of political law, as he has presented it in other treatises. Thus he still adheres to the conception of an original state of nature in which man certainly lived isolated but according to the measures of his own powers, and in which man consequently was free and independent and an equal of all others. Furthermore was emphasized that mankind almost always had failed in the endeavours to preserve freedom and equality within civilization and society in the transition from this state (Garnier pp. 65 and 269—270, Fahlstedt 1, pp. 71—72 and 329—330). Finally Rousseau insists on the possibility of overcoming these failures. In fact he reiterates towards the end of "Emile" important parts from "Contrat Social" with its doctrine of the fundamental contract, the general will and the laws, different forms of government &c. The natural freedom and equality has been replaced by the constitutional freedom and the conventional equality (Garnier p. 563 ff., Fahlstedt 2, p. 323 ff.; cf. Garnier p. 209, Fahlstedt 1, p. 253).

As has already been pointed out, it is the aim of the educational novel to show the best way of realizing this last-mentioned thing. The whole book deals with the process in which the basic forces of self-love and compassion are brought to a balance guided by reason, ripened and developed under the conditions which have made it capable of judgment to which it was meant. It is of course an open question why Rousseau placed Emile in his artificial situation. However, it is altogether evident that he has not been able to maintain the fiction. For instance the nurse and the tutor must have some place to live in, and they need support to manage the details of everyday life for themselves and the boy. In practising orientation by means of which Emile is taught to realize the importance of astronomy, it is obvious that they go for a walk before breakfast, that they go astray but at last find their way back to the town, and hurry hungry back to dinner (Garnier p. 196 ff., Fahlstedt 1, p. 237 ff.). It is also evident from many statements that Emile lives in an ordinary social environment. When he wishes to learn to read, and to some extent acquires this faculty by himself, it takes place in the bosom of the family as in "Julie", in that Rousseau even assumes that the boy receives letters from his parents among others, in spite of the fact that he is held to be an orphan (Garnier p. 109 ff., Fahlstedt 1, p. 131 ff.). It must not be forgotten that Emile's future wife, Sophie, is educated completely according to the assumptions which Rousseau dwelt upon in "Julie" (Garnier p. 430 ff., Fahlstedt 2, p. 161 ff.), and that it is a question of nothing but having the girl used to her future role of obedience and subjection, by means of a tender but resolute treatment, a role which, according to Rousseau, is allotted to her in society, an exposition in which he hardly takes a critical
position to the prevalent division of sexual roles. Rousseau also asserts that he does not find it possible to bring a child up "au sein de la société" without entering into the relation of the fellow-beings and the moral obligation to them. Therefore he purposely and methodically mentions the property, and in his efforts to grow beans himself Emile is given a practical demonstration of Locke's typical conception, that the right in this case is primarily connected with his labour who first tilled the soil (Garnier p. 82 ff., Fahlstedt 1, p. 99 ff.). It must be mentioned that Rousseau often speaks about the wise Locke, although he in "Julie" disputes against his method of reasoning with the children until reason has really ripened.

Consequently it is altogether apparent that Rousseau's "private education" is not a result of a "despair" at the impossibility of carrying out a public education (Vaughan 1, p. 234; cf. Rang pp. 78—79). On the contrary he points out that the whole education in the novel is mere fiction. After all he thinks that the father and the mother are irreplaceable, he doubts that a tutor ever could be obtained who might satisfy the claims of a father, and he rejects himself in this respect (see the opening pages of the book). In this context Rousseau also gives the reason of the artificial situation which he afterwards tries to carry out in vain. There are three forces which influence the child, namely its own nature, the surrounding objects with their inherent necessity, and the men with their arbitrary possibilities of judgment. The individual must be formed for himself and for society. Hence there is a social and common education, and an individual and private; both are apparently necessary; both the civilized man and the natural man must be shaped. About this can be read (Garnier p. 5, Fahlstedt 1, p. 8).

"Les bonnes institutions sociales sont celles qui savent le mieux dénaturer l'homme, lui ôter son existence absoluë pour lui en donner une relative, et transporter le moi dans l'unité commune; en sorte que chaque particulier ne se croie plus un, mais partie de l'unité, et ne soit plus sensible que dans le tout."

How the social upbringing is to be carried out one gets a notion of in Plato's book about the republic, according to Rousseau. He for his part wishes to show how the double end, to become a man for oneself and yet a man for others, in other words a citizen, might be combined in the same person. But in that case it is necessary to learn to know "l'homme naturel" and his gradual development. To show this is the aim of Emile (Garnier p. 7, Fahlstedt 1, p. 10). It could not be said more explicitly that Rousseau wants to explain the individual development founded on nature in order to reach his goal, which is to transform the natural man into a civilized man, and combine the two aspects in the same individual. It is — as has been emphasized — his intention to give a thorough demonstration of what he suggested about education in the article to the encyclopedia. This and nothing else is behind the artificial conditions in "Emile".

About the natural individual differences not much is said, perhaps owing to the fact that Rousseau on purpose chose an average boy ("un esprit commune"), since he is the one who needs education (Garnier p. 22, Fahlstedt 1, p. 29). But the whole work rests on consideration to the natural development and to the individuality. Perhaps this is what has been most taken into account when Rousseau's place in the history of education has been valued. But the natural endowments are sometimes directly paid attention to. However, it is significant that Rousseau then refers to the second discourse with its conception of society based on protection of the individual qualifications (Garnier pp. 213—14, Fahlstedt 1, p. 259). Of course he also shares Locke's opinion that the endowments must be trained in order to reach perfection, but that one cannot proceed further than they allow (Garnier p. 222, Fahlstedt 1, p. 269). Hence to Rousseau freedom in society is also a freedom of developing according to the qualifications, i.e. to "realize oneself". It would be incorrect to believe that Rousseau thought this possible only under the conditions of the fictive educational novel which, as we have seen, was chosen with a mere demonstrating intention.

Upholding and instruction in Poland

A detailed proposal to a realization of Rousseau's ideas relating to political law, and his opinion about the importance of education for this, can be found in the treatise on Poland's constitution which was posthumously published. It was written at the request of a Polish patriot towards the end of the year 1771 and the first months of 1772. Although there were six or seven copies of it, and several
people must have read it, it was not published until in the first edition of Rousseau's collected works in 1782 (see Vaughan II, p. 369 ff.).

In important respects this treatise repeats the thoughts that were presented in the article to the encyclopedia. Some of the basic principles of the latter are in fact fundamental to the reforms which Rousseau recommends in Poland. To these belongs first the patriotism which shall permeate all citizens and be the foundation of obedience to the laws and various virtues (ib. p. 431 ff.). However, Rousseau emphasizes, as he did in 1775, that education is the inescapable condition precedent for such a patriotism; for it is this that gives the soul its national shape. The children must imbibe with their mother's milk the love of their country, so that it permeates their whole emotional life (about this and the following see Vaughan II, p. 437 ff.). Such a national upbringing is only due to free men living in a community and connected with each other by the law. Since all are equal according to the constitution they shall all attend the same school irrespective of their coming from rich or poor homes. There will also be institutes for various kinds of physical training; these are not least important for the moral development. Rousseau cannot sufficiently emphasize that a good education shall be negative, i.e. vices must be prevented from arising. This is done in letting the children be active in the way which they themselves most approve of. In such cases public games may also be used in which all have to participate. These too aim at not only developing health and strength; they shall breed the habit of subjection to rules, of having one compete with another and still consider all as equals and brothers. Also the parents who prefer to give their children education at home must always send them to the public games. As is obvious Rousseau has not dissociated himself from the possibility of private upbringing (cf. Vaughan II, p. 380, who has a reverse opinion). Without this upbringing to patriotism nothing can be expected from the laws; however wise they are: they become ineffective without citizens who in this way will feel happy and free. As teachers one should take Poles only, relatively young, preferably married, and well reported of as to customs, understanding and knowledge. These will after some years be promoted to other offices which they might deserve. Rousseau attaches importance to the distribution of public vocations according to capability and merits (ib. 492 ff.).

From this it is now manifest that Rousseau by way of a natural upbringing in homes and at schools sees a possibility of realizing the aim of the law to create freedom and equality in a concrete state in which the individual differences must and shall be preserved at the same time. What he described in 1771—72 is a correspondence to the rules and standards for the development of a social community which he mentioned in the manuscript of the article to the encyclopedia.

Summary

Between the awarded first discourse in 1750 and the draft of Poland's constitution in 1771—72, Rousseau walked a long way — from the sweetness of fame to his role of former exile who out of mercy was allowed to settle in the state to which he above all had devoted his strength. But in spite of some small changes in the conception, the main features of Rousseau's thinking, at least as to the concepts of freedom and equality, had been permanent.

Thus the state of nature, according to Rousseau, is characterized by absolute freedom and equality. Each individual lives independent of the other, and the difference as to strength and endowments which existed among men, were not yet significant. However, it was already possible to notice two psychological principles, self-love referring to the own interest, and compassion being the foundation of a union with other individuals of the same kind.

From these starting-points Rousseau develops both analyses that are conditioned by the history of development, and a purely theoretical and abstract political law. In the former respect his description becomes to a great extent a pessimistic narration of the failure of mankind to transfer freedom and equality to the organized society. When men, above all on account of the insufficiency of strength of the individual, had to establish contact with each other, self-love gained supremacy over compassion, and reason mainly began to serve the former. But this is not an inevitable evil. In order to prove this Rousseau both explains what the social contract implies and what education means in order to realize this. The social contract is an act of union by means of which all individual wills and interests are incorporated in one single common will, and one single common
interest, the general will. This is given its exact expression in the constitutional laws which, within the limits of the common will, partly transfer the freedom and equality of the state of nature to civilization and society. As for the rest one still has to consider the various interests of the individuals.

On the one hand it is then important to make the constitutional laws a reality for each citizen, on the other to make manners and customs correspond as far as possible with the constitutional laws, and in this way diminish the tensions within society. In both respects education is decisive. By means of a proper education the children are given the social mind which is the aim of the contract, and the consideration to each other which is the condition precedent for freedom and equality under social conditions. In this Rousseau relies on the possibilities given by compassion and the innate conscience which the former basically is. The children and their tutors will be bound together in mutual regard, since love originates from the self-love when experience has shown them their importance to one another. According to Rousseau this naturally takes place within the family. The conditions of Emile's education are nothing but a construction in order to show how man's growing into society principally is formed, when this process runs its course in a way which takes consideration to his natural constitution. However, the family is only the living cell of the entire social body so to speak. The cell, accordingly, must follow the demands of the organism. This means to Rousseau both in 1775 and in 1771—72 a national upbringing uniting the individual as intensely and intimately to the native country as the child to its tutor. Hence education within the family must follow the common rules and standards — e.g. at public institutes for physical training and on public playgrounds — which make compassion and co-operation the determining will or soul of the whole political body. Consequently to Rousseau there is no inconsistency between public and private education. However, they must both work towards the same end, namely to let reason serve the compassion more than the self-love, or in other words make possible for freedom and equality within the frame of the constitutional laws and the customs to become as comprehensive and securely warranted as possible. Expressed otherwise Rousseau is in his capacity of educational prophet at the same time a prophet of civilization and society, not an enemy of civiliza-

tion and society (cf. e.g. Röhrs pp. 75, 87, 105, 113, 227 and Cassirer pp. 3—4 and 53—54 with references to Rousseau's own statements).

As a philosopher of civilization and society Rousseau has the same opinion as Locke about innate individual differences. These cannot be overlooked, and do not constitute a danger for the freedom and equality in society, as long as each man is rewarded only according to merit. In other words it ought to be freedom for self-realization too, since this in no way is incompatible with the social mind which the general will and unity of manners and customs are expressions of. Rousseau's conception in this respect is the same as that of Thomas Jefferson and John Adams in America (see chap. 2). The problem is to see to it, by suitable means, that "the natural aristocracy" is not changed into "an artificial aristocracy", i.e. into differences founded on wealth and birth instead of on nature itself. But Rousseau has emphasized the importance of education in this context even more energetically than the American social theorists. By means of this each man in his individuality is brought to replace the freedom and equality of the state of nature of the still completely isolated men with the freedom and equality regulated by the law and the conscience within society.

References
(For the study of Rousseau's works the Hachette edition of Rousseau's collected works 1885—1905 has not been available, but only the edition of 1826—27. However, instead of this, more modern special editions have been used. Besides references have been made to translations into Swedish and English. The references used in the text are put within brackets below.)

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Chapter 4

Rousseau and Helvétius — two opposites in the discussion about freedom and equality in French pre-revolutionary pedagogics.

II. Helvétius’ conception of man and society as related to that of Rousseau

Introduction

In many respects Rousseau stands out as the one extreme of the French philosophy of the Age of Enlightenment. On important points he differed from the encyclopedists from whom he dissociated himself towards the end of the 1750’s. Since our purpose is to find the most typical anti-pole among these, we have reason to stop before Helvétius. He was certainly not the greatest thinker within the circle which Rousseau disclaimed any connection with, but he brought certain arguments to a head, and did this with stronger connections with educational questions than perhaps any of his other fellow-believers (Snyders p. 339 ff.). Some of them, on the other hand, regarded his ideas as too radical and biased, and directly repudiated them. Hence Helvétius in some ways shared Rousseau’s fate during the 1760’s, and was isolated from the group of philosophers among whom he had hoped to attain a leading position.

To this must be added that the controversy of Rousseau and Helvétius — as we will see — can be followed in a series of assaults and
An unhappy philosophical débüt
Helvétius was in the 1750's a well-known and usually welcome person in the elegant world of Paris with its various "salons", to which he added his own, which was looked upon as the "cénacle de la libre pensée" (Cumming p. 53 ff.). His work "De l'esprit" was part of his endeavour to secure a prominent position among the contemporary philosophers. But the result was different from what he had expected.

"De l'esprit" was published during the summer of 1758. In the first section of it Helvétius presents a purely sensual idea of the origin of knowledge. The sense impressions are our primary "faculté passive". Memory is nothing but a continuous but weakened sensation. The ideas and their corresponding linguistic expressions arise by means of a perception of similarities and dissimilarities of the impressions and their relation to the observer. Consequently this is also just a question of sensations which in other words means that "juger est sentir" (Oeuvres III, p. 11 ff.). Misjudgments are due either to our passions which direct our attention in a one-sided way, or to lack of knowledge, owing to the fact that the sense organs and the memory have not supplied us with what we need in order to observe the relation of the phenomena by which we are influenced. Thus the importance of luxury is incorrectly comprehended since one has not been given sufficient knowledge of all relevant relations. Of the same reason the language gives rise to many errors. The concept of freedom for instance has a general meaning of right for a man to develop his powers unimpededly, but in relation to the act of willing the word freedom loses all significance, since man is always acting out of necessity, and all activity originates in "désir du plaisir".

With this Helvétius has touched upon his second great theme, namely that man's sole motive is to seek pleasure and avoid pain. Ideas and actions are connected with the personal interests of the individuals, and consequently are the only foundation of moral considerations. Probity is merely that which might be useful to ourselves. The same principles apply to society which means that the common interest must be given preference over the personal interest. It is the duty of the authorities to see to it that this problem is solved, and the aim of the legislation is in this way to ensure the greatest happiness of the greatest number of people.

But where do the human differences of talent and virtue come from? Helvétius rejects the argument that men who have been given the same education nevertheless show great differences. On closer consideration the influence can never be the same on two individuals. Innate differences regarding the function of the sense organs could not be the cause of the individual differences of understanding and judgment, for the relation between the phenomena is always the same, whether for instance the faculty of seeing is good or bad. Neither can one refer to memory as capable of receiving material to a greater or smaller extent, for the faculty of memory is in all normal men sufficient to store impressions in such a degree that all might acquire also the highest ideas. The possibilities of memory depend on its use, and above all on the attention displayed in perceiving. This attention is capable of giving to most men the necessary basis for the comparisons which is the essential condition for a sound judgment.

In fact it becomes evident that it is the force of the human passions that determines the intellectual development; but the passions always originate in striving for pleasure and avoiding of pain. As instances of these are mentioned avarice, ambition, pride and friendship. Thus these experiences in connection with the satisfaction of the various needs are the sources that form a man. But since the needs are the same in all men the authorities may in fact, in using them, both form the talent and develop the morals. Ambition and virtue are ultimately connected with the form of government. Despotism in this respect fails to give the necessary stimulation, while the best results are achieved when the legislation brings about a union of the personal and general interests. This is realized by means of a system of reward.

Finally this means that education in the widest sense of the word — complete influence on the individual — is the cause of differences between men. The conclusion is then (ib. III, p. 239 ff.):

"Tout l'art de l'éducation consiste à placer les jeunes gens dans un concours de circonstances propres à développer en eux le germe de l'esprit & de la vertu".
And further: "Je me suis apperçu que l'éducation nous faisoit ce que nous sommes". Therefore, in his last chapters Helvétius deals with education. But although it is evident to him that each man is formed by the impressions he receives and by the passions that are aroused within him, he gives no concrete proposals for reforms. All ought to be taught morals and the laws of the country. But as for the rest Helvétius finds it absurd to give the same education to all, since their future vocations in society will be varied. In fact Helvétius gives — in spite of the fact that he believes himself to know the means of completely forming a man morally and intellectually — no answer to the question how all citizens are to become virtuous (i.e. how to make the self-interest subjected to the general interest), and how their individual fate will be decided (what station in life each man will be given). Thus the problem of freedom and equality has been left out.

Helvétius' book was not as successful as he had hoped; on the contrary it was exposed to criticism, even from his philosophical friends, and it was condemned both by ecclesiastical and state authorities, and was burnt in 1759 by the executioner together with a poem by Voltaire (Keim p. 319 ff.). What had been intended to be a success ended in a public failure.

Rousseau contra Helvétius

There was hardly any reason for Helvétius to turn against Rousseau in "De l'esprit". He probably had met him in person at Holbach's "bachelor dinners" (Cumming p. 56; cf. Schinz p. 260 who is uncertain whether they really met). But Rousseau had not yet obtained such a position that a controversy on the psychology which he had suggested in his two discourses would appear to be tactically effective. Besides he had left Paris and was in the midst of the intensive period of creative power that was to lay the real foundation of his fame. Far from the encyclopedist circles he was composing "Julie", "Contrat Social" and "Emile".

But now Helvétius became a problem to Rousseau. The condemnation which Helvétius' book had given rise to with its to Rousseau strange ideas forced him to answer them. And so he did. There are two statements by Rousseau which inform of the course of events. The first is in the form of a marginal note in the copy of "De l'esprit" which Rousseau sold to one of his admirers, Louis Dutens, when he at this time left England. It was sold on the condition that just this book should not fall into the wrong hands, and that the notes should not be published until after his death. Afterwards the copy found its way into Bibliothèque Nationale in Paris. Some of the marginal notes were published for the first time in 1779, and were also included in the edition of Rousseau's collected works which was arranged by Musset-Pathay in 1823—24 (vol. X p. 187 ff.). However, all these notes were not presented until in 1911 by P.-M. Masson (the story of the book and the notes has been told by Keim p. 487 ff. and e.g. Masson 1911, p. 104 and others).

In one of his notes to "De l'esprit" Rousseau writes as follows (Masson 1911, p. 112):

"Quoi qu'il en soit, j'ai tâché de le combattre et d'établir l'activité de nos jugements, et dans les notes que j'ai écrites au commencement de ce livre, et surtout dans la première partie de la profession de foi du Vicaire savoyard".

This note was added on a later perusal of "De l'esprit" than the other (Masson 1911, p. 112; this observation has been corroborated with the help of a photo copy from Paris).

The second statement is to be found in a note to "Lettres de la montagne" in 1764, a work which is a kind of apology for the condemnation of his works also in his home town of Geneva. In this can be read (Musset-Pathay VI, p. 174 n.):

"Il y a quelques années qu'à la première apparition d'un livre célèbre, je résolus d'en attaquer les principes que je trouvais dangereux. J'exécutais cette entreprise quand j'appris que l'auteur était poursuivi. A l'instant je jetai mes feuilles au feu, jugeant qu'aucun devoir ne pouvait autoriser la bassesse de s'unir à la foule pour acclamer un homme d'honneur opprimé. Quand tout fut pacifié, j'eus occasion de dire mon sentiment sur le même sujet dans d'autres écrits; mais je l'ai dit sans nommer le livre ni l'auteur; j'ai cru devoir ajouter ce respect pour son malheur à l'estime que j'eus toujours pour sa personne".

Here it is not possible to confirm the accuracy of the statement, that Rousseau wrote a separate treatise against Helvétius which he later burnt. However, it is certain that his objections may be studied in the marginal notes of his preserved copy of "De l'esprit", and in "Emile". Further in "Julie" he added a direct polemic to the original text before it was published, but a mentioning of Helvétius was in
The notes in his own copy of "De l'esprit" are of course the most reliable origin of Rousseau's objections to Helvétius (Masson 1914, p. 105 ff.). He is primarily concerned with two ideas. First Rousseau raises objections to the fact that Helvétius reduces memory and judgment to a form of sensation. Memory is something else than mere perception. The impression does not even continue in a weakened form; consequently memory is a process different from sensation. To try to bring back the act of comparison to the very impressions as such is equally ineffective. "Appercevoir les objets c'est sentir; appercevoir les rapports c'est juger". To conceive two things to be different is something else than to really "mesurer" the difference between them. In the one case it is a passive act, in the other an active process. Helvétius has only caused that the word "juger" now designates two different faculties which formerly have been kept apart.

The other main point concerns the denial of innate human differences in addition to the unimportant differences which consist in the sharpness of perception, the scope of memory, and the faculty of attention. This is the consequence of judgment as a passive act. If this is wrong it will also be wrong to regard education, as Helvétius does, as the sole origin of individual differences.

It is this last-mentioned idea which is treated of in an addition to the original text of "Julie". The tutor repeats Helvétius' own words (Mornet 4, pp. 67—70). The answer consists of a reference to the fact that both animals and children, growing up under the same conditions, nevertheless differ; that this would be due to influences of a reverse nature and unperceivable to the observer means, according to this addition of Rousseau, that the argumentation is the same as that of the astrologers, when they in answer to the criticism of the importance of the constellation of the stars (men's fortunes vary although they were born at the same time) say, that the celestial bod-

ies move too fast to allow anyone to decide when they are in a certain position.

But the most penetrating criticism of Helvétius is found in the final version of the confession of the Savoyard vicar. In this Rousseau has made a more thorough examination than in the notes to "De l'esprit" of his objections to Helvétius' far-reaching sensualism (Shinz p. 242 ff., Masson 1914, p. 71 ff., Garnier p. 314 ff. and Fahlstedt 2, p. 16 ff.; see also Rang pp. 75—76 and 403 ff.). Once again the difference between perception, memory and judgment is emphasized (cf. e.g. Garnier p. 97 and Fahlstedt 1, pp. 116—117 where this has already been dealt with). The matter influences man and this gives rise to sensations, but not to comparison and judgment. Two objects may be perceived at the same time without being connected with each other. If this perception of two simultaneous objects meant that their relation could be perceived as well, the senses would never deceive us. But when we are wrong it is due to the fact that reason compares and judges in an erroneous way. Thus comparison and judgment require the power of judgment of an active and intellectual being. This is what distinguishes men from beasts, contrary to the idea of Helvétius (Masson 1914, p. 159 ff., Garnier p. 325, Fahlstedt 2, p. 30).

Another important question concerns the materialism and determinism of which Helvétius was looked upon as a representative. Already before Rousseau had read Helvétius he had pointed out, that the motion of the matter implies a will in a being who is able to act, compare and choose (Masson 1914, p. 121, Garnier p. 321, Fahlstedt 1, p. 25). As regards man himself, he is active and free. Reason and freedom are linked to each other. Reason is the power to compare and judge. Consequently man can always choose since his reason tells him what might be good for him. It is not freedom that lacks significance, but necessity. To imply an effect (action) which does not emanate from an active principle is to assume an effect without a cause. Rousseau concludes: "L'homme est donc libre dans ses actions, et, comme tel, animé d'une substance immatérielle" (Masson 1914, p. 185 ff., Garnier p. 329, Fahlstedt 2, pp. 34—35).

A final and determining difference between Rousseau and Helvétius was the existence of an original sentiment of compassion, and the idea of an innate conscience annexed to it. Rousseau found it neces-
mankind, actions of charity appeal to the honest man. Also to his own detriment the honest man acts according to the demands of public utility.

Rousseau's criticism of Helvétius may be summed up in the following items. Man is not only passive but active; consequently one must distinguish between sensations, memory and understanding. The latter implies the faculty of making comparisons and judgments. This gives man a freedom to choose between various alternatives of action. The principle of activity is connected with the individual differences which must be taken into account in upbringing, but this has only a very limited possibility of forming the personality. Above all one must not forget, that apart from the self-love there exists a sentiment of compassion which is the foundation of a natural conscience, an approval of friendship and charity, and a disapproval of insensitivity and cruelty.

As is obvious, it is an altogether different view of man that Rousseau represents, and from this follow the differences between him and Helvétius regarding society, laws and education.

Helvétius from beyond the grave

The treatment of "De l'esprit" made Helvétius publish his second great book, "De l'homme"; posthumously. He died in 1771, and "De l'homme" was printed the year after, and suffered the same fate as his first book. The author's hopes which are expressed in the preface, and which show bitterness but still a strong belief in the own ideas, also this time were baffled. In fact Helvétius could hardly have imagined anything but another opportunity to assert that "ce n'est plus maintenant que dans les livres défendus qu'on trouve la vérité" (Hooper I, p. IV, Oeuvres V, p. 6). Since "De l'homme" is nothing but a more detailed account of the thoughts presented in "De l'esprit", and since the state of conditions in important respects remained unchanged, the issue was almost evident in advance.

Helvétius says that he wishes to deal with the same problem as in "De l'esprit", namely the question whether or not the differences of talent and virtue between men are due to their natural capacities, or to education. That which has previously been attributed to innate differences is, according to him, related to the fact that the external influences cannot be the same even on two children brought up with their parents. It is often chance that decides somebody's experiences; the geniuses of all times have been lucky in this respect. To this must be added the inconsistency of upbringing owing to the different values hold by church and state. A solid basis of influence has been lacking, and one has both taken advantage of the human passions and tried to suppress them. Hence a universal religion would be necessary which would consider the principle of everybody's right to property, life and liberty fundamental to all society. Within this religion God would be regarded as the originator of man, who has furnished him with a reason that may be used both to the creating of a material wealth, and to the developing of a social moral. To ensure the greatest happiness of the greatest number of people would then be the essential goal of all educational proceedings.

Since Locke bases the ideas on the activity of the sense organs, and this may be of a different nature in men, one sometimes has asserted that reason varies in accordance to this. But Helvétius thinks that this is not Locke's real point of view. Ideas and thoughts rest on the sensations and the memory. Judgment is based on the degree of attention with which one observes similarities and dissimilarities of objects and their relations to man. This comparison is nothing but an observation of the impressions which we receive either directly or with the help of memory; hence memory is only a result of the sense impressions. Therefore Helvétius concludes this time too with the words "juger est sentir". Judgment is to notice the differences of impressions also as regards more abstract phenomena, such as largeness or smallness which become significant only when related to definite objects which in their turn are compared with each other. Also such abstractions may be traced back to the sense impressions.

Attention is necessary for a conscious comparison, and this is related to an interest based on physical pleasure and pain. Consequently in this is the motive of all action. Men's union with each other also originates in interests and needs, the satisfaction of which requires help from others. Affection and friendship and divers moral obligations are explained by men's mutual dependence upon each other, in...
order to secure pleasure and avoid pain in satisfying their hunger and their sexual needs.

The differences as regards sense organs and memory could not, on closer examination, be the causes of differences of reason. All have sufficient capacities to attain the loftiest truths, and to do the greatest discoveries possible for man. It is true that judgment and intelligence are linked to the faculty of comparing the various impressions, but this faculty is independent of the nature of the sense organs of the individual, i.e. if they work more or less perfectly, for the relations of the objects are not changed by such differences; instead two other circumstances are decisive. On the one hand men are accidentally exposed to various influences, and thus are given various possibilities of making comparisons and developing their reason or judgment. On the other hand the attention which is necessary for these comparisons may vary on account of their passions or of the interest founded on them. Above all it is the varied strength of "les passions de l'émulation, de la gloire & de la vérité" that gives rise to the individual differences (Hooper I, p. 269, Oeuvres V, p. 257).

But could not differences of interests be brought about by differences owing to the innate temper? Helvétius denies this. A newborn child has neither conceptions nor passions. The only thing that must be taken into account is common to all: hunger and self-love ("l'amour de soi-même"). This last thing is the origin of differences of interests and passions, but the first habit-forming in the pursuit of pleasure and avoidance of pain is related to the external influences to which one is exposed.

However, it must not be forgotten that all men are sufficiently greedy for power to develop a respectable degree of avarice, envy &c. Man does not love justice for its own sake — not even in the state of nature did he have "dans son cœur d'idée de la justice" (Hooper I, p. 302, Oeuvres VI, p. 27) — but because of the power and satisfaction it gives him. Consequently this lust of power is the essential motive for the activity of the individual. The form of government in which all rule accordingly has been praised as the best; there all citizens are free and happy for they are ruled by equality and the laws which they have instituted themselves.

Thus behind that which is called virtue is only the craving for power. When this is allowed to develop uncontrollably, intolerance arises in its various forms. Since man, according to this thought, becomes intolerant by nature, nothing remains for him but to try to control it by means of wise laws.

Even if innate differences should exist in the self-love between men, all possess nevertheless this motive in a sufficient degree to create necessary attention, and use their judgment to an optimal extent. But the existing individual differences arise as a consequence of accidental experiences which also comprise the development of self-love to a craving for power. By means of a proper education one could see to it that more people than before are exposed to the influence and attain the ambition which bring about the best possible development of everybody's qualifications of a similar nature.

The fact that the differences of talent and virtue are the result of differences of influence is supported by the inconsistent opinions of those who have repudiated this state of things. As an instance of this Helvétius mentions Rousseau. In the next section we will deal with this. In conjunction with this settlement Helvétius continues to treat the damages of ignorance. Only knowledge gives freedom — as for instance in England where Parliament, thanks to the faculty of the people to judge its decisions, is controlled by the whole nation. No prince could feel secure among ignorant subjects. Despotism is based on ignorance, and closely related to this is an unequal distribution of wealth and luxury. The latter thing is in itself not an evil, but a means to make men exert themselves, and thereby develop skill and efficiency. Also in a republic the industrious and diligent man cannot be prevented from acquiring greater wealth. But wealth grows slower than under the rule of a despot, and its unequal distribution might be prevented for instance by means of a varied levying of taxes. The money system always contributes to the rise of large fortunes. The activity of a people should preferably be founded on its desire for public esteem. But this ideal method to evoke talent and virtue is not to be trusted during the present conditions. As a consequence of this, wealth and luxury are to some extent a necessity if a country is not to be depopulated and ruined. The struggle against luxury, if it should be successfully carried out, ought to be directed towards the despotic form that leads to the rapid growth of wealth. Without a change of form of government luxury cannot quite simply be banished.
On this point of his exposition Helvétius deals with the importance of religion for happiness and virtue. His attitude is outright negative. History has shown that religion breeds cruelty and fanaticism among the citizens; only a wise legislation might make them good and humane. The revelation which is referred to is in fact only used to undermine the influence which a wise legislation might bring about. Real equity among men can only be built on truth and justice. Neither of these can be found among the advocates of religion. Thus the wisdom of the laws is a result of the human reason, and it is these laws that warrant order and equity in society. Even the organization of the Jesuits with the abominations flourishing under their protection could be adduced as proofs of what might be accomplished by means of a wise and consistent legislation.

In order to bring about social reforms one must find out what makes a man happy. It is a mistake to think that all must be equally rich or equally powerful to attain an equal degree of happiness. This last-mentioned thing is primarily connected with the satisfying of our bodily needs. To work might by habit become agreeable especially if related to the expectation of the pleasure which in this way gradually is possible. A more even distribution of the wealth and a possibility for all to earn their living by working 7—8 hours a day would be the correct solution. This is also possible in a nation where all could feel secure as to property, life and liberty, so that the erroneous association of wealth to happiness gradually might be dissolved.

The aim of the legislation is to make the individual as happy as possible in the sense now stated. Then it is important to change the existing laws and manners slowly but securely. The points of aim valid in the former case are mainly as follows. The principal purpose must be to protect property, life and liberty, for this was the end at the rise of human societies as a whole. The distribution of wealth must be made more equal. This demands a better balance of power and influence among various classes, for instance of the same kind as in England, and this would be achieved by dividing France into 30 smaller republics. Education must teach the citizens always to place the common good before their own. On the other hand it is possible by means of reward for prominent skill and virtue to create emulation without being put in the same position as before. A certain luxury which is a consequence of this, does not have to involve decay of manners. All ought to be given a possibility of receiving public recognition for especially outstanding skill and virtue. Through punishment and reward the laws compel the citizens to bow to the good of the majority, and within ethics each new truth signifies nothing but a means to make this possible.

But each new truth is opposed by those whose own interests would be upset by a change. Accordingly truth is most likely to appeal to a well-informed and enlightened people. Tyrants must learn to understand that the first law concerns the welfare of all, and that it must be respected by them too. Helvétius in this context emphasizes the importance of the liberty of the press as a means to let each man contribute to such improvements that might further the common good. Also scientific progress demands freedom. The personal interest is the foremost impediment for man to acknowledge what is true and correct from the point of view of the majority. This is the reason why men of importance believe that they are differently constituted than ordinary men. The same circumstance prevents the priest from realizing the injuriousness of papacy. Each religion is intolerant and a danger even to the temporal authority, which has to give way to the power which men of the church claim to have received from God.

Under these circumstances education is the foremost path to a better society, i.e. to make possible a wise legislation of this kind. It is a question of placing men in such a situation that they themselves wish to develop skill and virtue. In order to achieve this the children should not live in their homes between the ages 6 to 18 — not even during vacations — but at educational institutes owned by the state. At these institutes conditions are more salutary, time is strictly regulated, emulation might incite efforts, the quality of the teachers becomes better, and the discipline is characterized by firmness and resolution. 7 to 8 hours a day ought to be devoted to studies, and 4 to 5 to physical and gymnastic exercises.

In the state of nature men are governed by their bodily needs. When they want the support of each other and unite in societies, the main motive shall be love of the laws and of the social virtues. Therefore, all shall receive both a general civil education and a professional education. By means of the latter the number of prominent men in the nation might be increased, while the majority will have to rest content with becoming skilled in various fields. However, all
must be given the same moral education. They must learn the catechism of which Helvétius gives the outlines. According to this all citizens joined with others in a society shall enjoy protection of property, life and liberty. The principle of justice demands that all may keep their property without being threatened by others, and this leads to equity for all. In the concept of property Helvétius includes religion and thinking too, for which he claims freedom as long as they are united in respect of the opinions of others. Equity is warranted by a system of reward and punishment. Honorable titles, distinction and public esteem are comprised in the former, and the latter is related to the loss of civil confidence. In this way the principle, that the common good is the foremost law, will replace the axiom of the earlier moral, that one shall do to others as one would be done by.

The difficulty of carrying out this is to be found in the opposition of the clergy, for this idea of equity which is linked to justice for all will always be opposed from this quarter. Furthermore it is meaningless to teach the children to regard that which is best for the majority, if they later in life are to live in a country ruled by laws with a different significance. The existing regime will unfortunately try to prevent an education directed towards the common good. Consequently the education that Helvétius advocates cannot be carried out until a new government and new laws are established. After that the educational reforms might be successful in smaller societies, for instance within a federation of thirty republics in France instead of one single state. For it is through education that the individual becomes talented, skilful and virtuous.

In the conclusion Helvétius emphasizes that his conception of the importance of sense impressions for the rise of judgment and reason corresponds to Locke's philosophy, and that there are consequently no innate differences among men, a statement which of course is utterly untenable. He also asserts that only the principle of pleasure-pain and self-love can form the basis of a valid moral. If the laws are good the personal interest cannot prevent the common interest, for all become happy and just towards each other, "parce que chacun sentira que son bonheur depend de celui de son voisin" (Hooper II, p. 477, Œuvres VII, p. 241). At last Helvétius refutes the accusation that his conception would imply a kind of materialism. What this materialism really implies neither he nor the representatives of the religion can say anything about.

Already this account of a work of nearly 1000 pages ought to prove how verbose and monotonous it is in fact. The content comprises some few central lines of thought. To these belongs the fact that the sense impressions are fundamental for all knowledge, and that memory, judgment and understanding are completely based on these impressions which in their mutual relations, and in their relation to man. Pleasure and pain in conjunction with the sense impressions lay the foundation of the various interests which condition the attention that becomes decisive for the development of the different individuals. However, interests and passions are subjected to the influences to which the individual is exposed. Although all are animated by pleasure and pain, the motive for attention might vary. Man in his individuality becomes a product of influence. Hence education might accomplish everything. This education is to be carried out at educational institutes owned by the state, where more great talents are to be reared, and a sufficient professional skill is to be given to all, and finally where an employment of a moral catechism will make the children realize that their own good depends on the common good. But this demands a division of the country into smaller independent republics, where the laws with their reward and punishment can support the view with power, that the chief principle is and shall always be each citizen's equity as to property, life and liberty.

These thoughts Helvétius repeats on every page. Besides he does not seem to notice his own inconsistencies. According to him the primary hedonism (the principle of pleasure and pain) is displaced by the laws and education. But how is this possible, since his conception of judgment and reason is founded on sensual-hedonistic principles? Against this background reason can never be a corrective of egoism. Moreover Helvétius seems to move in circles, on the one hand implying a new education in order to create a better society, on the other hand relying on society as the necessary condition for the education. He seems to think, however, that it is the philosopher that might stop this circular course and start a new era. So far his work is an expression of an enormous self-esteem. Therefore, it is natural
that he found it important to answer Rousseau who had an utterly different conception.

Helvétius contra Rousseau

Helvétius accidentally came to know that Louis Dutens owned a copy of "De l'esprit" which was commented by Rousseau. He tried to be informed of these notes and learnt at last the most important of Rousseau's objections from Dutens, but with certain hesitation. However, this took place shortly before Helvétius' death in December, 1771. He says in a letter to Dutens that his own arguments had already been added to a work which was to be published after his death. Thus it is, according to Helvétius himself, in "De l'homme" that the answer to Rousseau is to be found (for this see Keim p. 465 ff.).

Already in the first book of "De l'homme" Helvétius refers to Rousseau in many contexts. Thus he uses him as a typical representative of the opinion that fate decides man's fortune (Hooper p. 31 ff. and pp. 78—79 with note, Oeuvres V, p. 41 ff. and pp. 81—82 with note). On the other hand he regards the persecutions of Rousseau as a proof of intolerance and fanaticism, and expresses the conviction that posterity will make his judges appear in their right light (Hooper I, p. 346 and note p. 388, Oeuvres VI, p. 64 and note p. 104—105). In some notes he opposes those ideas which are contrary to his own theory of environment (Hooper I, pp. 123, 139 and 287), Oeuvres V, p. 156 — two of these notes are missing in this edition.

However, it is in a special section of "De l'homme" that Helvétius presents his criticism of Rousseau (Hooper II p. 1 ff., Oeuvres VI, p. 111 ff.). The opening is also in this case considerate. It is not a question of attacking "Emile", a book worthy its author, but only of pointing out the inconsistencies in it and in "Julie", which prove that Rousseau was mistaken when he said that differences of judgment and understanding depend on innate differences regarding the nature of the sense organs, or when he said that virtue depends on the innate temper.

Helvétius points out that Rousseau is inconsistent in his statements, and that he consequently cannot be referred to as an authority against his own theory of environment. Thus in "Julie" he says that virtue and character depend on the innate temper, while he soon afterwards says that the vices are not founded on the nature of the child, but are caused by the environment. Furthermore he says in "Emile" that there is, on the one hand, an innate conception of virtue and justice, but that, on the other hand, the poor cannot hear the "voice of virtue" because they must fight to support life, that ordinary people have an insufficient conception of what is right and honest, and that the individual, before reason is perfected, does what is good and evil without knowing anything about it. At last Rousseau seems both to acknowledge the self-love and the interest of an activity founded on it, and in other contexts to refer to the "innate virtue". According to Helvétius differences of endowments and judgment depend on the interest which will direct the attention to certain impressions, and the interest in its turn rests on the self-love, the foundation of which is striving for pleasure and avoiding of pain. If Rousseau had examined these things more carefully he would never have said that there is a special power of judgment in addition to the perceptions.

Apparently Helvétius mainly objects to the moral sense philosophy of which Rousseau is a representative. In this context he also mentions more generally "the Shaftesburians" (Anthony Shaftesbury who died in 1713 had assumed that there exists a natural sentiment of approval-disapproval in relation to altruistic or egoistic actions). The child in the cradle pays no regard to others. The benevolence of which many speak is nothing but a disguised self-love. Rousseau also admits that, in order to feel compassion, one must have experienced discomfort. Hence morals cannot be founded on a natural condition, but is a result of the laws and of education, which means that the people itself must participate in the governing as in England, and the nation must be the real sovereign. There are innumerable instances that man by nature is cruel, contrary to the opinion of the opponents of Helvétius. As examples are mentioned all the merciless disciples more generally "the Shaftesburians" (Anthony Shaftesbury who died in 1713 had assumed that there exists a natural sentiment of approval-disapproval in relation to altruistic or egoistic actions). The child in the cradle pays no regard to others. The benevolence of which many speak is nothing but a disguised self-love. Rousseau also admits that, in order to feel compassion, one must have experienced discomfort. Hence morals cannot be founded on a natural condition, but is a result of the laws and of education, which means that the people itself must participate in the governing as in England, and the nation must be the real sovereign. There are innumerable instances that man by nature is cruel, contrary to the opinion of the opponents of Helvétius. As examples are mentioned all the merciless disciples
against having education put in too early, sometimes a decisive influence on the child's development is ascribed to the nurse, e.g. when the bad habit of crying must be prevented. According to Helvétius it is incorrect from a psychological point of view to wait till the child is ten years of age, before it might be said to possess any power of judgment, since judgment is based on the sense impressions and the faculty of comparing them. The necessary attention might be brought about by using punishment which arouses fear and pain. Besides many statements in "Julie" show that Rousseau regards the children as docile long before they are ten years of age. To restrain the children from studies and to regard lack of knowledge as a condition precedent for the happiness of the people is completely wrong. The more knowledge the people have, the more each man might realize that the welfare of the nation is the personal interest of the citizens. This point of view is no counter-evidence of the fact that despotism often has made use of man's ambition to incite him to achievements within arts and sciences with the sole intention of diverting their attention from the freedom which has been lost. After some time the despot assumes the reverse position, and lack of information is regarded as a merit. Hence it is in fact the absence of knowledge which has given rise to the imperfection of the laws. Arts and sciences are principally conditions of the happiness of a people. The inconsistencies which Helvétius thinks he has found in Rousseau, apparently are due to his insufficient knowledge of Rousseau's real doctrines. If Helvétius had taken into account, that Rousseau in talking about man's natural goodness first and foremost meant his innate faculty to feel compassion, but that this faculty had been stifled in the existing society, especially as it is in the child can have no support against the self-love by a sufficiently ripened reason, the alleged inconsistencies would have appeared in a different light. The statements that virtue is based on temper, and at the same time that the vices arise through a bad influence from the environment would have been more consistent than Helvétius imagined. That the poor fight for their support and that people, before reason is perfected, make good things is not incompatible with a kind of altruistic talent. Self-love and an innate possibility of virtue is not reversed to each other, if one remembers how Rousseau looks upon the development of the child as long as society is given a possibility of corrupting nature.

That the experience of personal suffering increases the faculty of compassion does not seem remarkable. Rousseau's statements about the importance of upbringing versus a free development to a certain age are not diametrically incompatible although Helvétius tries to show it. According to Rousseau reason grows gradually — it exists to a certain extent already at an early age — and the emotional bonds between children and adults arise from the very beginning, when the newborn child has its needs satisfied by the surrounding. According to "Emile" the children are influenced by men too, already before they are fifteen years of age. Helvétius like many others has not realized that "Emile" is a kind of theoretical construction, while "Julie" is based on the actual conditions in a happy family. Helvétius criticizes Rousseau against the background of his own point of view that reason must arise as soon as there are sensations, which in its turn means that he is unable to understand the psychology of development which is the germ of Rousseau's educational thinking. Sometimes, by taking a sentence from its context, Helvétius succeeds in displaying a seeming contradiction. This he does in saying that Rousseau claims that education destroys the best in the child nature instead of helping and supporting it. However, what Rousseau actually says is, that an education that disregards the natural differences of the children and treats all in the same way, runs the risk of injuring the majority, since many of them then do not receive the treatment which their capacities demand (see Mornet 4, pp. 66—67, cf. Hooper II, p. 24, Oeuvres VI, p. 131).

No answer from Rousseau?

I do not know if Rousseau ever read "De l'homme". If he did, he could hardly have helped feeling aggrieved, since he himself had carried on his intention not to become involved in open polemics with Helvétius. As we know Rousseau was rather isolated during the last years of his life. In his correspondence which became less intensive up to his death in 1778, he did not mention Helvétius (see Dauphur; cf. e.g. the description of Rousseau's life from 1770 in Durant p. 881 ff.).

However, there were others who took up the challenge, among them Diderot who also makes a comparison between Helvétius and...
Rousseau. Rousseau must have felt ill at ease by this settlement from another. In the work "Réfutation suivie de l'ouvrage d'Helvétius intitulé l'homme" Diderot tries to answer Helvétius on all vital points, for instance his one-sided sensualism regarding the rise of knowledge, and the absence of natural differences between the children. They are not born with an identical brain; consequently education cannot do everything to all. Diderot did not wish to accept Helvétius' egoism which transforms man into an instinct-guided animal (see Laneau p. 557 ff.). But although Diderot seems to side with Rousseau his comparisons between him and Helvétius were rather offensive. Rousseau regarded man as good, while Helvétius was of an opposite opinion. To Rousseau society was degenerated, to Helvétius the laws might destroy the evil in the state of nature. Rousseau finds goodness in the woods and meanness in society; Helvétius finds conditions in the towns worse than in the woods. With such a misconception as regards Rousseau's ideas, it is comprehensible that Diderot also could say, that Rousseau's principles are wrong but Helvétius' conclusions are correct, and on the other hand that Helvétius' principles are correct although the conclusions nevertheless are wrong (see Keim pp. 551—52).

If Rousseau seriously would have entered into this exchange of ideas it would certainly have been difficult for him to remove all direct misconceptions in order to answer the accusations of inconsistency &c. He preferred to be silent, as far as one knows, being in a state of ailing health. Between him and the encyclopaedists there was an insurmountable gap, and as regards Helvétius Rousseau might have taken the same negative attitude as in the question of "De l'esprit".

Freedom and equality in Rousseau and Helvétius

Both Rousseau and Helvétius proceed from man's original state of nature, but the conception of this state of nature is more important to Rousseau than to Helvétius. According to Rousseau freedom and equality prevailed at this time in the history of mankind. No one was dependent on the other, but there was in the innate compassion a warrant that no one would commit violence against his neighbour. The physical and psychical differences consequently were no risk that this state of independence and innocence would be disturbed.

To Helvétius the state of nature was quite different because he only saw in the natural man an instinct-guided being, ruled by his needs and interests. No conception of equality or equity existed, nor any natural differences between the individuals apart from those that might have been brought about by accidental influences from the environment. Each man is subjected to his self-love, and the power and talent of the individual arisen by chance must serve this self-love.

The transition from the state of nature both to Rousseau and to Helvétius was conditioned by men's mutual need of support. However, both thought that man had not succeeded in establishing a satisfactory society. According to Rousseau the natural differences became decisive, property was gathered with a few people, self-love turned into self-conceit, compassion was weakened, and not under the guidance of reason modified by any feelings for the neighbours. The laws were an expression of the interests of the rich and mighty. Freedom and equality were lost.

According to Helvétius the development is not better. Man's intention was to find security for property, life and liberty. But too large clefs between the rich and the poor arose and under the protection of despotism—by became quickly enlarged. The struggle between spiritual and worldly despotism only made the situation worse, and people lacked a common direction of their actions to reach the desirable goal, to create the greatest possible happiness for the greatest number of people. Consequently freedom and equality were not prevailing within society. Circumstances and external conditions gave rise to individual differences which only contributed to propagating the till then existing system.

But both Rousseau and Helvétius aim at social reforms that might bring about a victory over the unfortunate position into which mankind has fallen. To Rousseau this means that all the common interests form a general will expressed in constitutional laws, which give to all the same freedom and complete equality in their interrelations. Through education these laws become vital to all citizens, and this is also the case regarding the civil laws, manners and customs which regulate the relation of the individuals to each other outside the general will. By means of this reason is given opportunity to ripe
in its natural order, compassion and the conscience based on it is protected, and is able to balance the self-love that exists in all men. Self-love will be guided by reason and modified by compassion. In this way freedom and equality is possible again in society. Education might take place both privately and publicly, but the aim will in both cases be to teach the children to love their native country, and thanks to this adapt themselves to the demands of the common good. The innate natural differences are not a risk but an advantage. Rousseau for his part accepts differences of social position which are due to skill and merit. Thus he does not regard the individual's self-realization as incompatible with freedom and equality among men in other respects.

The contrasted ideas of Rousseau and Helvétius were caused by the fact that Helvétius only relies on self-love as man's motive, and that he looks on environment as completely decisive for man's capability and possibility to regard others. The majority must decide and form the laws which they would be willing to accept. In this way all might be taught, that nobody's freedom reaches further than to the limit where it might become harmful to anybody else. The personal interest must yield to the common interest. Then full justice will be prevailing as to the protection of life and property. No one is threatened by his neighbour and equality is attained.

If this end will ever be realized another distribution of power must be established, and Helvétius exclusively reckons with smaller republics as a possible form of government. However, since self-love is the only thing from which to proceed, the children must be adjusted to the equal claims of others by means of a regulated system of reward and punishment, and must subject themselves to the wise laws that guard this. This can only take place at public educational institutes which the children attend between the ages 6 to 18. Along with the general upbringing which all citizens here receive each child gets the necessary professional education. In manipulating the environment one might do more to all than before; however, all might not be great men, but the majority must rest content with being given as good a preparation as possible for a more modest contribution in society. Thus Helvétius does not wish "to make anything of everybody"; although he does not regard it as impossible. Neither does he wish to abolish the differences of fortunes more than to a certain limit, and he justifies this by saying that wealth basically does not give better opportunities to pleasure and satisfaction than the hard-working life of an artisan. In other words the artificial individual differences are not a hindrance for the freedom and equality which is warranted by laws and education in society. He is to be observed that he places confidence in the importance of truth and knowledge in education. He develops a catechism of his own which comprises the main lines of his outlook on man, the laws and society. This catechism is given a prominent place in the education at the public institutes. His trust in human reason that creates the wise laws and that makes man realize that his personal welfare is dependent on the happiness of others, is remarkable — but it is also the great paradox of his way of thinking. For how could anyone give freedom to others and regard them as equals when reason itself is subjected to the self-love which originates in the principle of pleasure and pain? Here the philosopher has his great mission. He is the one who is capable of turning things in the right direction. Otherwise man would force himself to try to accomplish the impossible. The philosopher in his sublimity may start a development where all, thanks to just laws and civil education, might live in freedom and equality in spite of differences of fortunes that are founded on an individual capability and merit, connected with a varied education.

A comparison like the above could give the impression that Rousseau and Helvétius in reality show great similarities, and this should not be denied. The end of their social reformatory endeavours is the same: freedom and equality for all within a society, the nature of which is conditioned by legislation and education. Nevertheless both allow within this society certain differences of fortunes and a position that is connected with capability and merit. But to their inmost nature their social ideals are essentially different. Rousseau sees in man, apart from the personal interest, something that might unite the citizens. To Helvétius man is and always will be an instinct-guided animal also when he shows what might be called friendship and love. In the one case society with its freedom and equality is based on a purely human quality which makes man specifically distinct from the animals, in the other case a system of reward and punishment is prevailing which bristles the instincts and forces the individual to rationally realize his own good with consideration to
the demands of others. Rousseau wishes to create the same education for all in taking care of the innate conscience, and as regards the capacity he desires everyone to realize himself. Helvétius wishes to train the man-animal not to commit violence towards others, and this kind of upbringing becomes a common claim on all children. The ends of education might vary according to him too, but it is an unsolved question what ultimately determines who will be one thing or another (the possibilities are principally equal to all). To Rousseau nature itself indicates the direction in this respect; to Helvétius arbitrariness is the deciding factor. In any case he does not seem to be able to offer a remedy for the fickleness of fortune about which he has spoken so much.

Rousseau and Helvétius to posterity

Rousseau's influence right on to our own time can hardly be questioned. The problem in his case is connected with all the misinterpretations which have arisen regarding his real doctrines. Too few have observed that the concept of freedom in educational contexts is confined to the self-realization of the individual as regards physical and intellectual conditions, while upbringing in the proper sense is not concerned with allowing the individual to develop in his own way. On the contrary a purposeful influence is desired, the end of which is to let the natural foundation of all for a moral acting be the basis of a mutual relation; in this way the principle of equality might be realized and consequently the principle of freedom as well. Only as long as laws and common values prevail in society, involving a mutual respect of all towards all, it is possible for freedom to grow in social connections. Individuality demands freedom, but the individual's freedom in society is confined by the principle of equality. Perhaps Rousseau would never have been influential had he not been misinterpreted in these respects. Helvétius has hardly been of the same importance to posterity as Rousseau; not even among his followers did he have a similar position, and his influence was greater in England than in his own country (Camming p. 218, Barnard p. 21). But his conception of the theory of environment is interesting for the problem of freedom and equality, since he already suggests its special complications. If it is possible to steer talent and virtue by educational means, it is not only a proper education that becomes a means for enforcing consideration and regard for the neighbours, and creating the greatest possible freedom for all. It is also possible to bring up men with different capacities without exposing the principle of freedom to a danger in this context; for there is no "self" to "realize". The problem is then on which basis the individual's fate is determined. Who will become what? This question is an important inheritance from Helvétius who, however, did not answer it. Consequently also to Helvétius the individual's freedom in society is limited by the principle of equality, but individuality and its freedom remains an unsolved mystery to him.

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Chapter 5

The rights of man and of the citizen in 1789

The problem of the historical background

The American Declaration of Independence 1776 is the first official document of universal import in which man's freedom and equality in relation to others is guarded. The same endeavours were apparent in many of the constitutions of the states, but did of course not attract as much attention as the document in which the liberation from England was justified before all mankind (see chap. 2). Whichever was the intention of the Declaration of Congress on July 4, 1776 and the background of it, its words that "all men are created equal", and that to the inalienable rights of every man belong "life, liberty and the pursuit of happiness" became an important appeal in the first serious attempts to form a democracy in the proper sense of the word.

Of still greater influence, at least for Europe, was the Declaration of the French National Assembly of the rights of man and of the citizen on Aug. 26, 1789, approved of by Louis XVI on Oct. 3, and announced on Nov. 3. However, there are different opinions about the extent of the influence of the American struggle for freedom on the French protest against an antiquated feudal system and an arbitrary monarchy, and instead it has been claimed that it is in a high degree influences from French social philosophy which is the origin of the declarations of the American states.

If the intention is to analyse the French appeal not only to the own country but to all mankind in words as full of burning enthusiasm as those of the Declaration of Independence, the mentioned incon-
sistent opinions are of course not unimportant. Hence our first task will be to give an account of the main outlines of the debate which concerns the relation between the contributions of France and America in this respect.

The discussion about the originality of the French Declaration

Here it would lead too far to follow from the beginning the discussion about the historical background of the Declaration of the Rights of man and of the citizen in 1789. The contrast as to the ideas of the relation between France and America in this respect appears clearly during the latter part of the 19th century, and we must content ourselves with describing this controversy by referring to some prominent scholars.

Heinrich von Sybel, the well-known expert in the revolutionary time in Europe at the end of the 18th century also deals with the Declaration of Rights of 1789 in the first part of his great work about this époque. He believes that General Joseph de Lafayette’s proposal for a declaration on July 11 arose “nach amerikanischem Muster". The main thought is that “in jedem Menschen, ohne Unter­schieß des Standes und Besitzes, die Würde des menschlichen und das Ebenbild des göttlichen Geistes sich abspiegle”. But the application is regarded as completely misdirected, and although the final text formally diverged from that of Lafayette it only enhanced the risk of disorganization and confusion. As to the originality von Sybel thinks that Lafayette’s initiative would hardly have been necessary for bringing about unity regarding a declaration of rights. There were already proposals for a declaration in the “cahiers” from the provinces before the meeting of the estates in Paris in May 1789, and thoughts like these were of current interest (von Sybel p. 73 ff.).

Hence it seems to be an exaggeration when the French philosopher Paul Janet says that the French, according to von Sybel, should have lacked every scrap of originality, and that the Declaration of Rights must be led back to the American contributions (Janet 1, p. XXXV). But von Sybel’s statements were in reality not as categorical as that.

However, Janet’s own point of view is not narrowly pro-French. It could be summed up in three items of which the first deserves to be given in extenso:

"La France n’a pas inventé les droits de l’homme, elle les empruntés à l’Amérique. Sa part a été de les préparer par la philosophie, mais ce sont les Américains qui les ont introduits dans la politique".

Furthermore, the rights that were proclaimed in 1789 are not unlimited, but always surrounded by restrictions. Finally they do not originate in an arbitrary metaphysics but are intimately related to all the injustices of the dying feudal society (ib. p. XI).

Thus Janet acknowledges that the French Declaration of Rights has much in common with the constitutions of the American states and with the fundamental Declaration of Independence. He points out that the thoughts which are shaped originate in a natural right founded on pure reason. In America the doctrine is really based on philosophical deliberations and not only on the historical tradition which had been conferred from the native country with its positive legal rights. Janet also refers to the spiritual affinity between the constitutions of those states that mention the human rights, and the corresponding expressions of the French Declaration. In the constitution of Virginia there are statements that have the same significance as in Rousseau &c. The conclusion is that “il n’y a aucune différence capitale entre les Déclarations américaines et la Déclaration Fran­çaise". In both cases it was a question of the inalienable rights aiming at comprising all mankind.

On the other hand the philosophy of natural right here treated of is in fact a kind of condensation of French thinking. The ideas are extremely old, for they existed already at the beginning of civilization, but they have been revised by Hobbes and Locke, but above all by Voltaire, Montesquieu, Rousseau, and Turgot. In this context Janet even maintains that these French theories had found their way to America, and are the basis of the American wordings. However, this does not go very well together with the earlier statement that the human rights had been “lent” from America. This “loan” is suddenly transformed to a French “bottling” exported to the other side of the Atlantic. Besides the rights have been surrounded by restrictions in France which was not the case in America, and they are an expres-
sion of the opposition within a new society on the ruins of the old feudal system (ib. pp. XI—LXXI). Elsewhere Janet sees in the Declaration of Rights a realization of the social contract according to Rousseau's conception of it (ib. 2, pp. 457—58).

As is obvious Janet's exposition is not altogether clear and consistent, but against a one-sided American influence he asserts the great importance of the French philosophy for a distillation of the brew since long fermented. At the beginning of the 20th century, however, a violent discussion arose about questions like these. In his great work about the French revolution professor A. Aulard too pointed out the American influence. The course of events of the liberation of the colonies from England had been attentively studied in France. Lafayette's ideas were influenced by the principles that became of current interest, and there were many direct references to America in the course of the working out of a French declaration of rights. Aulard's point of view seems to be most clearly stated in the following (Aulard p. 19):

"Ici, il est utile de rappeler que le monde était d'accord sur ce qu'il fallait entendre pour une déclaration des droits de l'homme et du citoyen. Il s'agissait de proclamer, en langue française, les mêmes principes qu'avaient proclamés les Anglo-Américains".

The initiative is here almost completely of American origin, and what remained was only to clothe the already proclaimed principles in the words of the own language.

It is not evident: from Aulard's presentation to what extent he has taken his conception from the treating of the origin of the French Declaration in 1789 by George Jellinek, professor at Heidelberg. His investigation was originally part of a greater work on political right. It is useful to remember that about two years before the French Revolution, one of the pamphleteers of the times, a member of the Catholic church, was publishing a work which he called "Découvertes de l'individu, de sa personne et de ses biens". In his work he referred to the roots in the fundamental idea of the reformation (in Calvin's shaping), and the following struggle to preserve liberty of faith. Those were the principles lodged in the hearts of the first colonists, and Jellinek especially mentions Roger Williams, the Independent who landed in Massachusetts in 1631. Therefore, the conclusion is (ib. p. 46).

"Die Idee, unveräußerliche, angeborene, geheiligte Rechte des Individuums gesetzlich festzustellen, ist nicht politischen, sondern religiösen Ursprungs. Was man bisher für ein Werk der Revolution gehalten hat, ist in Wahrheit eine Frucht der Reformation und ihrer Kämpfe".

Roger Williams ought to be mentioned instead of Lafayette. From the philosophy of natural right of John Locke or Christian Wolff can be derived the idea of making a catalogue of human rights. It was the political conditions in America during the 18th century which, in connection with the principal religious traditions of the country and influences from Locke and Montesquieu, produced a complete declaration of rights (ib. p. 46 ff.). The contribution of France is that, in adopting the same principles in their struggle for liberation, they became known to all the world and to times to come (ib. p. 57).

Émile Boutmy, the French sociologist, objected to this exposition. He pointed out that the individual right is by no means incompatible with the social contract, for the meaning of this must be understood in the following way (Boutmy p. 417):

"Ce contrat a pour conséquences: la constitution d'un corps politique, composé de l'Etat ou souverain et des citoyens ou sujets, et l'établissement entre eux de rapports déterminés.

Ces rapports consistent en deux actes: le premier est l'aliénation complète de l'individu, de sa personne et de ses biens à l'Etat. Le second est la restr
tution, à l'individu par l'État, de tout ce qui n'est pas nécessaire, pour assurer à chacun la jouissance de droits, égaux à ceux des autres; en sorte que le citoyen se retrouve, suivant Rousseau, plus libre après qu'avant le contrat".

Boutmy believes that from this conception of the significance of the social contract the idea of everybody's equal rights can be derived, as well as the idea of the aim of the laws to maintain equality, and of the general character of these laws.

Boutmy's second objection to Jellinek concerns the relation of the American documents to the French Declaration. Boutmy finds neither in Lafayette nor in the preliminary documents as a whole any important references to American models (ib. p. 420 ff.). The proper source and origin is in fact "le grand mouvement des esprits au XVIIIᵉ siècle". Everywhere the same lines of thought could be found, and that is why it is easy to find similarities between American declarations of rights and the French one (ib. p. 423). Nevertheless the difference is considerable. In the one case the sole aim is the legal security of the individual and the goal is merely practical. In the second case we have before our eyes an oratorical masterpiece, exclusively founded on the power of truth among men. In fact, two documents as different as these, dealing with the same problem, do not exist (ib. p. 424).

Thus Boutmy's arguments are related to those of Janet, while von Sybel and Jellinek, although the latter is more biased than the former, might be looked upon as closer to each other. A mediatory point of view is presented in a French dissertation from 1903 by Emile Walch. He first points at the interest in the events in America and the rights of the individual, is considered to have been influenced by his father in spite of their mutual division, and to have professed himself an adherent of the physiocratic doctrine (ib. p. 154 and p. 179 ff.).

Vincent Marcaggi, on the other hand, points to a more purely French influence on the Declaration of 1789; he published a dissertation dealing with this question the year after Walch. According to Marcaggi both Jellinek and Boutmy were mistaken, each in his way. The Anglo-American influences have not been without importance but must not be overrated. The Declaration of 1789 probably have come into existence without them (Marcaggi p. 179 ff.). Marcaggi emphasizes the great differences between the French and American declarations: the traditional and practical nature of one of them, and the theoretical and broadly humane of the other (ib. p. 12 ff. et passim). But he also rejects the thought that the French Declaration should be a direct result of Rousseau's social contract. From Rousseau the conception of the aim of the law is derived, namely to precise and preserve the equality of the citizens with the help of general prescriptions. But the social contract, on the other hand, makes the sovereign completely despotic in relation to the individual, and consequently it is impossible to derive from this the important and fundamental things of the Declaration of Rights, viz. the inalienable rights of the individual in various concrete respects (ib. p. 91 ff. et passim). According to Marcaggi's own opinion it is above all the physiocratic philosophy in France that is the basis of the Declaration of 1789. In other words François Quesnay, Pierre Samuel Dupont de Nemours, Victor de Mirabeau, Pierre-Paul Mercier de la Rivière, and others are the spiritual fathers of the statements of man's freedom and equal demands in various respects. Robert Turgot's writings and economic reforms are of course also important in the context. Honoré Gabriel de Mirabeau, perhaps the most famous speaker of the National Assembly, is considered to have been influenced by the exchange of opinions of Jellinek and
Between Antoine de Condorcet and the physiocrats the similarities are apparent (ib. p. 150). Even Lafayette's declaration of July 11 is looked upon as comprising physiocratic ideas (ib. p. 181). It cannot be denied that these to a certain extent may be found already in Hugo Grotius and John Locke (ib. p. 139), but according to Marzaggi a direct physiocratic influence undoubtedly existed in the appeal of the three estates too, and later at the working out of the declaration within the National Assembly in the summer of 1789 (ib. p. 157 ff.). According to the physiocratic doctrine there exists a highest divine order which is reflected in the laws of nature, and which consequently might be comprehended by the human reason. With the help of this man easily realizes that he is intended to live in a society. But each individual remains a perfect master of himself, his natural endowments, his work and the fruits of it in the form of various properties. Freedom, in other words, is beyond dispute. But man also possesses an "instinct de la justice" which offers a counterbalance to egoism and possible aggressions (ib. p. 104 ff.). From these points of view the physiocrats attacked the old feudal system (ib. p. 126 ff.), and in doing this they followed the directions of the divine order for a general natural right, implying a principal individual freedom with the necessary limits for a co-existence with others. By enlightening the people they would be made to realize this, and the aim of the declaration of the human rights was to work towards this end (ib. p. 142 et passim). In this way the divine order through human reason has received a shape that might give it a place in the public consciousness.

A large part of the literature dealing with Lafayette mentions the importance of the American models (e.g. Chinard and Gottschalk). However, the attention is mainly drawn to his own proposal for a declaration which only was one of many presented text versions. Of course Lafayette's initiative and its wordings must be distinguished from the final declaration which had an entirely longer and more complicated origin than Lafayette's personal contribution.

It would take us too far to follow in detail the discussion of the models of the French Declaration and sources of inspiration from the time after this mentioned conflict at the beginning of our century. It is probably significant that Ernest Lavisse in his great French history of the present days ascribes some importance to the American revolution, but mainly refers the French Declaration of Rights to a common European tradition within which Locke, Montesquieu, Rousseau, and the representatives of physiocracy have had their unquestionable position (Lavisse p. 75 ff.). It may also be pointed out that the author of a modern general survey still refers to the scholars mentioned above, but for his own part ends by saying that "au vrai, des articles de la Déclaration se situent au confluent de divers courants intellectuels" (Encyclopædia universalis, 5, p. 816).

Lafayette and his American friends

When Lafayette in his youth was engaged in the American war of independence his motives were hardly founded on an already existing personal outlook on life. Perhaps an enthusiasm for the cause of liberty, natural to his age, might have been a contributory factor, but he had no such knowledge of the philosophy of his own country that it would have promoted his action (Gottschalk p. 3). Consequently the impressions from the various campaigns were of great importance to him. About this he writes in his autobiography (Lafayette III, pp. 196–97):

"Associé dès sa jeunesse à la formation, à la défense, aux intérêts de ces treize républiques, il était naturel que toutes les idées républicaines s' armaissent dans sa tête et dans son cœur; elles y trouvèrent un terrain si bien disposé que, parmi les différentes nuances des mœurs américaines, il donna toujours la préférence aux plus populaires, et qu'il fut toujours regardé comme un des plus parfait démocrates des États-Unis".

Of course one must ask if this is not a rationalizing of the events of his youth, but it could hardly be doubted that he, still comparatively ignorant, was exposed to a strong influence from the social-philosophical thinking which was the ideology of the war of independence. The reason why the French officer happened to become interested in the cause of America may be understood from a description which Lafayette gave to an American historian as late as in the 1820's (Lafayette I, p. 9 n.). During the dinner at the garrison at Metz the Duke of Gloucester, the brother of the English King, is said to have imparted the news of the American Declaration of Independence, and also eagerly have been questioned by Lafayette who afterwards
decided to offer his services to the colonies. Although this report has
been judged differently (see e.g. Whitlock I, pp. 23-24 and Wood-
ward pp. 43-44), it can hardly be denied that something important
took place in connection with this visit to Metz which the opposi-
tional representative of the English crown undoubtedly paid.
However, it seems impossible to confirm the statement that the Decla-
ration of Independence was read aloud in its entirety, but on the
other hand it is evident that this document later had a prominent
position among Lafayette's sources of inspiration. He asked a close
relative of Benjamin Franklin's for a copy of it "to have it engraved
in golden letters at the most conspicuous part of my cabinets, and when
I wish to put myself in spirits, I will look at it, and most voluptuously
read it over" (Gottschalk pp. 53-54). In his magnificent home in
Paris to which Lafayette moved in 1783 this copy was afterwards
hung, but with a frame of which the one half was significantly empty
or blank, since Lafayette hoped to be able to insert "la déclaration
des droits de la France" (Lafayette III, p. 197).

Lafayette's account of the origin of his own declaration of rights
cannot in any way be contradicted as to the American starting-points.
It is pointed out in this context (Lafayette II, p. 303 ff.) that the
American revolutionary epoch which must be looked upon as the
beginning of a new social order of all the world is also the age of the
declarations of rights. These cannot be referred to a society in which
despotism and a spiritual and temporal aristocracy are prevailing. Not
until the liberation of America "il a été question de définir indépen-
damment de tout ordre préexistant, les droits que la nature a
inherens a chaque homme, droits tellement inhérents à son existence que la
société entière n’a pas le droit de l’en priver". It is a question of
"essentiellement les droits imprescriptible de l’homme et du citoyen".
The declaration of July 4, 1776 was intended to justify the liberation
of the thirteen colonies from the mother country. In this it was refer-
red to the principle of the sovereignty of the people and its freedom
to change its government, while special rights such as self-taxation
etc. were mentioned among the concrete reasons for the separation
from England. Congress could hardly go further. But real declara-
tions of rights were included in the constitutions of the separate
states, the first of these in Virginia. Jefferson is said to have been
responsible for this document just as he also played an important role
at the working out of the Declaration of Independence. The first
European instance of a declaration of rights is, according to Lafa-
yette, his own proposal.

The idea that Jefferson was responsible for the Virginia document
as well could be said to be significant of Lafayette's judging of his
importance. It is an indisputable fact that both Jefferson and other
prominent Americans had an outstanding influence on his life also
after his return to France. Lafayette's home became a meeting-place
for Americans in Paris, and among for instance Franklin's papers no
less than 14 formal invitations to dinner at Lafayette's have been
found (Gottschalk p. 15 et passim). Jefferson and Lafayette had not
personally been in close contact with each other, and the summer of
1784 they must have passed each other on the Atlantic Ocean, Jeffe-
son on his way to assume his diplomatic appointment in Paris, Lafa-
yette to receive triumphant homage in a country which he had served
in leading military position. But in a letter to Jefferson Lafayette
nevertheless put his home and his family at Jefferson's disposal in
hearty terms (Chinard p. 51). After his return to Paris a frequent and
gradually intimate contact developed, the character of which is per-
haps best expressed in the last words of a letter from Jefferson, when
he in the spring of 1787 journeyed in the south of France. He says:
"I love you, your wife and children. Tell them so, and adieu" (ib.
p. 112). Another proof of this is the episode when Lafayette invited
himself and some other "patriots" to dinner at Jefferson's house with
only one day's notice, in order to be able to discuss in peace and quiet
the burning question of the King's right of veto (ib. p. 145). In his
Autobiography Jefferson has described this famous event which, as
a consequence of its nature of diplomatic transgression, forced him
to publicly make his excuses (Jefferson: Autobiography pp. 113-14).
With this in memory it is also easier to value the veracity of the fol-
lowing statement (ib. p. 115):

"Possessing the confidence and intimacy of the leading Patriots, and more
than all, of the Marquis Fayette, their head and Atlas, who had no secrets
from me, I learned with correctness the views and proceedings of that
party".

To the American colony with which Lafayette often had daily
connections Governor Morris, diplomat and business man belonged;
he was later Jefferson's successor as minister in France. Morris' dia-

ries describe how Lafayette, Jefferson, and he constantly met under both trivial and solemn circumstances (Morris, ed. Davenport I, p. 13 ff. — see the page-references for Jefferson and Lafayette in the register of Vol. II). In great and important contexts when Franklin and Jefferson protected the interests of their country Lafayette also rendered — sometimes at his own risk — his friends great services, and they expressed in many letters to their principals their recognition of these (see e.g. Chinard p. 35 ff. and Gottschalk p. 23 ff.). It must not be forgotten that Lafayette maintained a frequent correspondence with Washington to whom the relation had become that of a son to a father (see Gottschalk's edition of Lafayette's letters to Washington).

Lafayette became almost a French national hero after his participation in the American war of independence. After this war a society of former officers was founded, the so-called Cincinnati, of which a French branch was organized and within which Lafayette held a prominent position. The society was criticized for not being democratic, but the aim of it was to "preserve inviolate those exalted rights and liberties of human nature, for which they had fought and bled" (Gottschalk p. 54 ff.). Also this meeting-place of French and American friends of liberty probably strengthened Lafayette's reputation as a prominent "republican", i.e. as a person whose aim was to replace the old feudal society with its despotism and privileges by a more democratic form of government. A glimpse of the nimbus that surrounded Lafayette is shown in Condorcet's words to him in connection with the debate on slavery (ib. p. 424):

"it is to you that belongs the defence there (America) of Liberty and the Rights of Man, which are the same for all, no matter what their color or their country may be".

If one tries to follow Lafayette with the help of relevant source material from the beginning of the war in 1776 to the actions of the mature and influential man in his own native country shortly before and during the revolution, it is the American relations that appear most clearly. In this network of French-American relations must be found the origin of his declaration of rights. Now we must try to reconstruct more carefully the course of events before the declaration was presented on July 11, 1789.

The origin of Lafayette's declaration of rights

The proposal for a federal constitution of America worked out in 1787, to a great extent the work of James Madison, later fourth president of the United States, was sent to Jefferson in Paris not only by Madison himself, but by Franklin and Washington (Koch p. 39).

Jefferson's reactions were formulated in the autumn of that year in many letters to various persons (Jefferson 12, pp. 351, 356, 425, and 439 ff.). His objections concerned above all the fact that the president through perpetual re-elections could become a kind of "Polish king", and that a "bill of rights" was lacking. Such a bill "is what the people are entitled to against every government on earth, general or particular, and what no just government should refuse, or rest on inference" (ib. p. 440). In a letter to Madison from Nov. 18, 1788, Jefferson still emphasizes the need of "a bill of rights" (ib. 14, p. 188). Madison later met this need in the proposals for additions to the constitution. In these he mentioned the principle that the power rests with the people who have the right to expect from their government protection to life, liberty, property, happiness, and security, and who also have the right to intervene if these aims are not fulfilled. These general explanations, in a high degree resembling the wording of the Virginia constitution, were cancelled by Congress, but Madison's proposal was completely in accordance with that of Jefferson (Koch p. 55 ff.). His opinion about the "declaration of rights" that was finally accepted was (on Aug. 28, 1789): "I like it as far it goes; but I should have been for going further" (Jefferson 15, p. 367). The course of events, however, shows how important a bill of rights is to Jefferson for his own country.

Lafayette read the proposal for an American constitution on his way home from a visit to Auvergne, and then sent this copy to Jefferson adding that he thought the president had been given too great power (Chinard p. 123). When he met Jefferson in December his doubts had apparently increased (see the description in Gottschalk p. 364 ff.). Like Jefferson he now expressed in a letter to Washington objections to the possibility of getting a permanent president, and to the loss of a "declaration of rights" (Gottschalk: Lafayette pp. 334—35). This was on the New Year's Day of 1788. A month later he says that the proposal for a constitution had been examined and admired by "European philosophers", but that it lacks a declaration
of rights. Jefferson and he agreed to this as to the idea of the position of the president, but they nevertheless thought that nothing ought to be done until nine states had accepted. Then necessary additions would be made (ib. p. 338).

At the beginning of 1788 the question of a declaration of rights had been actualized to Jefferson and Lafayette thanks to the American proposal for a constitution. The discussion continued during the spring in connection with Thomas Paine’s visit to Paris; he became later the famous author of "Rights of Man", 1791—92, and he was a frequent visitor of Jefferson. On the same day that Lafayette wrote his letter to Washington (on Feb. 4, 1788) he informed General Henry Knox that "Mr Jefferson, Common Sense (i.e. Paine), and myself are debating (the proposed constitution) in a convention of our own as earnestly as if we were to decide upon it" (Gottschalk p. 374). Since the need for a special declaration had been repudiated in connection with the treatment of the constitutional proposal in Pennsylvania, Jefferson dealt with the question of man's natural rights whereupon Paine rapidly worked out a memorandum on the "natural and civil rights and the distinctions between them". The former concern the rights belonging to "personal competency" (e.g. freedom of speech), while the latter refer to the individual's protection for his property &c. (Koch pp. 82—83). Another Englishman influenced by physiocratic thinking belonged to those with whom Jefferson discussed the human rights, as a matter of fact his physician, Dr Richard Gem (see Peterson p. 383 and Koch p. 84 ff.). We will soon return to him.

The situation in France in 1788 developed in such a way that the question of a declaration of rights became of current interest, not only to the American constitutional proposal but also to the country itself. It was evident that changes of a more or less profound nature were to be expected in a not too distant future. In August 1788 Jefferson expresses his opinion that a new constitution soon would be worked out, and at the expected summoning of the estates the "bill of rights" would be dealt with which he still regarded as necessary for the United States of America (Jefferson 13, pp. 485—86 and 489—90). At the end of the year the discussions between Jefferson, Lafayette, partly also Paine and Gem had proceeded so far that Jefferson on Jan. 12, 1789 could send two direct drafts for declarations of rights of a more general nature, one of them by Lafayette, and the other by Gem. Already on Dec. 20, 1788 he had written that "all the world is occupied at present in framing every one his own plan for a bill of rights" (Jefferson 14, p. 366). He now sends Lafayette's and Gem's proposals as proofs that "every body here is trying their hands at forming declarations of rights". He characterizes Lafayette's draft in these words: "You will see that it contains the essential principles of ours (the italics are ours) accomodated as much as could be to the actual state of things here" (ib. p. 437). From 1786 Lafayette had undeniably deepened his own knowledge by a study of relevant literature about America (see Gottschalk pp. 247 and 368 et passim). Gem's contribution is presented in this way: "The other is from a very sensible man, a pure theorist, of the sect called the economists, of which Turgot was considered as the head" (Jefferson 14, p. 437). This document contains a list of various kinds of rights (liberty of faith, liberty to pursue a trade, liberty of the press &c.), but in it could also be read that laws and institutions ought to be "conformes à la justice universelle" (ib. p. 439). However, Jefferson has left a version, written in his hand, of Gem's proposal which had been sent to Madison in a copy with Gem's handwriting. The order in Jefferson's copy is another, and there exist smaller linguistic changes (the whole document is written in French). The greatest difference is that certain evident physiocratic ideas in Gem's proposal are divided into two paragraphs with the wording: "11. Toute puissance publique doit résidier dans les propriétaires des terres. 12. Le droit de voter dans les elections des corps législatifs doit être limité à une certaine revenue en fond de terre" (ib. 15, p. 232). It seems uncertain to decide which of the documents is previous to the other (cf. ib. which to a certain extent deals with this), but it is evident that Jefferson had a direct contact with the physiocratic philosophy. On the other hand there is nothing to suggest that Lafayette had a possibility of using this written presentation of Gem's conception.

In February 1789 Lafayette went to Auvergne in order to guard his election to the Estates-General, and he had then no direct connection with Jefferson (Chinard p. 76). But in March he writes to J. P. Rabaut - St. Étienne, later president of the National Assembly, that the expected reforms would lead to "a free constitution that would permit all the citizens to participate in the advantages which nature has accorded to all men and which common sense ought to guarantee
to all societies" (Gottschalk p. 426). But Jefferson was anxious about Lafayette who was the leader of the "patriots" (Chinard p. 74 ff. and 125). According to Jefferson Lafayette ought to side with the people and try to be a representative of the third estate, and not of the nobility.

When the Estates-General had met on May 5 and the deliberations did not bring with them a result, Jefferson, Lafayette and Rabaut-St. Etienne met on the evening of June 2, and this first discussion made Jefferson work out a "Charter of Rights" which according to his proposition would be solemnly signed by the King and the representatives of the three estates. In this it should be confirmed that the Estates-General were to meet every year, that they alone had the right to levy taxes and institute laws with the consent of the King, that no one should be deprived of his freedom without legal proceedings according to general laws, and that all economic privileges should be abolished; on the other hand the debts of the King should be taken over by the nation and a considerable sum should immediately be assigned for the actual needs (ib. p. 126 ff. and Jefferson 15, p. 165 ff.). As is evident this is not a question of a declaration of rights. When the King had been forced to yield and admit the union of the estates to a common voting, the National Assembly began its often rather undisciplined deliberations. It is in the working out of a new constitution that Lafayette seriously tries to realize the demand for a declaration of human rights. He seems to have given Jefferson a proposal of a draft for he writes to him on July 6: "Will you send me the Bill of Rights with your notes — I hope to see you to morrow" (Chinard p. 130; here the letter is dated July 4 — cf. Jefferson 15, p. 249). However, these very days Jefferson was involved in an unpleasant situation because of Mirabeau's mentioning in a committee that Jefferson had promised a certain importation of corn from America. On the evening of July 7 Jefferson and Lafayette seem to have dined together, and probably Jefferson returned Lafayette's declaration of rights (ib. p. 247). In a new letter from Lafayette of July 9 can be read: "To morrow I present my bill of rights about the middle of the sitting. Be pleased to Consider it again, and Make Your observations" (ib. p. 255 and 231 n; cf. Chinard pp. 79 and 135 where the letter is dated July 10). Lafayette was uncertain of the most suitable time of action in the National Assembly which is evident from a letter of July 11 before it met (Lafayette II, p. 313). In this letter he writes:

"C'est aujourd'hui, je crois, que je présenterai mon projet de déclaration des droits qui sera envoyé dans les bureaux. Il n'y aura aucune délibération prise, et je pense qu'on attendra, pour débattre les différents plans, qu'on ait travaillé sur la constitution".

Lafayette also carried out this plan. He asked for permission to speak to the National Assembly on this day (July 11). It is obvious that he wished to take the initiative in an important question. On July 9 the committee of thirty (appointed two days before), which was to work out a constitution — the question of a constitution had long been a main task (see Walch p. 21 ff.) — had presented a memorandum in which was pointed out the suitability of having the new constitution begin with "une déclaration des droits", that would be "court, simple, et précise". Consequently the National Assembly would mainly devote its time to this task (Arch. parl. VIII, pp. 200 and 216). In a letter to Paine from July 11 Jefferson mentions what had occurred, and speaks about "a Declaration of the natural and imprescriptible rights of man" (Jefferson 15, p. 268). Obviously Jefferson did not know of Lafayette's action when he wrote this letter, but in a letter to Richard Price of July 12 he says: "The Declaration of the rights of man - - - was brought in the day before yesterday" (ib. p. 271). Thus Jefferson thought that Lafayette had presented his proposal already on July 10. This may be due to Lafayette's information in this direction in a letter to Jefferson from July 9 (see above). The point of time seems to have been wavering, but Lafayette acted as soon as he could and found it appropriate.

From this course of events it is evident that Lafayette and Jefferson had close contact with each other before Lafayette confirmed his final text. A draft with certain cuttings and comments by Jefferson is also preserved. Hence there exist three versions that must be dealt with: 1) the one that Jefferson sent to Madison on Jan. 12, 1789, 2) the one that was available to Jefferson during the busy days of July (6—11), and 3) the final one that was presented to the National Assembly.

We will soon treat these variants. But if the origination of them is examined in this way, there is nothing in the sources to indicate...
that Jefferson had another function than that of a partner of discussion. To regard him as the author or the one who worded the phrases (Woodward p. 201) must be looked upon as an unfounded crochet. Certain influences from Jefferson might be found (see below), but there is no reason to proceed further. And this point of view is confirmed by Jefferson and Lafayette themselves when they afterwards discuss Lafayette’s proposal. In his autobiography Jefferson writes: “A Declaration of the Rights of Man - - - was accordingly prepared and proposed by the Marquis de La Fayette” (Jefferson: Autobiography p. 105). And Lafayette for his part writes to Washington on Aug. 23, 1790: “Happy it has been for us that I persuaded the Assembly to begin with a Declaration of Rights, as among our decrees, few may be found that are not consonant with the most perfect principles of Natural Rights” (Gottschalk: Lafayette p. 349).

Not even Morris seems to have influenced Lafayette’s final proposal which he obviously had seen (Morris, ed. Gandais 1, p. 231). Morris writes: “Je lui ai dit ce que j’en pense, et lui suggeré plusieurs amendements tendant à adoucir le langage un peu vif de la liberté. Ce n’est pas avec les mots sonores que se font les révolutions” (ib). The personal relation between Morris and Lafayette does not seem to have been of such an unclouded nature that Lafayette could listen to him in the same way as to Jefferson. Since he did not even observe Jefferson’s suggestions there is hardly reason to believe that Morris succeeded in commanding his attention.

Lafayette’s proposal for a declaration of rights

The three known versions of Lafayette’s declaration of rights can be studied in the annexed copies (fig. 1—3). These texts will now be examined in certain relevant respects.

The fundamental thoughts in the project from the beginning of 1789 seems to be that men certainly are equal, but that in a monarchy there are differences between them which are founded on consideration to the public utility, and which ought to be adjusted to it. This does not prevent that each man has the same rights, i.e. right to property, freedom, honour and life. These are in their turn regulated by laws ultimately derived from the sovereignty which is represented only by the nation. From this sovereignty the legislative, the executive and the judicial powers have their authority. The taxes are decided for a shorter period and levied according to capability. Each man with “voice and thinking” ought to be given complete freedom of speech as long as he does not upset the social order, or insult anyone. Since enlightenment will be increased at the same time as misuses possibly will arise, the constitution ought to be revised with the help of deputies elected for this purpose.

There is very little in this declaration that cannot be found in the influential Virginia declaration as well as in corresponding documents of other American states (see e.g. Pale p. 519 ff. and p. 530 ff., Bouchary p. 79 ff. and Poore p. 817 ff., p. 957 ff., p. 1280 ff., p. 1409 ff., p. 1540 ff., pp. 1859—60, pp. 1908—09; cf. Janet 1, p. XVIII ff., Marcaggi p. 32 and p. 40 ff. and Jellinek p. 13 ff.). It is to be observed that “honour” is lacking in the American models, and that Lafayette still reckons with a constitutional monarchy. This is not surprising. Lafayette was a representative of a society in which “honour” was such a self-evident concept of the total structure, not least in the social stratum to which he belonged, that it must have been difficult for him to trace the connection backwards to the feudal organization against which his criticism was directed. As regards monarchy Morris’ observation is worth quoting; the intention of the “patris” was “an American Constitution with the Exception of a King instead of a President” (Morris, ed. Davenport 1, p. 136). In the first two respects and in a way that completely corresponds to the American social philosophy with its derivations from Locke (see chap. 1 and 2), the question of equality between the individuals and equality of rights, instituted in the laws approved of by the people, has not been looked upon as leading to an exclusion of the differences that might further the common good.

In the second version from the beginning of July 1789 certain additions and precisions have been made which in a high degree are proofs of a strengthened American influence. Men are not only “equal”, but “free and equal!” (this expression is found in the declaration of Massachusetts). The rights are called “inaliénables”, and among them has been inserted “la recherche du bien être” (= “the pursuit of happiness”). The right to have the use of the own person and the fruits of labour and toil is as much an idea inherited from
La nature a fait les hommes égaux, et les distinctions entre eux nécessitées par la monarchie, ont pour base et doivent avoir pour mesure l'utilité générale.

Les droits de l'homme assurent sa propriété, sa liberté, son honneur, sa vie: nulle atteinte ne peut y être portée qu'en vertu de lois consenties par lui, ou ses représentants antérieurement promulguées et appliquées par un tribunal légal.

Toute souveraineté réside essentiellement dans la Nation.

Le Gouvernement se divise en trois pouvoirs : le Législatif, lequel doit être principalement exercé par une assemblée représentative nombreuse, librement et fréquemment élue, l'exécutif qui appartient uniquement au Roi dont la personne est sacrée et les ministres responsables; le Judiciaire qui doit être confié à des tribunaux dont la seule fonction soit de garder le dépôt des Lois, et de les appliquer littéralement aux causes qui leur sont soumises, et dont l'organisation et le régime assurent aux juges leur indépendance, au public leur impartialité, aux parties les moyens de justification et une distribution facile de la justice.

L'impôt doit être consenti pour un terme court et proportionné aux vrais besoins de l'octroi, et aux vraies facultés dans la répartition.

Le Commandement des troupes appartient au Roi seul, et leur obéissance n'a de bornes que celles qui garantissent la liberté publique.

L'homme doué de la voix et de la pensée ne peut être molesté ni pour ses opinions ni pour la communication de ses idées à moins qu'il n'ait violé l'ordre social ou l'honneur particulier, auquel cas il est soumis à la loi.

Et comme le progrès des lumières et l'introduction des abus nécessitent de tels en tems une révision de la constitution, il doit être indiqué

Endorsed by Jefferson: Fayette.

Translation.

Nature has made men equal, and distinctions between them necessitated by the monarchy are founded upon and must be measured by the general good.

The rights of man assure his property, liberty, honor, and his life. No limitation to these rights can be introduced except by due process of laws accepted either by him and his representatives and previously promulgated and enforced through a regular tribunal.

All sovereignty rests essentially in the Nation.

Government is divided into three powers: Legislative which is exercised by a representative assembly numerous, freely and frequently elected; Executive which belongs solely to the King whose person is sacred and to his responsible ministers; Judiciary, which must be entrusted to tribunals whose only function is to preserve the body of laws and to apply them literally to cases submitted to them, with such an organisation and regime as to insure to the judges their independence, and to the public their impartiality, and to the interested parties means of justification and an easy distribution of justice.

Taxes must be consented upon for a short term and must be proportioned to true needs when established and to true (paying) capacity when assessed.

The command of the army is in the hands of the King alone; their obedience has no limits except those which guarantee public liberty.

Man endowed with voice and thought cannot be molested either for his opinions or for communicating his ideas, unless he violates social order or personal honour, in which case he is responsible before the law.
And whereas, the progress of enlightenment and the introduction of abuses necessitate from time to time a revision of the constitution, distant but fixed dates must be determined for a convocation of the deputies with the sole object to reinstate the nation in all its rights by enabling it to reform its government.

DECLARATION DES DROITS DE L'HOMME

La nature a fait les hommes libres et égaux; les distinctions entre eux sont fondées sur l'utilité générale.

Tout homme naît avec des droits inaliénables; tels sont le droit de propriété, le soin [de son honneur et] de sa vie, la disposition entière de sa personne de son industrie, de toutes ses facultés, la recherche du bien-être et la résistance à l'oppression.

L'exercice des droits naturels n'a de bornes que celles qui assurent les mêmes droits à la Société.

Nul homme ne peut être inquiété ni pour sa religion, ni pour ses opinions, ni pour la communication de ses pensées par la parole, l'écriture ou l'impression à moins qu'il n'ait trouble par des Calomnies la paix des Citoyens.

Nul homme ne peut être soumis qu'à des Lois consenties par lui ou ses représentants antérieurement promulguées et légalement appliquées.

Le Principe de toute souveraineté réside imprescriptiblement dans la nation.

Le Pouvoir législatif doit être essentiellement exercé par des députés choisis dans tous les districts par des Élections libres, régulières et fréquentes.

Le Pouvoir exécutif étant exercé par le Roi dont la personne est sacrée, tous les agents individuels ou collectifs sont comptables à la nation quel qu'autorisation qu'ils aient reçue.

Le Pouvoir Judiciaire doit être borné à l'application de la Loi; la procédure doit être publique et la distribution de la Justice facile et impartiale.

Les Lois doivent être claires et précises et uniformes pour tous les Citoyens.

Les Subsides doivent être librement fixés et proportionnellement répartis.

Et comme le progrès des lumières l'introduction des abus et le droit des générations qui se succèdent nécessitent la révision de tout établissement humain, il doit être indiqué des moyens constitutionnels qui assurent dans certains cas une convocation extraordinaire de représentants dont le seul objet soit d'examiner et modifier, s'il le faut, la forme du Gouvernement.

Endorsed by Jefferson: Fayette his decl. of rights.

Translation.

Nature has created men free and equal; distinctions between them are founded upon the general good.

Each man is born with imprescriptible rights: such are property, the care of his honour and his life, the power to dispose of his person and the fruits of his industry, and of all his faculties, the pursuit of happiness and resistance to oppression.

The exercise of natural rights has no limits except those which insure the same rights to society.

No man can be disquieted on account of his religion, his opinions, nor for communicating his ideas through speech, writing or printing unless by slandering he disturbs the peace of the citizens.
le secret de la composition et de la connaissance. Il faut faire preuve de patience et de méthode.

Le volontaire de Lafayette fait l'unanimité.

La France a l'honneur de vous représenter. Vous êtes le garant de l'unité et de la force de notre nation. Vous dispensez de toute difficulté, vous êtes un modèle de courage et de dévouement.

Le secret de la composition et de la connaissance. Il faut faire preuve de patience et de méthode.
Locke (see chap. 1), as a physiocratic one. The demand to be allowed to make resistance is not only a reality of French conditions, but is implicit in the American ideology of liberty and its realization in action. This demand recurs in many bills of rights in a more detailed form. The fact that the right of the individual is confined by regard to society, i.e. the equal right of others, is the very foundation of the philosophy of natural right of which Jefferson and his compatriots professed themselves adherents. When liberty of faith had been added to the liberty of speech, this is an indication of the influence of American ideas (cf. almost all American declarations). The sole duty of the government to further the common good is likewise emphasized in these declarations, as well as the proposal that the three different social authorities are to be kept apart. The uniformity of the laws for all is justified for instance in the Virginia declaration by the right to "uniform government". The addition in the last part, that the rights of succeeding generations are a cause for making gradual revisions of the constitution, is also found in the American models, since for instance the Virginia declaration points out that the inalienable rights cannot by the citizens be robbed of "their posterity" (see Pole p. 519). In fact, Locke has already said that each new generation has the liberty to approve of the existing government, or to elude it in turning to another, just as a father has no right to rule over his child when it has attained maturity (cf. chap. 1). It is possible that Jefferson himself was not familiar with the historical foundation of the idea (cf. Chinard p. 80 ff. and the debate about "the earth belongs to the living" in Koch p. 62 ff. who rather believes in a physiocratic influence from Richard Gem). But basically this point of view was a condition for the American liberation from the mother country. To this must be added that the American declarations enforce the right to make alterations when conditions justify it.

The alterations which Jefferson seems to have suggested by putting certain words in brackets ("le droit de propriété" and "de son honneur") are easy to understand. To an American democrat the concept of "honneur" was heavily saddled and connected with a society dominated by a "hereditary aristocracy", in the code of morals of which it had existed because of a feudal system since long antiquated (cf. Chinard p. 82 where it is also mentioned that the expression might be derived from Montesquieu's conception of honour as the kernel of virtue in a monarchy). The exclusion of the right of property could have had the same tactical end as in the composing of the Declaration of Independence (see chap. 2 and Koch p. 80). In a starving France it was hardly appropriate to mention this delicate question. However, it seems difficult to accept the argument that Jefferson now regarded the right of property as something that had to be warranted by society, and that it should not be included among the original human rights (Chinard p. 82).

However, none of the proposed alterations was accepted by Lafayette in his third and final version in which the human rights are named both "inaliénables" and "impréstscriptibles", and in which both liberty of thought and liberty of speech are mentioned. As regards the legislative, executive and judicial powers the idea of recurrent elections and the self-evident position of the King have been taken away. The liberty of faith is no longer touched upon. The limit which is implied in the equal rights of everyone else has finally been worded in a less abstract way. The natural rights are only confined by the barriers "qui en assurent la jouissance aux autres membres de la société". Thus an avoidance of certain questions that might breed bad blood in some quarters of the National Assembly, is noticed (the liberty of faith, the free and recurrent elections, and the self-evident monarchy in connection with the executive power).

The course of events seems to have been as follows. From the first to the second draft an increased influence of ideas from the American declarations of rights can be noticed. The difference between the second and the final version, however, is that consideration has been taken to the existing situation in France in order to guarantee the greatest possible support from all sides. On two important points Lafayette has not wished to comply with Jefferson's advice. He did not want to refrain from mentioning the right of honour and property, and this may be an instance of his own situation: the nobleman who desired a democratic development. But on the whole the gradual changes accord very well with what has been shown in the previous section concerning Lafayette's relation to Jefferson, and concerning the political development in France down to Aug., 1789.

The reasons that Lafayette mentions in favour of a special declaration of rights are not new in relation to American thinking. The realization and preservation of liberty is a question of perpetual enlight-
enment to Jefferson and his compatriots too. The need of returning to the fundamental principles of natural right is also mentioned in many of the American declarations of rights. Thus it is difficult to evade the impression that the American social philosophy, which Lafayette came in contact with as a youth in conjunction with the war incidents in America, and which he could discuss with his friends in Paris, was one of his most important sources of inspiration. This philosophy was in its turn influenced by Locke. But it is also evident that Lafayette in certain respects considered the conditions of his own country, and that he in his final proposal avoided some really controversial questions.

But from our point of view it is important that Lafayette’s declaration in this way was an expression of the ideas of freedom and equality which to a great extent became relevant in educational contexts. The individual rules over himself and his personal qualifications within the limits of the equal demands of others. This must bring with it the question of which needs for education and instruction that were prevalent, at the same time as it certainly was obvious that all must be brought up to pay regard to others. No differences are allowed to exist apart from those that are useful to everyone. But on the other hand such differences are not looked upon as opposed to the idea of equality. Society cannot go on without taking care of the various abilities of the citizens. In this question Lafayette and the American democracy had the same foundation. What happened to this idea in the Declaration of Rights that finally was approved by the National Assembly?

The work of the National Assembly on a declaration of rights from July 11 to Aug. 19, 1789

a) The reception of Lafayette’s declaration and other preliminary preparations for a declaration of rights

Lafayette’s proposal was met with the objection that — although the natural right is the solid foundation — it would be dangerous not to combine its principles with the positive right at once. The situation might arise that “cette égalité primitive” would appear as “la con-

fusion de la société” to the slanderers of the National Assembly. Therefore, the connection with the work on the entire constitution ought to be kept alive all the time. This point of view was generally approved of, and the decision was in any case, that the declaration should not be discussed but referred to the various bureaus (Arch. parl. VIII, pp. 222—23). Already at the beginning of June the National Assembly had decided that the 1200 members should be divided into thirty bureaus with forty members in each, and with special presidents and secretaries; these bureaus were to meet on a fixed time in the afternoons (ib. p. 181 and pp. 184—85; see also Procès-verbal 1, No. 11, p. 18 and pp. 20—21, No. 12, p. 8, and No. 13, pp. 3—4). In fact, Lafayette had not imagined anything else but a submission which would be the first step towards a definite decision (see fig. 3).

Before we proceed to deal with the continued work of the National Assembly a few facts deserve to be mentioned. On the one hand it must not be forgotten that the American declarations of rights could be studied by anyone who so wished, even in French. The translations of the constitutions of the states had been published both in 1778 and in 1783 (see e.g. Jellinek p. 11). Already in May, 1777 Franklin writes that Europe is eagerly reading the constitutions of the American states, and is looking upon “our cause” as that of mankind (Annard p. 20). A very extensive production of printed books about the country in the West existed (see ib. with n. 3). On the other hand a purely national production of pamphlets and journals was existing in which the rights of the individual were sometimes touched upon. During the last months of 1788 many thousands of political pamphlets were published (see e.g. Woodward p. 159). To this must be added the efforts in the same direction which are included in the “cahiers” to the Estates-General handed in from various places of the country. It is necessary to consider this material.

On July 27 the committee for the working out of the constitution presented a survey of the contents of the “cahiers” to the National Assembly as to demands that could be regarded as relevant for its work (see Arch. parl. VIII, p. 283 ff. and Procès-verbal 2, July 27; cf. Bouchary p. 129 ff.). According to this exposition two groups can be distinguished among those who demanded reforms, of which one of them desires necessary changes within the frame of the existing constitution, while the other wishes to form a new constitution. The only
important difference is that the latter group claims a declaration of the rights of man, to which belong security for the personal property and the freedom of the individual, including the liberty of speech, and the liberty of the press.

In the "cahiers" a revival of the freedom and self-determination of the individual was also often demanded (Arch. parl. III, p. 260), and this is also justified by the fact that nature has created "tous les hommes égaux" (ib. p. 333). At the same time the natural differences were not forgotten but stated in this way: "Tous les hommes sont nés égaux; tous les Français doivent l’être, et les distinctions conventionnelles sont subordonnées aux principes invariables de la nature" (ib. V, p. 425). It was the violations of these rights by the feudal society that were to be wiped away (as to the demands for a declaration of rights in the "cahiers" see Marcaggi p. 157 ff. with reference to e.g. Arch. parl. V, p. 538).

But completely worked out declarations existed too, for instance one from the third estate at Nemours, and another from the third estate in Paris. The former is very extensive and preceded by an argumentation of principle according to which, in order to restore peace in society, it is necessary to "établir quels sont les droits des hommes et des citoyens" by a royal declaration which all must pledge themselves to respect (see Arch. parl. IV, p. 161 ff.). Man does not wish to defend injustices. On the contrary God has bestowed on justice and reason such a strength that they are reverenced also when one is forced to hypocrisy and law-breaking. The aim of society is to preserve all the rights of the individual, and these are to be the foundation of the laws. In thirty articles these rights are treated of, to which belong complete freedom to act as long as it does not injure someone else, to give and receive support to mutual comfort, to work without being prevented, and to enjoy the fruit of one’s toil &c. In the 13th article can be read: "La liberté, la propriété, la sûreté ne doivent jamais être violées impunément". There is really no other crime than that which encroaches upon each man’s right to liberty, property and security. All shall, in proportion to their income, help society to prevent crimes and preserve its functions. Each man shall also be given the right to contribute to the improvement of the laws without fearing any reprisals. The demands are right to liberty in various respects, protection for property and personal security. This is the end of the laws.

The third estate in Paris is more brief (see fig. 4), but it is easy to notice an important source of inspiration. All power and authority is derived from the nation and exerted to its common good. The general will institutes the laws and the public government sees to it that they are carried out. The sole end of the laws is to warrant property and personal security to all. The natural, civil, and religious liberty, the personal security, the absolute independence of every other authority than that of the law, precludes violation of anyone’s way of thinking and opinions, as long as these do not disturb the common order or come too close to the rights of anyone else. The declaration of the natural rights is to be the very foundation of the government of the country. Without doubt these brief statements have certain ideas in common with Rousseau.

b) The project of the committee of eight and other contemporary drafts from July 14-17

On July 14 Lafayette’s proposal for a declaration of rights was discussed. Whether it had been treated of previously in the bureaus (cf. the decision above) is not evident from the context. However, an agreement could not be arrived at about the propriety of placing a declaration at the beginning or at the end of the constitution, in which it ought to be a part according to the general meaning. After lengthy discussions followed by elections within the bureaus, a committee of eight was appointed representing the three estates. This committee was to take over the work on the new constitution (Arch. parl. VIII, p. 230 ff.). On July 16 the committee commissioned one of its members, abbé Emmanuel Joseph Sieyès, to draw up a project for a declaration. Sieyès was a representative of the third estate in Paris, and became one of the most influential constitutional experts of the National Assembly. His ideas were derived both from Montesquieu and Rousseau (Neton’s biography of S.). Sieyès presented his proposal to the committee on July 20, but it was looked upon by certain members as too argumentative, and a briefer wording of articles and paragraphs was demanded. Sieyès complied with this desire to the following day whereupon the proposal was printed and distributed.
Fig. 4 The declaration of rights from the third estate in Paris (Arch. parl. V, pp. 381—83).
to the National Assembly (see Walch pp. 75—76, and Arch. parl. VIII, pp. 281—82; for the reactions of the committee to the proposal see Neton p. 95). In this form the project was treated of by the National Assembly on July 27. All the other presented documents (Arch. parl. VIII, pp. 280—90 and Procs-verbal 2, No. 33 with supplement) were to be printed and distributed to the bureaus to be examined. It concerned partly a report on the work of the constitutional committee delivered by J.-M. Champion de Cicé, archbishop of Bordeaux (later a member of the liberal government, after the dethronement of which at the end of the year he left the country), partly the already mentioned summary of the contents of the "cahiers" to the General Assembly, partly a proposal for the first articles of the constitution presented by J.-J. Mounier, a lawyer from Grenoble (excluded from the National Assembly in the autumn of 1789 and the following year an emigrant), partly special proposals for declarations of rights by Mounier and G.-J.-P. Target, lawyer and representative of the third estate in Paris (in 1790 president of the National Assembly).

In the long argumentative speeches of his draft Sieyès makes clear (Arch. parl. VIII, p. 256 ff. and Bouchary p. 96 ff.) that the end of every social union is to guard the rights of the men and the citizens. Man has special needs but he also has intelligence, will and strength to satisfy them. He protects the natural resources and improves them by his labour. In their relation to each other, however, the individuals have not co-operated to their mutual benefit, but have allowed the stronger to rule over the weaker. But two men have, according to nature, the same rights, including the right to rule over themselves and their powers. But the fact that one of them might have been granted a greater talent than the other does not change anything of the demands that both shall have the same human rights which to the same extent must be considered by both of them. When men voluntarily make an agreement this means a mutual respect for the equal rights of all. The forming of a society shall be advantageous to all. In fact, it shall protect "l'égalité des droits contre l'influence naturelle, mais nuisible, de l'inégalité des moyens" (i.e. the differences of endowments & c.). This does not bring with it a limitation of liberty, for no one has the right to injure anyone else, and in uniting one procures greater warrants that nobody misuses his liberty in such a way. In other words liberty is greater in society than in the state of nature. From this follows the freedom of the individual to rule over himself and the fruits of his labour, to think and speak freely & c., as long as this does not injure anyone else's right to do the same. The following sentence applies to this: "C'est à la loi à reconnaître ces limites et à les marquer". The most dangerous enemies of the individual freedom are the representatives of the society, or even the highest authority, if they cease to reverence the rights of the citizens. On the other hand, in uniting it is possible to attain all the advantages that are the results of talents and virtue. In this context education and instruction are important. The means, at the disposal of society, are called "établissement public", and are a kind of "corps politique" with a will and a faculty of action; to these the legislative and the executive powers correspond, which are regulated by a constitution which in its turn is worked out by special deputies by order of all active members (women and children are excluded from this category). These active citizens have equal political rights. Hence the opinion of the plurality becomes decisive and creates the necessary uniformity. All have sworn in advance to accept the opinion of the majority, and "la volonté générale est donc formée par la volonté de la pluralité". Consequently it is from this general will, i.e. from the people or the nation that all public power is derived. All representatives have their commissions not as a right, but as a duty on behalf of all people.

It is obvious that this exposition has been tinged by Rousseau's ideas. Liberty and confinement, equality of rights and yet a possibility of individual self-realization are described in a way, which the ideas of a general will, expressed in general laws, could admit according to Rousseau. In the declaration of rights made up of paragraphs (fig. 5) everything of importance from the argumentative part is to be found.

In the speech delivered by Champion de Cicé on July 27 (Arch. parl. VIII, p. 280 ff., or e.g. Bouchary p. 119 ff.) is mentioned the duty of the constitutional committee to erect a building to "la liberté" and "la dignité de l'Homme", and the expectations of all Europe to be given "un modèle qui sera bientôt imité". The aim of the constitution is "la félicité publique et celle de tous les individus", and consequently it ought to begin with a declaration of the rights
De l'acte de déclaration de droits, de la libération de la France.

Le décret de 1789 a été suivi de lois manifestes, qui ont été promulguées dans les colonies et qui ont donné naissance à de nombreuses lois fondamentales et à de nombreux systèmes juridiques.

La déclaration de droits est le résultat du travail des délégués à la Convention nationale, qui ont été élus par les assemblées départementales. Elle a été adoptée le 26 juin 1789.

La déclaration de droits est un texte fondamental qui a été adopté par la Convention nationale. Elle est basée sur les principes de la liberté, de la égalité et de la fraternité.

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of man and the citizen. It concerns the fundamental truths which nature itself has implanted in the hearts of men, and which from the beginning of times have become inseparable from man's innermost mind. The obligation to subject oneself to the laws that protect these rights may be derived from these truths. In this there is a possibility of learning from the development in America which has shown on which basis the foundation is to be built.

Champion de Cicé also refers to the proposals drawn up by Sieyès and Mounier. The former is characterized as a result of a wisdom which in the argumentative part might seem difficult to understand. The latter is easier, and in this is also found some of Lafayette's ideas.

Mounier has also studied the various projects presented by the members of the National Assembly. This may refer to Sieyès, Lafayette and Target. In the National Assembly two members of the constitutional committee presented drafts of declarations of rights (*Procès-verbal* 2, No. 33, p. 8). These two members were probably Sieyès and Mounier (cf. Walch p. 89, n. in which it is supposed that the words refer to Mounier's own proposal with 16 articles and the introductory declaration of 23 articles in the proposal for a constitution — a point of view which seems incongruous since "two members" are mentioned, and since also the proposal for a constitution was delivered by Mounier — see *Arch. parl. VIII*, p. 285).

There are considerable similarities between Mounier's proposal in 16 paragraphs and that of Lafayette (cf. fig. 6 and fig. 3). The first article is almost literally identical: nature has made men free and equal. However, there is a certain difference in the mode of expression. Mounier has the sentence "égaux en droit". The third estate in Paris (see fig. 4) also mentions that the men in society are "égaux en droit". This does not necessarily mean that nature has bestowed upon them such an equality. Therefore, two conceptions might have been combined and given an identical wording by Mounier: the natural equality and the judicial. But on the other hand a physiocratic influence cannot be excluded (cf. Marcaggi's account p. 304 ff. and 132 ff.) with its idea of an original "divine order" from the very beginning.

Both to Lafayette and to Mounier the thought is important that the end of each government is the common good, that the sovereignty rests with the nation, that the laws must be instituted with the consent of the people, that they ought to be clearly formed and the same for everybody, that the rights which are warranted by the laws are only restricted by the equal demands of all to enjoy them, that these rights refer to life, property, honour, the own person with all its possibilities, liberty of thought and opposition to oppression &c., that the legislative, executive and judicial powers must be kept apart, and that the contribution ought to be proportional.

Mounier is a little more verbose; besides he mentions the liberty of faith (which Lafayette took away from his final proposal), leads back the laws to "la volonté générale", and points out that the punishments ought to be prescribed in the laws and be the same to all citizens. Mounier's proposal is in the main that of Lafayette, but in an extended form and with certain ideas from Rousseau, for instance the important idea of the general will.

Almost all the ideas which are found in Mounier's own proposal were also included — although sometimes with a different wording — in the introductory chapter to the proposal for a new constitution (*Arch. parl. VIII*, p. 285 ff. and e.g. Bouchary p. 143 ff.). In this can be read that nature has made men "libres et égaux en droits". Some influences from Sieyès, however, can be observed. He had for instance mentioned the right to leave one's country, and it is from his argumentative exposition that the inspiration to the wording of the first paragraph seems to be derived:

"Tous les hommes ont un penchant invincible vers la recherche du bonheur; c'est pour y parvenir par la réunion de leurs efforts qu'ils ont formés des sociétés et établi des gouvernements. Tout gouvernement doit donc avoir pour but la félicité générale".

To this Rousseauan argumentation is added the mutual consideration and dependence which is strongly emphasized by Sieyès, and which makes it not only a right but a duty ("devoir") to protect the personal possibilities. In the proposal is mentioned "la double relation des droits et des devoirs", "le devoir" to reverence the right of others, and the duty of the government to protect the rights and prescribe the obligations. The including of these seems to be due to an influence from Sieyès among others.

Also in Target's project (*Arch. parl. VIII*, pp. 288—89 and *Procès-verbal* 2, No. 33, supplement) some impulses from Sieyès could be found. In addition to the thought that the law is an expression of
Mounier's proposal on July 27, 1789

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the general will, the phrase "le corps politique" is a constantly recur-
ring technical term synonymous with "société politique", and Target
deals with both the "will" of this political body and with its "action",
concerning the legislative and executive powers, of which the
former becomes decisive also of the latter. As for the rest Target's
draft in 31 paragraphs sometimes is a rather bombastic equivalence to
the declarations of rights of Mounier and of the constitutional pro-
posal.

c) The debate from July 30 to Aug. 4
On July 30 the different proposals were discussed in the bureaus. The
minds were not universally in favour of them. On the contrary: "Dans
plusieurs bureaux, la discussion sur la déclaration des droits, ne donne
lieu qu'à peu de réflexions. Dans d'autres, les divers projets sont reje-
tés" (Arch. parl. VIII, p. 396). There are suggestions that in some
quarters one tried to carry out the projects of Lafayette or Sieyès, but
that the majority rather would reject them or disregard them in order
to bring about an elucidating discussion (Walch p. 98, a.). In fact,
there were divergent opinions whether the debate in the bureaus or
in the National Assembly was the most profitable (Arch. parl. VIII,
p. 307; cf. Walch p. 98). At the meetings of the bureaus on July 30,
however, there was yet another document to discuss, written by the
lawyer J.-M.-A. Servan from Grenoble, an ardent adherent of French
philosophy of the Enlightenment in all its forms, especially that of
Rousseau. The main content of his project in 13 points (Arch. parl.
VIII, pp. 306–07) has many resemblances with Rousseau's ideas (cf.
Marcaggi p. 166). Society is a result of "le contrat social", and it is
only "la volonté générale" that decides what belongs to the common
good. This is prescribed in laws within the limits of which every
individual has the same freedom and rights, among other things to
rule over himself and to make use of his faculties ("ses facultés").
That which falls outside the pales of the law is left to "la raison de
echaque homme".

The divergent opinion in the bureaus is reflected in the National
Assembly on Aug. 1. In connection with the question of the time
which was spent in receiving deputations, the point of view was
unanimously rejected that a declaration of rights could be looked
upon as unnecessary in the constitution of a monarchy (Arch. parl.
VIII, p. 315). When it was finally to be decided, if such a declaration
of rights was desirable or not at the beginning of the constitution, no
less than 56 persons reported themselves to the speakers' list (ib. p.
317). The contributions were both for and against a special declara-
tion (ib. p. 317 ff.). The representative of the third estate at Ven-
dome, J.-B. Crenière, quoted Rousseau's social contract (cf. Marcaggi
p. 166; for Crenière's contribution see also Procès-verbal 2, No. 36,
supplement), and maintained that first when man left the state of
nature where he had been independent of everybody else it is pos-
sible to talk about rights and duties. In defining these men con-
istute themselves and then start to form their various institutions. The
natural and inalienable rights which are confirmed in the constitution
have already been mentioned in many documents. According to Cre-
nière the most important principle is that the majority institutes the
laws, and each citizen has a right to freely speak his mind. Whatever
may be concerned it is evident that all citizens are free and equal
before the law, and that they have "les mêmes droits et les mêmes
devoirs". The contribution seems to be understood as a cautious repu-
dication of a special declaration of rights. The young Mathieu de
Montmorency belonging to one of the most glorious families in France
had a completely different point of view. He directly refers to the
example of America, and wishes that a thorough debate would lead
to an acceptance of a declaration of rights as an introduction to a
new constitution. Target regarded it as necessary for the enlighten-
ment of the people to explain to it its rights. Another speaker empha-
itized that this was necessary both to the world and to France. Some
maintained that it is impossible to name the rights without mention-
ing the duties, and that this essentially is a matter for the legisla-
tion, i.e. that it has nothing to do with the constitutional question. Cham-
pion de Cicé said that the declaration of rights was not useful for
the moment, and that the example of America with its already equal
inhabitants as regards property could not be applied to France where
laws ought to be instituted before its people could hear "vous êtes
egaux". Another speaker pointed out that enlightenment ought to be
brought about by means of books and not by laws, or by a constitu-
tion. Then the discussion was directed towards the question if the
rights, which some regarded as being sufficiently inscribed in the
hearts of men, could be observed by the citizens without being defined
The exchange of ideas in the National Assembly during the first days of August shows a marked front within it. The models from America were known as well as the ideas of Rousseau. In both cases the pros and cons of a declaration of rights were derived from the quoted sources. The dividing-line was probably marked by fear lest a people that had begun to break its bonds asunder should not be ready to use in a proper way the freedom and equality of which all approved. It was this group that wished to stress not only the rights but the duties. To many it was necessary to include the duties with regard to the outrages and violent acts that had already been met with.

**A committee of five is appointed on Aug. 12. New proposals in this context**

On the evening of Aug. 4 the patriotic outbreak took place during which the National Assembly decided to abolish all titles and dissolve all privileges and economic advantages &c. so that everything that belonged to the remaining feudal society was wiped away at once (see e.g. Arch. parl. VIII, p. 343 ff.). The following days were spent in forming a detailed decree of these decisions, and not until Aug. 12 the question of a declaration of rights could be resumed. It was suggested that a committee should be appointed to examine all the various proposals and hand in an own draft (Arch. parl VIII, p. 399 and Procès-verbal 3, No. 48, pp. 2-3). This committee in which
none of the earlier proposers should be included consisted of five
members of which at least two were against a declaration of rights
(Walch pp. 122—23). The foremost name of the committee was
Mirabeau.

To the record of Aug. 12 was added no less than five new propos-
sals for a declaration of rights (Arch. parl. VIII, pp. 400—432; cf.
Procès-verbal 3, No. 48 ff.), viz. by C. F. Bouche, Rabaut-St. Étienne,
Sieyes, Gouges-Cartou, and by the sixth bureau. Bouche had among
other things devoted himself to the history of law and had been a
member of the constitutional committee of 30 delegates which had
been appointed on July 7 (see above). Rabaut-St. Étienne belonged to
the circle of Lafayette and Jefferson. Gouges-Cartou was a merchant
by profession. According to Bouche's proposal each society is
'1'effet
d'une convention libre'. When one passes from the state of nature
one does not at all give up its freedom, but this freedom instead
becomes regulated by laws instituted by the representatives of the
people. According to these all are equal in rights and duties which,
however, does not mean that all are equals as regards talent and dil-
igence &c. On the contrary the individual differences make possible
a severe equality before the law in the society where each man,
according to his talents, his virtue, and his merits, has a possibility
of aspiring to all kinds of positions and vocations. The individual's
freedom, honour, life, and property is protected by the laws. Reli-
gion and morals belong to the duties. Although Catholicism shall be
the sole state religion, no one can be prevented from having any other
religious belief, as long as it does not disturb the public order or the
national cult. Bouche's draft in 81 articles also extensively deals with
the relation between King and Parliament, their rights in various
respects &c., why it could be described as a kind of proposal for a
constitution. But as is evident from the report the general ideas seem
to be taken from Rousseau.

Rabaut-St. Étienne tries to define the foundation and main prin-
ciples of every constitution. He says that he can approve of Sieyès'
proposed declaration of rights with smaller modifications. His argu-
ments are about the same as those that Sieyès discussed in his argu-
mentative section (see above). Thus the influence from Rousseau is
evident. Men enter into a contract with each other, and this is made
up by laws valid to all, and by decisions about the forms of govern-
ment. The natural freedom and equality is not lost in doing this, for
the laws set the limits which consist in the rule that no one may hurt
anyone else to favour himself. Consequently all are equal before the
law. The individual differences are not incompatible with this. He
says:

"On pose pour principe dans la formation d'une société, que tous les
hommes qui y entrent sont égaux. On ne veut pas dire par là qu'ils sont
tous égaux de taille, de force, de talents, d'industrie, de richesses, ce qui
serait absurde; mais qu'ils sont égaux en liberté, et que par conséquent
chacun apporte un droit égal à la protection commune".

Differences of talent, strength, skill &c. must not be confused with
the freedom which all enjoy in the same degree according to the law,
and from which follows everybody's equality before the law. These
things might easily be combined. As for the rest well-known ideas are
repeated. The laws protect the life, liberty, honour, person and pro-
erty of the individual, the sovereignty rests with the people, and
the legislation cannot be transferred to anyone else (which is possible
as to the executive power), in legislative decisions the minority must
yield to the majority &c. (the draft comprises 8 printed columns in
Arch. parl. VIII, p. 403 ff.).

In his new proposal Sieyès had enlarged the number of paragraphs
from 32 to 42 in the document of July 21. However, most of them
are literally the same. In this way Rousseau's social philosophy was
actualized anew. Thus the fundamental ideas are the social contract
for the benefit of all, the laws as an expression of the general will,
the liberty and equal right of all within the frame of the laws &c.
Also the following paragraph recurs in the two projects:

"Si les hommes ne sont pas égaux en moyens, c'est-à-dire en richesse, en
esprit, en force, etc., il ne suit pas qu'ils ne soient tous égaux en droits.
Devant la loi, tout homme en vaut un autre; elle les protège tous sans distinc-
tion".

Gouges-Cartou characterizes his proposal as an attempt to form a
real connection between the separate principles which he had taken
from the American constitutions, and from Sieyès and Mounier. Moun-
ier in many ways afforded similarities with Lafayette, but had also
in the version which was attached to his draft for a constitution —
directly or indirectly via Sieyès — made current certain ideas from
Rousseau. Also in Gouges-Cartou it is a question of a mingling of all these things (Arch. parl. VIII. p. 427 ff.). Nature has made men independent, i.e. free in relation to each other. But men are also "égaux, non en force et en moyens, mais en droits". This is obviously true of the state of nature, but in order to be able to protect their rights they united by means of a free contract. Liberty extends as far as the equal right of others admits. The laws, which are an expression of the general will, which in its turn is identical with the opinion of the majority, decide this. A special American influence is obvious from the fact that Gouges-Cartou devotes many paragraphs to sketching a kind of united states of France with proportional representation from the various parts of the country &c. He also deals with the division in a legislative, executive and judicial power — he even wishes to admit right of veto for the executive power against the legislative. Sieyès had not mentioned anything about that in his proposal. A marked boundary of this kind was, however, fundamental for the American ideas of a constitution, and had been included among the human rights by Lafayette.

Also the proposal of the sixth bureau (see fig. 7) which had a certain importance for the drawing up of the final declaration of rights, seems to have got its ideas from various sources. The words of the preamble about "le suprême législateur de l'univers" could, but must not necessarily be a physiocratic element (cf. Marcaggi p. 136). As for the rest the principles of the proposal might be derived both from this quarter and from the philosophy of natural right of Locke and Rousseau, and also from American models. Man has by nature the right to pursue his own happiness. This means that he freely can use the possibilities that are available, which in its turn is the foundation of the right of property. All are equal in all these things in spite of the differences that otherwise exist among them. It is the duty of society to preserve the legal equality in the midst of "inégalité des moyens". This means that all must pay the same regard to each other; thus rights and duties are reciprocal. The aim of the laws is to maintain this double relation. They are an expression of the general will, and since all ought to participate in instituting them, they are equal to all. The laws are complemented by religion and morals. Hence "un culte public" ought to exist which must be respected, and if this is observed no one needs to fear. It seems as if the idea of a special state religion had not been abandoned. The liberty of thought, on the other hand, is established more undecidedly since it is only limited by the principle of prohibition against encroaching upon the rights of someone else.

c) The proposal of the committee of five on Aug. 17 and the discussion to Aug. 19

When Mirabeau on Aug. 17 presented the proposal of the committee of five he pointed out the difficulty of bringing about an acceptable exposition in three days, especially as it had been preceded by 20 different drafts (this number corresponds well with the note in Jellinek p. 12; cf. Marcaggi p. 164, n. and Walsh; if to these 20 documents mentioned by Mirabeau is added the project of the committee of five and a new proposal of Aug. 21 the number of preliminary declarations of rights would amount to 22 including some declarations in the "cahiers" too). Besides one has tried to express the principles in a language intelligible to the people, and to avoid abstract arguments according to American models. However, it has not been easy to distinguish between that which belongs to man's original nature, and that which is due to the modifications caused by the rise of society, or that which refers to fundamental principles, and that which is pure legislation &c. Consideration must also be taken to the fact that an old people like the French lives under special circumstances (for this and the following see Arch. parl. VIII. p. 438 ff.).

The presented proposal contains nothing new (see fig. 8). It is founded on the idea of a social contract by means of which all surrender to the general will which through the laws warrants each man's liberty, property, and "l'égalité civile". This last thing does not mean "l'égalité des propriétés ou distinctions", but the equality of all as regards duties and rights according to the laws. Everyone shall have the same possibility of holding various positions "selon la mesure de leurs talents et de leur capacité". Hence the ideas of Rousseau are the very skeleton of the whole proposal. After the presentation of it Mirabeau emphasized the importance of the role of France to Europe and to posterity. Then it was decided that the project should be referred to the bureaus.

At the debate which followed on Aug. 18 Crenière immediately addressed the meeting and now appeared as a still more ardent oppo-
Juges

si tu ne trouves pas l'objet qui te manque dans la cabine, tu n'en trouveras pas non plus dans le domicile de la personne qui t'a laissé à la gare. Il est possible que l'objet ait été oublié par une erreur ou peut-être dans le courant de la journée.

Juge que personne n'a voulu me faire pitié.

Le mot est saisi par le peintre qui a peint l'objet de manière très délicate.

Et le jour où tu as été dans la cabine de débarcadère, tu auras entendu les cris de taître.

Je ne te sens pas de confiance.

Le peintre a choisi de peindre l'objet de manière très subtile, et le jour où tu as été dans la cabine de débarcadère, tu auras entendu les cris de taître.

Je ne te sens pas de confiance.

Le mot est saisi par le peintre qui a peint l'objet de manière très délicate.

Juge que personne n'a voulu me faire pitié.

Le mot est saisi par le peintre qui a peint l'objet de manière très délicate.

Et le jour où tu as été dans la cabine de débarcadère, tu auras entendu les cris de taître.

Je ne te sens pas de confiance.

Le mot est saisi par le peintre qui a peint l'objet de manière très délicate.

Juge que personne n'a voulu me faire pitié.

Le mot est saisi par le peintre qui a peint l'objet de manière très délicate.

Et le jour où tu as été dans la cabine de débarcadère, tu auras entendu les cris de taître.

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Le mot est saisi par le peintre qui a peint l'objet de manière très délicate.

Juge que personne n'a voulu me faire pitié.

Le mot est saisi par le peintre qui a peint l'objet de manière très délicate.

Et le jour où tu a...
...
ment of a detailed declaration of rights (Arch. parl. VIII, p. 451 ff.). It is necessary to distinguish between principles that can be discussed, and rights that are the basis of action. The American declarations might in fact become without effect. The rights are founded on a convention which becomes decisive for constitution, legislation, taxes &c. It is enough to declare this. This point of view was objected to by several speakers who on the other hand maintained that the present proposal lacked certain necessary ideas. They referred to e.g. Sieyès' draft. So did Rabaut-St. Etienne who pointed out that the American models not necessarily had to be binding on the working out of a similar declaration. Also Mirabeau referred to Sieyès' whose main thought, that the forming of society does not deprive man of his freedom and rights, but instead serves to warrant them, is found already in his father and in Quesnay. But if the committee had had difficulties to agree, how will the National Assembly ever do so? It is a question of siding or not with the proposal of the committee. However, Mirabeau held the point of view that the goal would probably be more easily attained, if the necessary declaration of rights was postponed until it became known what the proposal for the constitution would be like. This aroused a storm of protests, and Mirabeau was accused of wishing to lead the National Assembly "vers des buts contraires". At last it was agreed upon that the project would be discussed in the bureaus once more.

On Aug. 19 when the project was discussed again some persons spoke in favour of Lafayette's declaration, viz. abbé Louis de Bonnefoy directly, and marquess G. Lally-Tollendal indirectly in that he was an advocate of Mounier's draft in which he correctly recognized Lafayette's more concise wordings. However, both of them wanted an addition, namely — in Bonnefoy's words — "que l'Être suprême a fait les hommes libres et égaux en droit" (Arch. parl. VIII, p. 457 ff.). The sympathies for American conditions make it difficult to see a physiocratic element in this claim. The Declaration of Independence, 1776 also mentions "the Laws of Nature and of Nature's God". In 1784 Bonnefoy had published a book called "De l'état religieux". Lally-Tollendal belonged to the moderate phalanx of the National Assembly and emigrated already towards the end of the year. An anti-Rousseauan tone stamps his demands for brevity and lucidity so that one does not risk to "après avoir transporté l'homme dans les forêts, on le reporte sur le-champ au milieu de la France". It is also significant that Lally-Tollendal praised Mirabeau's project as the least "metaphysical" of them. This shows that he had sympathies neither for Rousseau nor for the physiocrats who to a high extent rested on ideas of this kind.

After having decided that the declaration of rights of the committee of five should not be discussed paragraph by paragraph, and having been compelled to confirm that another fixed starting-point was necessary, a discussion broke out whether the choice of proposal should take place in the bureaus or in the National Assembly. The latter alternative was agreed upon, and after voting the proposal of the sixth bureau had got the majority of the votes while Sieyès' declaration was second. Thus the first mentioned proposal would be examined paragraph by paragraph.

The declaration of the National Assembly Aug. 20-27

In spite of the decision of Aug. 19 the separate proposals for a declaration of rights had not yet ended. On Aug. 21 a new version was presented by a merchant from Versailles, F.-L. L. Boislandry who had especially devoted his time to the financial problems (Arch. parl. VIII, p. 468 ff.). Although the general will is said to give rise to the laws, the usual influences from Rousseau are lacking. It is more an account of various ideas according to American models. It deserves mentioning that the natural differences of talents, strength, skill, endowments &c. are said to disappear before the law which protects everyone in the same way without regard to such differences.

Between Aug. 20 and 27 the National Assembly confirmed the various paragraphs in its declaration of rights (see fig. 9). We will now follow this process and learn how the wordings were formed.

On Aug. 20 some speakers began to criticize the draft of the sixth bureau, but after that the preamble was discussed, and from many quarters a reference to "l'Être suprême" was demanded. When several new wordings had been presented it was not the proposal of the sixth bureau that was passed, but that of the committee of five with an addition about the supreme being. In this introduction is declared that a presentation of man's natural, inalienable and sacred rights always shall remind the members of the "Corps social" of their
Arrêté concernant les élections particulières.

24 Aout 1789, Séance du soir.

L'Assemblée Nationale a arrêté, conformément à l'avis du Comité de rapports, qu'en répondant à une lettre de M. de Vidovville, du 9 de ce mois, M. le Président lui écrivait qu'elle ne peut s'occuper de tous les détails affligeants qui lui parviennent des Provinces, & y porter un remède local ; qu'au surplus, l'Arrêté général rendant au rétablissement de l'ordre, envoi à M. de Vidoville, en l'engageant à lui donner la plus grande pub- licité, & qu'il en feroit usage de même dans toutes les circonstances semblables ; à l'effet de quoi l'Assemblée a approuvé un modèle de lettre à écrire par le Président.

Arrêté au sujet de la détention de plusieurs personnes.

24 Aout 1789, Séance du soir.

Sur les prétentions de trois Personnes détenues, qui sollicite leur élargissement,

L'Assemblée Nationale a arrêté que dans cette occasion, & dans toutes autres semblables, M. le Président feroit autorisé à manifester le vouloir de l'Assemblée pour que toute personne arrêtée fût être prévenue & sans avoir été décrétée, être mise en liberté.

Suite des articles de la Déclaration des Droits de l'Homme & du Citoyen, dont voici la teneur :

26 Aout 1789.

Les représentants du Peuple Français, constitués en Assemblée Nationale, confiant que l'ignorance, l'ou-

()
droits; ces bornes ne peuvent être déterminées que par la Loi.

V. La Loi n'a le droit de défendre que les actions nuisibles à la Société. Tout ce qui n'est pas défendu par la Loi, ne peut être empêché, & nul ne peut être contraint à faire ce qu'elle n'ordonne pas.

VI. La Loi est l'expression de la volonté générale; tous les Citoyens ont droit de concourir personnellement, ou par leurs Représentants, à la formation; elle doit être la même pour tous, font qu'elle protège, fait qu'elle punisse. Tous les Citoyens, étant égaux à l'excé, sont également admisibles & toutes dignités, places & emplois publics, selon leur capacité, & sans autre distinction que celle de leurs vertus & de leurs talents.

VII. Nul homme ne peut être accusé, arrêté, ni détenue que dans les cas déterminés par la Loi, & & l'on les formés qu'elle a préférées. Ceux qui l'offensent, expédient, exécurent ou font exécuter des ordres arbitraires, doivent être punis; mais tout Citoyen, appelé ou fait en vertu de la Loi, doit obéir à l'infant; il faut reconnu par la résistance.

VIII. La Loi ne doit établir que des peines strictement & évidemment nécessaires, & nul ne peut être puni qu'en vertu d'une Loi établie & promulguée antérieurement au délét, & légalement appliquées.

IX. Tout homme étant présumé innocent jusqu'à ce qu'il ait été déclaré coupable, s'il est jugé indispensable de l'arrest, toute rigueur qui ne serait pas nécessaire pour s'affrister de la personne, doit être lourdement réprimée par la Loi.

X. Nul ne doit être inquiété pour ses opinions, même religieuses, pourvu que leur manifestation ne trouble pas l'ordre public établi par la Loi.

XI. La libre communication des pensées & des opinions est un des droits les plus précieux de l'homme. Tout Citoyen peut donc parler, écrire, imprimer librement, sauf à répondre de l'abus de cette liberté, dans les cas déterminés par la Loi.

XII. La garantie des Droits de l'Homme & du Citoyen nécessite une force publique; cette force est donc instituée pour l'avantage de tous, & non pour l'utilité particulière de ceux à qui elle est confiée.

XIII. Pour l'entretien de la force publique, & pour les dépenses d'administration, une contribution commune est indispensable; elle doit être également répartie entre tous les Citoyens, en raison de leurs facultés.

XIV. Chaque Citoyen a le droit par lui-même, ou par ses Représentants, de conférer la nécessité de la contribution publique, de la confirmer librement, d'en faire l'emploi, & en déterminer la quantité, l'assiette, le recouvrement & la durée.

XV. La Société a le droit de demander compte à tout Agent public de son administration.

XVI. Toute Société dans laquelle la garantie des droits n'est pas assurée, ni la séparation des pouvoirs déterminée, n'a point de Constitution.

XVII. Les citoyens établissant un droit inviolable & sacré, nul ne peut en être privé, & ce n'est l'offensive publique, légalement contestée, l'exige évidemment, & sous la condition d'une juste & probable indemnité.

Arrest relatif aux articles omis dans la Déclaration des Droits.

27 Octobre 1789.

Sur la proposition de discuter les articles omis dans la Déclaration des Droits,
rights and duties. Furthermore such a declaration shall ever be a point of aim for the legislative and executive powers, and shall induce the citizens to let their remarks constantly be directed towards a preservation of the constitution and the happiness of all. Under the guidance of the supreme being the following "droits de l'Homme et du Citoyen" have been formed.

After that the first articles of the proposal of the sixth bureau were read out. The general opinion seems to have been that these should be cut down to a smaller number. When it was getting late and the galleries were emptied of people, Mounier presented a proposal of three paragraphs which was immediately approved of. If the wordings are examined, one notices that the first paragraph is found in the proposals of both Lafayette and Mounier himself. However, he now says: "Les hommes naissent et demeurent libres et égaux en droits". This sentence is a better expression of man's position in society and has escaped the probable mingling of "nature" and "société" that existed in Mounier's own text (cf. above). In the second paragraph the aim of the forming of society is said to be to protect the natural rights of all, and the most important rights are mentioned, viz. liberty, property, security, and resistance to oppression. All these are found both in Lafayette and in Mounier; the third paragraph is almost literally the same in their proposals: three articles could be said to be mainly taken from Lafayette's and Mounier's projects.

On Aug. 21 the paragraphs 7—10 of the proposal of the sixth bureau were discussed. Count Alexandre de Lameth (he had participated in the American war of independence and belonged to the left wing within the National Assembly) proposed a wording in two articles which was accepted after lengthy discussions about isolated words. The interesting thing about the discussion is that nobody seems to have known whether the debate had been and still was dealing with the natural rights which man has "en naissant". Some meant that the discussion had not yet proceeded to "la société" (Arch. parl. VIII, p. 464; cf. Walch p. 151). However, the limitation of the liberty which regard to the rights of others demands, was established. Such restrictions are obvious from the law which shall only protect society against detrimental actions. These points of view had been touched upon in various previous drafts. After that the following paragraphs (especially No. 11 and No. 12) of the proposal of the sixth bureau were discussed, and the questions of the general will and the law, the equality of all before the law, and the right for each man to get a position in society which agrees with his talents and skill &c. were dealt with. It was obviously this last mentioned point of view which caused the tumult of the deliberations. It concerned an introducing of emulation, and an abolishing of, just as in America, "tous les germes des aristocraties". All citizens are not equally "capables", another speaker pointed out, and consequently a priest cannot be transformed into a soldier. The proposal round which the debate gradually revolved was formulated by Maurice de Talleyrand-Périgord, later exile, but as Foreign Secretary of France one of the most prominent men during many different regimes. The fight concerned the words "selon leur capacité" which a minority wished to take away. After a thundering speech from Lally-Tollendal the National Assembly was brought back to order, and "à la presque unanimité" his addition — "sans autre distinctions que celle de leurs talents et de leurs vertus" — was accepted (Arch. parl. VIII, p. 464 ff., Walch p. 152 ff.). Hence, although with some resistance, the favouring was excluded from the declaration of rights which was connected with a society loaded with privileges and birth, which had been abjured on Aug. 4, and which with corresponding wordings had been rejected in many other proposals than in that of the sixth bureau. Without any opposition the fundamental principles of the social philosophy of Rousseau had been accepted: the general will, to the forming of which all contribute, institutes the law before which complete equality shall exist. In connection with the articles 14 and 15 in the proposal of the sixth bureau a long debate arose which in a high degree reflected the need to protect the citizens against despotism, arbitrariness and aggression because of the unsatisfactory state of things that had existed in this respect. The result was the articles 7, 8, and 9 in the Declaration of Rights (Arch. parl. VIII, p. 470 ff., Walch p. 157 ff.).

When the articles 16—18 in the draft of the sixth bureau were discussed the deliberations again became prolonged and stormy. It took two days to come to an agreement (on Aug. 22 and 23). The most radical members supported wordings that would grant complete liberty of conscience and of faith, while the majority only accepted the principle of tolerance within the frame of the order prescribed by the law. This point of view was presented with the wording of the
10th article in the Declaration of Rights (Arch. parl. VIII, p. 472 ff., Walch p. 164 ff.).

The question of liberty of thought and liberty of the press aroused a lively but not agitated debate. On Aug. 24 the wording of the sixth bureau in its 19th article was rejected in favour of the opinions which were to form the 11th article of the Declaration of Rights (Arch. parl. VIII, pp. 482—83, Walch p. 179 ff.). The wording was suggested by Count L.-A. de Rocheleouzaud. He referred to the Virginia bill of rights (he had himself published the translations of the constitution of the states in 1783 which has been mentioned in a previous section) when he presented his own proposal for the article in question which was accepted with some slight changes (cf. e.g. Pale p. 520). The 20th article was literally approved of on the same day as well as the 21st article with some changes of language whereupon they were placed as number 12 and 13 in the Declaration of Rights (Arch. parl. VIII, pp. 483—84, Walch pp. 185—86). Hence the principle was adopted that the protection of the rights demands a power of defence to which all citizens shall make a proportional contribution. The remaining paragraphs about free taxation, the responsibility of official persons before society, and the protection of the rights and "la séparation des pouvoirs déterminée", were formed on Aug. 26 with some smaller changes, in the first-mentioned case according to the proposal of the sixth bureau. A paragraph of the right of property was added to the 14th, 15th and 16th articles which was regarded as the 17th article in the Declaration of Rights (Arch. parl. VIII, p. 487 ff., Walch p. 187 ff.).

On Aug. 27 the National Assembly decided to pass over to the work on the constitution. In connection with this, however, it would be possible to discuss new articles of the Declaration of Rights which otherwise would consist of the previously accepted paragraphs. But later attempts to make additions were constantly rejected. On Oct. 3 Louis XVI gave his consent to ("accession") the Declaration of Rights with its 17 articles which caused the National Assembly to send a delegation to him on Oct. 5 and demand his "acceptation pure et simple". This led to the desired result (Arch. parl. VIII, p. 492, Walch p. 195 ff.).

Although at the deliberations from Aug. 20 to 27 the decision to discuss the draft of the sixth bureau paragraph by paragraph was

maintained, this became decisive only in a few cases for the final form of the declaration. The introductory ideas are taken from Lafayette and Mounier. The social contract is not mentioned, but the general will which is determined by every citizen according to his own opinion, is spoken of, giving clear evidence of influence from Rousseau. Maybe this is an influence from Sieyès' draft (Neton p. 113). A marked physiocratic element can hardly be found. On the other hand it is obvious that the native conditions were strongly felt in those points of view of which a precision was desired. This concerns for instance the right to be appointed to various positions according to capacity, virtue and talent, and the problem of liberty of faith as opposed to tolerance.

Summary

In the light of the examination of the preparation and origination of the Declaration of the Rights of man and of the citizen, the historical problem treated of in the beginning, about the contributions of America and France in this context, has been given clearer outlines. It is evident that the question must not be looked upon as an either — or, but as a both — and. Lafayette's proposal grew on the basis of his enthusiasm for the American war of independence in which he had participated. It got its final shape in his intimate connections with Jefferson. There are really reasons to see in the wordings an expression of a philosophy of natural right tinged by Locke with which Lafayette had come into contact. In other respects it may be noted, on the other hand, that Lafayette paid attention to conditions in his own country. He refused to exclude "honneur" from the inalienable rights, and he does not deal with the question of liberty of faith which was inescapable in American constitutions, but which certainly was controversial in France.

If the point of view is acknowledged, that ideas are no mystical forces but become powerful thanks to men who, as a consequence of various circumstances, have become susceptible to them, this reflection might be added to the above observations, that the ideas that had been brought to life in America took root in Lafayette, because conditions in France with its still existing feudal system illustrated their importance to him. This way of looking, however, did not only
concern Lafayette, but all those persons in France who took a strong interest in the American war of independence and the following constitutional consolidation of the government of the states, and the rise of a federation. The attention devoted in France to this development cannot be understood if the native conditions are not kept in mind. The ideas here had a fertile soil in which to take root.

But on the other hand it is beyond denial that the ideas to a great extent were derived from the philosophy of the Enlightenment of which there were many representatives in France. It is sufficient to mention Rousseau. Lafayette’s proposal of Aug. 11, 1789 was just an opening. Besides it had been preceded in time by demands and declarations in the “cahiers”. It was later followed by several other drafts from July 11 to Aug. 21, together about twenty in number. In many of these projects the philosophy of Rousseau is a marked element. In the state of nature man is independent of others, and all have the same liberties and rights. In order to successfully attain the end which is the well-being and happiness (“bien-être” and “bonheur”) of the individual, men unite and form a society in which they do not give up freedom and equality but secure them in a better way. For the general will is identical with the opinion of the majority, and this is instituted in the laws to the forming of which all ought to have a possibility of contributing. Each man has his full freedom within this frame, and the law protects all in the same degree. Equality before the law, however, is not incompatible with the natural differences which exist between the individuals in strength and talents &c.

On the contrary, equality before the law is all the more important because of these differences which nevertheless must be used to the benefit of the common good.

However, these ideas from Rousseau got their vital force, which they seem to have developed, from experiences of all the wrong sides, in the form of impoverishment, violation, oppression, of the antiquated feudal system. The influence from Rousseau was reduced at the discussions from Aug. 20 to 27 which led to the final Declaration of Rights in 17 paragraphs. But the connection with the situation of contemporary times becomes much more evident. The objection which was raised to the forming of a declaration at all was connected with an anxiety — conditioned by already existing excesses — that the people would not be ready to use the liberty, and to avoid a misuse of the rights. In this context it is warned against an uncritical application in France of what might be justified in America and there being more or less safe. Therefore, man’s duties as well as his rights must be considered. Also in connection with the principle that all natural gifts, skill and virtue ought to be decisive for everybody’s position in society, strong feelings were aroused — in spite of the decision of Aug. 4 to abolish all titles and privileges. This was one of the points which made the deliberations of the National Assembly degenerate and almost turn into anarchy. But the point of view of the majority was evident: it is only the qualifications of the individual that may decide his position in a society of freedom and equality. There was no contradiction in such an idea. But a more marked physiocratic element cannot be discerned. It is not in the first place a question of a divine order of nature which cannot be shaken, but which is brought to a better expression in the form of positive laws &c. It is almost constantly an adherence to the model of Rousseau: the state of nature is replaced, by means of a social contract, by a society decided by the general will with the help of the fixed opinions of the majority of the individuals.

The final Declaration of Rights contains ideas which have been inspired both by the ideas of natural right behind the American war of independence, and by French philosophy, especially Rousseau; in both respects the result must be judged with consideration to conditions in France down to the time in question. It would seem to be a violation of the historical reality to cultivate one contributory element, or enlarge its importance at the expense of the other.

Whichever is the conception of the historical problem it is evident, however, that the Declaration of the Rights of man and of the citizen in 1789, worked out by a relatively undisciplined assembly of 1200 delegates, proclaims the principles of freedom and equality in a way that must necessarily have consequences in an educational respect as well. This is seen now and then in some single cases (e.g. in Sieyès). The freedom in society is limited by the same rights of all laid down in the law, i.e. by equality. This equality before the law is in this way the warrant of a correct use of freedom. But this freedom and equality does not exclude, but rather takes for granted the possibility of each man to use his personal qualifications, such as strength and intelligence &c. Without doubt it was obvious to contemporary times that
such an outlook on man would make great demands on both upbringing and education and instruction. To this we will return in the next chapter.

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Chapter 6

The problem of freedom and equality in French revolutionary pedagogics

The human rights and the educational duties of society

In chapter 5 it was mentioned that the Declaration of the Rights of man and of the citizen of the French National Assembly indicates the duties of society to assume responsibility for education in order to realize the two fundamental principles of democracy. The document of Aug. 26, 1789 which has become the most well-known and influential of the French declarations does not explicitly mention upbringing and education although these were touched upon in certain preliminary works.

The Constituent National Assembly which was replaced by the Legislative Assembly in 1791 allowed the better to remain within the frame of the constitutional monarchy. However, the Legislative Assembly was dissolved towards the end of the summer of 1792, and the succeeding National Convention immediately introduced the republic.

Hence one was faced with the problem of drawing up a new constitution under completely different conditions than before. As we know a fight arose between the Girondins on the right wing and the Jacobins or the Montagnards on the opposite wing. Shortly before their defeat at the turn of the month May—June in 1793 the Girondins voted in favour of a declaration of rights which meant a certain liberalization of the wordings from 1789 (Aulard pp. 289—296). This took place on May 29, 1793. About a month later, on June 24, the National Convention sanctioned a new declaration from the Jacobins. This was a step further towards a democracy resting on universal suffrage (ib. pp. 305—306).

In both cases the ideas are on many points the same as in the declaration of 1789. Thus it is stated that the law is an expression of the general will in which all have an equal share. The law is the foundation of equality being the same for all and a warrant for all without regard to person. The freedom is limited by the rule that one may do anything that does not encroach upon the rights of others. In both documents the maxim is quoted that we must do to others as we would have others do to us. The right of property is stated in terms that put capital, interest and the fruits of each man's labour at his own disposal. Hence no "socialist" tendency can be discerned in this respect. But such a tendency might be spoken of when the Jacobin version to the statement "les secours publics sont une dette sacrée" adds that society should supply miserable citizens either with work or proper support. In the same document the first paragraph of the declaration runs: "Le but de la société est le bonheur commun", which is not found among the wordings of the Girondins. Furthermore the Jacobins emphasize that no "domestique" exists, and that consequently nothing but mutual care and consideration must be prevailing between employers and employees. Finally, sovereignty no longer expressly rests with "the nation" but in both documents with the people itself, and it is enforced that all have an equal share in it, and that no one may claim it for his own part. As was the case in the declaration of 1789 everybody's equal right to public positions is pointed out, and only "les vertus et les talents" may be taken into consideration.

However, a completely new element is found in a paragraph about the educational duties of society (certain additions to the constitution of 1791 will be treated of in a following section). These duties are expressed by the Girondins as follows: "L'instruction est le besoin de tous, et la société la doit également à tous ses membres". The corresponding paragraph of the Jacobins has the following wording: "L'instruction est le besoin de tous. La société doit favoriser de tout son pouvoir les progrès de la raison publique et mettre l'instruction à portée de tous les citoyens" (see the text of the two declarations in Aulard & Mirkine-Guentzevitch p. 21 ff.). Both declarations of rights
of 1793 expressly mention a direct obligation of society to create equal possibilities of education for all citizens. This is hardly surprising considering the lively discussion of these questions in the National Assembly already in 1789, and still more in years to come.

The educational front 1789-1795
The opinions have differed as to which and how many groups of a more distinctive nature might be distinguished in the educational discussion mentioned above. Flitzner (Flitzner p. 34 ff.) was content to recognize two groups, one of them more radical and characterized as "die Fanatiker der Gleichheit" (Audrein, Talleyrand-Périgord and Babeuf), the other consisting of apostles of freedom (Mirabeau and Condorcet). Objections have been raised to this division which does not consider the important middle group (see Drechsel). But it is also possible to follow the exchange of ideas in time and get to know the existing oppositions (e.g. Barnard p. 54 ff.).

In our case it seems to be correct to apply Barnard's method of analysis since he appears to do full justice to the shades in the conception of freedom and equality in educational contexts, which is differently expressed as the revolution reaches its climax, and decreases in radicalism and returns to many earlier starting-points. However, there is cause for dealing briefly with the pre-revolutionary pedagogies which has only partly been examined in chapter 3 and 4.

Oppositions within pre-revolutionary pedagogics

Rousseau and Helvétius
The differences between Rousseau and Helvétius are essentially due to their various conception of man. Rousseau believes that not only self-love but a certain spontaneous compassion exists already in the state of nature. Some original physical and psychical differences must be added to this. But all are independent of each other, and consequently such differences are so unimportant that the equality is in no danger. In the state of nature compassion has the same function as laws and morals in society. To Helvétius nothing but self-love exists in the state of nature, and man may be compared to an instinct-guided organism that completely follows its own impulses. Besides no natural differences of qualifications exist if fate has not placed one in a better environment than another. When men leave the state of nature and unite in a society to their mutual help, the result has been unhappy according to both Rousseau and Helvétius. Rousseau finds that self-love rules over compassion, and that reason too serves self-love. Helvétius means that reason has lost the rule over the instincts which must be prevented if the greatest possible happiness to all should be secured. According to both of them freedom and equality are not found in society, but this state of things might be changed. Because of their different outlook on man the means of bringing about this differ. Rousseau mentions a conscience resting on the possibility of feeling compassion, a conscience which might be heard in relation to self-love and make reason choose the alternatives which mean consideration, reverence, leniency towards others, friendship and love. In this context the constitutional laws are of utmost importance. They are an expression of "la volonté générale", i.e. of the interests common to all within the frame of which all are free and equal. In other respects the morals make up for that which has not been instituted in the laws. But both laws and morals become of vital import to all by means of education which is given in the family, at schools, and at institutes for physical training and games. The natural differences might then be protected without being detrimental to the equality which Rousseau aims at.

Helvétius too imagines a society governed by the majority with the help of laws instituted by it. But since he has only taken self-love and reason into account, it becomes necessary to train reason by means of education so that everybody realizes that his own welfare is bound up with the happiness of others, or, in other words, that the self-love cannot extend beyond the limit where it becomes harmful to the fellow-beings. The laws are an expression of how the self-love submits to the common interest. But obedience to the law is essentially a question of upbringing, and Helvétius proposes the establishing of state institutes for the ages 6 to 18 where selfishness is transformed into public spirit. In this way freedom and equality is possible to him too in social contexts. But it is the duty of the great philosophers to be the first movers so that reason is victorious and a wise legislation is carried out. Helvétius does not solve the problem how it will be
decided who shall become what in the small republics which he has found to be the only possible thing. His theory of environment of the origin of physical and psychical differences gives no clue to this. However, it is evident that society needs talents, but nature has given no hints of what ought to be developed through education in the individuals.

**French national education according to La Chalotais**

As Procurator General at the Parliament at Rennes L. R. de la Chalotais attacked the royal Governor of the province in certain questions of taxation. After lengthy legal proceedings La Chalotais was banished but was pardoned in 1775. The general opinion had in a high degree been in favour of him. Probably his attacks on the spiritual order, especially the power of the Jesuits over the schools, contributed to this. His criticism La Chalotais presented in "Essai d'éducation nationale" in 1763, thus only a year after the publishing of Rousseau's educational novel.

In many respects La Chalotais is a representative of the same ideas as Locke and Rousseau, but differs on other points both from them and from Helvétius. His fundamental thought is that the state shall be responsible for the public educational system. The object of the legislator is "to procure for minds the highest possible degree of accuracy and capacity, for characters the highest degree of excellence and elevation, for bodies the highest degree of strength and health" (Fontaine p. 44). This quotation must not be interpreted as if La Chalotais were an adherent of a theory of environment like Helvétius. On the contrary he agrees with Locke and Rousseau as regards human differences: "Nature makes a difference between men (no one can doubt this)" (ib. p. 42). But no one will be successful without practice, and without an innate faculty practice can only procure mediocrities (ib. p. 43). This conception could sometimes be modified so that e.g. the existence of sublime virtues and eminent talents have been the products of nature itself in centuries of ignorance (ib. p. 46), or the prophetic faculty which is a parallel to the creative genius is solely the gift of nature and cannot be attained by human art (ib. p. 139).

Thus the endowments sometimes might assert themselves also under unfavourable conditions, or be an absolute condition precedent for certain achievements. But for instance as to good literary taste a combination of endowments and practice is applied which La Chalotais points out: what nature has given might be perfected by studies and practice (ib. p. 104).

Concerning the protection of these individual differences La Chalotais exposes a kind of political arithmetic similar to that of the Swedish Period of Liberty (especially in the 1740's). The measures ought to be founded "on an exact calculation of the different classes: clergy, nobility, military, officials of justice, merchants, laborers, artisans, etc." (ib. p. 58). It is certainly wrong to teach men reading and writing as do the Brothers of the Christian Doctrine, when they ought to learn to draw and to handle the plane and the file although they perhaps find this tedious (ib. p. 62). The number of students could be reduced if this group is given a proper and useful education instead of the ill adjusted learning taught at the existing colleges. But it is necessary for the state that all activities in society are carried out by capable individuals (ib. p. 63). The learned professions shall have their share as well as there should be guarantees that the fields are tilled and the useful sciences and arts are taken care of by competent people "all in suitable proportion" (ib. pp. 64–65). La Chalotais imagines that this goal might be achieved without compulsion: "It will not be necessary for the State to inconvenience individuals nor to restrain the liberty of citizens" (ib. p. 65). It seems as if he had a comparatively static conception of society, and he fails to observe the problems connected with e.g. class circulation. He confines himself, in his proposal for a new national system of education, to the colleges (ib. p. 68). There is no reason for us to enter into his description of the period between the ages 5 or 6 to 10 — already before that the children are to have learnt reading and writing, although he does not say how — with concentration on elementary history, geography, natural history, and arithmetic, and using a method derived from Locke and Rousseau (starting with the experiences supplied by the sense organs and proceeding from the concrete things to the abstract). Nor is it interesting from our point of view to deal with the modernizing of education of the period between the ages 11 to 17 (the emphasis on the mother tongue, the modern languages, the natural sciences, arithmetic and philosophy) (this is described and valued by e.g. Lovum p. 129 ff. and Compayré p. 247 ff.).
But it is important to point out that La Chalotais not only considers knowledge and skill but also the moral development. Enlightenment and virtue is his motto. But he does not agree with Locke and Helvétius in this last respect but believes, as does Rousseau, in an innate conscience. The children have a "Sentiment of justice" to which one may appeal (ib. p. 82). But a proper use of reason ("rectitude of mind") is not without importance in this context. The mind might dupe the heart and vice versa (ib. p. 142). However, in treating the moral principles one might rely on the existence of a natural divine law inscribed in the hearts of men and appearing in the form of the conscience. This is, as Cicero says, innate and the work of nature itself (ib. p. 144). The education of morals and religion may be attached to this, and morals receive their legitimacy by religion. This moral upbringing is "the most important of all" (ib. p. 146). But just as reason can attain critical sharpness and logical exactitude only in practising the rules of a correct thinking (ib. p. 95), this is true of virtue as well: the heart should be trained by a study of the great men of history and thereby bring about more than a knowledge of what is morally acceptable or not; for the child must be "inspired with humanity, generosity and beneficence" (ib. pp. 81—82). In this way the individual will be made to realize that he must do to others as he would have others do to him, and to do as much good to his fellow-men as he possibly is able to (ib. p. 82).

Without dealing with the educational system in its entirety La Chalotais nevertheless reckons with freedom for all to realize their natural endowments, at the same time emphasizing the importance of an equal education for all by means of which the innate aptitude for justice and consideration to the fellow-men reaches its perfection.

Physiocracy — Turgot and Mercier de la Rivièr e

As instances of the educational conception of the physiocrats both Robert Turgot and Pierre-Paul Mercier de la Rivièr e (below abbreviated MR) will be treated of. Turgot was a famous theorist of economics during the 1770's and had a dominating position in the attempts to reform the administration and the economic life. MR was mostly interested in problems connected with forms of government and social conditions. His most important work "L'ordre naturel et essentiel des sociétés politiques" was published in two volumes in 1767. MR also deserves attention from a Swedish scholar because his book "De l'instruction publique", 1775, was written at the request of Gustavus III.

Turgot has not dealt with education and upbringing in detail but has just touched upon it in various contexts. His point of view is clearly expressed in a letter from 1751 in which he (Turgot 1, pp. 242—43) discusses the idea of complete equality among men in society. He denies that this is possible and refers to the natural differences as regards physical strength and intellectual faculty. The intelligent, efficient and ambitious men are valuable to society, and the "distribution des conditions" which is a consequence of this must be accepted. The distribution of vocations necessarily leads to "l'inégalité des conditions", but lack of equality is not an evil but a benefit to all, and is fundamentally a work of the Creator himself, and thus found among people characterized by the highest possible virtue and moral.

Further Turgot's positive statements about Rousseau and sharp criticism of Helvétius explain his attitude. About Rousseau he says (ib. 2, p. 660) that "c'est un des auteurs qui a le mieux servi les moeurs et l'humanité", and he has shown man how he might attain to the lofty ideals of equality, justice and happiness. About Helvétius Turgot mentions, among other things, that Helvétius excludes justice and morals, that he has a too crass conception of man according to which nobody needs love, and that he fails to remember the existence of "un sentiment honnête en lui-même". Turgot believes that "ni nos idées, ni nos sentiments ne sont inintélus; mais ils sont naturels, fondés sur la constitution de notre esprit et de notre âme et sur nos rapports avec tous ce que nous environne". He also declares that the principles of morals "sont partout fondés sur la nature de l'homme et sur ses rapports avec ses semblables". Thus it is obvious that Turgot both assumes natural differences of endowments which ought to be taken care of, and implies special conditions for the regard which men must pay to each other in society.

Against this background it is easier to understand the meaning of the proposal which Turgot presented to Louis XVI about "la manière de préparer les individus et les familles à bien entrer dans une bonne constitution de société" (ib. p. 578 ff., transl into English by...
The King ought to appoint a special council for national education, for the essential thing is to "former dans toutes les classes de la société des hommes vertueux et utiles, des âmes justes, des cœurs purs, des citoyens zélés". With such a fundamental education it is easier for those who wish to and are capable of devoting themselves to science and literature to do so with much greater success. Moral and social influence will be carried out by means of special textbooks at public schools which besides teach the children to read, write, do arithmetic and calculate and learn the fundamentals of mechanics. Higher education of the same nature is pursued by the colleges. In other words Turgot, by means of a suitable public education, aims at guarding the principle of equality (all must become virtuous and obtain a certain amount of enlightenment); at the same time he does not exclude the freedom for the talented and skilled to realize their natural possibilities.

According to MR intelligence distinguishes man from beasts (a survey of MR's social pedagogics is given by Edelheim p. 110 ff.). But this intelligence or reason is nothing but man's realization of what is best to him, and this realization could only be attained by practice. In this respect two motives must be considered. In accordance with Helvétius MR mentions the tendency to feel pleasure and avoid pain. But to MR man's actions are primarily due to "l'amour propre", a concept which has a completely different significance to him than to Rousseau. It means that "nous tenons bien de la Nature une grande & vive sensibilité pour l'honneur & le déshonneur" (MR p. 31). However, first man must learn what might honour or dishonour him. The personal opinion thereby arising as regards virtues and vices becomes the very core of the individual interest which is behind the endeavours of every man. But if men would be able to unite in one and the same social body ("un véritable Corps politique"), this must be inspired by a general will and a general interest known to all. Therefore, all must be informed of this general interest so that it is not obstructed by the interests of the individuals. MR supposes that enlightenment is the means whereby "l'amour propre" will adjust itself to the general interest. MR might be said to combine certain ideas of Rousseau and Helvétius, for his "l'amour propre", the innate need of esteem, resembles Rousseau's social instincts more than Helvétius' self-love and lust for power. Nevertheless it is reason that makes man realize, that it is in his own interest to act according to the general will, since his most vital needs then might be satisfied, a thought that reminds of Helvétius purely intellectual moral. When the individual learns to understand what is good for him there is no longer a problem, but he will always act according to reason (see especially n. ib. p. 37).

The object of general enlightenment of the people is, according to MR, to allow everyone to become as happy as possible in society. However, happiness means a complete agreement between the principle of pleasure and pain, or sensual pleasure on the one hand, "l'amour propre" on the other (ib. p. 44). This demands a rational restriction of the freedom of the individual which is accomplished when all become aware of their duties. Thereby a balance between consideration and freedom is achieved. But this, in its turn, is nothing but an application of the right of freedom. For the greatest possible freedom "n'est autre chose, qu'une pleine et entière liberté d'exercer ses droits de propriété, d'en étendre la jouissance à tout ce qui ne blesse en rien les propriétés d'autrui" (ib. p. 48). Each man in this way is given a possibility of using his strength and his faculty to productive work in the service of society, but also receives a warrant that his possibility of enjoying the fruits of it is protected. The right of property will even incite him to do his best in relation to his capacity (ib. p. 56). The common property of society must be used with respect to the equal right of all to it. In order to achieve this goal all men ought to be informed that a form of government founded on the right of property makes everybody as equal as they ever may be. For in reality the individuals are not equal, since "ils sont naturellement inégaux en talents, en force, en facultés du corps & de l'esprit". But nevertheless equality exists "dans les droits" (ib. pp. 62-63). By enlightening the men they will, under these circumstances, be taught how their "l'amour propre" might be satisfied in the best way. However, nature has indicated what must be included in virtue and its reverse in directing men to live together in society and to pay regard to each other. The mutual help which is given in society demands that all observe that which belongs to the common interest. Virtue is basically that which becomes of use to all (ib. p. 73). A forceful means to let "l'amour propre" prevent an uncontrolled sensual pleasure is to make everybody conscious of his dignity as a
man and a citizen, which means that public enlightenment ought to use suitable measures for developing an aptitude for this (ib. pp. 81—82).

As is obvious MR uses a row of arguments, but in simpler terms his conception seems to be that man's freedom is preserved with the help of the right of property, and that equality — in spite of differences of physical and psychical endowments — is preserved in the same way. The individual could, after having been given knowledge of this system, learn how to keep his sensual pleasures within reasonable limits, nature having itself laid the foundation of the mutual respect which is the result of the forming of "l'amour propre" to comply with the common interest. However one tries to understand MR it is obvious, both that the existence of a kind of "social instinct" is necessary if his arguments should appear to be consistent, and that a condition is a conscious, well-suited training of this natural foundation of human co-existence.

When MR proceeds to the forms of such an upbringing he varies what he has already said, this time, however, in conjunction with Rousseau's distinction between objects and men. The dependence on objects does not change anything of the equal freedom and equality of all in society. But the dependence on men is a danger which might be avoided in observing the laws of nature; this means, in its turn, that a concrete legislation founded on reason is instituted which protects the right of property (ib. p. 90 ff.). This idea now ends with an explicit demand for establishing "des écoles publiques & gratuites en nombre suffisant" at which all should learn a kind of catechism of the virtues which rest on the laws of nature, the fundamental principles of human society, and a universal morality (ib. p. 109 ff.). However, upbringing in the homes is decisive of the future of the child — in this context he refers to Rousseau (ib. p. 111 ff.). Hence the parents must be good citizens, and MR suggests (ib. p. 116) that all should be subjected to a control in which they acknowledge the validity of the social contract with its fundamental rule "do, ut des" ("I give that you might give"). He also mentions how e.g. public gymnastic exercises may contribute to developing "l'amour propre" so that it becomes a force in the heart of every citizen. As to the educational institutes which aim at "enrichir l'esprit" MR enforces the importance of bringing about emulation, and of giving support in order that all talents might appear to advantage (ib. pp. 125—26).

**Diderot's plan for a state system of education**

As an instance of the educational principles of the Encyclopédists may be mentioned the plan for a Russian university which was drawn up by Denis Diderot in 1775 (Diderot p. 429 ff., transl. into English by Fontenelle p. 199 ff.). The starting-point is significant: "Instruire une nation, c'est la civiliser" (Diderot p. 429). Ignorance is the lot of the slave and of the savage. It was the bodily and spiritual needs that brought men together. Education lays the foundation of their conception of virtue and justice etc., and education also arouses the desire to communicate and discuss, or, stated otherwise, to be noticed (ib. p. 430). According to Diderot a university is "une école dont la porte est ouverte indistinctement à tous les enfants d'une nation". Teachers paid by the state initiate them into knowledge of all the sciences (ib. p. 433). Diderot emphasizes that all must be instructed without distinction, for, since the cottages are far more numerous than the palaces, "il y a dix mille à parier contre un que le génie, les talents et la vertue sortirent plutôt d'une chaumière que d'un palais" (ib.). But below the universities there shall be "petites écoles" where all children shall be given both instruction and bread, and thus a possibility of learning to read, write, do arithmetic, and be initiated in the elementary principles of religion. From these public schools the pupils either return to their homes and learn a profession, or pass over to the universities (ib. p. 520).

The intelligence of a person will determine the nature of his education at the university. If the group is made up of a hundred children, there is a risk that the genius will be sacrificed. But the important thing is that the genius is not stifled (ib. p. 434). Besides a variation of educational possibilities will bring with it that all devote themselves to that for which they show aptitude, which in its turn becomes the foundation of mutual esteem (ib. p. 528). However, those who are not apt for studies must not prolong them, but be induced to choose a handicraft trade. The lazy and the dullard shall be forced to return to their parents (ib. p. 526).

The object of the university is to "faire des hommes vertueux et éclairés" (ib. p. 439). All cannot reach equally far. Each must study
as far as his own capacity allows him (ib. p. 442). One proceeds from
the knowledge which is necessary to all, and passes over to that which
is necessary for the future vocation of each pupil (ib. pp. 443—44).
Within the faculty of arts there are many parallel courses. The first
one is divided into eight classes comprising the mathematical sciences,
the natural sciences, the logical sciences, and classical languages (an ac-
count of this plan of instruction is found e.g. in Compayré p. 191 ff.
and Lovum p. 350 ff.). The aim of the course is to "préparer des sav­
ants" of all in a different degree. As we have seen the studies become
less general and more specialized. In the second course, parallel to
the first, the studies are of a different kind, namely "d'une nature
qui reste la même". For whichever are the talents and intelligence,
here one must learn that which is necessary to know for a man and
a citizen. Whichever one's future station in life "il a des devoirs qu'il
ne peut trop connaitre" (ib. pp. 488—89).

Hence Diderot wishes to establish an elementary public instruction
from which all will have a possibility of continuing to a higher educa­
tion at a university. The end is knowledge and virtue. As regards
knowledge he designs a selection related to the aptitude and capacity
of each man, while he emphasizes that virtue is indispensable for all.
In this way he has expressed a demand for a free realization of the
individual endowments, and also secured an upbringing of men and
citizens common and necessary for all. In the world of learning there
is emulation, in the world of morals all are equal.

Summary
Within French pre-revolutionary philosophy of the Enlightenment it
seemed to exist complete unity that the end of man's development is
enlightenment and virtue. Man differs from beasts through his intel­
ligence or his reason which enables him to obtain knowledge of the
world. But he is also mouldable in such a way that he in co-existence
with others is able to observe what is indispensable and necessary, if
all will attain to satisfaction in life. In other words he may be ruled
by a moral conception.

But beyond these certain divisions seem to have existed dependent
on the conditions which were implied in human nature. Obviously
Helvétius remained alone with his far-reaching theory of environ­
ment. To most of his contemporaries it was evident that there are
original differences among the individuals in a physical and psychical
respect. These differences ought to be protected to the interest of the
individual and society. This brings with it demands for freedom for
all to develop their capacities by means of an educational system
which does not favour anyone from any other considerations than
the hints of nature. Therefore, everybody desires — except La Chalotais — an elementary public education and a removal of all economic
obstructions for those of poor and humble station in society. Above
this a higher education shall follow which pays attention to the in­
dividual capacity.

Most authorities do not share Helvétius' idea that morals are a mere
product of education. They believe, in conformity with Rousseau,
that man from the beginning has a natural foundation for human
co-existence. This might be regulated by laws and manners by means
of which complete equality is secured in all contexts. But nevertheless
educational measures are necessary also in this context if virtue will
be realized by all in society. Not least from this point of view a
public education stands out as an irremissible demand.

Different proposals during the time of the Constituent
National Assembly
Already in the "cahiers" of the three estates presented to the National
Assembly it is a common desirable end that a public educational
system be formed which grants all elementary public education. These
ideas were more current among the nobility and the clergy than among
the third estate to which other demands appeared as more necessary
and important (see e.g. Barnard p. 54 ff. and Edelheim p. 150 ff.).
The National Assembly could not ignore these problems completely
as for instance the Oratorian order presented several different pro­
jects for educational reforms (see e.g. Edelheim p. 152 and Compayré
pp. 284—85). But its actual measures rather brought about the ruin
of the economic foundation of the whole earlier educational system
in removing tithes and excise which had been the very basis of the
contributions of church and commune (Barnard p. 58 ff.; an account
of the educational contributions of the Constituent National As­
bras, presented writings to it &c. was printed in 1792, see Procès-verbaux du comité d'instruction publ. de l'assemblée législative p. IV ff.; cf. also Pontell pp. 51—52). But the need to establish a state national system of education was manifest to all. The additions to the constitution of 1791 are evidences of this; this constitution was not only preceded by the Declaration of the Rights of man and of the citizen, but was furnished with an introductory account of "dispositions fondamentales". To these belong the right of all citizens to be appointed to vocations without regard to anything but "des vertus et des talents". The consequence of this is worded thus: "Il sera crée et organisé une instruction publique, commune à tous les citoyens, gratuite à l'égard des parties d'enseignement indispensables pour tous les hommes, et dont les établissement seront distribués graduellement dans un rapport combiné avec la division du royaume" (Aulard & Mirkine-Guetzevitch p. 19 ff., or Bouchary p. 18 ff.).

Of course various opinions could be concealed behind these words, and such did undoubtedly exist. Maurice de Talleyrand-Périgord, later one of the most famous Foreign Secretaries of France, obviously was closest to the most common conception of the pre-revolutionary debate (see above). He presented on behalf of the Constitutional Committee "Rapport sur l'instruction publique" in September 1791, but since the National Assembly was about to be dissolved it had no time to discuss the exposition which, however, would be printed according to its decision, and be committed to the Legislative Assembly.

Talleyrand proceeds from the principle that the laws are an expression of the general will. But then it is necessary that the majority through education is developed in such a way that certain destructive persons cannot be harmful to the others. Consequently education becomes a warrant of both freedom and equality in society (Talleyrand pp. 5—6). To this is added that man's foremost characteristic is his "perfectibility" which must be used to the common good. Everyone is born with special qualifications which ought to be developed so that all men find their special position (ib. p. 9). In this respect it is necessary that the future citizens receive, in proportion to their faculties, physical, intellectual and moral training. In order to develop the morals one may proceed from "un sens interne, un sentiment prompt indépendant de toute réflexions". All are furnished with "la raison et la compassion". Compassion is the "sens interne" just mentioned, for without this "on peut connaître le bien", but it is "par lui seul on l'appréhension, et l'on contracte l'habitude de le pratiquer sans efforts" (ib. pp. 13—14). Thus morals rest on "un instinct général" (ib. p. 102). During its first six years the child lives in the home under the mother's protection. In this context one ought to remember what Rousseau pointed out. From the age of 7 a primary school, free of cost, is available to all who wish to use it. But no one shall be compelled to put their children in this school, but the father might take care of the education (ib. p. 27). The primary school shall be devoted to the knowledge necessary for all, and to the principles of morals which are "le bonheur de l'âme, le supplément nécessaire des Lois, et la caution véritable des hommes réunis par le besoin, et tout souvent divisés par l'interêtr" (ib. p. 28). All those who show no aptitude for higher education then pass to various practical vocations, while a smaller number is sent to secondary schools where education no longer is free except for certain stipendaries chosen with greatest care with regard to "leurs progrès et leurs talents" (ib. p. 15 ff., p. 30 ff., and p. 129 ff.). No pupil must be admitted in these secondary schools before he is 8 or 9 years of age. In the course of the studies one must try to find out for what each pupil is best suited (ib. p. 16). However, all pupils are otherwise completely equal, and during their stay at the boarding-schools which will be available for the specially talented pupils, above the primary schools (ib. pp. 58 ff., p. 136 ff., and p. 149 ff.), the children are trained in "les principes de l'égalité" (ib. pp. 149—50). The studies at the secondary schools last for seven years after which the pupils pass over to various higher professional schools for priests, physicians, lawyers and soldiers. Besides in Paris "un grand Institut qui sera destiné au perfectionnement des Lettres, des Sciences et des Arts" will be established. In this both pupils and teachers shall be the very elite (ib. pp. 17—18, p. 58 ff., and p. 273 ff.). Here "tous les hommes d'un talent supérieur en une seule et respectable famille" are gathered in order to devote themselves to "tout ce que le génie peut attendre" (ib. p. 58). Finally as regards the education of the girls Talleyrand as well as Rousseau looks upon them as being of such a special nature, and therefore intended for specific duties in society that he for the majority of them cannot propose anything but education in the homes. This might be comple-
mented by a visit to the primary schools to the age of 8. Special school homes must be established for the poor, and in exceptional cases there must be a possibility for girls to receive professional education within the spheres "convenables à leur sexe" (ib. p. 118 ff., and p. 210 ff.).

Apparently Talleyrand is no opponent of education in the homes, but on the contrary attaches great importance to it, and does not wish to deprive the parents of their right to it. But in a society regulated by the general will through the laws, it ought to be opportunities for all who wish to acquire elementary knowledge and fundamental moral principles at primary schools free of cost. Above these an educational system ought to exist which gives to the most talented a possibility of cultivating their special endowments, at the same time as they, in a moral respect, receive the continued practice which also the innate compassion is in need of. Talleyrand believes that these things best agree with the principles of freedom and equality on which is founded the democratic form of government (an analysis of Talleyrand's pedagogics is found in e.g. COMPAYRE p. 290 ff.).

On both sides of Talleyrand, in whose draft is found a kind of summary of most of the ideas previously presented of how the educational problem ought to be solved, some more limited proposals might be placed which stand out as more "radical" than that of Talleyrand. H. G. de Mirabeau, the great orator of the National Assembly and the leading man within the committee of five for the working out of a declaration of rights (see chap. 5), is responsible for one of them. However, there is some uncertainty as to the authenticity of the text on which to rely for knowledge of his ideas (see e.g. BARNARD p. 62). But the book was published after his death in 1791 with the intent of influencing the work of the National Assembly on a plan for a national system of education (see MIRABEAU, "Avertissement" before the very exposition; transl. into German by ALT. p. 33 ff.), and it is characterized by the same eloquence which was his distinctive mark. Mirabeau's point of view has sometimes been described as comparatively conservative, but this is hardly the case. On the contrary he is an extremist in his endeavours to secure the principle of freedom. It is true that he in the beginning mentions both "l'organisation du meilleur système de liberté" and "la restitution des droits de la nature humaine" (ib. pp. 2—3). He also approaches

"le premier de tous les biens, une organisation sociale, fondée sur la nature et les vrais rapports des hommes" (ib. p. 4), and among the conditions for this are "un bon système d'éducation publique". But on the other hand it is evident that the most important thing is to preserve "le régime de la liberté" (ib. p. 5). Mirabeau rejects the thought of an immediate and compulsory method of imparting to the people certain habits. Instead one ought to "faire naître l'existence publique de toutes les existences individuelles librement développées" (ib. p. 10). One simply should not interfere in the education too much, for this becomes better by a spurring of the diligence of the teachers and the emulation of the pupils (ib. p. 11). If education is not free the teachers try to win more pupils by increased skill, and the pupils have more benefit of the lessons which they have paid. However, what must be specially observed, under such circumstances, is that the teachers are not "en opposition avec la morale publique" (ib. p. 14).

The legislators of France, however, do not like to regulate more than what is absolutely necessary, but prefer to leave things to regulate themselves (ib. p. 15). Therefore, the first condition is that the educational system is subjected to the magistrates who really represent the people, since they at intervals are elected by it, i.e. that the right of determination belongs to the departmental governments. Further the favors which teachers and pupils enjoy must always be a reward for progress and contributions. Hence no scholarship for beginners exists (ib. p. 18). Also the professors must try to sell their own goods. Free education must be avoided for the personal interest is the natural motive for the talents (ib. pp. 19—20). One ought to see to it that emulation exists, and therefore only poor children may receive economic support (ib. pp. 21—22). One must always bear in mind that "les hommes naissent avec des facultés et avec le droit de les exercer. Le Législateur ne peut plus attenter à ce droit que leur enlever ces facultés". In applying this sentence to various professions the consequence is, according to Mirabeau, complete freedom in the cases where the men themselves are able to judge the product. In other cases the skill and moral of the person in question must be controlled. This is especially the case of e.g. physicians and chemists.

The educational system which Mirabeau proposes agrees with that of Talleyrand to its outward shape. It would seem to be impossible to demand, from the beginning, knowledge of reading and writing of
all in the electing of authorities in the country (ib. p. 25). But a time-limit within which this will be a reality must be fixed. Mirabeau also suggests that each parish should have a school, the aim of which is the same as that of Talleyrand and including "les principes de morale" (ib. p. 54). The colleges are above these, and the child must not pass to these until the age of 10. Mirabeau attaches greater importance to the study of classical languages than does Talleyrand, but he demands that all public education is taught in the mother tongue (ib. p. 26 and p. 55 ff.). Beside the humanistic colleges there should be colleges for theology, jurisprudence, engineering, medicine, surgery and pharmacy &c. (ib. pp. 53, 57, and 61 ff.). Mirabeau has the same idea of the duties and education of the girls as has Talleyrand, and he also refers to Rousseau (ib. p. 39 ff. and p. 60). On top of this system is "une académie nationale" which is to be the meeting-place of the leading talents of the country both as regards teachers and pupils (ib. p. 48 ff.).

But in spite of these outward similarities between the systems of Talleyrand and Mirabeau, the actual difference is considerable. To Mirabeau the foremost end is to create freedom for all to use their special qualifications in emulation with others to the benefit of themselves and others. In this freedom he obviously trusts, since he to such an extent relies on its not being misused. Without freedom only the rich would be enlightened, and freedom would then be a phantom (some would have power to exploit everybody else). But without enlightenment man is transformed into a beast, and without enlightenment there are no morals (ib. pp. 38—39). In other words, Mirabeau seems to be able to stress freedom in this way, since he, as to morals, stands out as a pure intellectualist which in its turn gives scope for a certain amount of optimism. Man's innate reason needs enlightenment, but if one sees to it that it is available to all, it becomes, in connection with laws and the social environment, a sufficient condition for reason to really become master of the self-interest which basically is the motive for man to use the existing possibilities of education.

Yves-Marie Audrein, prefect at a famous college in Paris and later a member of both the Legislative Assembly and the National Convention, had a different point of view. His "Mémoires sur l'éducation nationale française", printed in 1791, is said to have been (on the title-page) "présenté à l'Assemblée Nationale le 11 Décembre 1790". But the "Procès-verbal" of the National Assembly for this day gives no information about this, and the work is not mentioned in the survey of its educational contributions (see the beginning of this section). Audrein's treatise represents another extreme point of view than that of Mirabeau. Audrein suggests three kinds of institutions: "des petites écoles", "des petites collèges", and "des grands collèges". In "les petites écoles" all children will be initiated in the fundamentals of knowledge and morals ("des traits de morale mise en pratique"). "Les petites collèges" devote their time to the study of the mother tongue and modern and classical languages. There are to be two kinds of pupils, those who prepare themselves for entering "les grands collèges", and those who after studies of a certain length return to their families. At "les grands collèges" time is devoted to the study of various sciences, such as mathematics, physics, history, geography, religion, and ethics, &c., but instruction is also to be imparted in medicine, merchandise, engineering, military sciences, &c. In "les petites écoles" one must begin before the age of 8, and "les petites collèges" give a six-years' education for the ages between 15—20. However, to the colleges special boarding-schools will be attached where the pupils live a very regulated life (Audrein p. 85 ff.), so that e.g. "les élèves ne pourront point aller chez leurs parents, excepté le temps des vacances" (ib. p. 87). Audrein distinguishes between "les exercices du corps" and "deux autres éducation, dont l'une comprend l'enseignement pour l'esprit, l'autre le perfectionnement pour le cœur". In the one case knowledge is imparted, in the other case one forms "des hommes bons" (ib. p. 5). The differences between the duties of the schools and the boarding-schools are said to be these (ib. p. 34):

"Dans les écoles, c'est l'esprit qui joue le premier rôle; c'est pour lui que les fatigues du maître sont prodiguées. Dans un pensionnat, un chef habile, comme un père tendre au sein de sa jeune famille, passe tour à tour en revue les pénitents de ses élèves; et à force de mettre en présence les caractères et de bonifier les passions l'une par l'autre, il vient à bout de frapper de mort les vices et de multiplier les vertus".

It is at the boarding-school that the feeling of "égalité" is developed (ib. p. 39). The homes do not have the same function since pride and bad examples still might influence the children (ib. p. 34).
All teachers will be paid by the state while the costs for the pupils at the boarding-schools are paid according to means, so that society supports those who are destitute. In this way Audrein more than Mirabeau emphasizes the importance of, at least on a higher level, forcing all to come under the same influence, and he goes further than Talleyrand who merely touched the thought of boarding-schools. Audrein also wishes to make the educational system free of cost as far as this is possible in having the teachers of all stages paid by the state, and in having the costs of the stay at these boarding-schools paid by the parents only in proportion to their means. However, he is as interested in the selection of talents as are Talleyrand and Mirabeau. For instance he says that when is spent on children "sans talent" is used against their own good (ib. p. 40).

The Legislative Assembly and Condorcet

The Legislative Assembly never took interest in Talleyrand's project, but it quickly appointed a "Comité d'instruction publique" made up of 24 members. They met for the first time on Oct. 30, 1791 and then elected Antoine de Condorcet president; he was a distinguished mathematician and closely allied to the contemporary philosophers of various shades (e.g. Voltaire, the Encyclopaedists and Turgot), and politically he belonged to the Gironde party. The committee met 117 times to Aug. 22, 1792. Its activity was dominated by the drawing up of a plan for a national system of education. This was mainly carried out by a special committee of five with Condorcet as its head. An analysis of Talleyrand's report was made but never discussed (Procès-verbaux p. 35, p. 90, and p. 99). Instead Condorcet was commissioned to write a new report which should be presented to the Assembly. After this had been imparted in its entirety to the committee on two occasions, it was read out to the Legislative Assembly by Condorcet on April 20 and 21. However, on the first day Condorcet was interrupted by the King who appeared to ask consent for a declaration of war against Austria, a proposal which was sanctioned by the Assembly after voting. The reading on April 21 resulted in a decision to have the report printed, and an estimate of cost should be made by the committee. Such a proposal Condorcet presented on May 25 at a second reading of the report to the Legislative Assembly, and on July 14 this decided to devote at least one day a week to the forming of the educational system. But nothing came out of this, and in spite of repeated promptings from the committee in August the question was not discussed again, but was passed over to the National Convention (a description of the course of events is found in Procès-verbaux; see the register: "Condorcet" and "Plan général d'instruction publique").

The committee report "Rapport et projet de décret sur l'organisation générale de l'instruction publique" (see Procès-verbaux p. 188 ff.; transl. into English by Fontainerie p. 313 ff. and into German by Alt. p. 63 ff) which Condorcet read to the Legislative Assembly on two occasions (April and May) was printed by its direction in the spring of 1792. The National Convention decided, in the autumn of the same year, to have it reprinted, and Condorcet then had an opportunity to make certain comments and additions. This shows to which extent the report was looked upon as being a work of Condorcet himself. It is, however, a remarkable fact that the committee as a whole, at least formally, was responsible for the report (cf. ib. p. 250 with n.), for there was undoubtedly cause for expecting rather divergent opinions within the committee. Audrein was a member of it and his point of view was hardly compatible with that of the report. Both in the committee of five and in the main committee there were representatives of different parties. Gilbert Romme could be mentioned, for he was a member of the Montagnards (we will return to him later). Other prominent members of the same group were Lazare Carnot and Claude-Antoine Prieur, both later members of the committee of public safety, and Carnot probably to a certain extent responsible for the Terror. Since there are no reports of the discussions of the proceedings it is, however, impossible to form an opinion of how they reached an agreement.

As to the organization of the educational system Condorcet's report (we will call it so) follows the main outlines of the system drawn up by Talleyrand and Mirabeau but with a certain enlargement. Condorcet proposes five different kinds of institutions. Above the primary and secondary schools institutes and lyceums follow, and finally at the top "La société nationale des sciences et des arts". At primary schools elementary knowledge in reading, writing and arithmetical will be given. To this will be added instruction of methods for
measuring a plot of ground and the height of buildings, of the products of the country and of the agricultural and industrial procedures. Finally is treated "le développement des premières idées morales et des règles de conduite qui en dérivent; enfin ceux des principes de l'ordre social qu'on peut mettre à la portée de l'enfance" (ib. p. 191). All these things are necessary for each man if he will be able to assume certain smaller duties such as e.g. that of a juryman. The secondary schools are designed for the study of mathematics, of natural history and of applied chemistry, "des développements plus étendus des principes de la morale et de la science sociale", and elementary instruction in commerce (ib. p. 194). The pupils are those who can devote more time to their education and who can afford it. The education of the institutes will comprise not only what is useful to know as a man and as a citizen, no matter what profession one may intend to follow, but "aussi tout ce qui peut l'être pour chaque grande division de ces professions", e.g. agriculture, mechanical arts, military science (ib. p. 196). Consequently the intention is to study "les éléments de toutes les connaissances humaines" (ib.), but the main stress is on mathematics and natural sciences which, according to Condorcet, have the same importance as otherwise has been attributed to the classical languages. Their importance is diminished while ethics and the social sciences are stressed so much the more. The plan of the institutes aims at bringing about "une supériorité réelle que la distributions des fonctions de la société rend inévitable" (ib. p. 202). The activity of the lyceums will be on a university level for here "les savants" are trained, i.e. those who devote their lives to the sciences, or to the study of some of them, since their professions demand that (ib. p. 206). The highest scientific institution is the academy in Paris which also should supervise and direct the educational system (ib. p. 213).

The primary schools admit their pupils when they are six years of age and divide them into four successive courses. The secondary schools will have three courses of instruction following each other. At the institutes the education is divided into courses within various groups of subjects, so that the pupils may take one or several such courses at the same time. This is also the case at the lyceums. At the institutes the studies will last for five years; in other words the professional education will be ended at the age of 18.

Instruction from the elementary schools to the lyceums will be free of cost for the pupils, which means that the teachers must have fixed salaries. Here it is a question of social justice, i.e. all must be given as equal possibilities of education as possible, independent of financial station. But Condorcet also emphasizes the importance of considering the talents and aptitude of each pupil. It is necessary for society to secure "tous les talents", and to give freedom to the individual to develop his special endowments. This will be warranted, if only the best pupils on every level of the educational system are allowed to continue to the following higher level, and if the costs of the education of the destitute pupils are paid with state means. According to calculations about 3000 "d'élèves de la patrie" would be taught, 1000 of these at the institutes and 600 at the lyceums (ib. p. 208 ff.). By means of this the social differences are evened which is a consequence of wealth and various possibilities of education. In other words this report does not share Mirabeau's opinion on one central point, and in a note Condorcet answers various objection to the principle of making education available to all in having it, in the first place, free of cost (ib. p. 210 ff., n.). However, the report also proposes a row of other measures and ideas with the same intention, e.g. that the teachers of the various levels shall be imposed upon to give instruction to those who wish to increase and refresh their knowledge. This is a kind of education of adults which is guarded in this way (see also ib. pp. 189-90). How little this demand for social justice will run counter to the idea that society really needs "une supériorité réelle" founded on differences of endowments is evident from another note in which Condorcet says: "L'égalité des esprits et celle de l'instruction sont des chimères. Il faut donc chercher à rendre utile cette inégalité nécessaire" (ib. p. 202 n.). According to the report the danger will be avoided, since the élite will consist of those who are most enlightened. In a note Condorcet adds that these are the very citizens, "des hommes instruits qui ne veulent qu'éclairer ou servir", to be placed in leading positions.

With this we have touched upon a question according to which Condorcet's report shows a certain affinity with Mirabeau's conception. The essential aim of the educational system is to train reason and spread enlightenment. Consequently the institutions — since the first condition is "de n'enseigner que les vérités" — cannot be depen-
This intellectualism also asserts itself as regards the development of morals which, according to the report, is necessary for a society built on the principles of freedom and equality. At the primary schools one must not rest content with teaching the moral principles; the children must also learn to apply them in their mutual relations. By means of this the children will better understand the use and justice of these rules, and adjust their behaviour to them (ib. p. 192). In a note Condorcet points out that it ought to be easy to train the pupils in such "sentiments nécessaires" as justice, equality, leniency, humanity and greatness of soul. The starting-points are in other words the very education of the moral obligations, and these are to be trained. In a later note (ib. p. 193) Condorcet seems to make a concession to the existence of a natural emotional foundation for the development of the moral. He says:

"Les sentiments naturels, tels que la compassion, la bienfaisance, l'amitié pour les parents, pour les frères, pour les compagnons de leurs amusements, la reconnaissance, se développent de bonne heure dans les enfants. L'habitude de ces sentiments conduit aux idées morales; et de la combinaison de ces idées naissent des préceptes auxquels nous soumettons notre conduite pour notre intérêt, et surtout pour celui de ne pas éprouver une pleine intérieure qui en suit nécessairement la violation. Tel est l'ordre de la nature qu'il est facile de suivre dans l'instruction. De courtes histoires serviraient à développer, à diriger les sentiments moraux, à les fortifier par l'attention. Une analyse des idées morales les plus simples viendrait ensuite, et on n'aurait besoin ni d'enseigner ni de prouver les préceptes, mais seulement de les faire remarquer, parce qu'ils se trouveront d'avance dans l'esprit des enfants, avec le sentiment qui en garantit l'observation".

Especially the last sentence is a close adherence to the conception of Rousseau since it expresses the existence of both natural emotions and certain moral qualifications in the child as such.

But also the text of the report itself suffers from a similar obscurity, or vacillation between various conceptions which might imply that there was in reality a compromise between different points of view. As to the importance of moral education at the institutes where men and citizens in leading positions will receive their education, there seems to be no hesitation (ib. p. 202). "Une analyse exacte, rigoureuse des sentiments moraux, des idées qui en résultent, des principes de justice qui en sont la conséquence" is necessary. Hence the analysis is founded on the emotions, and the ideas become conclusions of these. However, shortly afterwards "cette indépendance de la raison" is mentioned which is necessary if the people will be embracing the laws with love in the correct way, i.e. with preservation of their own freedom and hence without compulsion. Below in the text it is pointed out that the moral principles which shall be taught at school and institutes are "fondés sur les sentiments naturels et sur la raison". Therefore, morals must not be attached to a special religion. Then a dithyramb of a genuine faith in reason follows:

"D'ailleurs, combien n'est-il pas important de fonder la morale sur les principes de la raison. Quelque changement qui subsist a des opinions d'un homme dans le cours de sa vie, ces principes établis sur cette base resteront toujours également vrais; ils seront toujours invariables comme elle; il les opposera aux tentatives que l'on pourrait faire pour égarer sa conscience; elle conserva son indépendance et sa rectitude, et on ne verra plus ce spectacle si affligeant d'hommes qui s'imaginent remplir leurs devoirs en violant les droits des plus sacrés".

Condorcet himself sometimes seems to have expressed the same belief in the power of reason. When the report repudiates the usefulness of classical rhetoric (ib. pp. 200—201), he adds a note about the relation between "enthousiasme" and "reason" in which he maintains the importance of the supremacy of reason: "Il faut donc qu'un examen froid et sévère, où la raison seule soit écoutée, précède le moment de l'enthousiasme".

Thus there is no doubt that both Condorcet and the report believed that "truth and reason" is the condition for the rise of a universal morality which warrants freedom and equality within the frame of the laws instituted by the will of the people (cf. Drehobel pp. 13—14).
But in both cases there are concessions which indicate that the thought of a foundation in "les sentiments naturels" on which to build, was not unfamiliar. Hence there is an evidence of a moral intellectualism similar to that of Mirabeau, but also traces of a moral sense conception of the nature of Rousseau (this problem is rather superficially treated of in e.g. Snyders p. 381 ff.). Condorcet's report is a document in which the educational problem of Western democracy has been clearly expressed. In spreading truth and enlightenment to the people the foundation is laid for the freedom of every citizen. To this belongs the right to realize one's natural, individual qualifications. But at the same time the developing of a moral consciousness must be secured, which limits the freedom so that everybody regards each other as equals. This equality includes the demand that economic conditions must not prevent anyone from a sufficient education, nor from the possibility of developing his talents (an account of Condorcet's conception is given by Compayré p. 309 ff.).

The National Convention 1792-1795

Although Condorcet's report was not discussed by the Legislative Assembly, it nevertheless exerted a far-reaching influence on the continued plans for an establishing of a national system of education. On certain points the exposition was comparatively brief. This is the case as regards the education of the girls. About this is just said that boys and girls are to be taught together if there is only one primary school, while the sexes otherwise are to be kept apart (ib. p. 220). This point of view, which diverges from that of Mirabeau and Talleyrand, is developed more thoroughly by Condorcet in "Mémoirs sur l'instruction publique" which he had printed in the preceding years and which he delivered to the educational committee of the Legislative Assembly in November 1791 (ib. p. 12). From these treatises it is obvious that he considered it to be in the interest of equality that girls were given the same education as boys also above the level of the primary schools (Condorcet VII, p. 215 ff.).

Also in other respects it is elucidating to read Condorcet's own educational works. He emphasizes for instance clearly that the duty of the educational system is to impart knowledge and learning, or in other words to increase enlightenment. Upbringing belongs to the homes in the first place (although the report has pointed out certain obligations as regards the schools also in this respect). To deprive the parents of their right to foster their children is to interfere with the very order of nature, or to dissolve the emotional bonds which are "le premier germe de toutes les vertus", and hence the condition for a final developing of "un peuple de frères" (ib. pp. 200—201).

But this in its turn means that Condorcet dissociates himself from the idea of creating common educational institutes to all according to classical patterns. Education must be varied according to each man's conditions and future contributions in society. Consequently each child cannot be given an identical upbringing, but this must be adjusted, if one would not put the best pupils in danger of being spiritually stifled, or be compelled to desist from a common elementary education for all children. In other words a gradation could exist in education but not in upbringing which must ever be complete in its kind (ib. p. 197 ff.). Evidently the shaft is aimed at for instance Audrein. The conclusion is: "Il faut donc que la puissance publique se borne à régler l'instruction et abandonnant aux familles le reste de l'éducation" (ib. p. 204). Hence Condorcet is an adherent of a differentiated school the most important end of which is education and instruction, and he leaves upbringing in the hands of the family, and is against an establishing of special institutes which Helvétius and Audrein had proposed.

To these ideas the following discussion refers. Already on Oct. 2 the National Convention appointed "un Comité d'instruction publique" consisting of 24 persons. Among the elected members Sieyès, Condorcet, and Rabaut St.-Etienne first refused to accept the summons, but they soon belonged to the committee. It underwent constant changes of composition due to the party strife which now led to victory for the one wing, now for the other (see introd. to the various volumes of PV). The first meeting took place on Oct. 15, 1792, and on Oct. 26 three years later it met for the 515th and last time. Reports and proceedings fill six volumes in Guillaume's edition.

Hence it is impossible to examine the deliberations in detail. Instead the outlines of the discussion and legislation will be sketched, divided into the four natural periods which are discernible. These are the time before the fall of the Gironde at the turn of the month May—
The time before the fall of the Girondes

In the autumn of 1792 and to the turn of the year the educational committee (below abbreviated EC) examined Condorcet's presentation, and in connection with this two new reports were presented to the National Convention, one of them by the physician François Lanthenas dealing with the primary schools, and the other one by the mathematician Gilbert Romme dealing with the principles of a public system of education (for details in this course of event see PV I, p. XV ff. and the proceedings for the corresponding time). Lanthenas belonged to the Girondins and Romme to the Montagnards, but none of them shared Condorcet's point of view in all respects.

Lanthenas' report to which was added a bill concerning the primary schools (PV I, p. 68 ff.) had as a basis Condorcet's division of the educational system into five levels with its selection of talents in spite of which everybody's "égalité de droit" should be preserved by means of the system of "élèves de la patrie". Also in the four classes for the ages 6—10 one might consider the talent, in having some pupils pass in a quicker or slower pace than the normal. Education should be free of cost and comprise for both sexes the elementary knowledge prerequisite for all future citizens. However, the moral development is more stressed by Lanthenas than by Condorcet. Hence the introduction of monitirial instruction is proposed which should serve this very purpose, since the youth in this way may be placed directly "dans la vie sociale". Further can be read (ib. p. 77): "Les sentiments de leur cœur seront dirigés par des lectures appropriées à leur âge, et par les applications pratiques et journalières des principes que ces lectures développeront. Leur attachement envers leurs parents, leur amour pour la patrie et ses lois, leur bienfaissance même envers les animaux, leur sensibilité aux charmes de la nature et aux dons des arts, seront ainsi soigneusement cultivés". In such a statement Lanthenas would probably have joined in, as in the emphasizing of the importance of a continued education in the form of public lectures. But in this respect he wished to proceed further than can be seen from the report, and in reality he dissociated himself from Condorcet's system of five levels and for his own part just wished to accept "une espèce d'écoles nationales salariées par l'État" (ib. pp. 60 ff. and 75 with n.).

The discussion of Lanthenas' report in the National Convention only resulted in a decision on a first paragraph in a bill, according to which primary schools should be established for the benefit of all citizens (ib. p. XX). Some days later Romme's report was discussed instead. This report had been preceded by a formal decision of the EC on Nov. 26 to accept Condorcet's division of the educational system into five levels (ib. p. 102). This was completely against Lanthenas' personal point of view, but in accordance with that which he had been forced to sum up as the conception of the EC. Romme's report which was approved of by the EC on Dec. 18 and presented to the National Convention two days later, follows the same pattern. The contemporary press also points out that the exposition sets out from Condorcet's plan (ib. p. 199 ff.). This was the reason why the National Convention decided to print Romme's draft and besides to have Condorcet's project reprinted (ib.; cf. what has earlier been said about this reprinting which had made it possible for Condorcet to add the notes which we have already used to illustrate his argumentation — these might have been influenced by the discussions of the autumn of 1792).

Romme's report deals with primary and secondary schools, institutes and lyceums. Each higher form of school is built on the immediately preceding lower one. The primary schools should be open to all, while the secondary schools will be less numerous and not intended for the girls who, however, must not be excluded from the primary schools. The whole system is based on a selection of talents. In order to avoid social injustices each year must be elected a number of "élèves de la patrie". Education should be free of cost on all levels, for otherwise differences of fortune would assert themselves and gain
further spreading. The public system of education ought to comprise the four mentioned levels, while it otherwise would be necessary to interfere in the rights of those pupils who on account of poverty would be prevented from procuring higher education at private institutes. Freedom of cost will make "l'instruction plus étendue, plus égale, plus libre, plus indépendante de l'opinion" (ib. p. 218). However, as distinguished from Condorcet Romme includes in the concept of "l'instruction" both education and upbringing. Education enlightens the reason and trains all the intellectual faculties, upbringing develops the character, governs the sentiments, and directs the will, and hence brings action and thinking under the jurisdiction of conscience. Education without upbringing appeals both to talent and pride, while upbringing without education just creates habits under the cover of all kinds of prejudices. Consequently they must be combined. One of them will be the guide, the other the life-giving fire in social life. Hence the aim of the primary schools will be "toutes les vertus domestiques et sociales, qui doit fonder sur le sol de la liberté les mœurs simples et austères des républicains" (ib. p. 209).

But "l'instruction publique" should besides contribute to developing the physical and moral qualifications, not least "les mœurs et les habitudes du républicain" (ib. p. 213). Thus it is no longer a question of a solely theoretical school with a certain stress on moral education. To develop morals becomes an important concern for the school which in this way contributes to laying the foundation of freedom and equality in the republican sense. The girls must not be excluded from the primary schools, because as wives and mothers they will to a great extent influence the forming of the will. In other words Romme's project does not content itself with a merely theoretical development of morals as was the case with that of Condorcet.

Although these two projects maintained the graded educational system which Condorcet had advocated, there are elements in them above all of a stronger emphasis on an upbringing to a republican cast of mind. These tendencies are very apparent in the debates of the National Convention in Dec. 1792. Mostly they seem to have been presented by representatives of the Girondins. Defence of a more rational outlook was not lacking. "La nature et la raison" says Jacob Dupont (a marked "republican" who later belonged to the circle of Robespierre), "voilà les droits de l'homme, voilà mes dires" (ib. p. 152). Dupont's point of view was approved of by J.-M. Lequinio of the Montagnards who strongly emphasized the importance of enlightenment (ib. p. 183 ff.). From the opposite direction, however, the idea was preferred that the primary schools would be sufficient, and these would be given a more marked obligation of moral upbringing. At the same time it is pointed out that these institutions must be compulsory. It would be necessary to confine oneself to "une seule école et un seul livre", but the children should be compelled to attend this school from the ages 6 to 12; there was no more need for enlightenment than what was necessary for virtue (PV I, p. 123 ff.).

Some of the speakers from the Girondins, J.-F. Ducos and J. B. Leclerc mentioned, in connection with classical pattern (Sparta), the importance of forming all citizens to patriotism and to a real sentiment of equality, which in its turn demands that the children really visit the primary schools during a certain period. If manners should be warranted in society, a compulsory use of the institutions is demanded which would rather be called "écoles des citoyens" (ib. pp. 191 and 196—97 — the contributions in question by Durand-Maillane, Masurey, Dupont, Petit, Lequinio, Ducos and Leclerc are printed in their entirety in PV I, pp. 123—198 and partly in Hippeau, 2, p. 3 ff.). On the other hand one does not wish to desist from the possibility of letting "les talents" and "le génie" appear to advantage (see e.g. ib. pp. 127, 135 and 146).

In conjunction with Romme's draft the debate was continued in the National Convention. A contribution by Rabaut St.-Etienne of the Girondins is interesting. In connection with the difference between education and upbringing he especially points out the importance of upbringing, and referring to Sparta he wishes to establish what he calls "Temple National" everywhere in the communes as a meeting-place for the developing of a true patriotism in the spirit of freedom and equality. In and around these buildings a row of activities and festivities for children from the age of 10 and up to adult age, are focused. In the same buildings the schools are to be placed which, however, is not closer elaborated. Upbringing is more important, for it is "la mère commune de tous les citoyens, qui leur donne à tous le même lait" (PV I, p. 231 ff.; see also Hippeau, 2, p. 29 ff.). In Rabaut's valuation of upbringing his party fellow Henry Bancal concurred in a draft of some length, in which he proposed that Condor-
cet's system of five levels should be reduced to elementary schools compulsory for all, and central schools for further education, to which each year should be selected a number of "élèves de la patrie". In the former should be taught "les droits et les devoirs de l'homme et du citoyen" and some elementary knowledge. In this way the necessary aim would be attained, namely "une éducation commune à tous les Français" (PV I, p. 249 ff.; see also Hippéau 2, p. 35 ff.).

The point of the criticism of Condorcet's system was sometimes obviously directed against the risk that this might lead to a new hierarchy, or aristocracy incompatible with the patriotic spirit of the new republic (see e.g. PV I, pp. 126 and 252 et passim). But at the same time it was desirable — as already been hinted at — not to render impossible for the talents to achieve the position in society which both they and society needed. Also when one single school for the entire population was advocated, one at the same time wished to give freedom for all to use freely after this "son génie, son goût, son industrie, ses moyens", in the assurance of the fact that the personal interest would lead nowhere but to the place which the common good demands (ib. p. 127). Bancal is also convinced that his proposal will bring with it that the citizens develop "les dispositions que leur donna la nature" (ib. p. 235).

During the spring of 1793 the EC was occupied by various questions which concerned the distribution of the material on Condorcet's different levels, elementary textbooks, and the organization of the secondary school. But the work did not bring with it any important results. In confiscating all property except buildings and hostels the National Convention on March 8 snatched off the foundation of the existing educational system. On May 28 the EC decided that the entire educational system should be divided into the five levels which were included in Condorcet's plan (PV II, pp. XXXIII and 895 ff.). Shortly afterwards the committee of public safety interfered in the course of events, and this brought with it that the National Convention on May 30 added to the paragraph of the primary schools, previously accepted, four new decrees according to which there should be one school and one teacher in each place with a number of inhabitants of 400–1500 persons. The teachers should also give lectures to adults every week (PV I, pp. XI.-XI.11).

From the fall of the Girondes to the new purgings at the beginning of October 1793

Immediately after the arresting of a large number of Girondins from May 31 to June 2, 1793, no renewal of the EC took place. Condorcet voluntarily withdrew and for a long time kept out of the way until he was apprehended and probably committed suicide in jail in 1794. Of various reasons Romme, Bancal and Rabaut St.-Etienne also disappeared. It is in this interregnum when the central party, "la Plaine", in fact became leading within the EC that a completely new proposal is presented. In the EC there were only four marked representatives of the Jacobins (PV I, p. XLY), and it is not known if they really offered resistance. On June 25 it was decided that the completed project should be read to the National Convention, and so it was on the following day (ib. p. 503 ff.).

The presentation was carried out by Joseph Lakanal (priest and teacher at a college). However, the authors were in the first place Sieyès and C. F. Daunou (earlier member of the Oratorian order and politically belonging to the Girondins). Sieyès obviously intended to bring about unity with the help of a compromise. He makes far-reaching concessions as to the primary schools in order to preserve freedom to the whole of the higher educational system. His so-called national schools should give all future citizens of both sexes what they need of intellectual, physical, moral, and professional training. Song and dance must be taught so that the children could participate in the national festivals. Military exercises are also mentioned. Different kinds of workshops and factories are to be visited and instruction in handiwork is to be had. There should be a school for each thousand of inhabitants. Boys and girls are to be taught in different departments, but in both cases the pupils should form "une société modelée à peu près sur le plan de la grande société politique et républicaine". From this organization the teacher may be given help "pour faciliter la distribution de l'enseignement et le maintien d'une bonne police dans leur école" (PV I, p. 511). Whether these national schools are to be free of cost and compulsory is not stated. At least the former should probably be taken for granted, for the teachers should have the same salary all over the country. Within each district a "bureau d'inspection" of three persons should exist, and these bureaus are supervised by a central commission of 12 mem-
bers. Destitute children who have been successful at the national schools should be enabled to continue their studies as "élèves de la patrie" at special schools for "professeurs libres". For each citizen will have freedom "d'ouvrir des cours et écoles particulières et libres, sur toutes les parties de l'instruction, et de les diriger comme bon leur sembler" (ib. p. 512). In a special section the republican and national festivals are dealt with which are to take place to celebrate the human rights and other phenomena of various parts of the life and activity of society. The costs of these are to rest on the nation.

It is possible that Sieyès himself believed that he had baited the hook so skillfully that it would be swallowed. But he was mistaken. On June 30 J. H. Hassenfratz violently attacked him at the Jacobin club. Sieyès was characterized as a "priest" whose perfidy was too well-known. He says that Sieyès "a joué l'amour de la liberté, tandis qu'il était gangrené d'aristocratie" (been seized by aristocratic gangrene). Instead of Sorbonne he wished to establish a new aristocratic supervision of the whole of the educational system within which he neglects, at the national schools, the necessary professional education, and transforms the French people into singers and dancers who waste away their time on countless festivals (PV I, pp. 525-26 and 578 ff.). This criticism was supported by many speakers of the Montagnards at the meetings of the National Convention on July 2 and 3. It was objected to the attempt to get a new aristocratic governing of the whole system, and it was considered that both the lower and the higher professional education had been neglected (see ib. p. 528 ff.). However, the ideas which were developed by the lawyer Charles Duval of the Montagnards are especially interesting (ib. pp. 559 ff. and 630 ff.). He wished to establish, along with the national schools, professional schools and agricultural schools, and a number of "écoles pour les hautes sciences" (engineering, medicine, natural sciences and arts &c.). These latter would be paid for by those who had sufficient talents to devote themselves to a continued education. Duval thinks that the talent has such a force that poverty could not prevent it from asserting itself. For the rest Duval's ideas are related to those of Rousseau. The end of the social contract is to let the general will overpower the self-love which is possible by means of a patriotic legislation. Hence one must provide for "une instruction simple, gratuite, publique et nationale". Then it becomes necessary to supervise the education in the homes so that this will not be at strife with the moral upbringing which should be one of the most important duties of the national schools. Of course Sparta is referred to in this context. The mothers should take care of their children according to republican principles. But at the same time the system will make it possible for all without exception to "suivre chacun l'impulsion de son génie" (ib. p. 632). As to the importance of the educational measures for the form of government of a country Helvétius is referred to (ib. p. 633).

Duval's ideas were not new. Already in Dec. 1792 L. M. Lepeletier had written a report which he, however, never had time to make public, since he was assassinated on Jan. 20 (the evening before the execution of the King). Later his brother tried in vain to read it to the EC. On July 3, however, Robespierre interfered in the National Convention. A commission of six members was to be appointed for the drawing up of a new plan for the educational system, and it was decided that Lepeletier's draft should be printed (ib. pp. 557-58).

But it ought to be observed that, previous to the announcement of Lepeletier's project, at least one proposal had been formed expressing the same tendencies as this. Alexandre Deleyre, philosopher of the Girondins and strongly influenced by Rousseau, published a draft of a national education which is a synthesis of thoughts derived from Rousseau and ideas coloured by the Spartan pattern. Deleyre mentions (ib. p. 645 ff.) "une éducation nationale, dont l'instruction publique n'est qu'un moyen". He designs special institutes situated in the country-side for the ages 7-18. The main stress is on the developing of a patriotic morality and skill for various vocations in society. At these "gymnasiæ", with emphasis on physical training and work in gardens and workshops, there are to be four "classes" of each three years. Beside the elementary knowledge studies in French, mathematics, drawing, geography and history &c. are mentioned. In this environment it is easy to discern if anyone is better suited for handicraft, arts, or sciences. Thus the talents must be protected. But for the rest "c'est surtout à l'égalité qu'il faut élever, pour toute la vie, la jeunesse républicaine" (ib. p. 654). Hence the pupils should be dressed in the same way, have a fixed schedule of the day divided between work, study, recreation, meals, and rest. Deleyre also recommends monitorial instruction as a practical means of assistance (ib.
p. 668). From the mutual dependence at these institutes the sentiments grow on which could be founded the elementary principles of morals and legislation. For “tous les sentiments républicains naîtront des premiers mouvements de la nature”. Deleyre's program may be summed up in these words: “Éclairez d'abord l'esprit par le cœur; remuez l'un pour exciter l'autre, et qu'ils marchent toujours d'accord dans les progrès de leur développement” (ib. p. 661). The developing of morals by way of the emotional bond is the primary thing, and to this is annexed the intellectual development which makes possible the realization of the talents. The emphasis could be said to have been displaced from the freedom to the equality.

The composition of the committee of six was not narrowly Jacobin, but after a couple of days two vacancies were filled out by Maximilien Robespierre and his supporter Léonard Bourdon (PV II, p. 30). In the evening of July 12 Robespierre met Lepeletier's brother Felix who had not yet delivered the manuscript, the printing of which had already been decided upon. However, Robespierre got permission to borrow it, and already on the following day he presented the draft to the National Convention in the name of the committee of six. This presentation was met with general approval, and again it was decided that it should be printed and delivered in 6 copies to each member of the National Convention (ib. pp. 32 and 62—63). Since it is this proposal of Lepeletier's to which the following development of events is attached, it is necessary to study the contents of it if the subsequent debate is to be followed.

Lepeletier begins with the following important distinctions (ib. II, p. 35; transl. into German by Alt p. 121 ff.):

"Former des hommes, propager les connaissances humaines; telles sont les deux parties du problème que nous avons à résoudre. La première constitue l'éducation, la seconde l'instruction. Celle-ci, quoiqu'offerte à tous, devient, par la nature même des choses, la propriété exclusive d'un petit nombre de membres de la société, à raison de la différence des professions et des talents. Celle-là doit être commune à tous et universellement bienfaisante".

After this principle declaration with its distinction between upbringing and education Lepeletier declares himself to be content with the point of view of the EC as regards secondary schools, institutes and lyceums, but completely unsatisfied with the primary schools.

Up to the age of six the children are allowed to grow up in their homes. Besides the number of primary schools is too small. Hence the towns will be favoured as well as the more wealthy of the parents, since they do not need the work of their children. The physical and moral development has not been given proper attention. A national republican influence of all must be safeguarded. Thus Lepeletier demands a law which prescribes that "depuis l'âge de cinq ans jusqu’à deuze pour les garçons, et jusqu’à onze pour les filles, tous les enfants sans distinction et sans exception seront élèves en commun, aux dépens de la République, et que tous, sous la sainte loi de l’égalité, recevront mêmes vêtements, mêmes nourriture, mêmes instruction, mêmes soins" (ib. p. 37—38). During their first five years the children certainly are under the protection of their mothers, but one ought to see to it, by means of the laws, that this protection is the best imaginable. It could be said that the native country receives from the hand of nature those who are five years of age and delivers them after seven years to society. In the course of this time all children receive the necessary physical and moral influence. After that the education follows which the endowments of each demand. After Spartan pattern "maisons d'institution" are to be established in sufficient number, and the parents will be obliged to send their children to these during the seven years. In the meantime, however, the use of these "maisons d'institutions" must be optional. The older pupils are to help the teachers in their work with the younger pupils. The stay at these institutes is to be severely regulated. Besides the physical and moral development the aim of which must be supported, education will of course be given in the elementary knowledge which every future citizen needs, whichever profession he chooses. The costs of these institutes are to be paid by taxes proportionally levied. Lepeletier once again emphasizes the end of his proposal: "Là, traités tous également, nourris également, vêtus également, enseignés également, l'égalité sera pour les jeunes élèves non une spécieuse théorie, mais une pratique continuellement effective" (ib. p. 52). In spite of the fact that Lepeletier does not disregard the importance of having the special qualifications of all taken care of, it is first and foremost a firm foundation of the sentiment of equality that he wishes to bring about.

What made Lepeletier's draft more important than other proposals in the same direction, among others from the Girondins, was the fact
that Robespierre supported it. His presentation of it to the National Convention took place on the day when Marat was murdered by Charlotte Corday. Felix Lepeletier read the draft to the Jacobins some days later, and they also had it printed (ib. p. 63 ff.). But although the enthusiasm of the Montagnards seems to have been considerable, it proved more difficult than expected to obtain unity. On reading the writings which were printed in July the differences are apparent. Léonard Bourdon on the whole accepts Lepeletier's proposal with its arguments for a common upbringing. But he does not wish to make the "maisons d'institution" compulsory for the children whose parents want to make use of the ordinary primary schools which are to exist side by side of them (see especially p. 116). Nevertheless he gives them the significant name "maison d'égalité" (ib. p. 121). Above the primary level follow, according to Bourdon, both ordinary lyceums for the continued education of the skilled pupils, and a central lyceum at Versailles as a highest educational institute for the whole country (ib. p. 123 ff.). Thus Bourdon accepted, in a special version, a division of the same kind as that of Condorcet. But this was not the case with Charles Delacroix and Nicolas Hentz of the same party. It is true that Delacroix (ib. p. 93 ff.) wishes to establish "maisons d'éducation" for the boys, but only orphaned and destitute pupils would be educated there, while parents who had means to pay would have the right to use them only if they so wished. However, to the "maisons d'éducation" would be attached an amphitheatre where both children from the ordinary schools and adults should meet in a patriotic and republican spirit to common recreations, discussions and various kinds of education. As to the institutes they are characterized as "une luxe qu'un grand peuple peut se permettre". Hentz does not go as far as that. He also proposes one single school common for all (ib. p. 104 ff.), and he does not wish to have any academies or universities, but mentions certain military schools. Besides he believes that the talents always gain access to the studies in sciences and arts which each of them needs. And it shall be free for all to establish, under the supervision of the communes, the schools which shall be common for all children. Thus both Delacroix and Hentz seem to disapprove of a division according to Condorcet's system, and they seem to have wished to place the whole process of influence in the midst of society, i.e. they did not want to carry out the isolation which Lepeletier's proposal meant for a long period of the child's life.

With this some important oppositions among the Jacobins themselves had been displayed. The division into several levels, according to Condorcet, and the taking away of the children from their parents were disputed points of view. On July 29 Robespierre, who some days before had been elected member of the committee of public safety, and thus had left the committee of six, presented a somewhat modified draft of a law according to Lepeletier's proposal. The only great change was that the secondary schools are named institutes, and the institutes lyceums, while Condorcet's alternative to lyceums had been removed. Hence two levels above the primary period would be sufficient (ib. p. 161).

Nicolas Raffron (at this time still extremely "republican-minded") immediately objected to Robespierre's proposal for a regulation, and pointed out that the entire plan was too artificial and systematic, and that the parents would hardly wish to leave their children. Besides one ought to remember that love of the native country grows from the relation between children and parents, and not the reverse. Raffron seems to aspire to having the whole people become the important element of influence: "Rendez le peuple heureux, et vous aurez bien avancé son éducation". Raffron would appear to be an opponent of a too regulated educational system (ib. pp. 170—71). Thus he was a representative of the ideas found already in Delacroix and Hentz.

On July 30 Robespierre's proposal was seriously discussed. Now the bishop Henri Grégoire, allied to the "middle", had strong objections. He did not deny the need of "une éducation commune", but he said that the dissimilarities between Sparta and a large country like France with its economic life must not be overlooked. The educational institutions would be too expensive, the children are needed in their homes, and besides the natural emotional bond between children and parents is dissolved on which rests the future moral development. The measure planned for the primary schools and other social contacts would seem to be sufficient for the creating of the patriotic equality which is desired. Education at institutes is simply against nature (ib. p. 173 ff.).

But also the Montagnards raised opposition. A.-F. Fourcroy who had succeeded Marat in the National Convention emphasized the ener-
ous economic consequences of Lepeletier’s project, and he thought that the common education which must be brought about could be warranted only by means of a legislation which, according to Rousseau’s principles, forms the influence in the homes, and by means of daily visits to common schools which are to be organized (ib. p. 188 ff.). On the other hand Lequinio stressed the danger of education in the homes which just might result in a more or less concealed self-conceit; instead one ought to try to overcome the difficulties which Lepeletier’s plan undoubtedly would bring with it (ib. p. 185 ff.). Léonard Bourdon repeated his previously presented reasons in favour of a system with “maisons d’égalité”, and he makes a rough calculation of the costs which would be less in this case than if just primary schools were established. But he still thinks that those who so wish may educate their children in the homes, and society might even support those parents, which many of them then would need (ib. p. 178 ff.).

Thus the discussion had dealt with the economic question, and it had also further pointed out the fundamental problem of education in the homes contra education at institutes. At the meeting of the National Convention on Aug. 1 A. C. Thibaudeau, belonging to the Montagnards, directed a crushing criticism against Lepeletier’s proposal. Education in the homes is to be preferred considering the emotional relation and the influence of manners which only might take place there. J. P. Piette supported this criticism and called education at institutes a revolt against nature (ib. p. 199 ff.). After that Bourdon presented, on behalf of the committee of six, a report which meant a marked retreat. The entrance age for “maisons d’égalité” should be changed to the age of 7 and the stay should be extended to the age of 14. Only those who wished to use these public institutes should do so. The others should put their children in primary schools that ought to be established in a sufficient number. However, in such cases the education in the homes should be looked after, and if it was not formed according to the ideas of freedom and equality the children should be sent to the “maisons d’éducation” (ib. p. 206 ff.). Thus the voluntariness was only extended to these latter. As for the rest one had not dropped the idea of a compulsory national education for all with the help of suitable supervision of the homes and a net of primary schools for all children of a certain age.

During the discussion in the National Convention the following days there were contributions both for and against Lepeletier’s main ideas. Grégoire and Bourdon repeated their points of view. Lepeletier’s brother still defended the proposal that all should be compelled to be instructed at the common institutes, and Raffron quoted Rousseau in defence of education in the homes, but he now expressly stated that there are to be primary schools of education in every commune (ib. p. 231 ff.).

On Aug. 13, however, a more violent and general debate flamed up with Danton and Robespierre as participants. The Montagnards had, perhaps surprisingly, been forced to realize the discord within the party as to the question of national education. This was now still more apparent. Robespierre seems to have wished to accept Lepeletier’s plan as the best of the drafts till then presented, and first after that it would be decided if the educational institutes should be voluntary or compulsory. Danton cherished the thought of voluntary educational institutes. Four members of the Montagnards were opposed to Lepeletier and in favour of education in the homes, while three of the members adhered to Danton’s point of view. Romme accounted for the necessity of establishing a national system — according to which the schools would be responsible for both education and upbringing — thus he repeats his point of view of Dec. 1792. When put to the vote Danton’s proposal was approved of, and it was decided to establish at public expense “des maisons communes d’éducation”, but these should be voluntary, and there were also to be “des classes particulières” for the children who live in their own homes (ib. pp. XXV and 273 ff.; cf. also Hippeau 2, p. 73 ff.).

In future the committee of six devoted its time to the question of a plan which would include the whole of the national system of education, not only the primary level. Lepeletier had accepted Condorcet’s three higher levels, and Robespierre had with certain smaller alterations adhered to it. However, the commission appears to have been divided into two camps. One of them wished to carry out Condorcet’s system (Bourdon, Lakanal and Grégoire), while the other one obviously was in opposition to such a plan (P. J. Rühl, J. M. Coupé and an unknown successor of Robespierre). In the middle of September the first group got a welcome support in the form of a petition from the Paris department which demanded reduction of certain
colleges in Paris, and instead an establishing of a system divided into three, according to Condorcet's plan. On Sept. 15 the National Convention decided to make the Paris proposal, which was motivated by the differences of talents which is the work of nature itself, valid for the whole country (ib. pp. 397–420).

But already on the following day the opposition awoke which till then had been represented in the National Convention by Coupé. He and other speakers turned against the creation of "une nouvelle aristocratie". François Chabot was most drastic in his speech pointing out that it is not "des académiciens" who create the republican spirit. Who needs representatives of law, medicine, and philosophy? It is the sans-culottes who ought to be remembered, and everything that does not contribute to the establishment of an "institution commune" is merely waste of time. At last it was agreed upon that the decision from the day before should be dissolved and the question adjourned for three days (ib. p. 421 ff.). On the same day Coupé proposed that the committee of six should be enlarged with three members. So it was, and the election turned out in such a way that the adherents of Condorcet's system were in majority. Romme among others was elected (ib. p. 425 and XXXII).

The draft which was now worked out by the commission of nine was presented by Romme to the National Convention on Oct. 1. A system divided into three was proposed. The primary schools take care of the children from the age of six. Above these there are secondary schools which are fewer in number than the primary schools. After that "écoles de l'adolescence" follow. These are even less in number. The primary schools are intended for both sexes. The aim of the whole system is "modifié et gradué selon l'âge et la capacité des élèves". "Les écoles de l'adolescence" correspond to the institutes of Condorcet's original proposal. Apart from these three kinds of schools there are to be special educational institutes for the various parts of military organization, for medicine and for the humanistic sciences. This is a correspondance to the lycées of the previous project (ib. p. 535 ff.). The National Convention decided that the project should be printed, but the debate was adjourned after a contribution of some length from Michel-Edme Petit of the Girondins, which caused apparent gaiety.

In spite of the reception Petit's ideas are very interesting for they attach themselves to the tendency to be found in many other contexts. He appears as an opponent of both Lepeletier's "maisons d'éducation" and an educational system according to Romme's report. He says for instance that "la plus péricnieuse à des républicains c'est l'aristocratie de la science et des arts" (ib. p. 542). He makes himself a spokesman of a religion founded on morals. For God has given to man "la raison et sa conscience" and inscribed in the hearts of all men the commandment to do to others as one would be done by (ib. p. 545). God has made all men equal and has laid in them the foundation of the sentiment of freedom and equality. The voice of the people is the voice of God, and thus it is in the laws that the highest being speaks (ib. p. 546). But it is only in the homes that all these conditions might be developed in a proper way, and thus the parents are to take care of upbringing and education. What about all the schools, boarding-schools and lycées? Petit does not wish to deny the importance of sciences and arts, but neither does he want to take the risks of a system as the one proposed. Upbringing is much more important than instruction, and his program is to leave "à la nature à créer le génie" (ib. p. 553). The homes should give both upbringing in a true republican spirit and impart the necessary knowledge. Only for parents who are not capable of this there are to be schools. In this way the children will be skilled in a profession at the age of 15. For those who are especially interested in sciences and arts "une maison commune d'instruction" will be established. But already after a year the pupils are to be sent to practical training at hospitals and military institutes &c. In each department "des communes des arts et des sciences" should be set up as a centre of the developing of all human knowledge. Finally "un lycée républicain" should exist in Paris for the same purpose. In an addition which was not read to the National Convention Petit emphasizes that the most important educational function is exerted by society as such through the public word, national ceremonies, and above all within the National Convention itself (ib. pp. 553–564). Thus Petit is a representative of a point of view according to which the necessary educational influence is placed in the midst of a society permeated by the ideas of democracy and republic. Isolation at boarding-schools is completely unfamiliar to him.
From the purgings at the beginning of October 1793 to Robespierre's fall in July 1794
Romme's proposal was not immediately discussed in the National Convention. After an unsuccessful attack at the end of September against the committee of public safety, the National Convention decided on Oct. 3 to have a large number of Girondins arrested. Some days after the EC and the committee of nine were put together, and according to a list of names from the committee of public safety the new EC had such a composition that the Montagnards completely dominated the committee (ib. pp. 596 ff. and XXXVI).
Romme was appointed rapporteur of the new committee to the National Convention. On Oct. 20 he re-read the proposal which he had presented on Oct. 1. The discussion was begun by Raffron who — apart from certain "mystical ideas" — professed himself an adherent of Petit's point of view. This meant that he wished to have education and upbringing in the homes. He dissociated himself from Lepeletier's "maisons d'éducation", and thought that it would be enough to use the schools that already existed. Many other speakers also rejected Lepeletier's plan, and it was demanded that attention should be paid to the primary schools in the first place. The discussion resulted in a dissolving of the decision from Aug. 13 to establish special institutes according to Lepeletier's proposal. Then Romme presented certain paragraphs concerning the founding of primary schools, and these were accepted and confirmed anew on Oct. 22 (ib. p. 673 ff.).
The two following weeks Romme presented further proposals for legislation of the primary schools, and these were sanctioned (ib. pp. 688 ff. and 718 ff.). But again the opposition to a too formalistic educational system awoke. On Nov. 4 Coupé proposed that the bill read by Romme in its final shape should be delivered to a revision by a special committee of six. This was approved of and among its members were Danton and Robespierre. However, the committee never carried out its mission which gave the EC a chance to go on with a revision of the already accepted decree. The result of the revision would be printed according to the decision of the Convention on Nov. 17 and be delivered to its members (ib. pp. 743 ff., 833 ff. and XLVII ff.).

Hence it looked as if Condorcet's original plan would be realized as to the primary schools. The proposal (ib. p. 849 ff.) meant that primary schools for both sexes from the age of 6 should be founded everywhere. The schools should be free of cost, but there are nowhere prescriptions as to their being compulsory. The teachers who are paid by the nation are chosen by a special committee within the commune. The parents will be given directions by means of a special instruction how they are to bring up their children before they are sent to school. One of the fathers supervises, on behalf of all, the intellectual, moral and physical development which the pupils must undergo in order to be enlightened and virtuous republicans. "Maisons d'éducation" are mentioned in many contexts, but it is not stated how and by whom they will be used. Anyhow in this way a foundation might be said to have been laid for a national system of the kind that Condorcet and his followers had designed.

But the wind was to shift once again. On Dec. 1 the littérateur and poet Gabriel Bouquier presented to his amazed comrades of the EC a draft for the entire national system of education. After having examined this it was decided that it should be printed and presented to the National Convention together with Romme's revised plan (PV III, p. 52 ff.). This implies that Bouquier had many adherents within the EC. His project intended to wipe away all thoughts of academies, societies, and an educational hierarchy (ib. p. 56 ff.). The people should be inspired by industriousness and by other duties, and the youth must be brought up to this. However, all real republican influence is founded on participation in various public meetings which are part of the life of democracy. It is also by means of the professional training in the homes that the necessary skill for the social contributions is achieved. It is true that Bouquier thinks that all who wish to teach will be given permission to do so, if they have proved themselves to possess the right cast of mind, and are known as having good manners, but their activity should be supervised so that it is not incompatible with a true republican spirit. Primary schools ought to exist where the parents who so wish can let their children learn to read, write and do arithmetic, and the teachers ought to be paid by the republic. But the enrolment of the children who attend these schools must be controlled, and the teachers by whom they are instructed. In these schools one must not begin before the age of six. After
its termination — no time-limit is set — the children should either begin to earn their living, or devote themselves to a purposeful continued education. If this is not achieved before the age of 20, the right to citizenship is lost. Continued education can be obtained at public meetings and festivals which must be arranged — they are the proper "second degré d'instruction publique". Special instruction might be received from teachers paid by the state at hospitals, military institutes, observatories &c., at which a certain education might be available. Bouquier follows the lines of thought which had recently been presented by Petit from the Girondins and Raffron from the Jacobins. However, he seems to more strongly emphasize the idea of a fixed supervision of the growing generation in order that they may develop according to republican values and standards.

On Dec. 8 Romme read to the National Convention the final proposal of the EC, and Bouquier presented his special draft for a general plan for the entire national system of education. The debate was postponed to the following day (ib. p. 92 ff). Then the deliberations were begun and Fourcroy presented, according to a decision of the EC on Nov. 17 (ib. p. 35), a report of the organization of the higher educational system. After that Thibaudeau and Petit spoke in favour of Bouquier's plan (ib. p. 95 ff.). There are reasons for considering these three contributions.

Fourcroy's report (ib. p. 97 ff.) is a sharp protest against the entire line of thought which, since Condorcet's draft, had aimed at founding a series of higher educational institutions above the primary schools. Such a regulated system would result in the rise of a new learned aristocracy and a new spiritual clergy. "Laisser faire" is the only proper principle as to the development of the sciences and arts of which the republic to a great extent is dependent, and for which the most suitable should be found. But in this respect shall be left "au gêne toute la latitude de pouvoir et de liberté qu'il réclame" (ib. p. 100). Means ought to be procured "aux sans-culottes instruits" to give them a possibility of imparting knowledge at special laboratories, institutes of natural history, &c., and talented persons ought to be given financial help to make use of this education. The former special institutes for medical, military and other education will have to exist until the new system is fully developed. Fourcroy takes it for granted that he who wishes to become a teacher receives "un certificat de civism", and that the activity is constantly supervised, so that it really will be in accordance with the manners and the morals which must be warranted. It might be said that Fourcroy proposes a system with the same freedom as that which some years before had been advocated by Mirabeau, but that it now was a question of freedom under constant control of the republican spirit in the activity of the schools.

Thibaudeau for his part rejected all the earlier plans from Talleyrand to Lepeletier, and saw in Romme's report on behalf of the EC just a variation of Condorcet's proposal (ib. p. 105 ff.). He repeats his conception derived from Rousseau from the debate on Lepeletier's draft. It is more a question of allowing nature to develop freely than of interfering. But it is more important to form men to citizens than to scholars. It is in the first place the responsibility of the parents "de donner la première instruction", but for the rest full freedom must exist in a spirit of worthy emulation so that he who has the right gifts becomes a teacher and receives his salary from the republic. Destitute talents should be given financial support for their education. On the whole one should try to avoid "d'étouffer l'effort du génie par des règlements, ou d'en ralentir les progrès" (ib. p. 109). On the contrary one ought to support "on grand concours aux talents". But on the other hand "une surveillance raisonnable" is demanded, Thibaudeau says in his memoirs, and he describes his program with the words: "Faites naître dans les parents, par vos institutions et vos lois, un intérêt puissant à élever leurs enfants dans l'amour de la République. Violâ tout le secret, il n'y en a point d'autre" (ib. p. 111). Thus Thibaudeau's program of liberty requires a republican spirit in the entire society and a safe control that this is really achieved.

Petit for his part pointed out that Bouquier's plan had affinity with the lines of thought which he had himself previously presented (ib. p. 112 ff.). He dissociates himself from Romme's proposal — this did not stress education in the homes in the way he desired — but he also criticized Bouquier's report, since it did not attach as much weight to the importance of the homes as his, and since the possibility for anyone to become a teacher, which Bouquier had proposed, must result in an impossibility of warranting the similar influence that creates "la volonté générale". He means that his proposal makes this...
possible in that the parents principally provide for the development of the children to the age of 15, and that besides the primary schools are used which exist in various places, or new ones founded where they are lacking. Control should be exerted from the part of the commune and the parents of the appointment and instruction of the teachers. The difference between Petit’s proposal and that of Bouquier is not very considerable as judged from this. In both cases the importance of the homes is stressed, and along with this a possibility must be created for a certain school education, in doing which one might use any places that proved suitable, e.g. the homes, while Petit intended to use the already existing schools and possibly to found new ones if necessary. Both of them advocate a certain control from the part of society in various forms, so that the republican spirit or the general will might permeate the growing generation.

After these strong expressions of opinion in favour of Bouquier Romme, as a matter of fact, had lost. On Dec. 11 he tried to answer the criticism of his proposal which, however, had been presented in the name of the EC, but the National Convention decided to prefer Bouquier’s plan. On the same day Bouquier presented his report to the Jacobin club which expressed its approval and decided to have it printed (ib. p. 146 ff.). On Dec. 12 the National Convention began to discuss the various paragraphs of Bouquier’s bill and a stormy debate arose in the course of which Thibaudeau opposed to a presented proposal which meant that the primary schools would not be voluntary but compulsory while Danton, on the other hand, had an opposing point of view. He said that it would be dangerous to leave education to the parents. All children belong to the republic, and consequently one must see to it that they are really taken care of in a correct way, and this means that "c'est dans les ecoles nationales que l'enfant doit sucer le lais republicain". The National Convention eagerly supported this conception and changed the paragraph in question in accordance with this (ib. p. 150 ff.). After having discussed the entire bill and done smaller alterations on some other points, the final text was confirmed on Dec. 19, 1793 (ib. p. 191 ff.). This law deserves to be rendered in extenso (see fig. 10), since it won legal force and was valid to the fall of the Terror, and during this short period was realized here and there by means of actual reforms according to its prescriptions.
SECTION II.
DE LA SURVEILLANCE DE L’ENSEIGNEMENT.

Art. 1. — Les instituteurs et institutrices sont sous la surveillance immédiate de la municipalité ou section des pères, mères, tuteurs ou curateurs, et sous la surveillance de tous les citoyens.

Art. 2. — Tout instituteur ou institutrice qui enseignerait dans son école des préceptes en contraires aux lois ou à la morale républicaine, serait dénoncé par la surveillance et puni selon la gravité du délit.

Art. 3. — Tout instituteur ou institutrice qui outrage les mœurs publiques est dénoncé par la surveillance et traité devant la police correctionnelle ou tout autre tribunal compétent, pour y être jugé suivant la loi.

SECTION III.
DU PREMIER DEGRÉ D’INSTRUCTION.

Art. 1. — La Convention nationale charge son comité d’instruction de lui présenter les livres élémentaires des connaissances absolument nécessaires pour former les citoyens, et déclare que les premiers de ces livres sont les Droits de l’homme, la Constitution, le tableau des actions héroïques ou vertueuses.

Art. 2. — Les citoyens ou citoyennes qui se hauront à enseigner à lire, à écrire et les premières règles de l’arithmétique, seront tenus de se conformer dans leur enseignement aux livres élémentaires adoptés et publiés à cet effet par la représentation nationale.

Art. 3. — Ils seront salariés par la République, à raison du nombre des élèves qui fréquentent leurs écoles et conformément au tarif compris dans l’article suivant.

Art. 4. — Les instituteurs et institutrices qui auront des écoles dans les communes de la République, quel que soit leur population, recevront annuellement pour chaque enfant ou élève, savoir :

L’instituteur, 20 livres ;
L’institutrice, 15 livres.

Les communes éloignées de plus d’une demi-ligne du domicile de l’instituteur le plus voisin, et dans lesquelles, par défaut de population, il ne s’en établirait pas, pourront, d’après l’aviso des directeurs de district, en choisir un. La République lui accordera un traitement annuel de 500 livres.

Art. 5. — Il sera ouvert dans chaque municipalité ou section un registre pour l’inscription des noms des instituteurs et institutrices du premier degré d’instruction, et des enfants ou pupilles qui leur seront confiés par les pères, mères, tuteurs ou curateurs.

Art. 6. — Les pères, mères, tutelle ou curateurs seront tenus d’envoyer leurs enfants ou pupilles aux écoles du premier degré d’instruction, en observant ce qui suit :

Art. 7. — Ils déclareront à leur municipalité ou section :

1° Les noms et prénoms des enfants ou pupilles qu’ils sont tenus d’envoyer auxdites écoles ;
2° Les noms et prénoms des instituteurs ou institutrices dont ils font choix.

Art. 8. — Les enfants ne seront point admis dans les écoles avant l’âge de six ans accomplis ; ils y seront envoyés avant celui de huit.

Les pères, mères, tuteurs ou curateurs ne pourront les retirer desdites écoles que lorsqu’ils les auront fréquentées au moins pendant trois années consécutives.

Art. 9. — Les pères, mères, tuteurs ou curateurs, qui ne se conformeront pas aux dispositions des articles 5, 7 et 8 de la présente section, seront dénoncés au tribunal de la police correctionnelle, et, si les motifs qui les auraient empêchés de se conformer à la loi ne sont pas reconnus valables, ils seront condamnés pour la première fois à une amende égale au quart de leurs contributions.

En cas de récidive, l’amende sera double, et les infracteurs seront regardés comme ennemis de l’égalité, et privés pen-
dant dix ans de l'exercice des droits de citoyen. Dans ce der-
nier cas, le jugement sera affiché.

Art. 10. — Les instituteurs et institutrices du premier degré d'instruction tiendront registre des noms et prénoms des enfants, du jour, du mois où ils auront été admis dans les écoles; ils ne pourront, sous aucun prétexte, prendre au-
cun de leurs élèves en pension, donner aucune leçon parti-
culièrre ni recevoir des citoyens aucune espece de gratification, sous peine d'être destitués.

Art. 11. — Ils seront payés par trimestre, et, à cet effet, ils seront tenus de procurer à la municipalité ou à la section, un relevé de leurs registres fait mois par mois, portant les noms et prénoms des enfants qui auront assisté à leurs leçons pendant chaque mois. Ce relevé sera confronté avec le registre de la municipalité ou section. La confrontation faite, il leur sera délivré un mandat.

Art. 12. — Ce mandat contiendra le nombre des enfants qui, pendant chaque mois, auront suivi l'école de l'instituteur ou de l'institutrice et la somme qui leur sera due. Il sera signé du maire et de deux officiers municipaux, ou de deux membres du conseil de la commune, ou par le président de la section et deux membres du conseil de ladite section et par le secrétaire.

Art. 13. — Les mandats seront visés par les directeurs et payés à vue par les receveurs des districts.

Art. 14. — Les jeunes gens qui, au sortir de l'école d'in-
struction du premier degré, ne s'occuperont pas du travail de
la terre, seront tenus d'apprendre une science, art ou métier utile à la société.

Art. 15. — Ceux desdits jeunes gens qui, à l'âge de vingt ans accomplis, ne se seraient pas conformés aux dispositions de l'article ci-dessus, seront privés, pendant dix ans, de l'exercice des droits de citoyen.

Les pères, mères, tuteurs ou curateurs qui auraient con-
couru à l'infraction de la présente loi, subiront la même peine.

Elle sera prononcée par la police correctionnelle, sur la dé-
nonciation qui lui en sera faite, dans le cas où l'inexécution ne serait pas fondée sur des motifs valables.

Décret relatif à l'établissement des instituteurs de langue française dans plusieurs départements.

8 pluviôse an 11 (27 janvier 1794).

La Convention nationale, après avoir entendu le rapport
du comité de salut public,

Décrète :


Art. 2. — Il sera procédé à la même nomination d'un instituteur de langue française dans les communes des cam-
pagnes des départements du Haut et Bas-Rhin, dans le dé-
partement de Corse, dans la partie du département de la Moselle, du département du Nord, du Mont-Terrible, des
Alpes-Maritimes, et des Basses-Pyrénées dont les habitants parlent des idiomes étrangers.

Art. 3. — Il ne pourra être choisi aucun instituteur
parmi les ministres d'un culte quelconque, ni parmi ceux qui auront appartenu à des castes ci-devant privilégiées; ils seront nommés par les représentants du peuple, sur l-indica-
tion faite par les sociétés populaires.

Art. 4. — Ils seront tenus d'enseigner tous les jours la
langue française et la déclaration les Droits de l'homme à tous
From the text of the law it is evident that all citizens should have freedom to teach according to their expressed declarations but after having shown "un certificat de civism et de bonnes mœurs". Their activity, however, should be publicly supervised, and if anyone disobeyed the laws and "la morale républicaine" he should be called to account for it. The parents were obliged to put their children in schools when they had reached the age of 6 to 8, and education should last for three years. The parents who neglect this might be punished for omission. The teachers are paid by the republic according to a special tariff in proportion to the number of pupils. At the age of 15 the children are to pass over to "travail de la terre", or devote themselves to "une science, art ou métier utile à la société". At the age of 20 this mission must have been fulfilled; otherwise one might lose one's citizenship and the parents or other responsible persons might be punished. The general freedom of education, the primary role of the homes for the development of the children, and all the rest of the education consequently are exposed to a considerable control on the peril of serious reprisals. Besides compulsory education had been carried out. One ought to agree with a speaker of the Jacobins who said that "l'égalité est la base de la constitution et de l'instruction" (ib. p. 154). The free republic seemed to be anxious to have equality imbibed with the mother's milk in society, and by means of its various possibilities of supervision in such a way that it could not be risked. Freedom was a freedom under the cold star of threat. At the same time it is obvious that one had not given up the thought of the necessity of making use of the natural differences. Helvétius is seldom mentioned, and it was certainly never the intention to form men by means of environmental measures in any other respect than that of upbringing. As to the aspect of achievements one must trust in those who had the best qualifications in cases where these would seem to be necessary.

Brief review

If we look back on the development from the time of the Constituent National Assembly the lines in the course of events could be discernible. Talleyrand's report had been an attempt to bring about a regulated national system of education in a society to which freedom and equality were two equivalent principles which must be poised and which were compatible with each other. On both sides of Talleyrand could be found in Mirabeau a still stronger emphasis on the idea of freedom, while Audrein enforces an equality warranted by means of a similar education. Within the Legislative Assembly Condorcet pursues Talleyrand's thoughts which within the National Convention had a shaded continuation in Lathenas, Sieyès—Lakanal—Daunou and Romme. In relation to these attempts to organize a national system of education a feeling of the risks to find oneself in a new form of aristocracy grows from various quarters, and from these starting-points the importance of an upbringing in a republican spirit was strongly emphasized. However, two solutions to the problem were opposed to each other. By establishing public educational institutes for all children of a certain age and to the age of puberty some wished to see to it that the freedom would not again be forced into the constraint of an educational hierarchy, but each child should instead be resolutely influenced in a republican spirit in these "maisons d'égalité". Some wished to realize the same ends in using the family as the most important authority as regards both upbringing and instruction, but with the support of first voluntary, later compulsory primary schools and with a direct control of the influence to which the children were exposed in families and schools. This last solution gained ground and was confirmed in the law of Dec. 19, 1793 which was founded on Bouquier's proposal. The freedom would be warranted, so to speak, by means of a "republican supervision" in the homes and at the compulsory schools. Equality had precedence over freedom. But this never meant that the individual differences of talents were denied; nor was it desirable to refrain from using the possibilities of the citizens to the benefit of society according to the directions of nature itself.

It would seem unnecessary to follow in detail the endeavours of this victorious solution to strengthen its positions under the age of the Terror, in trying to procure suitable textbooks, to organize a system of national festivals, and to create a new national cult devoted to "the highest being", &c. (see e.g. Barnard p. 129 ff.). From the moment of the end of the Terror in July 1794, a new era had begun, a period of sobriety the most important contributions of which will be treated of now.
From the end of July 1794 to October 1795

After the fall of Robespierre a fresh recruiting of the EC took place. We will not account for it in detail but some simple observations might explain the state of things. Adherents of "the supervised freedom" like Bourdon and Thibaudet still belonged to the committee, but at the same time we find names like Petit, Lakanal, Grégoire, Delyre, and Daunou (PV V. P. I ff.). Lakanal now becomes a leading figure. In the beginning he declared that it was not his intention to turn upside down what had been decided by his predecessors (ib. pp. 28—29), but he soon changed his mind and forsook the intention of just presenting certain "articles additionels" to the law of Dec. 19, 1793. Instead he was resolved to carry out "un plan absolu­ment nouveau" (ib. pp. 126—27). This would seem to have meant that Lakanal both wished to adhere to the proposal of June 1793 by Siéyès and Daunou, presented by himself, and also wished to discuss his own points of view not previously published (ib. p. 653 ff.). He was in contact with Siéyès again, and after that he drew up a plan for the primary schools (ib. p. XV ff., 133 and 140). A draft of a bill was approved of by the EC on Oct. 19, 1794 (ib. p. 141). On Oct. 26 Lakanal read a report to the National Convention consisting of both an argumentative introduction and this bill (ib. pp. 143 ff. and 176 ff.). After discussion in the National Convention on Nov. 14 and 15 the new law of the primary schools was confirmed (ib. p. 224 ff.).

Lakanal’s fundamental ideas are of considerable interest. He points out that the social order rests on the laws, the laws on the manners, and the manners on upbringing and instruction. Thus enlightenment is necessary, for only an enlightened people can be free and can break its bonds (ib. p. 178). However, the schools ought to be supervised by virtuous and enlightened people and consequently "un jury d'instruction" is to be founded in every district. The school must occupy itself with the "entire man", and must attend to not only a certain intellectual but also a moral and physical training; besides "les talents industriels et manuels" must not be neglected. The Montagnards tried to make certain objections, but their meeting-place was "les écoles particulières"—above all "des ecoles particulieres"—which the Jacobins feared would bring about not a common education but a kind of second-rate institutes for "les enfants des sans-culottes" (ib. pp. XXI ff., 234 and 244 ff.). Hence the aim of the struggle is to be understood from the following (p. 244):

"Le préposant a tant à cœur le système d'égalité qu'il veut établir à quelque prix que ce soit, qu'il ne peut pas supporter qu'un citoyen ait plus de mérite qu'un autre; qu'il ne peut pas supporter que, dans un examen public, des citoyens manifestent des dispositions plus heureuses que l'autre".

It is obviously the freedom to assert oneself according to talents which is emphasized by the dominating group of power against an egalitarianism which might even prevent the talents from appearing to advantage.

The differences between the law of Dec. 19, 1793 (fig. 10) and that of Nov. 17, 1794 (fig. 11) might seem of slight significance at a superficial study. But nevertheless the differences were obviously important to contemporary times. Also in 1794 there is a certain supervision of education and teachers (chap. II—III), but it is not of the same rigour as that of 1793 (section I—II). In 1793 there exists a compulsory education for all children, but in 1794 the door is open for the establishing of private schools at which the pupils, however, must be subjected to a control of their progress (chap. IV, article 14—15). But the teachers do not have to show a "certificat de civism". There are to be separate departments for boys and girls. In 1793 the education had been confined to reading, writing and arithmetic (section III, article 2), while in 1794 it comprises some elementary knowledge of history, geography and natural sciences; besides studies in the native tongue are emphasized, and bodily and military exercises, visits to hospitals, workshops &c. and personal handiwork (chap. IV). This is of course due to the fact that in 1793 this kind of work was expected to be acquired under the supervision of the parents and by means of the professional training of the pupils. Another difference is that in 1793 nothing is said about the local circumstances of the schools (anyone might teach wherever he wished in observance of the intended supervision), while in 1794...
Les élèves formés à cette école républicaine rentreront, à la fin de cours, dans leurs districts respectifs; ils ouvriront, dans les chef-lieux de canton désignés par l'administration de district, une école normale, dont l'objet sera de transmettre aux citoyens et aux citoyennes qui voudront se vouer à l'instruction publique, la méthode d'enseignement qu'elles auront acquise dans l'Ecole normale de Paris.

ART. 12. — Ces nouveaux cours seront au moins de quatre mois.

ART. 13. — Les écoles normales des départements seront sous la surveillance des autorités constituées.

ART. 14. — Le Comité d'instruction publique est chargé de rédiger le plan de ces écoles nationales, et de déterminer le mode d'enseignement qui devra y être suivi.

ART. 15. — Chaque dix ans, le Comité d'instruction publique rendra compte à la Convention de l'état de l'Ecole normale de Paris, et des écoles normales secondes qui seront établies en exécution du présent décret, sur toute la surface de la République.

DÉCRET RELATIF À LA CONSTITUTION DES ÉCOLES PRIMAIIRES.

27 brumaire an III (17 novembre 1794).

La Convention nationale, après avoir entendu le rapport de son Comité d'instruction publique,

DÉCRÈTE :

CHAPITRE Ier.

INSTITUTION DES ÉCOLES PRIMAIIRES.

ART. 1. — Les écoles primaires ont pour objet de donner aux enfants de l'un et de l'autre sexe l'instruction nécessaire à des hommes libres.

ART. 2. — Les écoles primaires seront distribuées sur le territoire de la République en raison de la population; en conséquence, il sera établi une école primaire par mille habitants.

ART. 3. — Dans les lieux où la population est trop dispersée, il pourra être établi une seconde école primaire, sur la demande motivée de l'administration du district, et d'après un décret de l'Assemblée nationale.

ART. 4. — Dans les lieux où la population est pressée, une seconde école ne pourra être établie que lorsque la population s'élèvera à deux mille individus, la troisième à trois mille habitants complets, et ainsi de suite.

ART. 5. — Dans toutes les communes de la République, les citoyens présbytères non vendus au profit de la République sont mis à la disposition des municipalités pour servir, tant au logement de l'instituteur, qu'à recevoir les élèves pendant la durée des leçons; en conséquence, tous les locaux existants sont réservés.

ART. 6. — Dans les communes où il n'existe plus de citoyens présbytères à la disposition de la nation, il sera accordé, sur la demande des administrations du district, un local convenable pour la tenue des écoles primaires.

ART. 7. — Chaque école primaire sera divisée en deux sections, l'une pour les garçons, l'autre pour les filles; en conséquence, il y aura un instituteur et une institutrice.

CHAPITRE II.

JURY D'INSTRUCTION.

ART. 1. — Les instituteurs et les institutrices sont nommés par le peuple. Néanmoins, pendant la durée du gouvernement révolutionnaire, ils seront examinés, élus et surveillés par un Jury d'instruction, composé de trois membres désignés par l'administration du district, et pris hors de son sein par les pères de famille.
Art. 2. — Le jury d'instruction sera renouvelé par tiers tous les six mois.
Le commissaire sortant pourra être réelé.

CHAPITRE III.

DES INSTITUTEURS.

Art. 1. — Les nominations des instituteurs et des institutrices élus par le jury d'instruction seront soumises à l'administration du district.

Art. 2. — Si l'administration refuse de confirmer la nomination faite par le jury, le jury pourra faire un autre choix.

Art. 3. — Lorsque le jury persistera dans sa nomination, et l'administration dans son refus, elle désignera pour la place vacante la personne qu'elle croira mériter la préférence ; les deux choix seront envoyés au Comité d'instruction publique, qui prononcera définitivement entre l'administration et le jury.

Art. 4. — Les plaintes contre les instituteurs et les institutrices seront portées directement au jury d'instruction.

Art. 5. — Lorsque la plainte sera en matière grave, et après que l'accusé aura été entendu, si le jury juge qu'il y a lieu à destitution, sa décision sera portée au conseil général de l'administration du district, pour être confirmée.

Art. 6. — Si l'avis du conseil général n'est pas conforme à l'avis du jury, l'affaire sera portée au Comité d'instruction publique, qui prononcera définitivement.

Art. 7. — Les instituteurs et les institutrices des écoles primaires seront tenus d'enseigner à leurs élèves les livres élémentaires composés et publiés par ordre de la Convention nationale.

Art. 8. — Ils ne pourront recevoir chez eux comme pensionnaire, ni donner des leçons particulières à aucun de leurs élèves : l'instituteur se doit tout à tous.
ART. 5. — On les formera, si la localité le commande, à la natation. Cet exercice sera dirigé et surveillé par des citoyens nommés par le jury d'instruction, sur présentation des municipalités respectives.

ART. 6. — Il sera publié des instructions pour déterminer la nature et la distribution des autres exercices gymnastiques propres à donner au corps de la force et de la souplesse, tels que la course, la lutte, etc.

ART. 7. — Les élèves des écoles primaires visiteront plusieurs fois l'année, avec leurs instituteurs, et sous la conduite d'un magistrat du peuple, les hôpitaux les plus voisins.

ART. 8. — Les mêmes jours, ils aideront, dans leurs travaux domestiques et champêtres, les vieillards et les parents des défenseurs de la patrie.

ART. 9. — On les conduira quelques fois dans les manufactures et les ateliers où on prépare des marchandises d'une consommation commune, afin que cette vue leur donne quelque idée des avantages de l'industrie humaine, et éveille en eux le goût des arts utiles.

ART. 10. — Une partie du temps destiné aux élèves sera employée à des ouvrages manuels de différentes espèces utiles et communes.

ART. 11. — Il sera publié une instruction pour faciliter l'exécution des deux articles précédénts, en rendant la fréquentation des ateliers et le travail des mains vraiment utiles aux élèves.

ART. 12. — Des prix d'encouragement seront destinés à tous les ans aux élèves, en présence du peuple, dans la fête de la Jeunesse.

ART. 13. — Le Comité d'instruction publique est chargé de publier sans délai des règlements sur le régime et la discipline interne des écoles primaires.

ART. 14. — Les jeunes citoyens qui n'auront pas fréquenté ces écoles seront examinés en présence du peuple, à la fête de la Jeunesse, et s'il est reconnu qu'ils n'ont pas les connaissances nécessaires à des citoyens français, ils seront écartés, jusqu'à ce qu'ils les aient acquises, de toutes les fonctions publiques.

ART. 15. — La loi ne peut porter aucune atteinte au droit qu'ont les citoyens d'ouvrir des écoles particulières et libres, sous la surveillance des autorités constituées.

ART. 16. — La Convention nationale rapporte toute disposition contraire à la présente loi.

Extrait du décret relatif à l'organisation de l'instruction publique.

3 brumaire an IV (24 octobre 1795).

La Convention nationale, ouï le rapport de son Comité d'instruction publique,

Décrète :

TITRE 1er.

ÉCOLES PRIMAIRES.

ART. 1. — Il sera établi dans chaque canton de la République une ou plusieurs écoles primaires, dont les arrondissements seront déterminés par les administrations de département.

ART. 2. — Il sera établi dans chaque département plusieurs jurys d'instruction; le nombre de ces jurys sera de six au plus, et chacun sera composé de trois membres nommés par l'administration départementale.

ART. 3. — Les instituteurs primaires seront examinés par l'un des jurys d'instruction; et sur la présentation des administrations municipales, ils seront nommés par les administrations de département.
directions are set up for the use of former parsonages. Hence the primary school of 1794 was more regulated but less supervised, at the same time as it was no longer just superficial, but had been given a considerable larger scope. But one had by no means abandoned the idea that all children must acquire "la moralité républicaine".

With this the first step was taken towards a realization of the plan once presented by Condorcet. Already on Nov. 26 a continuation in the form of institutes and lyceums was discussed in the EC (ib. p. 256 ff.). On Dec. 6, however, Lakanal presented a proposal for the central schools mentioned by Bancal already in Dec. 1792 (ib. p. 284). This plan was dealt with more thoroughly in the EC some days later (ib. p. 298 ff.). Lakanal then polemized with the Spartan ideal of the former regime, and pointed out that one must not renounce the blessings which a study of arts and sciences might bring with it. However, he thought that the primary schools did not have to be succeeded by special secondary schools in order to warrant the talented pupils a possibility of a continued education which they needed. The necessary institutes were called central schools since they form a centre of a row of primary schools which send their best pupils to them, if necessary at public expense. At these schools are founded chairs in mathematics and the natural sciences, classical and modern languages, economy and law, hygienics, &c. Two months later, on Feb. 25, 1795, the National Convention decided to found these institutes. Thereby one had obtained an educational system divided into two levels which was looked upon as satisfying the demand for equal possibilities of education for all founded on selection and natural capacity.

However, this system was to be further changed and built out in conjunction with the new constitution on which a special committee of eleven worked during the spring of 1795. The driving force as regards the educational questions of the constitution was Daunou (see e.g. PV VI, p. XIII ff. and 945 ff.). A last purging of the Montagnards had taken place and no very serious differences of opinion seem to have existed. The criticism of the ideas of the discharged regime could be seen from the following statement at the treatment of the National Convention on July 26, 1795 of the part dealing with the educational system of the new constitution (ib. p. 469):

"La raison pour laquelle nous n'avons pas encore eu d'écoles primaires jusqu'à présent, c'est que les Jacobins ont voulu que les instituteurs fussent payé par la République. C'était un moyen de se faire des créatures qui devait en augmenter le nombre de beaucoup, car ils comprenaient bien que les instituteurs inculquaient à leurs élèves les principes jacobins, c'est-à-dire la science de tout dénigrer, de tout bouleverser, de tout détruire".

Later the EC took over the responsibility for a bringing about of a new bill founded on the principles stated in the constitution. In this context we meet a row of well-known names such as Lakanal and Grégoire but also Fourcroy who obviously was not more closely allied to the group of power that had been wiped away than he could play a not too insignificant role and even try to raise an opinion against free education (ib. pp. 504—505 and 511—12). It was Daunou who on Oct. 15 presented the proposal of the EC to the National Convention (ib. p. 786 ff.). On Oct. 19 the National Convention accepted the bill after having discussed it paragraph by paragraph (ib. p. 811), and on Oct. 25 the new law was definitely confirmed (ib. p. 869 ff.). On the same day an addition formed by Lakanal on behalf of the EC was accepted concerning the primary schools which would comprise special departments for the education of the girls (ib. p. 873). The introductory speech which Daunou made on Oct. 15 is among other things a settlement with the Jacobin school policy. Literature, art and science have suffered "sous la tyrannie de Robespierre". Now "les talents" must be supported but "le pouvoir moral" should also be organized (ib. p. 786). The educational system of 1789 had a fixed organization but was full of faults. It did not protect the talents, it was characterized by a lack of equality, and it did not seriously try to form men (ib. pp. 787—88). It could not withstand the strains which were a result of the revolution. Talleyrand's project allowed too much of the old and antiquated to remain unchanged, while Condorcet tried to bring about a new kind of "église académique" (ib. p. 789). Yet it is in the names of Talleyrand and Condorcet that the new proposal will be recommended and not in that of Robespierre, who had tried to put his stamp of stupendous tyranny on the educational system in dragging the children from the arms of their parents and in threatening them with punishment, because they wished to fulfill the sweet duty of nature which is the result of patience. Freedom for education in the homes, freedom to impart education, and freedom as to the methods for it has become the main
The constitution of 1795 was begun with a section of the rights and duties of man and of the citizen (see fig. 12). Now had been carried out the division which once caused stormy discussion within the Constituent National Assembly (see chap. 5). But the very foundation of the idea of freedom and equality is the same as before. Freedom reaches as far as not to be detrimental to anyone else. Equality is warranted by the law as an expression of the general will and originates in the co-operation of all citizens. There is no longer a prescription of the right to obtain education and instruction, since there is a special chapter dealing with this. In this chapter a graduated system is suggested which anyone might use freely both as a pupil and as a teacher, and here is also presupposed the system is suggested which anyone might use freely both as a pupil and here is also presupposed the system of Rights.

The school laws of Oct. 25, 1795 give more detailed prescriptions of the entire system the outlines of which had been stated in the Constitution (see fig. 13). The republic puts locals and dwellings to the disposal of the teachers who are to receive a certain sum of each pupil for the education. The commune, however, might pay the costs for a fourth of the pupils when they are destitute. There are to be separate departments for boys and girls. The education comprises in both cases only reading, writing and arithmetic, and "the elements of the morale républicaine". To the next level, which is the central school, one must pass before the age of 12. At this school there are three sections, each lasting for two years. The studies include freed from it, if necessary. The third level is composed of a row of special schools for various professional training. Above all these levels there is a national institute for arts and sciences. This institute chooses annually 20 persons who are to study the problems of agric...
CONVENTION NATIONALE

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CONVENTION NATIONALE

ARTICLE 5. Les droits de citoyen français ne peuvent être admis dans les armées françaises, à moins qu'ils n'aient été pris en plusieurs campagnes pour l'installation de la République.

Les commandants en chef de terre et de mer, exécutant le directoire extérieur et général des affaires militaires, pourront, par leurs ordres, se dispenser de cette conscription en vertu de l'article précédent, si elle se trouve nécessaire pour assurer la défense nationale.

ARTICLE 6. Le directoire extérieur et général des affaires militaires, en vertu du pouvoir qu'on lui a conféré, pourra, si la nécessité s'en trouve nécessaire, décréter la conscription de poissons et de terres.

En cas de guerre, le directoire extérieur et général des affaires militaires, en vertu du pouvoir qu'on lui a conféré, pourra, si la nécessité s'en trouve nécessaire, décréter la conscription de poissons et de terres.

En cas de guerre, le directoire extérieur et général des affaires militaires, en vertu du pouvoir qu'on lui a conféré, pourra, si la nécessité s'en trouve nécessaire, décréter la conscription de poissons et de terres.

À cet égard, le directoire extérieur et général des affaires militaires, en vertu du pouvoir qu'on lui a conféré, pourra, si la nécessité s'en trouve nécessaire, décréter la conscription de poissons et de terres.

En cas de guerre, le directoire extérieur et général des affaires militaires, en vertu du pouvoir qu'on lui a conféré, pourra, si la nécessité s'en trouve nécessaire, décréter la conscription de poissons et de terres.
Art. 1er. La liquidation de la dette publique et la liquidation particulière de la dette des écoles concernent de même organisation en administration départementale et interdépendance d'un département du ministère, pour la conférence de leurs travaux.

2. La liquidation de la dette publique et la liquidation particulière de la dette des écoles concernent de même organisation en administration départementale et interdépendance d'un département du ministère, pour la conférence de leurs travaux.

3. Les liquidations seront nécessaires à la mise en œuvre des lois, pour les droits réciproques.

4. Les liquidations seront nécessaires à la mise en œuvre des lois, pour les droits réciproques.

5. Les délibérations des liquidations seront soumises à tous les droits réciproques, pour les lois réciproques.

6. Les liquidations seront nécessaires à la mise en œuvre des lois, pour les droits réciproques.

7. Les liquidations seront nécessaires à la mise en œuvre des lois, pour les droits réciproques.

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L'interêt de la République dépend du nombre de la population, de la mécanique, 3° de l'histoire naturelle; 4° de la médecine; 5° de l'art; 6° de l'agriculture; 7° de l'économie rurale; 8° des questions politiques; 9° de la géographie, de la sculpture et de l'architecture; 10° de la musique.

C'est donc sur la base de ces données et des données de l'histoire, que les commissions initient les études suivantes.

2. Il s'agit de fixer les études pour lesquelles sera nécessaire pour la musique.

C'est dans ce but que l'Ecole centrale des arts et métiers a été instituée par le Directoire.

3. Elle est chargée de fixer les études pour lesquelles sera nécessaire pour la musique.

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the idea of freedom and equality is fundamental to the entire political development which took place in France during the latter part of the 18th century, and which first ruined the absolute monarchy with its antiquated feudal system, and then created a new form of government, a democracy according to republican pattern. What these ideas meant and how they were related to each other could simply be stated in the following way. Freedom implies the independence of the individual to the point where he does not harm or hurt anyone else. Thus the limits of freedom are directly related to the principle of equality. For the rights and duties of all men are institutionalized in the laws which are a manifestation of the general will, or of the common interest, and these laws treat all without discrimination. For the rest the mutual relation of the citizens are regulated by manners and customs which in their turn bring home the fact that no one has the right to encroach upon the independence of his neighbour within the frame of the society in which all live. The principal rule which is valid is that one must do to others as one would be done by. At an early stage it was evident that ideas such as these could not be realized without bringing with them important educational obligations. The debate before the revolution deals in a high degree with

culture at the expense of the republic. 20 pupils from the central and special schools are also to receive an annual support. These, as well as other rewards to ambitious pupils at the national schools, are to be distributed in connection with the festivals at which discussions about "la morale du citoyen" are to take place. From this it is evident that the educational system of 1795 in many respects has the character which had been desired both before and during the revolution down to the Jacobin era. However, the elementary education is neither free of cost nor compulsory, but both for this and for the higher levels there are prescriptions which at least necessarily will see to it that he who wishes and has the natural capacity for higher studies will be given access to them. The aim was to realize in this way, the ideals of freedom and equality within the national system of education.

Summary

The ideas of freedom and equality are fundamental to the entire political development which took place in France during the latter part of the 18th century, and which first ruined the absolute monarchy with its antiquated feudal system, and then created a new form of government, a democracy according to republican pattern. What these ideas meant and how they were related to each other could simply be stated in the following way. Freedom implies the independence of the individual to the point where he does not harm or hurt anyone else. Thus the limits of freedom are directly related to the principle of equality. For the rights and duties of all men are institutionalized in the laws which are a manifestation of the general will, or of the common interest, and these laws treat all without discrimination. For the rest the mutual relation of the citizens are regulated by manners and customs which in their turn bring home the fact that no one has the right to encroach upon the independence of his neighbour within the frame of the society in which all live. The principal rule which is valid is that one must do to others as one would be done by. At an early stage it was evident that ideas such as these could not be realized without bringing with them important educational obligations. The debate before the revolution deals in a high degree with
them, and even if the Constituent National Assembly had no time to pay attention to the question of upbringing and instruction, the educational problems attracted much more interest in the Legislative Assembly and the National Convention. In both cases special committees were appointed for the purpose, and during almost exactly four years — Oct. 30, 1791 to Oct. 26, 1795 — they met 632 times, i.e. three times a week on an average. The actual results during the period 1789—95 were a demolishing of the old educational system, but out of the scattered remnants a new system gradually grew forth, the outlines of which might be discerned at the end of the period.

If one tries to observe the shades of the way of thinking and arguing in relation to certain theoretical starting-points and the actual course of events in a reciprocal co-action, however, many interesting lines of development emerge. The principle of freedom also included a demand that the individual should be given a possibility of realizing himself with his natural qualifications in a physical and intellectual respect. The duty was to provide a differentiated educational system that could fill such a demand. On the other hand the idea of equality, demanding of all obedience to the laws and regard to the neighbour and citizen in all situations of life in a society in which all would secure the greatest possible happiness, brought with it that no one could evade an educational influence, and that this must be the same for all. Also during the stormy period of the National Convention it was obvious that, as to the achievements, it was necessary to accept the natural differences among men, while all future citizens, to the same extent, had to acquire the republican mind. This difference of educational obligations perhaps no one has expressed as clearly as Lepeletier whose proposal was so important for the debate during the Terror.

To a certain extent the difference between the mentioned lines of the educational problem could be expressed in the words enlightenment and virtue. Enlightenment was a question of the training of reason, and although all future citizens — in order to protect their freedom and to be able to influence the social development — must attain to a certain degree of such an enlightenment, it was evident to all parties that, in addition to that, a higher professional education was necessary, and a deepening of arts and sciences which only the natural talent is capable of. Virtue, in its turn, is something that ought to be the property of all to the same extent and in the same shape. All must become good men and citizens whichever their future vocation, or public position.

But in this case there are quite obviously definite oppositions of conception due to the bases of forming an estimate. Hence the view of man had a certain importance. Up to the period of the National Convention two points of view might still be discerned, which are opposed to each other. On the one hand there are the speakers, authors and politicians who regard man as a rational being who is essentially governed by his instincts, but who thanks to his reason — if this reaches its perfection — in fact realizes the necessity of a limitation of freedom in favour of everybody else, i.e. that freedom must poise equality. To this group enlightenment is the primary thing. Hence their first aim is to build a national system of education with different levels of which the lowest is the primary school necessary and common for all. Many pre-revolutionary pedagogues share such a conception. This line of thought is also one of the main ones during the period 1789—95. It is represented by the proposals of among others Talleyrand, Condorcet and Romme.

When, on the other hand, it was thought that man himself, such as he had been created by nature, possessed a kind of original "social instinct" conditions became partly different. Apart from Helvétius this idea was vivid to many thinkers since Rousseau, to a physiocrat like Mercier de la Rivière, to Talleyrand, to some extent also to Condorcet, and further on probably to many who like Rousseau emphasized the importance of the emotional bonds between parents and children, and finally, under all circumstances, to Petit, a man often laughed at, but who in the long run won a great deal of reverence for his arguments. This view of man brought with it a more optimistic conception of the possibilities of upbringing, and it did not make the limit of freedom such a burning problem as to those who saw in man nothing but a primitive organism governed by pain and pleasure as other living creatures without his reason. It is also here one meets a more honest, unreserved belief in the importance of education in the homes. Not only a well organized educational system with a common elementary school at the bottom is desired, but the influence which family and society might exert as to education, is trusted in.
But against these two points of view — on the one hand a national ramified educational system with common instruction in a general school and a bridling of the passions by means of a spread rational enlightenment, and on the other hand a similar system with greater trust in man's original "social nature" — a third conception stands out which in a high degree is based on the existing political conditions. This group could be understood if one observes in which way the balance between freedom and equality is carried out, i.e. if the aspect of freedom or of equality is the most important. Those who desired a ramified national system of education were often deeply anchored to the principle of freedom as a fundamental and primary starting-point. This seems to be valid whether or not reason was worshipped, or the existence of certain social "inclinations" already from the beginning of man's life was postulated. The third group, the ideas of which flourished during the Terror, appears to set out from the principle of equality, and regards the problem of freedom in the light of this. The aim is to bring up man to a true republican, and from this follows that freedom must adjust itself to this aim. Then it is apparent that freedom becomes a chimera, or a confession of the mouth without a reality behind the words. But one could not agree upon the course of action in realizing the educational ends which stood out as most important to this group, to which the ideal was more or less that all citizens should become a kind of sansculottes. On the other hand some advocated a system of state "maisons d'éducation" of the same kind as those proposed by Helvétius. However, he appears to have had little importance in this context. Instead the Spartan pattern was referred to. But others wished to give the main part of influence to the family and to national schools for the acquiring of elementary knowledge and skill. However, it is significant that one wished to introduce such a rigorous state control over both families and schools that the society of freedom was almost replaced by a pure dictatorship. The idea of equality had been driven so far that freedom of the individual was reduced to nil.

It must be noticed that the possibilities of solution which, during the latter part of 1794 resulted in a serious conflict among the Montagnards, in the beginning were supported by some Girondins to an equally high extent as by the Montagnards. The idea of boarding-schools which exists in Helvétius, and during the period of the Constituent National Assembly in Audrein, is suggested long before Lepeletier by the Girondins Ducas, Leclerc, Rabaut St-Etienne and Deleyre. But the system of "supervised freedom" which was the result of Bouquier's law of a compulsory school common to all children of a certain age, according to which both schools and families should be controlled by the state, had been anticipated by the Girondin Petit. Thus it is not possible to speak of strict party differences. The various possibilities of providing an education in a republican spirit, which was an explosive among the Montagnards, had been discussed by various representatives of the Girondins.

To an adherent of a Hegelian conception of history the development of the French educational discussion from Rousseau to 1795 might be looked upon as an example of its validity. From the beginning there is a synthesis of freedom and equality which originally existed in the state of nature, but which then could and should be transferred to society. How this will be brought about is stated in the Declaration of the Rights of man and of the citizen, 1789. In future the idea of freedom is pressed, and a developed system of educational measures with a selection of the best suited is demanded; the main point of view thus becomes man's rationality and his possibility of making possible a society of equality by means of enlightenment, this with the help of a correct educational influence. Later the state of things brings with it a displacement of the main stress to the ideal of equality, and this stretches so far that a society of unfreedom has arisen with control and supervision of family and school. Finally a new synthesis follows, for with the school laws of 1795 the foundation is laid for a ramified national system of comprehensive schools with a common basis and an organisational connection above it. Within this system freedom and equality are poised. The individual has a right to self-determination within legal and other limits, and all shall have the same opportunity to develop their special endowments whichever they may be and whichever one's origin in society. This must be combined with regard to other citizens according to the rule to do to others as one would be done by, at the same time as that which still was called a republican cast of mind, must be developed in every individual.

This analysis confirms the observation that the history of ideas must never be pursued without contact with the reality of civilization.
and society. A division of the educational thinking of the French revolution into different "schools" (cf. the introductory section) brings with it double risks. On the one hand, one often puts artificial limits between various opinions, or else the limits become diffuse; on the other hand one easily loses contact with the dynamic drama which must be followed, if the reality shall not become isolated in this historical categorizing. This statement may be an excuse for this long and detailed examination of an important period in the history of Western civilization.

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Chapter 7

Adam Smith on the possibility of combining morals and self-realization

Introduction
In previous chapters we have analysed how the principles of freedom and equality work in educational contexts within the frame of the point of view of the natural right in John Locke, and its subsequent development both in America at the rise of the United States, and in France in various philosophers of the Enlightenment, and at the political changes that led to the first republic down to 1795. Now it is time to turn to the development of the social debate in England and Scotland which after the French revolution, at least in our case, is for a long time the most interesting.

Then Adam Smith is the thinker whose conception must be carefully examined. Smith is looked upon as a portal figure at the rise of modern Liberalism, not least in the field of economics. However, his conception is derived both from Scottish moral sense philosophy and French physiocracy. Hence he is the inevitable link in an examination of the various conceptions of the ideas of freedom and equality in the growing Western democracy and the continued development within Liberalism and Socialism in this respect.

But Smith is certainly not an easy object of study. The exposition of his treatise "The Theory of moral Sentiments" (TMS), the first edition of which was published in 1759, but which was later revised and enlarged, especially in the 6th edition, might be subjected to widely different interpretations. The connection between this work and the still more noticed work on political economy, "An Inquiry into the Nature and Causes of the Wealth of Nations" (WN), the first edition of which was published in 1776 and the 5th in 1789, has been questioned on important points. These controversial questions, which probably might be illustrated in a profitable way if one also tries to follow Smith's psychological ideas (cf. Schneider p. XXII), have been dealt with in an extensive literature of which only some of the most recent and modern contributions will be considered below.

Sympathy and its results conformable to natural laws
The fundamental concept of Smith's presentation of the relation between men and hence of his social outlook is undoubtedly "sympathy". However, sympathy must not simply be understood as a designation of an emotional phenomenon (cf. Campbell p. 94 ff. and Macfie pp. 50-51, p. 63 ff. and pp. 88-89 with n. 10). To a certain extent Smith could be said to have caused such a misconception himself, for the famous opening lines of TMS (1781 p. 1-2) run:

"How selfish soever man may be supposed, there are evidently some principles in his nature, which interest him in the fortune of others, and render their happiness necessary to him, though he derives nothing from it except the pleasure of seeing it. Of this kind is pity or compassion, the emotion which we feel for the misery of others, when we either see it, or are made to conceive it in a very lively manner".

It appears as if Smith here really implies a kind of "innate compassion". It is even possible to support such a point of view from the more general explanations which show that sympathy does not only concern the experiences of the miserable (ib. p. 5):

"Pity and compassion are words appropriated to signify our fellow feeling with the sorrow of others. Sympathy, though its meaning was, perhaps, originally the same, may now, however, without much impropriety, be made use of to denote our fellow-feeling with any passion whatever".

Although sympathy could imply any "emotions" or "sentiments" it is applicable to the "fellow-feeling". Nevertheless it is necessary — especially for the comprehension of Smith's moral conception — to distinguish, within the concept of sympathy, an intellectual process of a specific nature on the one hand from the involved emotions on the other. Sympathy is founded on man's possibility, with
the help of his imaginative faculty or fantasy, of putting himself in the position of another person, in other words, "conceiving what we ourselves should feel in the like situation" (ib. p. 2), or "changing place in fancy with the sufferer" (ib. p. 3). Hence it is necessary to keep apart this cognitive process and the emotions in which it might result. These are sometimes called "the sympathetic emotions of the spectator" (ib. p. 16). When two men at the same time put themselves in the position of one another Smith speaks about "mutual sympathy" (ib. p. 10 ff.).

To the very conditions of the act of sympathy belong, among other things, a personal experience of the emotions in question (ib. p. 2), the expressions of the emotions of the one observed (ib. p. 5), and finally not least the situation in which the observed is (ib. p. 7). The results in the form of actual and personal emotional experiences arise in a way more or less conformable to natural laws. Hence the act of sympathy only with difficulty brings with it real emotions in the observer as soon as it is a question of passions which have "their origin from the body", e.g. hunger, thirst, pain, while it is quite the opposite case as regards emotions originating in conceptions such as expectation, fear &c. (ib. p. 38 ff.). The difference is of course due to the characteristics of the act of sympathy: the imagination cannot put us in the position of the observed as regards emotions conditioned by his actual bodily processes, while this is the case as regards emotions at the rise of which the imagination itself plays an important role. This seems to be applicable to another principle of the origin of sympathetic emotions. Such emotions "which take their origin from a particular turn or habit of the imagination" (ib. p. 45 ff.) are more difficult to produce from sympathy. Consequently an infatuation seems ridiculous to us. Since the imagination does not work in the observer according to the same conditions as in the the person in love, one simply cannot "enter into" his emotions with the help of the act of sympathy. When it has been confirmed that it is easier for man to experience "sympathetic feelings" of joy than of sorrow (ib. p. 73 ff.), one has an instance of the fact that all prefer the agreeable to the disagreeable, i.e. the principle of pleasure-pain is working.

The motives of human behaviour

The actual results of sympathy in the form of "fellow-feeling", as we have seen, is dependent on what the individual is capable of experiencing emotionally. This in its turn is connected with the very motives of human behaviour. In this respect Smith reckons with "pleasure and pain", and he says (ib. p. 398): "Pleasure and pain are the great objects of desire and aversion". The activity originates in a longing for the pleasant and an avoidance of the unpleasant. But this principle later works in conjunction with various "passions of humane nature", which "though they may be somewhat warped, cannot be entirely perverted" (ib. p. 303). Smith gives another version of the same point of view in saying that "the Author of nature" has furnished men with motives which govern their activity towards the ultimate goal of all human creatures, viz. "the self-preservation and the propagation of the species" (ib. p. 130). In this context he writes:

"Mankind are endowed with a desire of those ends, and an aversion to the contrary; with a love of life, and a dread of dissolution; with a desire of the continuance and perpetuity of the species, and with an aversion to the thoughts of its entire extinction. But, though we are in this manner endowed with a very strong desire of those ends, it has not been intrusted to the slow and uncertain determinations of our reason, to find out the proper means of bringing them about. Nature has directed us to the greater part of these by original and immediate instincts. Hunger, thirst, the passion which unites the two sexes, the love of pleasure, and the dread of pain, prompt us to apply those means for their own sakes, and without any consideration of their tendency to those beneficent ends which the great Director of nature intended to produce by them".

In other words man is, by a wise creator, furnished with a tendency to act in the direction of the goals intended for him. Behind his activity there are a number of immediately active instincts. Along with these "original passions of human nature" (ib. p. 2) one must, however, take into account what life in society might bring with it. When man lives alone his attention is only caught by the conditions to which his own passions attach themselves. Then only "the desires and aversions, the joys or sorrows, which those objects excited" exist. However, in society the own passions are subjected to the judgment of others, and this gives rise to "new desires and aversions, new joys and new sorrows" (ib. pp. 199—200). Obviously a social motivation has arisen. The self-love always rules the behaviour of
man according to the order of nature, for "every man is much more deeply interested in whatever immediately concerns himself", and "every individual, in his own breast naturally prefers himself to all mankind" (ib. pp. 140—41; see also 1793, 2, p. 36). But consideration to the neighbours forces each man to "humble the arrogance of his self-love" (TMS 1781 p. 142). But the social instincts are obviously in a certain degree original. Smith mentions "the soft power of humanity" or "that feeble spark of benevolence which Nature had lighted up in the human heart" (ib. p. 213). Other statements point in the same direction (see e.g. Campbell p. 181 ff.).

In at least one context Smith makes a more systematic division of the passions which he includes in the natural motives of man, for he distinguishes between those that are "unsocial", "social", and "selfish". To the first group belong "hatred", "resentment", and "anger". These are said to be "necessary parts of the character of human nature", and their immediate usefulness for the individual is easy to recognize (TMS 1781 p. 53). Nevertheless they are disagreeable to those who are exposed to them, and they are twice as disagreeable to the observer, viz. both because they in themselves arouse our disgust, and because we will fear them on behalf of the person who is the object of them (ib. pp. 51 and 57). It appears to have been "the intention of Nature, that those rougher and more unamiable emotions, which drive men from one another, should be less easily and more rarely communicated" (ib. p. 57).

But as to the "social passions", i.e. "generosity, humanity, kindness, compassion, mutual friendship and esteem", and "the sentiment of love" conditions are otherwise (ib. pp. 61—62). These are "agreeable to the person who feels them" and "those amiable passions are never regarded with aversion" (ib. p. 63). Here the act of sympathy conduces with doubled strength to "sympathetic feelings", for "we enter into the satisfaction both of the person who feels them, and of the person who is the object of them" (ib. p. 61).

The remaining category, "the selfish passions", has a middle position. Here it concerns "grief and joy, when conceived upon account of our own private good and bad fortune" (ib. p. 64). Joy is "a pleasant emotion", while grief is "painful" (ib. p. 68). Hence the act of sympathy leads to "sympathetic feelings" in the former case, while this is more difficult in the latter. This applies to small causes for rejoicing and great griefs, for we envy great joy of others, while we easily shift off the daily cares of our neighbours because we then are spared the trouble which we try to neglect for our own part too (ib. pp. 68—69). One ought to notice that neither joy nor grief is influenced by regard to a third person. Consequently grief, with the help of "fellow-feelings", never becomes as disagreeable as e.g. hatred, not even in its extreme cases, while on the other hand joy never becomes as agreeable as social emotions (ib. pp. 64—65).

The division of the original human passions into three groups gives a hint of what kind of emotional experiences are involved in the act of sympathy. It is all the more important since it is to this that Smith attaches the three most fundamental virtues, "justice", "benevolence", and "prudence". But before we pass over to that, we must give an account of the process of, among other things, approval and disapproval on which rests Smith's entire moral conception.

The moral sentiments

Smith has not a systematic way of thinking by means of which the reader easily grasps the significance of the phenomenon that has given name to his work. His main problem concerns "the nature and origin of our moral sentiments" (ib. p. 325). This obviously means "the sentiment or affection of the heart from which any action proceeds, and upon which its whole virtue and vice ultimately depend" (ib. pp. 19—20). But the meaning of these moral sentiments is more clearly stated in the following question (ib. p. 326):

"How and by what means does it come to pass, that the mind prefers one tenour of conduct to another, denominates the one right, and the other wrong; considers the one as the object of approbation, honour, and reward, and the other of blame, censure, and punishment?"

When a certain behaviour is judged as moral or its reverse, this then means, that it is conceived as right or wrong, which is the same thing as that one accepts it, praises it and thinks that it deserves to be rewarded, or that one censures it, finds it blameworthy and suitable for punishment. That it here also is a question of what might be called approval and disapproval is evident from the fact that "sentiment" is synonymous with "affection of the heart". The relation is
confirmed by the statement that "the sentiment of approbation is always agreeable" (ib. p. 76 n.), and afterwards further explained so that the "emotion in which the sentiment of approbation properly consists", is always "agreeable and delightful" (ib.). As a consequence of this one must assume that "disapprobation" should be conceived in the same way, although with a negative mark.

Although it must be admitted that Smith hardly gives a satisfactory explanation of what he means by "moral sentiments" (cf. Campbell p. 89 ff.) he, however, is not worse off than the attitude research of a later date. The concept of attitude has got to comprise both the perception of an object, an emotional reaction to this, and a possible tendency of action in connection with it. It might seem to be justified to say that Smith's "moral sentiments" correspond to the concept of attitude of our time. The human behaviour is the object which is perceived, it gives rise to a disapproval or an approval, and man's own action originates in it. What is characteristic of Smith is that he attaches the concepts of "virtue and vice" to this forming of sentiments. For an understanding of his points of view in this context it is, however, important to learn certain essential principles which are active at the rise of "moral sentiments".

Important factors at the rise of the moral sentiments

At the rise of moral sentiments certain psychical processes, denoted with special terms, are completely decisive; in some cases the act of sympathy is inescapable. This concerns what Smith calls "propriety", "merit", "custom and fashion" and "utility".

Smith mentions the four principles in the following words (1781 pp 409—410):

"When we approve of any character or action, the sentiments which we feel, are, according to the foregoing system, derived from four sources, which are in some respects different from one another. First, we sympathize with the motives of the agent; secondly, we enter into the gratitude of those who receive the benefit of his action; thirdly, we observe that his conduct has been agreeable to the general rules by which those two sympathies generally act; and, last of all, when we consider such actions as making a part of a system of behaviour which tends to promote the happiness either of the individual or of the society, they appear to derive a beauty from this utility, not unlike that which we ascribe to any well-contrived machine".

We will briefly deal with that which Smith quotes in detail of every individual factor at the rise of moral sentiments.

"Propriety and impropriety"

As regards "the sentiment or affection of the heart from which any action proceeds" on which virtues and vices are resting, Smith distinguishes between two aspects, namely the "cause" or "motive" of the sentiment on the one hand, and its "end" or "the effect which it tends to produce" on the other.

It is the former point of view that is used to denote what we feel to be proper or not. Smith says (ib.):

"In the suitableness or unsuitableness, in the proportion or disproportion which the affect seems to bear to the cause or object which excites it, consists the propriety or impropriety, the decency or ungracefullness of the consequent action".

What decides the rise of the moral sentiments in this case is whether the act of sympathy brings with it correspondence or congruence between the emotions of the observer and the observed. This is evident from the following statement (ib. p. 21):

"When we judge in this manner of any affection, as proportionated or disproportionated to the cause which excites it, it is scarce possible that we should make use of any other rule or canon but the correspondent affection in ourselves. If, upon bringing the case home to our own breast, we find that the sentiments which it gives occasion to, coincide and tally with our own, we necessarily approve of them as proportionated and suitable to their objects; if otherwise, we necessarily disapprove of them, as extravagant and out of proportion".

In other words when the observer with the help of the act of sympathy feels emotions congruous with those of the observed, they are conceived to be "proper", which in its turn is the condition for "approbation" (cf. Campbell p. 107 ff.).

"Merit and demerit"

If the point of view is concentrated to the end of an emotion or action one has to do with "merit and demerit". Smith says about this (1781 p. 20):
"In the beneficial or hurtful nature of the effects which the affection aims at, or tends to produce, consists the merit or demerit of the action, the qualities by which it is entitled to reward, or in deserving of punishment".

Thus "approbation and disapprobation" rest on a conception of what is "merit" or its reverse, i.e. what is praiseworthy or blame­worthy (ib. p. 109). However, the feelings of "gratitude and resentment" are decisive in this context. For so it is (ib. p. 110 ff.), "that whatever appears to be the proper object of gratitude, appears to deserve reward; and that, in the same manner, whatever appears to be the proper object of resentment, appears to deserve punishment". But in this case it is a question of a double act of sympathy. We must enter into the motives of the agent and the gratitude or resentment which exists in the object of the action. We accept an action and find it creditable or deserving of reward thanks to "a direct sympathy with the sentiments of the agent, and an indirect sympathy with the gratitude of those who receive the benefit of his actions" (ib. p. 124). In the same way we dissociate ourselves from an action and find it disqualifying or deserving of punishment with the help of "a direct antipathy to the sentiments of the agent, and an indirect sympathy with the resentment of the sufferer" (ib. p. 126).

According to Smith one conceives a behaviour of one person against another as worthy of reward or punishment dependent on one's ability to share the feelings of gratitude or resentment of the sufferer, which in its turn is connected with how we feel this gratitude and resentment as related to the motives and feelings of the agent (cf. Campbell p. 111 ff.). In this way we judge an action to be "beneficial or hurtful" to him who is exposed to the activity which retroacts on our moral sentiments.

"Custom and fashion"

The third principle of importance for the rise of the moral sentiments is the general rules concerning our giving "approbation" to a behaviour on account of its "propriety" and "merit" (see quotation above). It does not seem to be altogether evident what Smith intended with this, and the interpretation often gets diffuse (see e.g. Campbell p. 114 ff.). I believe that Smith thinks of that which he treats of in a lengthy exposition about the importance of "custom and fashion" (1781 p. 291 ff.). First he tries to show that what we conceive to be beautiful and attractive is due to habit or etiquette. Habit is at least the most important element in this case (ib. pp. 301—302). But the same thing is partly applicable to the moral sentiments. They are strengthened when "custom and fashion" correspond to "the natural principles of right and wrong" (ib. pp. 303—304). This is what makes us expect a certain behaviour from persons of different ages, professions and cultures. The difference of "firmness" of the civilized man and the savage when exposed to torture is bound up with what is permitted in the one case but not in the other. "The propriety or impropriety of particular usages", e.g. to expose a child, is justified in the same way (ib. p. 320 ff.). It is obvious that the working of the act of sympathy in conceiving what might be included in "propriety" and "merit" and their opposites, partly is dependent on the impressions that form the men in question. This is in a certain degree a condition for the congruence that might arise between the sentiment of the observer, originating in the act of sympathy, and the amount of gratitude or resentment that he can observe in a third person who has become an object of a certain behaviour from the part of the observed. It is interesting that Smith in this way expresses a directly empirical element referring to the importance of experience and education (ib. pp. 304 and 316).

"Utility"

As is obvious from Smith's introductory description of the four principles at the rise of the moral sentiments, he puts the principle of utility in connection with our experience of a well-contrived machine. We are here dealing with a kind of "love of system" or "regard to the beauty of order" (ib. p. 274). The concept of a system is a very important element in Smith's world of ideas (Segerstedt p. 104 ff.).

But Smith does not want to give utility an original position at the rise of "approbation". When we consider the point of view of another man, we do not observe in the first place if it is useful, but if it is "right", and "accurate", and "agrees with our own". The idea of utility is an "afterthought" and strengthens our approbation of the behaviour of the other, or whatever might be the question (1781 p. 24).

On the other hand Smith attaches considerable weight to the
thought of utility. In a special section he points out (ib. pp. 263—64):

"That the fitness of any system or machine to produce the end for which it was intended, bestows a certain propriety and beauty upon the whole, and renders the very thought and contemplation of it agreeable, is so very obvious that nobody has overlooked it".

Smith, however, believes himself to be the only one to have realized the correspondence between end and means as being sometimes more appreciated than the attaining of the end (ib. pp. 264—65). First he applies this aspect of utility to "all the productions of art" (ib. p. 265 ff.), and then passes to the institutions the intention of which is to be useful to man. Also here it seems as if we were anxious "to promote the happiness of our fellow-creature, rather from a view to perfect and improve a certain beautiful and orderly system, than from any immediate sense or feeling of what they either suffer or enjoy" (ib. p. 275). In applying the idea of utility to the behaviour of the individual Smith once again emphasizes that "the sentiment of approbation always involves in it a sense of propriety quite distinct from the perception of utility", although one might speak of a strengthening when beauty and utility are involved too (ib. p. 281). As an evidence of this could be stated that "reason and understanding are originally approved of as just and right and accurate, and not merely useful or advantageous". These human characteristics have their largest scope within such an abstract science as mathematics (ib. p. 282). The generosity which makes a soldier sacrifice his life for his officer and all instances of "public spirit" point in the same direction. He says (ib. p. 288):

"In these and in all other cases of this kind, our admiration is not so much founded upon the utility, as upon the unexpected, and on that account the great, the noble, and exalted propriety of such actions".

The aspect of utility may contribute, but is just a complement to that which the act of sympathy in itself might accomplish of "approval" (cf. e.g. Macfie p. 45 ff.).

Virtues and vices

It is from the moral sentiments that "any action proceeds" and on which "its whole virtue and vice must ultimately depend" (TMS 1781 pp. 19—20). Although Smith does not always clearly maintain his distinctions, it is obvious that the moral sentiments essentially are an emotional phenomenon, while virtues and vices are connected with an actual action closely combined with this latter.

It appears as if there is no consequence in Smith's account of what might be included in the virtues or their reverse. Above all the following statement must be commented in this respect (ib. p. 30):

"Upon these two different efforts, upon that of the spectator to enter into the sentiments of the person principally concerned, and upon that of the person principally concerned, to bring down his emotions to that what the spectator can go along with, are founded two different sets of virtues. The soft, the gentle, the amiable virtues, the virtues of candid condescension and indulgent humanity, are founded upon the one; the great, the awful and respectable, the virtues of self-denial, of self-government, of that command of the passions which subjects all the movements of our nature to what our own dignity and honour, and the propriety of our own conduct require, take their origin from the other".

On the surface this division might diverge from the otherwise more common division into "justice", "benevolence" and "prudence", which we have mentioned in a foregoing section. These attach themselves to the passions which are called "unsocial", "social" and "selfish". If one studies Smith's exemplifying of the categorising in two groups that is found in the quotation above, it seems, however, as if the first group corresponds to the benevolence which attaches itself to the social instincts (ib. pp. 30—31). It is evident that the second group corresponds to the unsocial and selfish passions, for here Smith refers to the control of wrath and the selfish inclinations as contrary to a satisfaction of the social passions (ib. pp. 31—32).

In the enlarged sixth edition of TMS which Smith published in 1790 the ideas are the same although "self-command" is looked upon as a special separate virtue. It is "itself a great virtue" (TMS 1793, 2, p. 90). But in spite of this he distinguishes between the passions which demand great "self-command" and those that demand less. To the former belong "the affections which drive men from one another", i.e. hatred, disgust, envy, &c. To the latter belong "human-
ity, kindness, friendship" &c., i.e. the social passions. In fact, Smith believes that the three main virtues cannot come into existence without an earlier "temptation", and consequently "self-command" is a condition for them (ib. p. 84 ff.).

Thus it would not be wrong to attach the greatest importance to the three main virtues which Smith refers to in many contexts. He says: "The man who acts according to the rules of perfect prudence, of strict justice, and of proper benevolence, may be said to be perfectly virtuous" (ib. p. 84). We will now deal with these three virtues.

"Justice"
Smith's in many ways rather diffuse treatment of the central virtue "justice" might to begin with be interpreted so, that man must not punish his neighbour by violating, or in any other way hurting him. Thus he writes (TMS 1781 pp. 333—334):

"In one sense we are said to do justice to our neighbour when we abstain from doing him any positive harm, and do not hurt him, either in his person, or in his estate, or in his reputation".

This also goes very well together with a statement like "mere justice is, upon most occasions, but a negative virtue, and only hinders us from hurting our neighbour" (ib. pp. 138—39; cf. for this and the treatment below Campbell p. 186 ff.).

But justice in its turn is closely bound up with "resentment". This means as follows (ib. p. 134):

"Resentment seems to have been given by nature for defence, and for defence only. It is the safeguard of justice and the security of innocence. It prompts us to beat off the mischief which is attempted to be done to us, and to retaliate that which is already done, that the offender may be made to repent of his injustice, and that others, through fear of the like punishment, may be terrified from being guilty of the like offence".

And further (ib. p. 136):

"Among equals each individual is naturally, and antecedent to the institution of civil government, regarded as having a right both to defend himself from injuries, and to exact a certain degree of punishment for those which have been done to him".

As a matter of fact, the rule which is applicable is that "as every man doth, so shall it be done to him, and retaliation seems to be the great law which is dictated to us by Nature" (ib. p. 139). Hence there is a justified form of resistance to injury from others founded on a natural "resentment" and on an original feeling of the right to retaliation. The key to the understanding of Smith's ideas might be found in a definition like this (ib. p. 132, the italics are ours):

"Actions of a hurtful tendency, which proceed from improper motives, seem alone to deserve punishment, because such alone are the approved objects of resentment, or excite the sympathetic resentment of the spectator".

The italics show that this concerns a resistance founded on motives, which might be accepted by the spectator, or on resentment which he likewise might accept. Hence Smith says too that "the violation of justice is injury; it does real and positive hurt to some particular persons, from motives which are naturally disapproved of" (ib. p. 134, the italics are ours). Thus justice is the very foundation of the society in which men live to help each other, but in which they also might do mutual harm to one another (ib. p. 146 ff.). In order to avoid hurting one another they should observe the following (ib. p. 148):

"In order to enforce the observation of justice, Nature has implanted in the human breast that consciousness of ill-desert, those terrors of merited punishment which attend upon its violation, as the great safe-guards of the association of mankind, to protect the weak, to curb the violent, and to chastise the guilty".

Nevertheless it is "with the utmost propriety and with the approbation of all mankind" that man can be forced to observe the demands of justice as distinguished from the benevolence which is always voluntary (ib. pp. 134—35). Everybody must be protected to life, property and honour &c. Therefore, the authority imposes upon the citizens to observe certain rules. There are laws concerning the relation between parents and children, for the maintaining of necessary order, &c (ib. pp. 137—38). In this way "the guilty is about to suffer that just retaliation, which the natural indignation of mankind tells them is due to his crimes" (ib. pp. 151—52). This Smith calls, in a book about law as a science, "the natural measure of punishment" (Campbell p. 191, n. 2; see also TMS 1793, 2, pp. 47—48). "Proper
resentment" is regulated by "the civil and criminal law", and the principles are dealt with in the mentioned science (ib. p. 47).

To violate justice means, according to Smith, that someone commits actions which, as regards the resentment they give rise to, are of the kind that the observer cannot accept their motives, i.e. cannot "enter into" the indignation of the person who acts, nor sympathize with the corresponding feeling of the person exposed to the action. The action will not rest on a moral sentiment following the rules of "propriety" and "merit". Justice is built on "proper resentment for injustice attempted, or actually committed" (ib.).

"Benevolence"
To the social instincts the virtue "benevolence" is attached. When Smith explains why we approve more of our family and our friends, of our mother country and of our own form of government &c., he again applies the act of sympathy and the rules of the rise of the moral sentiments. For instance he says that each man about his family etc. "knows better how everything is likely to affect them, and his sympathy with them is more precise and determinate" (ib. p. 49). Hence it is decisive to what extent we also can build our "approbation" on "propriety" and "merit". This is as evident as anyone could desire from the following statement (ib. p. 133):

"In our approbation of the character of the beneficent man, we enter into the gratitude of all those who are within the sphere of his good offices, and conceive with them the highest sense of his merit. In our approbation of all those virtues, our sense of their agreeable effects, of their utility, either to the person who exercises them, or to some other persons, joins with our sense of their propriety, and constitutes always a considerable, frequently the greater part of that approbation".

As is obvious from these quotations Smith as regards "benevolence" relies on the principles active at the rise of the moral sentiments with consideration to their connection with the act of sympathy.

"Prudence"
In the large addition (Part VI) of the sixth edition of TMS 1790 Smith attaches "prudence" to the selfish passions. He says that "the preservation and healthful state of the body seem to be the objects which Nature first recommends to the care of every individual" (ib. p. 36). Hunger and thirst, avoidance of pain and seeking of pleasure, cold and heat &c. govern man's actions. Through education he also soon learns to protect his "external fortune", but also to seek in a high degree "the respect of our equals". Then he says (ib. p. 37):

"The care of the health, of the fortune, of the rank and reputation of the individual, the objects upon which his comfort and happiness in this life are supposed principally to depend, is considered as the proper business of that virtue which is commonly called Prudence".

He who possesses this virtue is capable of feeling friendship, but is not particularly "social" in his behaviour. He neither tries to rule over anyons else, nor seeks to win esteem from others. With this is connected Smith's characterization below (ib. p. 43):

"Prudence, in short, when directed merely to the care of the health, of the fortune and of the rank and reputation of the individual, though it is regarded as a most respectable, and even, in some degree, as an amiable quality, yet it never is considered as one, either of the most enduring, or of the most ennobling of the virtues. It commands a certain cold esteem, but seems not entitled to any very ardent love or admiration".

This judgment could be understood from Smith's own starting-points. Prudence does not bring man into contact with any other person, or a third part. "Approbation" thus cannot be developed according to the principles which are valid at the rise of the moral sentiments (cf. Campbell p. 180). It is the absence of "prudence", which becomes the parallel to what has been said in connection with the other main virtues. For if anyone is too self-conceited and thereby unfavourably interferes in the conditions of another, this behaviour will lead to "disapprobation" since it is then characterized by "impropriety" and "demerit".

"The impartial spectator"
In as far as the three mentioned virtues are looked upon as anchored to the moral sentiments with the principles valid for their rise, they seem to a great extent to lack concretion. Both "propriety" and "merit" are of a purely formal nature, and there is no gauge, by means of which one might decide what is approved of, because it is
"proper" or "qualifying", when the act of sympathy starts to work. But a certain determination of contents could be found, when the importance of "custom and fashion" and "utility" is mentioned. Here could be found on the one hand a purely empiric principle of what might be ascribed to "propriety" and "merit", and on the other hand a higher legitimation in the form of the idea of system. Both these points of view occur in conjunction with the phenomenon to which Smith refers to avoid a subjective arbitrariness as regards the moral sentiment and the virtues attached to it, namely "the impartial spectator."

This concept he uses rather late in his work. As long as he treats the various passions, the moral sentiments in general and "propriety" and "merit" as principles for the rise of these sentiments and the most important virtues, he often uses the word "spectator", since these contexts concern how the behaviour of another person, or the feelings of a third part are understood. Only in passing he mentions that "no impartial spectator" can accept a too far-reaching manifestation of the selfish instincts (TMS 1781 p. 140). Then it is not until he deals with the judgment of "our own conduct" that this impartial spectator becomes a central phenomenon in the exposition (cf. Macfie p. 94). However, in the original text of the book there is still a considerable confusion of what is intended, but in the sixth edition it becomes more evident (as to the various editions of TMS see Macfie p. 82). Hence the enlarged edition will be used. But it would seem to be wise to point out at once, that not even the enlarged account which Smith presented in 1790 gives a reliable and consistent picture of the moral forum which is treated of under that denotation. Many have also given their special interpretation of what Smith has intended with his impartial observer (see e.g. Segerstedt p. 108 ff. and Campbell p. 127 ff.).

A manifest and important point is that "the impartial spectator" in fact turns out to comprise two widely different possibilities of evaluation. This is obvious from the context where Smith deals with the "self-command". He writes (TMS 1793, 2, p. 101):

"In estimating our own merit, in judging of our own character and conduct, there are two different standards to which we naturally compare them. The one is the idea of exact propriety and perfection, so far as we are each of us capable of comprehending that idea. The other is that degree of approximation to this idea which is commonly attained in the world, and which the greater part of our friends and companions, of our rivals and competitors, may have actually arrived at."

As a rule one uses both ways of evaluation. When the first-mentioned one starts to work even the most sagacious and best feels his own smallness. In the second case the person might feel himself both superior and the reverse (ib. p. 101 ff.). About the ideal evaluator he writes (ib. p. 101):

"There exists in the mind of every man, an idea of this kind, gradually formed from his observations upon the character and conduct both of himself and of other people. It is the slow, gradual, and progressive work of the great demigod within the breast, the great judge and arbiter of conduct."

One ought to notice that even the ideal spectator, in judging his own behaviour and that of others, to a certain extent is the product of experience.

The same double aspect of this evaluation recurs in the enlarged third part of TMS in which Smith deals with "conscience" and "sense of duty". In the beginning he says that we develop the same criticism of our own sentiments and our own behaviour as of that of others. If man lived alone he would not care about his behaviour. Now he has in his fellowmen a kind of mirror in which he can see that they apply the same methods of forming an evaluation as he does. In this way one splits oneself up in two persons, one who observes and one who is observed (ib. 1, p. 182 ff.). In other words the result is that "we endeavour to examine our own conduct as we imagine any other fair and impartial spectator would examine it" (ib. p. 183).

In the following Smith points out that man by nature not only covets praise and fears blame, but also aspires to be praiseworthy and avoids being blameworthy. Thus he distinguishes between "praise" and "praise-worthiness" and their opposites (ib. p. 188 ff.). These two principles resemble one another, are bound up with one another, and are often confused, but they are nevertheless "distinct and independent of one another". Although one enjoys praise and this might contribute to raising the feeling of being praiseworthy, it is nevertheless so, that "the love of praise" to a great extent could be derived from "the love of praise-worthiness". It might also be confirmed that many — although they are not praised — are completely
satisfied when seeing their behaviour in the light of the demands of "the impartial spectator" (ib. p. 192).

Smith also points out that man would not have been fit to live in a society, had he by nature been made susceptible only to the approval and disapproval of others. Nature has furnished him "not only with a desire of being approved of, but with a desire of being what ought to be approved of". The former might lead to "the affection of virtue", but the latter fills the individual with "the real love of virtue". He also mentions that "in every well-informed mind the second desire seems to be the strongest of the two" (ib. p. 194). In this latter case one feels satisfaction without anyone's praising one's actions, and if one has behaved improperly one feels ashamed seeing the action "in the light of the impartial spectator" (ib. p. 196). In this context he also speaks of "an affrighted conscience", or of "the remorse of their own consciences" (ib. pp. 197–98), which shows that the impartial spectator and conscience are used as synonyms by Smith.

After some pages these lines of thought are repeated anew, and in this case Smith's point of view becomes still more marked. He writes (ib. p. 213):

"The all-wise Author of Nature has taught man to respect the sentiments and judgments of his brethren, to be more or less pleased when they approve of his conduct, and to be more or less hurt when they disapprove of it. He has made man, if I may say so, the immediate judge of mankind; and has, in this respect, as in many others, created him after his own image, and appointed him his vicegerent upon earth, to superintend the behaviour of his brethren."

Here it appears as if the moral sentiment of the neighbours is looked upon as constituting a control of a divine origin. But Smith continues (ib.):

"But though man has, in this manner, been rendered the immediate judge of mankind, he has been rendered so only in the first instance; and an appeal lies from his sentence to a much higher tribunal, to the tribunal of their own conscience, to that of the supposed impartial and well-informed spectator, to that of the man within the breast, the great judge and arbiter of their conduct."

The parallel of the "two different standards" of which Smith also speaks is very obvious here. In this context he refers the difference quite evidently to the double tendency to love praise and praise-worthiness and their opposites. For the two "tribunals" which he mentions resemble each other and are related and yet "in reality different and distinct". One of them is called "the man without" and is supposed to rest on "the desire of actual praise", the other is called "the man within" and is founded on "the desire of praise-worthiness". If the former tries to free us, the latter could immediately condemn us. Sometimes things could be the reverse, i.e. we receive no actual praise of others, but the highest tribunal tells us that we have acted correctly. But if men around us are too severe in their judgment of us we might still feel discontent. About this Smith writes as follows (ib. p. 215, the italics are ours):

"The supposed impartial spectator of our conduct seems to give his opinion in our favor with fear and hesitation; when that of all the real spectators, when that of all those with whose eyes and from whose station he endeavours to consider it, is unanimously and violently against us. In such cases, this demigod within the breast appears, like the demigods of the poets, though partly of immortal, yet partly too of mortal extraction. When his judgments are steadily and firmly directed by the sense of praise-worthiness and blame-worthiness, he seems to act suitably to his divine extraction. But when he suffers himself to be astonished and confounded by the judgments of ignorant and weak men, he discovers his connexion with mortality, and appears to act suitably, rather to the human, than to the divine, part of his origin."

From this quotation it is obvious that the impartial spectator is a synonym to "the man within", and hence that the latter, as has already been pointed out, must be juxtaposed to "conscience". But it is also evident that this highest conscience is of both human and divine extraction. This agrees with what Smith has pointed out as to the character of "the ideal standard".

However, there is a still higher tribunal than the two mentioned ones which begins to work when the judgment of men becomes another than that of our own conscience. Then we can appeal to "the all-seeing Judge of the world" whose judgment could never fail. Before this tribunal innocence and virtue can never lose their true worth, and ultimately we can all hope to receive our reward in a life to come, "a hope and expectation deeply rooted in human nature; which can alone support its lofty ideas of its own dignity" (ib. pp. 215–16). The conscience which partly has a divine origin is, in
other words, warranted in a transcendental justice, and makes man, in this wicked world, at need feel comfort at the thought of this.

The influence and authority of conscience

It is in conjunction with this last-mentioned line of thought of reward in a life to come that Smith opens his special chapter about conscience. He says that conscience — although "the own conscience" or "the supposed impartial spectator of the great inmate of the breast" is not always enough for the weak man — nevertheless is the means of help to get one's own behavior and that of others illustrated and related to each other in a necessary way (ib. p. 220).

If man will ever balance his selfish interests with those of his surrounding, he must regard them "with the eyes of a third person, who has no particular connexion with either, and who judges with impartiality" (ib. p. 221). Smith means that "habit and experience have taught us to do this so easily and so readily, that we are scarce sensible that we do it" (ib. pp. 221—222). When the selfish man in this way has learnt to regard others, and sometimes lets his own points of view be kept back in favour of others, this is not due to "that feeble spark of benevolence which Nature has lighted up in the human breast", but to a still stronger force than that, namely "conscience, the inhabitant of the breast, the man within, the great judge and arbiter of our conduct!" (ib. pp. 223—24).

As is obvious here the importance of education and habit for the rise of conscience is pointed out. This is also manifest in a statement further on (ib. p. 226):

"The most vulgar education teaches us to act, upon all important occasions, with some sort of impartiality between ourselves and others, and even the ordinary commerce of the world is capable of adjusting our active feelings, with some sort of impartiality between ourselves and others, and even master of itself, and begins to exercise over its own feelings a discipline which the practice of the longest life is very seldom sufficient to bring to complete perfection" (ib. pp. 236—37). But Smith does not exclude the possibility of reaching very far in this school of "self-command". Not for a moment does he who has reached furthest allow "the impartial spectator" to loose sight of his feelings and conduct. This means at best that "he almost identifies himself with, he almost becomes himself that impartial spectator" (ib. pp. 239—40).

But this does not, according to Smith, prevent a man from feeling "paroxysms of distress" so that a conflict arises between "the impartial spectator" and "his natural, his untaught and undisciplined feelings", which in its turn might bring with it that the person in question is unable to completely identify himself with "the ideal man within the breast" (ib. pp. 241—42). However, it does not take long until such a man regains his equability of mind. Besides the difference between a wise man and a weak is not greater than that it becomes noticeable mostly "in the first attack" of the mentioned conflict. Smith believes that "in the end, Time, the great and universal comforter, gradually composes the weak man to the same degree of tranquility which a regard to his own dignity and manhood teaches the wise man to assume in the beginning" (ib. p. 247). In other words it seems to be possible also for a weak man to attain a comparatively strong conscience by means of education and experience.

As we have seen Smith emphasizes the purely empirical foundation of conscience. This is partly "of mortal extractions" (see above). Hence the rise of conscience is a question of a process of education and socialization. This fact is also evident when Smith in the following chapters discusses the question of human self-deception and the use of "general rules". He points out in this context that our passions might gain mastery of us just when we are about to act, but that we afterwards try to excuse ourselves as far as possible (ib. p. 258 ff.). But nature itself has offered a remedy for this weakness. By a constant observation of the behaviour of others we realize what is "fit and proper either to be done or to be avoided" (ib. p. 262). In

comrades learns not to rely on "such indulgent partiality". It begins to learn to control its wrath and other passions, and "it thus enters into the great school of self-command, it studies to be more and more master of itself, and begins to exercise over its own feelings a discipline which the practice of the longest life is very seldom sufficient to bring to complete perfection" (ib. pp. 236—37). But Smith does not exclude the possibility of reaching very far in this school of "self-command". Not for a moment does he who has reached furthest allow "the impartial spectator" to loose sight of his feelings and conduct. This means at best that "he almost identifies himself with, he almost becomes himself that impartial spectator" (ib. pp. 239—40).

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this way "general rules of morality" come into being. Smith is anxious to point out that these general moral rules do not form our conduct from the beginning, but "the general rule, on the contrary, is formed, by finding from experience, that all actions of a certain kind, or circumstanced in a certain manner, are approved or disapproved of" (ib. p. 263). But when the rules have been generally accepted and established "by the concurring sentiments of mankind", we refer to them as "the standards of judgment" (ib. p. 264). By means of this we are helped to overcome the self-deception which otherwise would overpower us. Further no one could fail to reject bloody revengefulness "unless his education has been very singular" (ib. p. 265).

But on the other hand Smith also in this way is made to realize that we have to do with something "partly of immortal extraction" (see above), for in a special chapter he shows that it is the observation of the general moral rules which constitutes what he calls a "sense of duty", and that these rules "are justly regarded as the Laws of the Deity". Men with cold temper could, without being emotionally attached to a benefactor or a husband, still learn to observe "the law of gratitude". There is in fact hardly anyone who by "discipline, education, and example" does not make these rules his own in such a way that the conduct in most cases becomes comparatively well-behaved (ib. p. 269). On this rests simple courtesy and still more the observance of "the duties of justice, of truth, of chastity, of fidelity". But that this becomes the case is also bound up with the fact that "those important rules are the commands and laws of Deity" (ib. p. 271). Smith now passes to dealing with "our moral faculties" and believes that, whichever is our conception of their origin, they are intended to guide our behaviour. He also says that "they carry along with them the most evident badges of this authority, which denote that they were set up within us to be the supreme arbiters of all our actions, to superintend all our senses, passions, and appetites, and to judge how far each of them was either to be indulged or restrained" (ib. p. 273). These moral faculties, which are nothing but the possibility of applying the previously treated moral principles (e.g. the rules that are valid in connection with cruelty and gratefulness), now are called "those vicegerents of God within us" (ib. pp. 274—75). Since the Creator intended man to be happy, and since the individual contributes to this goal to the same extent as he uses his moral faculties, he must be looked upon "in some sense, to co-operate with the Deity, and to advance as far as in our power the plan of Providence" (ib. pp. 275—76).

Survey of Smith's moral-philosophical conception
In order not to end up in an ethical relativism, but to give a definite content to the three main virtues treated of in the first part of TMS, Smith refers to "the impartial spectator", a concept which in a high degree seems to be equivalent to "conscience" or "a sense of duty". But his presentation of this organ of evaluation of both one's own action and that of others is not carried out with great consistency. Thus he seems to distinguish a lower "standard", or a lower "tribunal" which means an acquiring of what in a certain cultural and social connection is looked upon as more or less universal as to good or bad behaviour. But there is also a higher "standard", or a higher "tribunal" and it is above all this which is of importance to man, if he will ever attain his utmost mission in life. This forum, conscience, however, has both a mortal and a divine origin. Experience and education are of great importance for the rise of it, but yet it is to a certain extent a kind of representative of God himself within man. Exactly how the facts are on this point Smith leaves an open question. But it is evident that he lets man in society become what he must, because everyone under these circumstances develops regard and respect for his neighbour. Smith speaks very little about equality, but as far as we have followed him it could be said that society, with the help of education and in using certain divinely given possibilities in man, contributes to the satisfaction and happiness of all citizens.

The position to the question of individual differences in "The Theory of moral Sentiments"
Also in TMS there are certain lines of thought which deal with the qualifications of the individual in relation to the moral system which, according to Smith, is the real foundation of society. When Smith maintains that the act of sympathy works according to the principle
that it is easier for us to feel "sympathetic feelings" in the form of joy than in the form of sorrow (see above), he uses this fact to explain why men show such great respect to those who are rich and of high station. He also points out that he who has no such "distinction of rank" must distinguish himself in another way, namely through his own skill and prominent virtues. He can only trust in "the labour of his body, and the activity of his mind". Then he says (1781 pp. 93—94) — in this respect there are no differences in the edition of 1790:

"He must acquire superior knowledge in his profession, and superior industry in the exercise of it. He must be patient in labour, resolute in danger, and firm in distress. These talents he must bring into public view, by the difficulty, importance, and, at some time, good judgment of his undertakings, and by the severe and unrelenting application with which he pursues them. Probity and prudence, generosity and frankness, must characterize his behaviour upon all ordinary occasions, and he must, at the same time, be forward to engage in all those situations, in which it requires the greatest talents and virtues to act with propriety".

A successful man who wishes to be in the enjoyment of "sympathetic feelings" from his surrounding by means of his position does not, according to this description, seem to be a ruthless climber, but rather seems to distinguish himself both in efficiency and virtue. We must also remember that Smith has suggested, in speaking of conscience, that "even the ordinary world of commerce" is compatible with a certain amount of "impartiality" (see above).

In other contexts Smith emphasizes that the individual in his endeavour to use his own possibilities must not overstep the border of what is demanded as regards "prudence" and "justice". Thus he says about the confinement of "self-love" (ib. p. 142):

"In the race for wealth, and honours, and preferences, he may run as hard as he can, and strain every nerve and every muscle, in order to outstrip all his competitors. But if he should justle, or throw down any of them, the indulgence of the spectators is entirely at an end. It is a violation of fair play, which they cannot admit of. This man is to them, in every respect, as good as he; they do not enter into that self-love by which he prefers himself so much to this other, and cannot go along with the motive from which he hurt him".

As regards "justice" Smith points out that society must give mutual help, but on the other hand no one must be allowed to hurt anyone else. If one supports one another from love or benevolence, society flourishes so much the more, but benevolence might exist without the presence of emotional bonds. But it could not exist "among those who are at all times ready to hurt and injure one another" (ib. pp. 145—47). This is the reason why Smith regards "justice" as more important than "benevolence" (ib.). Thus it is certain that Smith in TMS reckons with both "prudence" and "justice" if men will be able to live together, and yet at the same time have opportunity to strain every nerve and muscle according to his capacity.

Smith gives a kind of summary of such a point of view when he tries to show that it is in conformity with the order of nature that we become most attached to the state in which we grow up. Our love of our native country is not only caused by "our selfish, but by all our private benevolent affections" (TMS 1793, 2, p. 66). In other words it is not derived from "the love of mankind". Then Smith ends his argumentation with the following words (ib. p. 69):

"That wisdom which contrived the system of human affections, as well as that of every other part of nature, seems to have judged that the interest of the great society of mankind would be best promoted by directing the principal attention of each individual to that particular position of it, which was most within the sphere both of his abilities and of his understanding".

The same fundamental outlook in "Wealth of Nations" as in "The Theory of moral Sentiments".

Under these circumstances it is hardly justified to make an essential distinction between TMS and WN. From many quarters the thought has also been rejected that TMS deals with a society built on benevolence among men, but WN shows us a society of competition in which pure egoism would be valid (see Segerstedt p. 115 ff., Campbell p. 69 et passim and Macfie p. 71 ff.). In contexts of political economy the attention is directed, of natural reasons, towards certain sides of Smith's conception of man and society, but it is not a question of a fundamental difference between WN and TMS. One would seem to be closest to the truth if one says that Smith in TMS presents the principles of human co-existence with a possibility for the individual
distinguish men of different professions, when grown up to maturity, is not upon many occasions so much the cause, as the effect of the

One of the foundation-stones of Smith's theory of political economy is the principle of the division of labour. This enhances the productivity as compared with the condition when one man must do himself what he needs for his support. The quantity of work is increased when it is distributed to various persons in three ways: time is saved, mechanical equipment is used, and the skill of each man who has a special task to carry out is promoted (WN 1, p. 11 ff.). It is the last-mentioned aspect which is of most interest in our context.

The division of labour is not a result of human wisdom but "the necessary, though very slow and gradual consequence of a certain propensity in human nature which has in view no such extensive utility (general opulence); the propensity to truck, barter, and exchange one thing for another" (ib. pp. 19—20). According to Smith it is likely that this propensity is a result of "reason and speech", but he does not deal with the question more extensively. But it is a phenomenon belonging to the whole of mankind. However, in this exchange of goods and services one does not rely on benevolence but on man's justified "self-love". For "it is not from the benevolence of the butcher, the brewer, or the baker, that we expect our dinner, but from their regard to their own interest". We do not turn to the "humanity" of these professional representatives, but to their "self-love" (ib. pp. 21—22). It is this very propensity to give and receive according to one's own benefit which has caused the division of labour.

Of a people of hunters and shepherds one man proved to be able to make bows and arrows "with more readiness and dexterity than any other". Hence he found it profitable for himself to produce these tools in exchange for that which he needed from his fellow-tribesmen. In the same way professions like that of the blacksmith or the tailor, the butcher, the brewer, or the baker, that we expect our dinner, but it is the last-mentioned aspect which is of most interest in our context.

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which cannot be the responsibility of the individual or of smaller groups. To these belongs education.

The section which treats this duty (ib. p. 150 ff.) gives in many respects information of Smith's fundamental outlook in WN. At the universities of those days Smith criticizes their obsolete and abstruse learning, and conditions should be improved if teachers and students were more interested in the quality of their results than what is the case with access to donations and many advantageous scholarships. This could be said to be a new instance of how the purely selfish convenience of the individual is controlled by suitable measures. Only before the ages 12 to 13 "force and restraint" would be necessary to make the youth acquire what it needs at school. After that good education is in itself sufficiently attractive (ib. p. 158). From these points of view the "public schools" in England with their school-fees, which become a natural spur for both teachers and pupils, are more acceptable. As a rule things are worst — except e.g. in Scotland — as regards the elementary education in reading, writing, arithmetic, and geometry and mechanics which is necessary for the majority of the people. Smith's argumentation for the necessity of such an education, resulting in the establishing of schools, is interesting. He here builds on the difference between a more primitive society without a division of labour and a modern in which this division is a fact. In the former case the variation of occupation is comparatively small for the society as a whole, but considerable for every individual. In modern society things are quite the reverse: the occupation of the individual has been specialized, and the variation of professions has increased: In the primitive society "the varied occupations of every man oblige every man to exert his capacity" so that the imagination is spurred and the mental powers kept alive (ib. p. 183). The danger of modern society, on the other hand, is that the majority of the citizens without special instruction will lack the intellectual as well as the moral training which they must be given to prevent them from falling into stupidity and ignorance. Stated otherwise the result would be as follows (ib. p. 182): "The torpor of his mind renders him, not only incapable of relishing or bearing a part in any rational conversation, but of conceiving any generous, noble, or tender sentiment, and consequently of forming any just judgement concerning many even of the ordinary duties of private life". The importance which is attached to elementary education also as to its influence in a moral respect Smith points out as valid for the possibilities of the citizens to fulfil their duties in relation to authority and government (ib. pp. 191—92). The freedom to make the best possible of oneself is thus by Smith ultimately linked to a forming of citizens, without which his moral philosophy would be but a play upon words.

In order to show that TMS and WN are based on the same fundamental conception, Smith's own references to "the invisible hand" could be quoted. The expression recurs in fact just once in each work (TMS 1781, p. 273 and WN II, p. 181). It has often been thought that Smith intended a kind of constant interference of God in the earthly events (cf. Campbell pp. 60—61). But Smith uses "the invisible hand" rather as a synonym of "the Deity" or "the great Author of Nature" (see Macfie pp. 111). And it ought above all to be observed that Smith uses the expression in both cases in economical contexts, in which man's in itself justified self-love does not work in a desirable way. As in the conflict between fulfilment of one's duty and absence of esteem from the fellow-men, Smith falls back on the justice of a highest "tribunal" (see above), and he lets "the invisible hand" ultimately warrant a correction of that which has not turned out to be what was intended, since the self-realization of the individual sometimes takes place without due consideration to the demands of morals (the various virtues). In TMS he lets the human weakness to overrate wealth and social positions be kept in check by the superior wisdom which basically divides what man needs into almost equal parts, so that the result is the same as if there had been from the beginning a taking over of equally large parts. In WN the placing of capital on various markets is presented as regulated by consideration to the own interest, while the profit will in the end be equally great for all in society. Providence arranges what imperfect men not always succeed in doing in a society that demands both individual freedom and regard to the right of others.

Summary
Sympathy is the fundamental conception of Smith's moral philosophy, but one ought to distinguish between the act of sympathy which means that one, with the help of the imagination, enters into the
situation, and the result of it in the form of "sympathetic feelings". These do not arise as easily as bodily needs (hunger and thirst &c.) as in cases when our power of imagination is used (e.g. in expectation or fear). Since "sympathetic feelings" are possible only on account of the experience of the observer himself, they do not arise under too special conditions for the one observed (e.g. at a violent infatuation). That one usually "sympathizes" more with joy than sorrow follows the theory of "pleasure and pain" as decisive of man's actions.

As regards the actions a wise Creator has made man so that his original motives induces him to walk in the direction of his ultimate goals, self-preservation and the continued existence of the race. In this context Smith distinguishes between three groups of "passions". Hatred, resentment, and wrath are "unsocial" passions. They are unpleasant, and hence one tries to avoid them as far as possible. To the "social passions" belong generosity, humanity, friendship, and love, all in themselves pleasant. A middle category is made up of "selfish passions" which consist of the joy or sorrow which is directly bound up with our own good. This category is related to the conception that charity begins at home. Joy is a pleasant but sorrow an unpleasant experience.

Smith's main work in moral philosophy has its name from another central conception of his system, namely "the moral sentiments. The meaning of this is that man finds something, especially various kinds of behaviour, correct or worthy of praise and reward, while things are the reverse as regards behaviour of another kind. In other words we have to do with approval or disapproval which is felt to be pleasant or unpleasant. Smith uses the terms "approbation" and "disapprobation" to state the content of the moral sentiments which remind of and also suffer from the same diffuseness as the modern concept of attitudes.

Approval and disapproval are regulated according to four different principles or rather factors — it is a question of various psychical processes. When we experience the feelings of an observed person as justified in relation to their cause, so that we through the act of sympathy will share them, "propriety" exists. In this way we conceive something as proper or improper so that we will either approve or disapprove of it. The second principle which regulates the approval is connected with the extent to which an action appears as fa-

vorable or detrimental to the one concerned. This is obvious from his feelings of gratitude or resentment, but it is also due to the position of the agent. Hence here a double act of sympathy is necessary according to which we "enter into" the feelings of both him who carries out the action and the object of it. If the result then is that the action deserves reward or punishment Smith speaks about "merit" and "demerit", which in their turn are the foundation of "approbation" and "disapprobation". The third point of view to which Smith refers means that "propriety" and "merit" and their opposites, as a consequence of the act of sympathy, become dependent on what we are used to and thus expect. On account of "custom and fashion" we reckon with various behaviour in a child and in an adult, in representatives of various professions &c. Which feeling we can "enter into" of someone who behaves in a special way ("propriety"), or what we believe to be an acceptable gratitude or resentment of the one concerned ("merit"), is connected with the conditions which are created by the habit. The fourth and last principle which Smith quotes he calls "utility". With this he means that an action might be included in a suitable system so that the means become adequate in relation to the ends. This idea of a system, however, Smith finds less important to approval and disapproval than the two first-mentioned processes. "Propriety" thus is strengthened if an action turns out to be useful in this particular sense.

While the moral sentiments essentially are emotional phenomena, virtues and vices are a factual action annexed to the sentiments. But since the passions, which Smith regards as the natural motives of the conduct, are divided into three categories it is understandable that Smith also implies three main virtues. Of these "justice" belongs to the un-social passions". Of course man has a right to defend himself against others and exact retaliation. Nature itself is in fact responsible for "the law of retaliation". But one must not without cause hurt one's neighbour. As soon as this happens there is no possibility for the observer to side with the person in question through an act of sympathy. Hence "justice" and its reverse means that one keeps one's natural resentment within the limits that could be approved of by an observer according to the principles of "propriety" and "merit", respectively that these limits are not observed. The second main virtue "benevolence" is connected with "the social passions". When
kindness, friendship and love find such expressions that the principles which are valid for the rise of the moral sentiments start to work through the act of sympathy, the moderation in our positive treatment of our fellow-men exists, which brings with it that we do not go too far in any direction. The third and last main virtue is "prudence" connected with the selfish passions. It concerns a justified but moderate development of our actions according to the directions of nature that charity begins at home. However, this virtue is rather "cold" to its character, for approval or disapproval does not include the act of sympathy, since we do not enter into a direct contact with another human being and his behaviour. This is still more the case of "imprudence", since the observed person then has rejected the justified claims of another person, and since the observer by an act of sympathy finds such a behaviour contrary to the demand of "propriety" and "merit", which in its turn results in a negative moral sentiment ("disapprobation"). "Imprudence" means that our selfishness has gone too far. To a certain degree the difference between "injustice" and "imprudence" sometimes becomes indistinct. To hurt a fellow-man without cause is certainly the same thing as acting too selfishly.

The forming of a theory described so far is mainly of a formal nature, and gives no information of how the actual action should be evaluated in a given situation. Concretion as to the content could only be discerned in the principle of "custom and fashion", and in the reference to "utility" as adaptation to a purpose in a system of means and ends. The individual action in a given situation becomes within this frame, on the whole, not determined as regards its moral characteristics. The state of things could also be expressed so that Smith so far has ended up in an almost complete relativism. The moral sentiments and the main virtues are merely characterized from a formal point of view. Hence it is easy to understand that Smith, especially in the new edition of TMS in 1790, introduced the concept "the impartial spectator" which becomes synonymous with "conscience" and "sense of duty". The presentation is not well thought-out and consistent. However, it is obvious that Smith distinguishes between two different "standards" according to which each man judges his own action and that of others. He also mentions man's desire for "praise" and "praise-worthiness" to which correspond two "tribu-
that the individual confines his selfish endeavours within fixed boundaries. No one must hurt anyone else unnecessarily, and to the most important duties of the authority belongs the preservation of justice.

The relation between TMS and WN could be characterized in this way. In TMS Smith describes the principles of morals within a human society with preservation of the right of self-realization of the individual. In WN he has in the first place paid attention to this self-realization, but also maintains the demand that all should compete with each other within the limits of certain important claims on the morals of the individual which he treated more extensively in TMS.

From this it could be said that Smith although he in a small degree directly deals with the ideas of freedom and equality — yet in reality is concerned with them. Freedom of self-realization must exist, but definite demands must be made upon the behavior of the citizens, demands which in fact make it possible for everyone to reach his utmost goal, to contribute to attaining the intention of providence with mankind. In both respects the educational measures are important. Even conscience, partly formed by the Lord of this life, undoubtedly is developed to a certain extent through education and upbringing. But elementary education is also necessary for the working people, and this instruction becomes in the end decisive if they will be able to develop the morals without which society would be dissolved.

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(Some abbreviations used in the text are put in brackets.)
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Chapter 8

Freedom and equality in Thomas Paine versus Edmund Burke

Introduction
There are many connections between Adam Smith (chap. 7) and Edmund Burke. In 1759 Smith's work "The Theory of moral Sentiments" was reviewed by Burke in "Annual Register" which he edited, and this review was held in a positive tone. As members of Samuel Johnson's literary club in London Smith and Burke had opportunities to exchange views personally (Canavan p. 56 and Magnus pp. 20—21). Burke's economical conception as related to that of Smith is disputed (Cobban pp. 189—197; cf. Stanlis pp. 55—56). It is in itself an interesting problem to explain the relation between the father of economic liberalism in England and the man who in attacking the French revolution in 1790 appeared as the leader of both the English and continental conservatism during the 19th century (Strzelewiecz p. 172). But concerning the problem of freedom and equality it seems to be more fruitful to confront Burke with the author who both in America and Europe stood out as an apostle of a democracy in a republican form founded on a constantly renewed elected representation at war with a constitutional monarchy with a far-reaching respect for tradition and continuity. Hence Thomas Paine becomes the natural anti-pole of Burke, when one tries to observe the reaction to the struggle for independence which, among other things, resulted in the American breach with the mother country and in the French revolution. There is hardly any other exchange of opinions about the French revolution which attracted more attention than the correspondence between Burke and Paine.
On Nov. 1, 1790 Burke's "Reflections on the Revolution in France" was published. In less than a year, in March 1791, Paine published the first part of "The Rights of Man" (RM). The continuation followed — in the first place as a consequence of oppositions between Burke and his English party comrades — with Burke's "An Appeal from the New to the Old Whigs" in Aug. 1791. Whereupon Paine presented the second part of "The Rights of Man" in Feb. 1792. But one cannot confine oneself to these writings, but must consider other contributions too of the two antagonists, especially Burke's earlier works and Paine's "The Age of Reason" (AR) in two volumes from 1794 and 1796 and "Agrarian Justice" (AJ) from 1797. In this way it is easier to understand to which extent there was a common foundation for Paine's and Burke's ideas although their final points of view in many ways were opposed to each other. At least from the beginning there was much that united Paine and Burke. As we will see they long cherished the greatest veneration for one another. Their fortunes are also in reality similar. Two persons as upright and as permeated by fearless honesty as these easily find themselves in the same predicament — although their outward conditions show great differences. Paine became the inspirer and eager supporter of the American liberation, and he later fought as eagerly for the fundamental principles of the French revolution. In spite of this he was a prisoner during the Terror and lived in constant threat of ending his life on the guillotine. Born Englishman and naturalized American he had the honour of being a member of the National Convention both before and after these terrible months in prison, but when the development in France from 1795 brought with it an establishing of a form of government of an anti-republican nature Paine grew more and more isolated, and spent his life under reduced circumstances. When he returned to America in 1802 he was exposed to both homages and persecutions, which were consequences not least of his deistic conception. He died in 1809 in New York, in straitened circumstances, after having been forced to turn out two officious clergymen in order to depart this life in peace. As to Burke he never reached an official position corresponding to his importance and his great political influence. He always had financial problems, in a high degree due to his living in the same was as the aristocracy, the servant of which he in many respects was looked upon as being. But in 1794 Burke left Parliament and settled at Beaconsfield where he after some years of remarkable isolation — compared with the former state of things — died in July, 1797.

Thus both Paine's and Burke's last days are tragic. None of them lived to experience the realization of what they had fought for. The situation in America in 1809 and in England in 1797 was such that neither Paine nor Burke could feel satisfaction at the state of things in the light of what they had desired. Both had been intensely engaged. While Paine in Paris played the role of a kind of unofficial American ambassador to help those who sometimes were on the point of being carried off by the whirls of the revolution — he even had to get a secret exit in order to escape from all petitioners — Burke received French fugitives from the nobility and from the higher clergy at Beaconsfield. It might seem as if these two pictures are the best expressions of the oppositions between them. But is it so that one of them fought for freedom and equality while the other was an opponent of these ideals?

Thomas Paine

The relation between Paine and Burke is best illustrated if Paine's conception is analysed first. It has not been looked upon as controversial which is the case with that of Burke, and it did not undergo any radical changes with years; thus it might be studied in its main outlines already in his earliest contributions.

Paine during the American struggle for independence

All of Paine's more important works were in their time "best sellers". This is true of "Common sense" in Jan., 1776, a treatise which contributed much to the spreading of the conviction of the necessity for the colonies to completely free themselves from the mother country (cf. chap. 2). The philosophical foundation of this point of view of Paine's is to a great extent the same as the one he develops in conjunction with the justification of the French revolution. He sets out from the difference between "society" and "government" (Paine 1, p. 4 ff.). The society arises because men have a need to unite their strength when satisfying their needs. If it had been possible, in doing this, to obey the commands of conscience no special legislation would have
been necessary, nor a special government. A government must exist "to supply the defect of moral virtue". From the beginning all could have met to discuss the measures which should be taken, and "in this first parliament every man by natural rights will have a seat". If the population is larger one must, however, elect representatives who must protect the interests of their electors in the decisions. Hence the origin of the government is "the inability of moral virtue to govern the world", and its aim is "freedom and security". Mankind was "originally equals in the order of creation", and the equality could only have been displaced by certain circumstances of later origin. To these the difference between rich and poor belongs, but above all the rise of the hereditary monarchy. The division between king and subjects cannot be defended from "natural or religious reasons". To have the throne inherited from father to son is "an insult and imposition on posterity". For since all men from the beginning are equals, no one could make claims that just his particular family shall have the right to exert power over other people. This has brought with it that one easily gets "an ass for a lion". Neither has anyone the power, by a treaty, to make all once and for all surrender their right to anyone so that coming generations should remain bound by it. In this way they risk to find themselves under the regime of a fool. There is no right to anyone so that coming generations should remain bound by the contract with the person in question according to the sovereignty remains with the people itself, and is exerted by repeated election of delegates, and where the administration is founded on right and justice in preservation of the freedom of the citizens, and within the frame of a mutual contract (reference is given to the "Declaration of rights" of Pennsylvania). The legislative authority which in this contract has been surrendered to the representatives of the people might, however, always be abolished if misused, and the laws might be changed in accordance with the wishes of the majority, while the agreements established between the state and an individual citizen, e.g. in an economic respect, cannot be altered, since the state is always the same, and every new "assembly" is to the same extent bound by the contract with the person in question according to standing laws (ib. p. 369 ff.).

As a reward for his services during the war of independence Paine received among other things a house in the country where he settled before he went to Europe in 1787 to discuss his construction of an iron bridge. He intended to be away for a year, but he did not return — as has already been mentioned — until in 1802.

"The Rights of Man" (R M)

Paine's business transactions in France and England took a rather long time. He was of course also engaged in the political course of events and in chap. 5 was mentioned how he together with Lafayette and Jefferson discussed the question of the forming of a declaration
of the human rights. It was Paine who got the key of the Bastille from Lafayette to be forwarded to George Washington (Conway p. 109 ff.). With Burke Paine had the best connections, and Burke mentions "the great American" and "the famous Mr. Paine." Paine even paid a visit to Beaconsfield some days in Sept., 1788 (Burke: Corresp. V, pp. 412 and 414, Paine 2, p. 1270). In Jan., 1789 Paine writes: "I am in some intimacy with Mr. Burke" (Conway p. 105). Still at the beginning of 1790 both Paine and others obviously expected from Burke a positive attitude to the French revolution (Burke: Corresp. VI, pp. 67 ff. and 109 ff.). But when Burke in Nov., 1790 published his "Reflections" Paine's attitude to the French parliamentarian changed, and he regarded it as his duty to answer the attacks. This he did in "The Rights of Man" the two parts of which ought to be studied as a connected whole.

Paine's criticism is essentially directed towards one single point, namely Burke's conception that the authorities once attributed to king, parliament and aristocracy would perpetually be binding as regards social conditions and forms of government. No generation has the right to make prescriptions for the following one, and there is no other hereditary right than the one founded on God and his creation. One must return "to the time when man came from the hand of his Maker". Then one sees "the divine origin of the rights of man, at the Creation". But "the divine principle of the equal rights of man" does not only concern the living individual but the generations in relation to each other. There is only one kind of men, and "all men are born equal and with equal natural rights, in the same manner as if posterity had been continued by creation in stead of generation (Paine 1, pp. 273-74). It is on these equal, natural rights that men found their civil rights when they unite and form a society. Natural rights are those which belong to man's existence, i.e. everything that concerns his intellect and needs and which might be satisfied without encroaching upon the rights of others. The civil rights belong to man as "a member of society". Also in society those natural rights are preserved which still might be protected by the individual. All the rest is left over to "the common stock as a member of society", and in this one finds that which one cannot carry out alone. Hence the civil rights in reality have their foundation in the corresponding natural rights, and "the civil power" is nothing but the natural rights "collected to a focus" to the benefit of everyone. From this follows too that the civil rights impossibly could be used to encroach upon the natural rights which the individual still preserves in society, viz. those that he might take care of without the help of others (ib. pp. 275-76).

But in this way the society is prior to all forms of government. The Creator of man has driven him to unite with others in making his strength less than his needs. To this "a system of social affections" has been added. As a consequence of this "man is so naturally a creature of society, that it is almost impossible to put him out of it". Hence the government is only a very small part of the "civilized life". The more perfect the civilization, the less the need of a special government. Only some few general laws are necessary for the civilized life. One might also say that "the great laws of society are laws of nature", for they are instituted to protect the interests of all. But the laws which a self-sufficient government tries to institute becomes a form of oppression (ib. p. 357 ff.).

But how does a government arise? Paine gives several answers that overlap each other. A government might arise "out of the people, or over the people" (ib. p. 279). To this the government which rests on man's natural rights or reason corresponds, and that which has its origin in superstition of power, i.e. it rests with the clergy, king and aristocracy (ib. p. 277). Another corresponding distinction is that of "representative"—"hereditary" (ib. p. 364). Paine thinks that the word republic ought to denote the aim of every government, namely "res publica" or the common good. Monarchy and aristocracy do not fill this demand. The original democracy where all met to mutual deliberations is no longer possible when the population has increased. Hence the only form of government which might be called a republic is the representative (ib. pp. 369-70). In this the sovereignty always, thus at every period of time, rests with the people itself by means of its constantly re-elected representatives (ib. p. 294). To speak about a contract between the authorities and the subjects is to have the effect precede the cause. It is only the individuals, all equal according to the order of nature, that could make a contract with each other, aiming at establishing the government which is needed in a society, since certain rights must be surrendered to the society or to "the common stock" (ib. p. 277).
But before one can establish a government a constitution is necessary, for the constitution is not a result of a government but a condition precedent for such a one. A constitution is related to the government as the laws instituted by the government to the execution of them (ib. pp. 278—79). The French National Assembly which as a basis of its work has adopted a declaration of the rights of man and of the citizen ought to be looked upon as a convention intended to form a constitution, and it should be followed by assemblies representatively made up with a right to institute laws (ib. pp. 279—80). Paine reproduces the declaration of Aug. 1789 (chap. 5, fig. 9), and emphasizes especially the fundamental character of the first three paragraphs (Paine 1, pp. 315 ff. and 342). Paine illustrates his conception by referring to the development in Pennsylvania and other states of America. First one met in a convention which agreed upon a constitution with an introductory declaration of rights and with prescriptions how the government should be established in order to protect these rights. It was in this respect never a question of a contract between people and government, but of a contract which the people made with itself to the establishing of a government according to certain principles (ib. p. 375 ff.). If Burke regards man’s rights as "an absurd doctrine" he must found his conception on something inhuman, and he then ends up in "the rights of beast" (ib. p. 385).

Hence the republic representatively founded is, according to Paine, based on man’s natural rights which he preserves in society. But only by means of this the various rights of the individuals might be secured. Paine believes in natural differences, but he considers it impossible to gain knowledge of the distribution of them by a higher power. He writes (ib. p. 367):

"Experience, in all ages, and in all countries, has demonstrated, that it is impossible to control Nature in her distribution of mental powers. She gives them as she pleases. Whatever is the rule by which she, apparently to us, scatters them among mankind, that rule remains a secret to man. It would be as ridiculous to attempt to fix the hereditaryship of human beauty, as of wisdom".

There are always enough people within society who by nature have the suitable qualifications for various tasks, but the distribution is perpetually shifting, and this one must take into consideration. The hereditary principle is at strife with both right and wisdom (ib. p. 367). The representative system with constantly recurring elections warrants a gradual foundation on a correct selection. Revolutions make it possible for "genius and talents" to appear to advantage, and it is necessary for a good government to secure the slumbering talents "to bring forward, by a quiet and regular operation, all that extent of capacity which never fails to appear in revolutions" (ib. p. 368).

It is from these starting-points that Paine tries to show the stupidity of the hereditary monarchy, a ruling aristocracy, monopolizing prescriptions &c. The hereditary monarchy brings it that children govern men, and conceitedness rules experience. One runs the risk of being forced to leave the power to a tyrant, an idiot, or a fool (ib. p. 365). Few famous men ever had children of the same quality as themselves. It seems as if nature squanders in one direction and then turns to another (ib. p. 368). But aristocracy in general and the right of being first-born in particular is consequently as contrary to nature as is the hereditary monarchy. In this respect Paine refers to the observation that the aristocracy is degenerating since it has been shown that in-and-in marriage within a limited part of the population has such a result (ib. p. 289). To monopolize the right of voting to a smaller part of the people means a limitation of a similar nature, and the obligation to belong to a guild brings with it that very few might choose their vocations according to "genius or industry" (ib. p. 282).

But it is of course not enough to use the natural qualifications. They must be trained, and all need knowledge. Paine suggests taxation reforms which would make possible a completely new educational system. He says that "a nation under a well regulated government should permit none to remain uninstructed". He proposes an elementary school of six years in which all might learn to read, write, and do arithmetic (ib. pp. 425 and 428). In this way poverty too might decrease, for knowledge augments the capacity. The waste which is characterized in the following words must be abolished: "Many a youth, with good natural genius, who is apprenticed to a mechanical trade — — is prevented getting forward the whole of his life, from the want of little education when a boy" (ib. pp. 425—26). The republic which works representatively is, in other words, founded on having the everywhere existing good talents appear to advantage, and
on giving them their chance by means of a catering for a common education which gives all the necessary "kick off".

"The Age of Reason" (AR) and "Agrarian Justice" (AJ)

Already in RM Paine had pointed out the necessity of a complete liberty of conscience, and that every religion essentially means that man before God presents "the fruits of his heart". A church established with the help of the law inevitably brings with it persecution and violation of the liberty of conscience (ib. p. 291 ff.). However, these problems Paine dealt with more thoroughly in "The Age of Reason", the first part of which was completed some hours before he was arrested in Dec., 1793 and taken to one of the jails in Paris. The second part he wrote in the following year after having been freed. Much speaks for that the treatment of him was the result of an act of vengeance from Gouverneur Morris who had succeeded Jefferson as American ambassador in Paris (see e.g. Conway p. 187 ff.).

Paine opens AR with a deistic confession which in a few words sums up the whole work (Paine 1, p. 464):

"I believe in one God, and no more; and I hope for happiness beyond this life.

I believe in the equality of man; and I believe that religious duties consist in doing justice, loving mercy, and endeavouring to make our fellow-creatures happy."

The real revelation lies in God's own world of which reason must conceive him as an extreme cause (ib. p. 482 ff.). Hence the natural philosophy is the most important source of religion (ib. p. 487). The natural sciences are more important than the languages, but from a life of free activity the child passes over to a school "where its genius is killed by the barren study of a dead language" (ib. p. 492). He who gains knowledge of God in a boundless universe meets, however, also "a God of moral truth". God's goodness obliges man to try to show benevolence towards his neighbour who is also the creation of God (ib. p. 506).

The God who is brought nearer to us in sciences and arts is the power of goodness, and to meet him is binding on the relation between men. Persecution and cruelty towards a living creature is felt to be a violation of "moral duty" (ib. p. 512). Religion in the deistic form and morals are closely connected with each other, and from a pedagogical point of view it is interesting to assert that it is in the first place knowledge of the world, the natural sciences, that are of importance to the development of the only true religion.

"Agrarian Justice", 1797 is a continuation of the economic reforms which Paine had presented in RM. The year before Paine had published "Decline and Fall of the English System of Finance" (ib. 2, p. 651 ff.) which occasioned one of the numerous attacks on the author, this time by means of a comparison between him and Adam Smith, viz. the pamphlet "Adam Smith and Thomas Paine" (Jefferson 1796). However, the most interesting thing from our point of view is that in "AJ" could be found an exposition of the relation between "liberty", "equality", and "property". In the word "liberty" is also implied "the right of voting for persons charged with the execution of the laws that govern society" (Paine 1, p. 607). The universal suffrage from the age of 21 (ib. p. 614) must not be tied to "property". But even if this is the case there is a common property which gives to all equal right to exert influence on the government in an equal degree, for "property" might be divided into "natural property" (earth, water, air) and "artificial or acquired property" (which consists in what the individual has done out of the property common to all). "Equality is impossible" in the last-mentioned respect (ib. pp. 606–607). In man's original state there was only a common property, but when it began to be elaborated, civilization came into existence and with it wealth and poverty. However, all have still an equal right to the soil which the private landowners have improved by their cultivation, and which by means of this improvement partly has become their property. But the essentially equal right of property of the earth justifies a withdrawal of a basic interest which will be distributed among those who do not own any land (ib. p. 610 ff.). Liberty depends, in other words, on original equality as regards right of property, but this equality is no longer possible within a civilized society, where it, however, might be restored on the vital point in withdrawing interest on the earth.

Other writings and contributions.

The first part of RM was left without proceeding from the authori-
ties in England. But when the second part was published the author was prosecuted. But the postponement of the law suit made it necessary for him to go to France where he was elected member of the National Convention as has already been mentioned. Only 20 minutes after the departure of the ship from Dover a warrant of arrest arrived there. Paine was later convicted and declared an outlaw. His picture was burnt or was hung in many places by the mob to which this was a kind of popular amusement (Conway p. 142 ff.). In many contributions in conjunction with the legal proceedings against him in England and during his activity as a member of the Convention in France the picture given above of his conception is, however, confirmed and complemented.

In almost all contexts are put in opposition to each other a society and a government, within which the right of determination is transferred according to the hereditary principle, and on the other hand a republic, the representation of which is chosen by the people. In both respects Paine refers the argumentation to man's natural rights. He worked, above all with Condorcet, within the constitutional committee of the National Convention at the beginning of 1793 on a proposal for a declaration which would replace the one accepted in Aug., 1789, and a preserved draft shows that it was a text which in a high degree corresponded to the wordings which were approved of by the Girondins on May 29, 1793 shortly before their fall (Aulard p. 289 ff., Aulard & Mirkine-Guetzevitch p. 21 ff., and Paine 2, p. 558 ff.; cf. chap. 6). Among other things this means that society is responsible for making education available to all (as to the co-operation between Paine and Condorcet see also Paine 2, p. 599).

A system with hereditary monarchy is incompatible both with "common right" and "common sense" (ib. p. 545). With "common right" Paine intends the untenability that anyone would be able to rule over others, since all in reality have exactly the same rights. A hereditary monarchy means that the power which belongs to every new generation has been usurped (ib. p. 490 et passim). A king and a Robespierre are in this respect in the same position (ib. p. 573; cf. the criticism of Robespierre ib. p. 600). The right of those who are under age cannot once and for all be taken away from them by the adults (ib. p. 574). There is no real difference between the earlier aristocracy and the Jacobins (ib. p. 582).

But the principle of heredity is also at war with common sense. Its consequences are devastating. Paine never tires of repeating what a king could mean. In the proclamation which he and a like-minded put up in the streets of Paris after the unsuccessful attempted escape of Louis XVI is mentioned "a madman, an imbecile or a tyrant" (ib. p. 518 — similar statements pp. 459, 490, and 573). Only in one case of fifty there is reason to believe that a man possesses enough character and talent for an official vocation of great importance. If one assumes a possession of a vocation for 20 years on an average, no more than once in a thousand years could be found the qualifications which are necessary in the eldest son (ib. p. 448). Sometimes this argumentation is increased (ib. p. 545): "Hardly a single example can be adduced where a man of genius has left behind him children worthy of their parentage". The aristocracy has in a criminal way obtained its power, but what is still worse, the slavery which is a result of it also weakens the human capacity on the whole by preventing its free use so that one might end up in imbecility (ib. p. 582). Already in RM Paine had set the pun that "nobility" in fact brings with it "no-ability" (ib. 1, p. 310).

But on the other hand "equality of rights" must not be confused with human universal mediocrity. In the state of nature all have the same rights but not the same strength. The end of society is to remedy this, which happens by means of the laws (ib. 2, p. 583). Within a form of government founded on representative elections every adult (i.e. above the age of 21 — see e.g. ib. p. 574) has a vote (ib. pp. 577 —78). The majority decides the outcome (ib. p. 508), and in the social contract which unites the whole society is implied that the minority bows to the opinion of the majority when the matter has been settled (ib. pp. 584—85). The constitution of 1795 had one great fault, viz. that it did not give right of vote to all above the age of 21 (ib. pp. 588 ff. and 594 ff.). Although it is impossible to imagine that all possess equally much, the individual right of determination in this respect must not be dependent on his fortune. For differences in this respect are founded, among other things, on "superiority of talents", but not on any difference of natural rights (ib. p. 530).

Hence all have part in the legislative power, and the executive power is subordinated to the legislative (ib. p. 586) so that he who has turned out to be unsuitable is removed (ib. pp. 489—90).
Summary
At the turn of the century 1800 very few gave as simply as Paine expression to the thoughts which in varying shades have become fundamental for Western democracy. From the beginning men have the same rights. They are equally free and equal. They unite in a society partly to help each other to bring about that which the power of the individual fails to accomplish, partly on account of the existence of "social affections", and finally partly because of lack of "moral virtue". If all would have been able to follow the voice of conscience and develop a "moral duty" in accordance with the model of the Creator as regards benevolence, no government would have been necessary. But now in order to protect everybody's original and equal rights the men must unite and organize their relations by means of a contract. The hereditary monarchy and the ruling aristocracy are, however, a parody of what was intended. This form of government is incompatible with the equal right of all which still must be prevailing; besides one runs the risk of being governed by incompetent and unintelligent people. For natural differences certainly exist as to intelligence and other characteristics so that this gives rise to differences of faculty, but how these endowments are transmitted is and will for ever be a mystery. By means of the contract a people first tries to establish a constitution which in the first place would include a declaration of rights, but also the principles of government. In a country with a large population representative elections, in which all above the age of 21 participate, are the only possible way of having the opinion of the majority constantly expressed. In this way the legislation becomes a manifestation of the opinion of the majority. Those who are capable are also given a possibility — as in the whole of the social life — of appearing to advantage, but if they misuse the confidence they are dispatched from their positions. The educational system is important to this whole system, for the endowments must be trained, if they shall be developed to their full strength. Hence elementary public instruction is necessary. Within higher education Paine seems to attach the greatest weight to the natural sciences, for they give knowledge of the world which in its suitability to its purpose and in its infiniteness is the only reliable revelation of God's greatness and obliging goodness.

Edmund Burke
The difference between Paine's and Burke's way of arguing seems to be that Paine always explicitly sets out from definite and often repeated theoretical considerations, while Burke's writings have not been looked upon as comprising "a set of general principles", but on the contrary as being "the cumulative record of multitudinous responses to the diverse events and issues of his political career" (Parkin p. 2). The fact that the opinions have not been divided about the point of view that Paine took in various respects is of course connected with this, while there are different interpretations of Burke. For instance in earlier literature is stated that "abstract illimitable speculation had no attraction for him in any of its departements" (Morley p. 47), or an opposition such as this might be mentioned: "He uncovers the latent hostility between a theoretical rationalism and a practical utilitarianism, and gives his voice in favour of the latter" (Cobban p. 84). In later works this description is rejected, and instead it is asserted that "recent studies have sought to show that his political philosophy was not radically antirational" (Cobban p. 1X). According to such analyses Burke is not a representative of "a conservative utilitarianism", but is as firmly anchored as Paine to a conception of natural right (Stanlis p. XI — see also ib. p. 29 ff. as to the earlier conception of Burke's). It has often been overlooked that Burke's writing is founded on "a coherent moral philosophy of man and community" (Parkin p. 2).

The mentioned lack of a coherent theoretical system in Burke is, however, more apparent in the writings that he presented in conjunction with his proper political career than in his earliest literary production. In a letter to Adam Smith in 1759 Burke writes that a moral system could only be founded on "the whole of Human Nature", because man's nature is always the same and hence permanent, while the ideas are changing and must be put aside (Burke: Corresp. I, pp. 129—30). The psychological basis which is noticeable in this, and which undoubtedly could contribute to sympathetic appreciation of Burke's conception, is in its turn especially manifest in his earliest writings. Consequently more attention ought to be paid to these than what is often the case.
On one occasion Burke expressed his personal approval that the foundation of the club is virtue and that the rules should contribute to strengthening the "morality" of its members (ib. pp. 250—51). When he was commissioned to speak ex tempore about the Sermon on the Mount, he pointed out the superiority of the Christian moral to the heathen, since it aims at refining the passions and concentrates on the source of all actions, "the heart". The Sermon on the Mount might essentially improve the society so, that a paradise on earth would be possible, but human wickedness is the cause that this paradise must be sought elsewhere (ib. p. 252). To Burke this wickedness is found in the passions which are enemies of "wisdom & virtue" and "Continual Rebels to Reason & Decorum". The passions cannot be uprooted, but they might be suppressed by "virtue and a due exercise of Reason" (ib. p. 268). At another meeting he pointed out that man, as distinguished from the beasts, could learn to prefer "Public good to private concerns", and that reason is a counterbalance to "self-love" (ib. p. 263). However, the exchange of ideas in the club must not, according to Burke's opinion, end in "dry logical reasoning", for it is not possible to reject a bad action without judging him who did it (ib. p. 238). In his capacity as "censor" he claimed that "there was a law within his Breast & that is his Conscience which would hinder him from acting contrary to Justice" (ib. p. 280).

Also in the before mentioned weekly journal, "The Reformer", from 1748 Burke places the passions against religion and reason, and speaks about the necessity of "the Practice of Virtue and Religion" (ib. p. 324). Moreover he says that no real virtue could exist if ignorance is flourishing; knowledge and virtue are in other words connected with each other. Interesting in this context is the statement that the objection to this point of view comes from individuals who wish to pull others down to the same low level as themselves, i.e. from "Men who look with an envious Eye on Talents they can never hope to equal" (ib. p. 298). But this realization, that there are less talented people who in their own selfish interest could work against virtue and reason, does not prevent Burke from vindicating the human equality for the rest. The division of property and wealth is unequal, but those who have been given most have just received a loan which

The years of study
From the period when Burke began to study at Trinity College at Dublin there is a relatively copious material illustrating his conception in important respects. For one thing Burke and some comrades formed a club the records of which are preserved, for another he published in 1748 a journal appearing once a week (together 13), and besides he published a lot of pamphlets in the struggle which was going on because of the election of a new M.P. 1748—1749. The credit of having brought these sources to public notice is due to Arthur Samuels and his father (see the references).

Already when 15 Burke, in a letter (1744), expressed an opinion which seems to be fundamental for his outlook on life in the following years as well. He says that the religious divisions would probably have been less, if humility, which is the foremost of the Christian virtues, would have been realized better. Man's duty is, according to the extent of the furnishing given to him by the Creator, to make his best to realize the intention of the Creator. Every man has by God, "all merciful, all good", been given "a guide, a talent to direct us in the slippery paths of the world" (Samuels pp. 36—37).

This idea of a world where man by God has received his special position in which he must do what he is capable of, is made concrete in the records from the club at Trinity College in 1747. The rules in this context illustrate the intention of it. Every rational being must try to improve "the mind" and try to be more skilled and "more agreeable members of the happy community". Arts and sciences could only be practiced and made useful "in Society" where all might develop taste, judgment, and intelligence, and serve each other. The rules aim at creating the order which is necessary, if freedom will not degenerate into licentiousness, for "order is one of the greatest beauties in the works of Nature". The conduct of the members should be characterized by "decency and good Manners, virtue and religion", and on every Friday an essay "on a given topic on Morality" should be presented (ib. pp. 227—28). When Burke, shortly after the acceptance of the rules, presented an essay "on Society" and this exposition did not cause any objections whatsoever — the discussion was otherwise lively and the criticism sharp — it could be assumed that the contents were in agreement with the fundamental outlook mirrored in the rules (ib.).
must be used to "promoting the Public Good" which is justified with a reference to "the natural Equality of Mankind" (ib. p. 316).

The pamphlets in connection with the election of a M.P. in 1748 —49, "The Lucas Controversy", are in their turn very enlightening documents and completely indispensable for the understanding of the foundation on which Burke from the beginning put himself. Here he develops two fundamental doctrines. One of them is that "Virtue is the only lasting Cement among men"; i.e. society rests on virtue (ib. p. 375). The other refers to "Liberty, without which life itself is but a curse" (ib. p. 354). Between these two principles there is obviously no inconsistency to Burke. There is no freedom without virtue among those who are responsible for the government of the society, and only in a free society virtue is given a possibility of developing.

Burke presents these points of view in conjunction with an examination of the history of Rome and an analysis of the relation between Ireland and England and the constitution in force. Already in his first contribution he maintains the conception that the end of society is the happiness of the citizens, and that the power ultimately rests with them. When the social body like an individual organism is struck by illness, still only one single leading person could, because of his virtue, restore the earlier freedom (ib. pp. 331—32). A constitution is the "property" of all, and the "ministers" are the servants of the public who violate the rights of others if they misuse their position. Experiences from various periods of the history of Rome show how such misuses might arise whether it concerns kings, decemvirs, or the nobility in relation to the people. Every constitution degenerates when it is no longer supported by "a Spirit of Liberty". Freedom is always an avoidance of tyranny on the one hand, and of licentiousness on the other. He says that "the Spirit of Liberty then, is a mean between Faction and Licence", and adds: "It aims at no private good that is not connected with the public good". The inhabitants of Dublin are exhorted to let their loadstars be "Virtue and the Spirit of Liberty" (ib. pp. 341—42). Infinite power is always a risk, and "hereditary kingdoms" are especially dangerous, since virtue might be looked upon as belonging to the position instead of the person (ib. p. 347). The right to elect representatives belongs to the people itself, and also in this context there is a danger that those who have been given public commissions misuse their position, unless one sees to it that "a rotation of offices" is established (ib. p. 348).

Individuals with "integrity and wisdom" ought to be chosen who might develop firmness of principle, skill and a sane judgment (ib. p. 355).

As to the relation between Ireland and England he says that "in the nature of things to be sure, we have as good a Title to Freedom as any Nation upon Earth, i.e. that is to be governed by Laws framed by our own representatives". These rights should be protected by citizens who "lay aside the influences of Passion and sordid Interest" (ib. pp. 358—59). The English constitution is a weighing between monarchy and republic, but that a man is protected within the frame of it does not mean that one has desisted from "the Rights and Privileges of a Man". One has a right to examine one's representatives if they take to believing that "every thing is just which is expedient" (ib. p. 363 ff.). A dependence could never be fixed once and for all, so that one lacks the right to break loose from it when it has been transformed into slavery (ib. p. 364 ff.). Hence freedom of the press is only obnoxious to tyrants and ruling minorities (ib. p. 370). One must object to all those who are responsible for the rise of corruption by having their skill and their judgment ruled over by the passions (ib. p. 373). A corrupted senate prefers "Expedience to Equity", deprives the citizens of the freedom to show what is true, and opposes to "Liberty of Conscience"; it even refuses the people their right to free elections (ib. p. 374). Within the frame of the English constitution the House of Commons has its authority from the people itself which could never be deprived of its right to free elections. It is a question of having "a Patriot Parliament", i.e. "a Body of Men freely elected to represent the People; completely acquainted with their Rights, and resolute to defend them; neither ambitious to weaken the royal Prerogative, nor servilely compliant to resign the national Privileges; whose Councils are animated by the Spirit of Liberty, not heated by a Spirit of Faction" (ib. p. 379 ff.). Such a Parliament could offer everything but the freedom to "a good Prince" (ib. p. 383). It must not be made up of those detestable "court-patriots" who wish to remain in power at the rate of violating the liberties and rights which they are commissioned to defend (ib. p. 364).

The young Burke's way of looking at life had, as we have seen, a
strong religious background. God has created the men, and as his
workmanship they are all equal. But the individuals have a different
furnishing which it is their duty to use in the best way within society,
where all should serve one another. Such a society must be character-
ized by order, and this happens when each man overcomes the self-
ishness or the passions and puts the common interest before his own.
This demands that virtue and reason gain supremacy. However,
virtue is compatible with the principle of freedom. The people pre-
sure their own rights by electing representatives at free elections of
a government, the foremost duty of which is to protect the common
interests of the citizens and see to it that nobody's liberties and rights
are encroached upon. In the society which ultimately rests on God's
demands that man shall be virtuous, i.e. shall be able to master his
passions, no government could exist that does not fulfill the demands
made on the individual citizen. On the contrary it should always be
made up of the wisest and best citizens.

Much of this conception might have its origin in Burke's philo-
sophical studies at Trinity College where he came into contact with
aristotelian and scholastic tradition as well as with more modern
empiricism and rationalism (Casuals p. 197 ff.). It could hardly be
doubted that he in this way also got to know a conception of natural
right which he could use in developing his belief in a divine order,
according to which men in society ought to serve one another as equals
and — with consideration to everybody's equal right and freedom to
decide their own government — create warrants that no one will
oppress another. In such a society every man could, according to his
powers and strength, do what the Creator of the Universe intended
with him.

"A Note-Book"
In 1750 Burke went to London to study law according to his father's
wish. However, these intentions were not carried out with any greater
success, and Burke never presented himself before a court of law. We
know very little about the years before his real début as an author
in 1756 (see e.g. Newman p. 6 ff.). But thanks to a preserved "note-
book" in which he and a relative of his have put certain essays &c.,
the development in his world of ideas could be followed at a time
when he probably made his fundamental experiences of English so-

Ged life without being bound by any official obligations. Burke
could continue to build on the foundation laid during the studies at
Trinity College. The contributions in "A Note-Book" which with
certainty or great probability might be attributed to Edmund Burke
only in a small degree change the picture of his conception before
he went to London. Nevertheless the outlines on important points
become sharpened and more chiseled.

Thus it is difficult to understand that "a plan for arguing" has
been looked upon as being of less interest (Somerset p. 45). On the
contrary here are found the main features of Burke's idea of what
kind of reasons to be used in arguments. When it is a question of
"some natural truths" the character of nature itself must be explain-
ed. As regards "matters of fact" one might refer to common expe-
rience, the conditions at the time, and the reliability of the source.
If one wishes "to persuade us to do something" the arguments are
taken from "justice", "interest", and "affection". Justice refers to
the conformity with "the Law of God", "the general notion of Vir-
tue", standing law, and the current opinion. Interest considers both
advantages and results of the vindicated point of view. Affection
derives its roots from "passions" and "authority". Here "the Art of
invention" has its place. But one must of course not forget what we
know. The art of invention should actualize what we already know
and try to find out that which we do not know.

With consideration to "civil life" one must first examine if any-
thing could be permitted or ought to be forbidden with regard to
"justice" and "convenience". Burke then mentions the purely human
factor in the form of "Praise, Blame or Excuse". One must take into
account that praise has a counterpart in a vice, and that every "capa-
city" means or includes the existence of another capacity. In a few
words Burke obviously wishes to base all arguments on virtue and
truth, on knowledge of nature and "the Law of God", so that one
does not, in developing sentimental reasons, put aside what one
knows, or what justice and suitability demand. Praise should rest
on virtue and capability. Could all this be of slight importance as
regards a parliamentarian who later was looked upon as one of the
greatest creators of public opinion of his age?

Religion is still completely decisive of Burke's conception. He
declares (ib. p. 67 ff.) that nothing can exert its operation but "from
its own principles”. Hence religion could not be used as a means of assistance along with the laws to regulate the social conditions. Religion is connected with “Views beyond this life”, and nothing is won by forcing a phenomenon to function “against its Nature”. The end of religion must not be applied to this world alone, and consequently religion must not be protected behind “the Shield of Reason”. Reason is excellent in man’s everyday life, but God has bestowed on mankind “an Enthusiasm to supply the want of Reason”. Enthusiasm is an instinct and as such it works better than “a mean Species of Reason”. Both enthusiasm and reason might lead us astray, but we ought to use all the strength with which our soul has been furnished. Therefore, we are acting correctly when we use “our Enthusiasm to elevate and expand our Reasoning; and our Reasoning to check the Roving of our Enthusiasm”.

The relation between religion, virtue and reason is still more thoroughly analysed in another essay (ib. p. 69 ff.). We experience God to be our Creator, and the relation to him means that we feel obliged to thank and pray and to seek help against evil. But we are also in communication with our neighbours. We need their help and they need our help. Burke points out that “we love these beings and have a Sympathy with them”. In this case our duties result in a real action, and with this “benevolence” is connected. While religion is based on the relationship with God, the foundation of morals is the union with other people. But while morals consequently could exist without religion, religion and morals are indissolubly connected. For if God placed man in a situation characterized by mutual obligations, he also wishes to see them fulfilled, and “hence Moral Duties are included in Religion, and enforced by it”. The fatalism which excludes the idea of a constantly active providence originates in reason when reason observes the order that characterizes God’s work. But “our natural feelings” make us acknowledge the existence of such a providence, and it is these feelings and not “abstract speculations” which are the gauge of what we owe to God. Our other duties have the same foundation and are not based on metaphysical or physical speculations. The idea of a life to come arises, among other things, because we could never be completely happy in the material world. This idea contributes to make us fulfill our duties since we must realize that life on earth is but a preparation for a higher existence. In this context Burke gives the following declaration of principle: “In disputed Questions those Notions that tend to make him better and happier, to bind him to his fellow Creatures, and to his Creator, are true rather than the Contrary”. But he adds laconically that “those Arguments are taken from within”. The passions “which arise from self love” often get into collision with our duties to others, and hence “self-denial” becomes the second main pillar of morals. This self-denial is our most serious but also our most difficult duty. But God uses man as his foremost instrument of all the good things he does to mankind whose strength and knowledge are mainly derived from the mutual support that all could give each other.

That Burke, in spite of his strong emphasis on the religious instinct, enthusiasm and the natural feelings, does not overlook the role of reason is evident from a third essay of great interest (ib. p. 81 ff.). The central idea is expressed in the words that “the End of Learning is not knowledge but virtue; as the End of all speculation should be practice of one sort or another”. To obtain knowledge only is to plough the land without sowing it afterwards. Knowledge must improve man in some way, and there is no more effective human means to create modesty and humility than a thorough knowledge. However, studies solely easily bring with them sophistry. Man is created for both speculation and action, and it is best if he can combine them. Such branches of study as rhetoric and poetry have been accused of appealing to our passions, “in which, more than in any faults of reasoning, the Sources of all our Errors lie”. But they are also habit-forming according to good patterns and thus set the direction for our whole life to a greater extent than moral maxims and standards. In the same way conversation is much more useful than studies, for it is closer to real actions. Burke also believes that customs and manners are more important than theories, for behind them is a wise nature that uses them to the benefit of man without his knowing it. The funeral ceremonies mean for instance that man is freed from the discomfort which a dead body might bring with it if it was not taken away, and besides they tune the mind to humility and meditation. But the rule is also applicable to writing, and one must try to avoid “dry percepts and reasoning”. For our shortcomings have their origin in “the imagination and will”, and not much is accomplished by a description of a vice, while great injury is brought about by an
indecent song. Burke does not wish to deny the importance of using reason and obtaining knowledge, but he warns against remaining in theories and speculations, and wishes to transform them into action and habit to support virtue and morals.

The realization of men's different endowments could be found in some partly satirical essays on those who are successful in this world &c. Unfortunately they are very seldom characterized by "A Great Genius" (ib. p. 60 ff.). The bigwigs of this world often lack judgment, memory, knowledge &c. (ib. pp. 63–64). The real genius, on the other hand, is characterized by "the Exertion of some great faculty of the Mind in a new and striking bold manner", who overcomes the difficulties that a normally talented person cannot manage (ib. pp. 65–66). A wise man develops "reason and prudence" but these to a certain extent originate in the innate constitution (ib. p. 108). Without doubt many of these observations could be derived from the situation in which a young man, still searching his position in life, could be found in the London of the 1750's. Great differences of talent and qualifications among men must be taken into account, but it is not always the best who are found at the top of the social ladder.

In spite of all similarities for the rest, there is a certain change of the main point of the conception when one compares the student Burke with the young man who tried his fortune in London. The key words are still religion, morals and reason in opposition to the selfish passions. But religion rests firmer than before on instinct and feelings, and virtue is clearer than before founded on religious, while reason in itself is not a safe shield against self-conceit. Theory and speculation must not be rejected but they ought to aim at action according to standards sprung from other sources. Thus the rationalistic element has decreased in strength, but still Burke could not be said to have become an anti-rationalist. The philosophy which he comprises wishes to include both emotion and reason. If this is overlooked opposing interpretations arise which is exemplified by the literature about Burke and his real conception.

The natural society
Without the knowledge that could be obtained about Burke's conception before 1756, it is difficult to make an adequate interpretation of the anonymously published treatise (1756) "A Vindication of Natural Society" with the subtitle "A view of the miseries and evils arising to mankind from every species of artificial society". The worth of the exposition as a source to Burke's own fundamental outlook has been differently judged (see e.g. Newman pp. 12–13, Magnus pp. 12–13, Cobban pp. 238–39, Osborn p. 112 ff., Canavan p. 35 and Stanlis p. 125 ff.). From a literary point of view it is an imitation of Lord H.S.-J. Bolingbroke who advocated a rationalistically founded deism with repudiation of the "revealed religion". The imitation was so successful that many believed Bolingbroke to be the author. But in a preface in 1757 (see Stanlis pp. 126 and 283) Burke mentions the real intention to controvert Bolingbroke's attitude to religion. Disappointed Burke had seen "every mode of religion attacked in a lively manner"; and hence he wished to show that without difficulty "the same engines which were employed for the destruction of religion, might be employed with equal success for the subversion of government" (Burke 1, pp. 4–5). Rational criticism of religion has as little worth as evidence against religion on the whole as has the same kind of criticism in discussions about society. Along with the "artificial religion and society" Burke places in fact what he had previously adhered to: a religion founded on a kind of religious instinct or enthusiasm, and a society built on virtue implying a realization of the divine intentions with men in their mutual relations to each other.

In other words the imitation of style must not be used to support the idea that everything in the treatise is irony or sarcasm. On the contrary Burke's own points of view must be distinguished from what is a mere reproduction of Bolingbroke's thoughts. Some quotations might illustrate the question. No one could doubt that it is Bolingbroke's ideas that are rendered in these words (ib. p. 14):

"The miseries derived to mankind from superstition, under the name of religion, and of ecclesiastical tyranny under the name of church government, have been clearly and usefully exposed. We begin to think and to act from reason and nature alone. This is true of several, but still is by far the majority in the same old state of blindness and slavery".

Those who otherwise are "enlightened" still reverence "this superstitious folly, enthusiastic nonsense, and holy tyranny". Here one
...sees how Burke lets Bolingbroke scourgé a point of view that he with his "enthusiasm" undoubtedly cherished.

But it is equally obvious that Burke himself expresses his ideas in the statement below (ib. pp. 35—36):

"It is a misfortune, that in no part of the globe natural liberty and natural religion are to be found pure, and free from the mixture of political adulterations. Yet we have implanted in us by Providence ideas, axioms, rules, of what is pious, just, fair, honest, which no political craft, nor learned sophistry, can entirely expel from our breasts. By these we judge, and we can not otherwise judge of the several artificial modes of religion and society, and determine of them as they approach us, or recede from this standard:"

If one wishes one could say that Burke here has cast off the role, and that he is certainly not displaying irony with the sole intention of reproducing, or maybe ridiculing Bolingbroke's point of view.

Thus it cannot have been Burke's purpose to seriously dispute the existence of an artificial religion, nor the existence of an artificial society. But what he really intended to show is that against evil and certain absurdities within existing religious conceptions could be placed many more bad variations of the conduct of politicians and of the nature of society (ib. p. 78). This also means that his historical analysis of the artificial society must not be completely characterized as a sarcastic exaggeration. He says in one place that the author is not implying "our most wise form of government" and "our most excellent Church". They stand on a rock or come purged from the fire. Instead he has the bad variations in mind (ib. p. 15). The picture that presents itself is full of war, murder, and oppression. Forms of tyranny. Also democracy, for instance the one at Athens, deteriorated and passed over to ostracism and spiritual decay, and then in its turn was transformed into a new variation of tyranny (ib. p. 15 ff.). Burke had presented similar ideas already in his pamphlets in conjunction with "the Lucas controversy". Hence there is no reason to deny the justification of a comparison with Rousseau's social criticism in his rewarded treatises (cf. Stanlis p. 126). Whom would Burke have been able to convince, had he intended his historical data as solely irony with the end of being a weapon against Bolingbroke? Must not everybody affirm that the past of mankind by no means was anything to be proud of?

But as little as Rousseau (see chap. 3) Burke with this criticism wished to render impossible the idea of a better society. In other words he is serious in speaking of the "natural society". In this context he does not avoid the conception of "the state of nature". This state was characterized by "inconvenience", for "mutual assistance" was lacking. But "the original children of the earth lived with their brethren of the other kinds in much equality". The forming of families with the sexual instinct as a foundation — it united "their bodies and affections" — resulted in the rise of society. This then rested on "natural appetites and instincts" (ib. pp. 11—12). It is certainly also in sober earnest that he says that self-interest and oppression turn upside down all the principles that "a benevolent nature" has bestowed on man, namely "all honesty, all equal justice, and even the ties of the natural society, the natural affections" (ib. p. 59). This is also true of the point of view that in the state of nature no striking contrasts between rich and poor, want and luxury existed, since there were no more needs than could be satisfied by a reasonable amount of work which meant that one lived simply but happily (ib. p. 75). The "mystery of iniquity" of the artificial society is difficult to acknowledge as "the reason of state". For to this the simple man must say: "I can never believe that any institution, agreeable to nature, and proper for mankind, could find it necessary, or even expedient, in any case whatsoever, to do what the best and worthiest instincts of mankind warn us to avoid". But one should not be surprised since what has replaced "the state of nature" must protect itself "by trampling upon the law of nature" (ib. pp. 34—35).

Judged from this Burke believes that a natural society might exist, but it is not identical with the state of nature, but is a state characterized by the laws of nature. But these laws are in their turn "the laws of God", and it would be inconsistent of the divine wisdom to prescribe "rules to us" and then leave the realization of them "to the folly of human institutions". However, what is true of politics is applicable to religion too. That is why Burke thinks that one cannot content oneself with a religion without a revelation (ib. p. 78). The vital point in the entire treatise is that — as little as one, on account of all the mistakes of the artificial religion, can reject the natural emotional foundation of a religious conviction — one must not have all the cruelties and inhumanities of the artificial society be the reason...
for a rejection of a society built on the laws of nature which are the laws of God. Such a point of view accords with what we have found in the young Burke whose doctrine includes an instinctive religion and a society in which men try to serve one another, among other things because they are united in mutual sympathy and love. Without virtue there could be no society, but virtue partly rests on "natural affections", and above all on the demands that the experience of God brings with it.

The conception of man and society within aesthetics

In 1757 Burke published "A Philosophical Enquiry into the Origin of our Ideas of the Sublime and Beautiful" which was printed in its second edition two years later with an opening section, "Introduction on Taste". The essay does not concern us as a contribution to the contemporary aesthetic debate of the sublime and the beautiful (Boulton pp. XXXIX ff.). With consideration to the fact that the work was conceived already during Burke's stay at Trinity College, probably in 1747, and that it long afterwards was published after an examination by some friends who had seen the author's manuscript, and that Burke was very careful that the second edition should be an improvement with regard to presented criticism (ib. p. XV ff.), the exposition must be looked upon as authoritative for Burke's conception both during his years of study and during the 1750's. Insofar as the treatise comprises lines of thought relevant for Burke's view of man and society, it is thus from our point of view a very important source. In this sense it is a complement to the essay on natural society.

In fact there are many things in "A Philosophical Enquiry" which illustrate Burke's conception of the natural society which he, according to his statement, has not treated of sufficiently penetratingly, since the main intention of the criticism of Bolingbroke had been to compare the drawbacks of the artificial religion with those of the artificial society (Burke 1, p. 8). In order to explain the difference between "the sublime" and "the beautiful" Burke considers it necessary to make "a diligent examination of our passions in our own breasts", further to make an analysis of which qualities of the objects that influence these passions, and finally to show how the passions in this way are aroused according to "the laws of nature" (Boulton p. 352). In his essay on "taste" Burke proceeds from the existence of a given "standard" for all men whether it concerns "reason", or "judgment", or "taste" (ib. p. 11). The natural capacities in relation to external objects are made up of "the Senses, the Imagination and the Judgment" (ib. p. 13). Here an influence from Locke is noticeable. The sense organs work in the same way in all, and this is also true of the "sentiments" which are attached to the impressions, i.e. the experiences of pleasure and pain (ib. p. 13 ff.). Thus various things are "naturally pleasing or disagreeable to the sense" (ib. p. 15). It is true that habit might change the natural way of reacting, but it could never completely eliminate "the original natural causes of pleasure" (ib. p. 16). Since the "imagination" works entirely with that which has been transmitted by the sense organs this too becomes conformable to law. However, it is "the most extensive province of pleasure and pain" for it is connected with fear and hope and all passions belonging to this (ib. p. 17). Hence taste follows the same rules in all but a difference in degree might arise as a consequence of both difference of "natural sensitivity" and differences of knowledge due to a shorter or longer experience of various phenomena (ib. p. 18 ff.). As long as it concerns sense impressions and the passions attached to them according to what has just been mentioned, the processes take place "without any recourse to reasoning". Love, grief, fear, anger and joy follow fixed rules in all men (ib. p. 22). But imagination also reaches to conduct, character, virtues and vices, and thus falls "within the province of judgment, which is improved by attention and by the habit of reasoning" (ib. p. 23). In this way the taste might differ from person to person. Sensibility and judgment vary and hence also taste (ib. p. 23). Sometimes sensibility might be reduced by nature so that the individual seems to walk sleeping through life (ib. p. 24). Then a lack of taste arises. An abnormal taste is due to "a defect of judgment" which in its turn is connected either with "a natural weakness of understanding" or rather to deficient practice (ib. p. 24). Sensibility is necessary to judgment, but judgment on the other hand might often be a hindrance to our experience of something agreeable. We become burdened by "the disagreeable yoke of our reason" (ib. pp. 24–25). Concerning sense impressions and passions directly attached to these reason is of slight importance, but concerning "decorum" and "congruity" the result is on the contrary due to reason (ib. 353).
p. 26). Thus, according to Burke, taste is developed in concordance with certain universal laws, but differences among the individuals might arise on account of their varied sensibility and innate reason and differences of experience and practice. As regards external objects, only sense impressions and imagination are working, but as regards conduct and morals, judgment operates and becomes decisive. This point of view could be said to be a new variation of what we have heard before about the duty of having reason master the passions. In this case, however, the natural experience in the form of the sense impressions to a high extent is accepted, likewise the experiences connected with it in the form of pleasure and pain &c. This then becomes a new instance of how Burke tries to combine emotion and reason. Only in moral contexts reason is important, i.e. sense impressions and passions are put under its control.

The foundation of Burke's description of "the sublime" and "the beautiful" consists of his conception of "pain and pleasure" as fundamental and specifically distinct experiences. In between there is a state of indifference, and he strongly disputes the idea that "pleasure" would arise when "pain" ceases, and that "pain" would be the same as the end of "pleasure". "Positive pleasure" is something else than an avoidance of "pain". In this latter case what Burke calls "delight" prevails, a passion that is a mixture of fear and surprise (ib. p. 32 ff.). But "pain and pleasure" in their turn are connected with "self-preservation and society", "to the ends of one or the other of which all our passions are calculated to answer" (ib. p. 38). "Pain and danger" are the strongest passions, and "the sublime" is attached to the "delight" which, according to the just mentioned definition, originates in fear connected with "self-preservation" (ib. pp. 39–40 and 51). Other passions belong to society, among these the pleasure that arises when the sexual instinct is satisfied. But to this must be added certain "social qualities" of the object so that the result is "a mixed passion", namely "love". These social qualities include the "beauty" from which is derived the "sentiments of tenderness and affection" (ib. pp. 42–43). As regards society in general the total lack of connection among men causes pain, while company and conversation fill the soul with "great pleasure" (ib. p. 43).

Already what has been said is a serious cause for the rise of a society. But to this must be added the operations of "sympathy, imitation and ambition" (ib. p. 44 ff.). The act of sympathy means that one puts oneself in the place of another and is influenced as is he. It might concern passions that either arise in "self-preservation", or belong to "society". In the one case "pain" is felt as a possibility of experiencing "the sublime", in the other it is a question of "pleasure" and social passions originating in "beauty". But also the fear which the sight of the distress of others causes leads to "delight". The act of sympathy in conjunction with the misery of others has been intended by our Creator for an establishing of a bond of union. The "delight" we feel prevents us "from shunning scenes of misery; and the pain we feel, prompts us to relieve ourselves in relieving those who suffer; and all this antecedent to any reasoning, by an instinct that works us to its own purpose, without our concurrence" (ib. p. 46). The act of sympathy may also result in "pity" which is a passion connected with "pleasure", since it is developed in conjunction with "love and social affection". Imitation rests on a natural instinct of copying, and also in this case we will, without the help of "the reasoning faculty", on account of our constitution imitate that which brings with it "pleasure or delight". Imitation is one of the strongest "links of society" (ib. p. 49). In order to evade stagnation God besides has furnished man with "ambition" which means that he feels satisfaction when he surpasses others (ib. p. 50). From all this it is evident that Burke does not reckon with the existence of a real conflict between "self-preservation" and social affection". Both will be a means to induce men to communion with each other. The study of the human soul reveals, the more it is deepened, the plans and intentions of the all-wise Creator (ib. pp. 52–53). Besides there is in the experience of God much more than an abstract act of the reason which shows us God's power, wisdom, justice and goodness. Reason puts imagination and passion aside. But it works, according to our nature, with "sensible images", and in this way the imagination is engaged. Here God will, in spite of the fact that he is merciful and just, give rise to fear, since we feel ourselves brought to nought by his omnipotence. Thus God arouses both fear and love, i.e. he is the source of both "the sublime" and "the beautiful" (ib. p. 67 ff.).

In conjunction with his aesthetical expositions too Burke tries, as we have seen, to combine emotion and reason. In his analysis of "taste" he gives reason a prominent position in connection with a
moral judgment, but what unites men, according to his psychological conception, are the passions whether they are attached to "self-preservation" or to "society". For the passions will in one way or other make men live in communion with one another according to God's ingenious plan. God himself is not only understood by reason but with the help of imagination and passions, of both fear and love. He who has given birth to the laws of nature must himself, as regards man, be recognized by the same laws.

"The Annual Register"

Although the main outlines of Burke's conception in various respects could be discerned in his works from 1756 and 1757 (2nd ed. of "A Philosophical Enquiry", 1759), one often feels uncertain of his point of view. If, for instance, his various statements of what gives rise to the experience of the sublime are opposed, the desired stringency and consistency is lacking. Sometimes the sublime is a cessation of pain resulting in "delight", sometimes the very fear closely connected with pain (Boulton pp. 39, 51, and 132 et passim).

With a certain expectation one turns to the publication "The Annual Register" which Burke conducted and down to 1766 mainly wrote. Its first volume appeared in 1758 (cf. Boulton pp. XXV—XXVI). But one is disappointed. On the contrary the uncertainty is increased. When Burke for instance in one case contovers that "taste" and "judgment" would be different faculties, he directs the attention towards another obscurity in his aestetical work. As we have seen he certainly lets "judgment" become decisive of the work of imagination as to character and morals, but it seems as if "judgment" must work in other cases as well. This appears to be confirmed (Annual Register 1760 p. 250 n.) in the words: "The source of taste is feeling, so it is of judgment, which is nothing more than the same sensibility, improved by the study of its proper objects". Here "judgment" in its entirety is nothing but a development of the innate sensibility, and there is no distinction between various objects of the experience.

The lack of a consistent analysis is also manifest in conjunction with Burke's treatment of Adam Smith's moral philosophical works (ib. p. 484 ff.). Burke considers Smith's theory to be "in all its essential parts just, and founded on truth and nature". But the review
publick morals" Burke emphasizes — probably because he no longer was a young man but now was "established" — that there still were many persons who had not been corrupted, nor had deserted the ideals that must support the activity of a government because they possess "wise and enlarged ideas of the publick good" and are prepared to unfailingly cling to those ideas (ib. p. 195). Corruption, on the other hand, brings men "into a total indifference to human feelings, as they had before to moral obligation", and they at last become impervious to every "original impression upon their minds"; so that "every principle is obliterated; every sentiment effaced" (ib. pp. 200—201). Human planning depends to its effect ultimately on providence, but it is persons of the quality, which Burke positively describes or pictures by means of a kind of contrast, who ought to be responsible for the government (ib. p. 203). Hence Burke has great demands on those who hold an official position. The public good must be their loadstar. During Rockingham's reign 1766 the "American Stamp Act" introduced shortly before was abolished, but on the other hand the fundamental demand to have the right to rule over the colonies was maintained by "the Declatory Act". Burke defends these measures saying that the "Stamp Act" has shaken the balance between the authority and the freedom for the subjects which had existed before. In America one had not considered the power which in fact was necessary for the preservation of the security, equality and freedom of the colonies. No real pressure or oppression had been felt. No questions had been discussed which rather belonged to metaphysics than to politics (ib. p. 168). As regards America one cannot fall back on abstract principles ib. p. 166). Hence Burke has great demands on those who hold an official position. The public good must be their loadstar. During Rockingham's reign 1766 the "American Stamp Act" introduced shortly before was abolished, but on the other hand the fundamental demand to have the right to rule over the colonies was maintained by "the Declatory Act". Burke defends these measures saying that the "Stamp Act" has shaken the balance between the authority and the freedom for the subjects which had existed before. In America one had not considered the power which in fact was necessary for the preservation of the security, equality and freedom of the colonies. No real pressure or oppression had been felt. No questions had been discussed which rather belonged to metaphysics than to politics (ib. p. 154). As regards America one cannot fall back on abstract principles of government but must constantly, in this unique case, look for the arguments in the actual conditions. This concerns a people supported by "a spirit of liberty", and a people must be governed in such a way that one does not come in conflict with its character and disposition (ib. p. 166). Therefore, it was correct to firmly and principally vindicate the unlimited "legislative right" of the mother country, but, on the other hand, as regards commerce and navigation not build on principles but pay attention to what might seem purposeful and reasonable. For politics should not conform to "human reasonings" but to "human nature of which reason is but a part, and by no means the greatest part" (ib. p. 168 ff.).

Against the prevailing corruption Burke thus puts the demand for virtue, above all in those who govern, and he acknowledges that there is essentially a legal foundation which must not be disregarded in the relation between the authorities and the subjects. But politics should not be founded on "metaphysics" but on a practical consideration which takes into account actual conditions and the human nature such as it has been developed in a fixed context. Reason must not rule over human nature of which it is but a small part. In the background providence lurks which is the warrant that everything in the end reaches its wise destination.

These points of view recurred in "Thoughts in the Cause of the present Discontents" in 1770. Now they were placed in relation to the situation that Burke wished to analyse in the work, namely the rise of a group called the "king's men", and which, according to Burke, meant a dissolution of the natural division of power between king, government or administration, parliament and lastly the people itself with the mutual controlling functions which this division of power intended (Burke II, pp. 240 ff., 247 ff., 259 ff. et passim). Burke pointed out that they used the old principle "divide and rule", and that virtue and capability had been replaced by a system of "favouristism": What interests us is not whether his judgment could be said to be justified or not, but which ideas he represents in conjunction with his statements about the political situation.

Already at the beginning of the treatise Burke dissociates himself from discussing "the abstract value of the voice of the people". But since the esteem of the individual and the public opinion is connected with "this voice" its importance must not be overlooked. Nations are not ruled either by law or violence, but in the same way as the influence over the individual is exerted, namely by knowledge of his disposition. Hence every statesman ought to study this fact (ib. pp. 218—19). What must first be taken into account is how God has created the Englishman such as he is, and one must not in this context neglect to include "the human nature" in general (ib. p. 223). The dispassionate insights offered by history might also help, and they might contribute to soften "the old quarrel between speculation and practice" (ib. p. 226). He also says that the speculative philosopher must try to indicate the aims of the government, while the politician, "the philosopher in action" ought to endeavour to find the means to realize these aims (ib. p. 335). As regards official services the good ones
must be chosen and the bad ones rejected (ib. pp. 261—62). The good ones are to protect the interest of the people and act according to its wishes and feelings (ib. p. 265). Both king, parliament, judges and others are nothing but the representatives of the people (ib. p. 288):

"The king is the representative of the people; as so are the lords; so are the judges. They are all trustees for the people, as well as the commons; because no power is given for the sole sake of the holder; and although government certainly is an institution of divine authority, yet its form, and the person who administers it, all originate from the people".

Burke expresses himself to be no friend of the aristocracy, but also this might, according to Burke, exert its influence by means of the capability and virtue that brings with it the approval of the people (ib. pp. 245—46). As regards the House of Commons its distinctive mark is not found in "a popular origin", for this is true of all in a government. But the foremost virtue and characteristic of the House of Commons is that it should be a picture of "the feelings of the nation" (ib. p. 288). The condition for this is that "the right of free election" is preserved. In conjunction with the case of John Wilkes — he had been excluded from Parliament and was not given entrance in spite of repeated re-election of him — Burke sets the demands for a representative of the people (ib. p. 294):

"A strenuous resistance to every appearance of lawless power; a spirit of independence carried to some degree of enthusiasm; an inquisitive character to discover, and a bold one to display, every corruption and every error of government; these are the qualities which recommend a man to a seat in the house of commons, in open and merely popular elections".

People have a right to elect whomsoever they wish to give their confidence, and he who represents a minority must not be allowed to decide (ib. pp. 304—305). The restoring of the right of free elections is hence the most important of all reforms (ib. p. 318). People must also be inspired to "a more strict and detailed attention to the conduct of their representatives". When these latter transgress the law and establish an arbitrary power, there is no other expedient than "the interposition of the body of the people itself" (ib. p. 324). However, the representatives of the people must not be prevented from forming parties, for "party is a body of men united, for promoting by their joint endeavours the national interest, upon some particular principle in which they are all agreed" (ib. p. 335). Such

a union, in conformity with similar ideas and interests, gives necessary strength of action but does not exclude the freedom to follow one's own conscience and conviction in separate questions (ib. p. 336 ff.). The representatives of the people in the House of Commons should let it be as independent of other components of power as possible, and just be dependent of itself. This is — "like obedience to the divine law" — in fact "perfect freedom". An unnatural dependence of others is the result, "if they once quit this natural, rational, and liberal obedience" (ib. p. 343).

As is obvious Burke is convinced of the excellence of the English constitution when its proper intentions are realized. But he takes this position with reference to the fact that the people have the right to assert their will through their representatives, especially in the House of Commons, and that not even the aristocracy is a danger when its position is supported by the demands for capability and virtue. In the background of his ideas could be found "divine authority", "the human nature" and "the divine law".

The speeches which Burke made in connection with the election of him as a M.P. for Bristol in 1774 are also illustrating. The distinctive mark of the English constitution is freedom, and especially the House of Commons should protect the preservation of it. But the freedom in question is confined in the following words (ib. III, p. 8):

"But the liberty, the only liberty I mean, is a liberty connected with order; that not only exists along with order and virtue, but which cannot exist at all without them". His declaration is famous, that he had not been elected to represent the local interests of Bristol but to defend in Parliament "the general good, resulting from the general reason of the whole" (ib. p. 20). It is self-evident that he will always be in contact with his voters and learn their ideas and wishes, but he cannot bow to any completely binding instructions, for judgment and conscience is fundamentally "a trust from Providence", and the responsibility for their use should ultimately be accounted for to this highest instance (ib. p. 18 ff.).

Burke and America

The points of view concerning the relation to America which Burke, according to what we have seen, adhered to in 1766 and commented in 1769, he still remained faithful to in the speeches and other contri-
butions which treated the question during the 1770’s. He discusses the problem to his voters at Bristol in 1774 and 1777 and to Parliament in “On American Taxation” in 1774 and “On Conciliation with America” in 1775 (the last-mentioned speech is quoted in an edition by French, but could also be studied in Burke III, p. 23 ff.). In very clear terms Burke maintains the demand on the supremacy of England, “the just, wise, and necessary constitutional superiority of Great Britain” as most important to both parts. But he believes that this is compatible with “all the liberties a sober and spirited American ought to desire”, and he declares with vigour that “I never mean to put any colonist, or any human creature, in a situation, not becoming a free-man” (Burke III, p. 7; cf. ib. p. 178 ff.).

It is in justifying this point of view that Burke makes a row of statements of interest to our problem. He looks upon the considerations of his opponents as “diametrically opposite to every rule of reason, and every principle of good sense established amongst mankind” (ib. II, p. 353). He points out that the situation of America in connection with the act of navigation with its monopoly for England meant “commercial servitude and civil liberty”, and that it hardly was possible to speak about “perfect freedom”. But nevertheless — “comparing it with the ordinary circumstances of human nature, it was an happy and a liberal condition” (ib. p. 385). The taxation policy approved of by many has, however, been felt as a restriction of the freedom in America, and it “contrary to every idea of political equity; by which equity we are bound, as much as possible, to extend the spirit and benefit of the British constitution to every part of the British dominions” (ib. p. 402). America ought to be given the right to levy taxes itself, and Burke bases this demand on the claims of the individuality and history of the people. He controverts other causes for the judgment: “I am not here going into the distinctions of rights, nor attempting to mark their boundaries. I do not enter into these metaphysical distinctions; I hate every sound of them”. In making a lot of subtle deductions and conclusions from “the unlimited and illimitable nature of supreme sovereignty” one creates distrust for the idea of sovereignty as such in those concerned (ib. pp. 432—33). It is possible to combine “the imperial rights of Great Britain” with “the privileges of the colonists”, or in other words “subordination and liberty” (ib. p. 435 ff.).

In the speech “On Conciliation” there are many manifest expressions of the same points of view as the already presented ones. One must stick to “the true nature and the peculiar circumstances of the object” (French p. 27). To these belongs the great number of the American population which ought to be an evidence that “you ought not, in reason, to trifle with so large a mass of the interests and feelings of the human race” (ib. p. 28). One must also remember the “temper and character” of this people, the foremost characteristic of which is “love of freedom”. In this matter it is decisive that “abstract liberty, like other more abstractions, is not to be found”. Instead it is so that “[l]iberty inheres in some sensible object” (ib. pp. 39—40). Without this freedom to levy taxes which is included in the rights which the House of Commons “as an immediate representative of the people” must protect, there is in fact “no shadow of liberty”. To this must be added that the representation of the colonies themselves in their “assemblies” and “government” to a high extent is “popular”, and hence inspires the people “with lofty sentiments” (ib. p. 41). Religion is also in a high degree Protestant which means that it is ultimately based on “natural liberty” (ib. p. 42). The studies of law are especially cherished in America and contribute to raising both moral and intellectual sharpness (ib. pp. 44—45). The power which one tries to uphold from England could not, “however lawful”, be combined with the spirit of freedom which characterizes the American colonists. If one will prove that they have no right to their freedom, freedom as such must be abolished (ib. p. 50). The freedom to levy taxes oneself does not necessarily mean that all other bonds are dissolved. Burke does not find it necessary to discuss the question of how the problem of taxation is connected with “the character of nature” (ib. p. 62), but thinks that the only important thing is to decide what is prescribed by “humanity, reason and justice” (ib. p. 63). In cases like Ireland and Wales one has succeeded in solving the problem without finding oneself in a conflict similar to that of America. In these contexts it has been realized that “man acts from adequate motives relative to his interest; and not on metaphysical speculation” (ib. p. 95). Burke writes in connection with this (ib. pp. 93—94):

“It is besides a very great mistake to imagine that mankind follow up practically any speculative principle, either of government or of freedom,
as far as it will go in argument and logical illation (inference). We Englishmen stop very short of the principles upon which we support any given part of our constitution. - - - All government, indeed every human benefit and enjoyment, every virtue, and every prudent act, is founded on compromise and barter. We balance inconveniences; we give and take; we remit some rights that we may enjoy others; and we choose rather to be happy citizens than subtle disputants. As we must give away some natural liberty, to enjoy civil advantages; so we must sacrifice some civil liberties, for the advantages to be derived from the communion and fellowship of a great empire*.

But in such a weighing of what might be won and what might be given up it cannot be a question of sacrificing "all essential rights, and all the intrinsic dignity of human nature" (ib. p. 94). Much more is won by the natural bond that exists between America and England than by a pure compulsion from one part. Behind the wise moderation there is, as we have seen, a natural freedom which is partly limited within society, but also ultimately the confidence "to which the order of Providence has called us". For according to such an order a wilderness has been transformed into a great empire (ib. p. 108).

In his letter to Bristol in 1777 Burke discusses the mistake of making the struggling colonists to "pirates and traitors". He here deals with the difference between a lawyer and a legislator. The lawyer must observe certain prescriptions while the legislator is just bound by "the great principles of reason and equity, and the general sense of mankind". The legislator could give information on the meaning of the law instead of being bound by "subordinate artificial justice" (Burke III, pp. 144-45). In making the colonists pirates and traitors the habeas-corpus act has partly been jeopardized, i.e. the protection of freedom incumbent in the fact that no one could be arrested without legal proceedings. But with this there is "no equality among us" (ib. p. 148). What has taken place is at strife with the idea that "the poorest being that crawls on earth, contending to save itself from injustice and oppression, is an object respectable in the eyes of God and man" (ib. p. 156). With a reference to Paine's pamphlet in 1776 Burke points out that a hostile cast of mind of the authorities makes a change of government justified (ib. p. 163). A conflict with the government means that one no longer has a friendly relation to the nation or to the Englishmen as "fellow-citizens" (ib. p. 170). Burke does not wish to appear as "professor in metaphysics" nor build his judgments "upon speculative grounds" (ib. p. 177). The authority ultimately rests with the subjects (ib. p. 178), and "general opinion is the vehicle, and organ of legislative omnipotence" (ib. p. 179). A parliament has no right in cases where the opinion and feelings of the people are contrary to its conception. Burke once again repeats the point of view that instead of falling a victim of speculation about the unity of the empire &c. one ought to pay attention to the character of the people who "the Divine Providence" has incorporated in this empire (ib. p. 182). There certainly are instances that one has "split and anatomised the doctrine of free government, as if it were an abstract question concerning metaphysical liberty and necessity; and not a matter of moral prudence and natural feeling". But "civil freedom" could not be settled through disputes about the existence of natural rights or not, but it is "a blessing, a benefit, not an abstract speculation". But one must not reckon with an extreme freedom, for extremities are detrimental to both virtue and happiness, i.e. "liberty too must be limited in order to be possessed". The disposition of the peoples must be respected unless one does not believe oneself to be wiser than "Providence" and stronger than "the course of nature" (ib. p. 182 ff.). The relation between England and America was frictionless before a lot of harmful interventions, "possibly from the natural operation of things, which left to themselves, generally fall into their proper order" (ib. p. 190). To put the blame on a general corruption means a falsification of reality. There are always men with a faculty of having their own interests subordinated the common good. The doctrine of a general depravation is a kind of "moral levelling" with the intention of making others slaves (ib. p. 198 ff.). If one seeks power under the protection of ideals like this, one soon looses the confidence of the persons in question, or fails to secure "the relish of honest equality" (ib. p. 203).

Burke's point of view in conjunction with the liberation of America is perhaps best expressed in the contrast "abstract liberty" and "moral prudence and natural feeling". He does not deny the natural freedom in the world governed by God, but he thinks that the problem of freedom could not be solved by means of an analysis of "metaphysics", but must be established in conformity with actual conditions. Freedom then must be limited, and it is necessary to renounce a part of it to get as much as possible within the frame of society or...
within an empire. In the world of reality one cannot win everything but one must compromise and give up some things to achieve other things. Only such practical politics succeeds in maintaining the demand for equality among individuals and nations. This point of view agrees with what Burke vindicated in his youth as to freedom as a combination of order and avoidance of licentiousness. This goes very well together with what he told his voters at Bristol in 1780: "I have no idea of a liberty unconnected with honesty and justice" (ib. pp. 416—17). In the same document he said that he — if it could be proved that the opinion of the majority is "the standard of rectitude" — would build his conscience on it. But in reality not even "Omnipotence itself" might change "the essential constitution of right and wrong", and in consideration to the wishes of men one could not proceed beyond "the limits of justice" (ib. pp. 422—23). One might say that politics is an art to Burke by means of which the order of God and nature in the physical and human world is constantly transformed in accordance with existing conditions as a result of an advancing process. However, freedom never becomes total, and equality is warranted by justice. Pure abstractions exclude the necessary contact with such a reality. Burke and India

Burke's judgment of the development in America is, as we have seen, positive, and he did not think there were reasons for changes in the first place founded on "abstractions" or "speculation". As regards India the state of things is different. In some famous speeches in 1783 and 1785 (Burke IV, pp. 1 ff. and 183 ff.) Burke gave a crushing picture of the tyranny and general destruction that had arisen in connection with the activity of the East India Company, a description which has been looked upon as implying an overestimation of the native conditions of the people before the English influence, and an exaggeration of the negative consequences of the measures that were taken from the 1770's in order to regulate in a better way the relation between India and the English crown (see e.g. Neuman p. 141 ff. and Magnus p. 125 ff.). Burke tried to establish a change of the unsatisfactory state of things which he himself found proved, in falling back on a thinking of natural right of a theoretical character. The rule of the company had been "one of the most corrupt and destructive tyrannies, that probably ever existed in the world" (Burke IV, p. 114). On the other hand England could not refrain from fulfilling a duty which is the result of the arrangements of a higher power: "There we are; there we are placed by the Sovereign Disposer" (ib. p. 44). However, in his arguments Burke makes the following confession: "I feel an insuperable reluctance in giving my hand to destroy any established institution or government, upon a theory, however plausible it may be" (ib. p. 14). He by no means wishes to fundamentally deny the rights that the East India Company had obtained according to the regulations prescribed by law (ib. pp. 10—11). But here it is a question of "the chartered rights of men". Burke points out that "the rights of men, that is to say, the natural right of mankind, are indeed sacred things". They can be confirmed and acknowledged in formal agreements without a surrendering of "an original right in the subject". To these belongs for instance Magna Charta and then it is possible to speak about "chartered rights of men" (ib. pp. 8—9). But the contract with the East India Company is a derivation from the authority of the English Parliament in the context. And if a contract turns out to "suspend the natural rights of mankind at large" one has a right to abolish it (ib. pp. 9—10 and 15 ff.). This is the case of the behaviour of the East India Company to India. Here the fundamental doctrine has not been realized, namely "that all political power which is set over men, and that all privilege claimed or exercised in exclusion of them, being wholly artificial, and for so much a derogation from the natural equality of mankind at large, ought to be some way or other exercised ultimately for their benefit" (ib. p. 11). Burke's attack on the power of the East India Company is in fact founded on the violation of the fundamental rights and original equality of mankind. Under such conditions one would be "the wick­ edest of men", if one would contribute to a continuation of the evil (ib. p. 37), and Burke would regard himself as breaking "the faith, the covenant, the solemn, original, indispensable oath, in which I am bound, by the eternal frame and constitution of things, to the whole human race" (ib. p. 84).

Are Burke's positions to the question of America and India compatible with each other?

It might seem as if Burke in his arguments about the questions of
America and India tried to set his sails to every wind, or at least adhere to partly incompatible points of view. In the one case he rejects all purely theoretical considerations and points to the actual conditions as more important than abstract speculations. In the other case he sets out from a doctrine of natural right which is adduced to support an intervention in the present situation.

If superficially examined, such a criticism is probably not groundless. But if one sticks to the relevant statements in both cases, some of the oppositions disappear. Also in the question of America Burke does not deny the existence of a natural freedom and equality. But the freedom is not even total within the frame of the English constitution, and the equality has its ultimate warrant in the demand for justice. The concrete conditions imply a necessity to try to adjust the theory to the reality within which it will be applied. When Burke speaks about India he emphasizes that he does not like to change the order of things for the sake of a theory, but if the actual conditions are a deviation from the deepest import of the theory, one must turn back to it.

Thus in both cases Burke acknowledges, more or less explicitly, the justification of imagining an original freedom and equality of mankind founded on nature. On the other hand he analyses the prevailing conditions in both cases and adjusts himself to them. Perhaps it would be most just to say that Burke, according to circumstances, emphasizes the two aspects more or less firmly. When he finds that the demand for freedom and equality has not been oppressed — as in America — he attaches the main weight to this and tries to combine what has been developed in one place with what has since long been valid in another. The freedom and equality which man has fixed within the frame of the English constitution should in a necessary degree exist in America too with its natural conditions. In India conditions are such that the English Parliament must intervene to restore the freedom and equality which has its ultimate warrant in the demand for justice. The eulogistic conditions imply a necessity to try to adjust the theory to the reality within which it will be applied. When Burke speaks about India he emphasizes that he does not like to change the order of things for the sake of a theory, but if the actual conditions are a deviation from the deepest import of the theory, one must turn back to it.

The statement that Burke himself by no means could desert from appearing as a "philosopher", nor from the role of a politician, "the philosopher in action", is important to remember in dealing with his valuation of the French revolution. His first great contribution in Nov., 1790, "Reflections on the Revolution in France", is a typical example of this double aspect. Already in the introduction to the book in which Burke objects to the eulogistic sermon of the French revolution held by Richard Price to "The English Revolution Society", he refers to the necessity of taking both points of view into account (Burke V, p. 35 ff.). He says for instance: "I flatter myself that I love a manly, moral, regulated liberty as well as any gentleman of that society". He also asserts in plain terms that "abstractly speaking, government, as well as liberty, is good". One could not quite simply praise or blame anything "which relates to human actions, and human concerns on a simple view of the object, as it stands stripped of every relation, in all the nakedness and solitude of metaphysical abstraction". One must observe "liberty in action" and find out if it has been possible to combine liberty with "morality and religion, solitude and property, peace and order, civil and social manners". For all this is also "good things" without which freedom is not "a benefit".

But on the other hand this means that the theory cannot be used as a pure theory, but must be adjusted to practice and to the existing conditions — as we have seen this is a fundamental idea in Burke. Abstract speculation must be realized with the help of experience and with regard to what is purposeful under actual circumstances. This, in its turn, means that one must take into account continuity and the historical development. The fundamental mistake of the French revolution is then, according to Burke, that "you choose to act as if you had never been moulded into civil society, and have everything to
begin anew" (ib. p. 82). One sticks to "the rights of men", but refuses, in relation to them, to admit the justification of "prescription" (prescriptive right) and "continuance" (ib. pp. 119—120). Before this point of view Burke once again declares: "Far am I from denying in theory; full as far in my heart from withholding in practice the real rights of men" (ib. p. 110). Society exists for the benefit of man, and his benefits become his rights. There are many such rights but they are among other things codified in the laws (ib. pp. 120—21). As to "power, authority, and direction" it must be pointed out that they do not belong to "the direct original rights of man in civil society," but is a result of a convention, a treaty. But in this treaty the individual has given up some of his abstract rights, among others those that are fundamental for the very rise of society, namely that no one can be judge of his own cause. One also gives up the right of self-defense, "the first law of nature". One refrains from this in order to secure instead "justice" and "liberty" within fixed limits (ib. pp. 121—22). "Natural rights" might exist "in total independence of government", but the government is "a contrivance of human wisdom to provide for human wants". To these wants belongs the necessity to create "a sufficient restraint upon their passions" which only might happen with the help of a power beyond man. When it is realized that society and government bring with them a surrender of the original right of having every man rule independently over himself, it becomes clear that society and government is "a consideration of convenience". This gives rise to a constitution of a state which in every individual case must rest on the knowledge of human nature and the necessary wants of man. This demands more experience than a man could reach during his whole life or what one single generation could accomplish (ib. p. 122 ff.). Burke sums up what has just been said in the following picture (ib. p. 125):

"These metaphysical rights entering into common life, like rays of light which pierce into a dense medium, are, by the laws of nature, refracted from the straight line. Indeed in the gross and complicated mass of human passions and concerns, the primitive rights of men undergo such a variety of refractions and reflections, that it becomes absurd to talk of them as if they continued in the simplicity of their original direction".

Thus it ought to be noticed that Burke does not at all deny "metaphysical rights" as such but that he, on the other hand, by illustra-
"nature rather than our speculations, our breasts rather than our inventions, for the great conservatories and magazines of our rights and privileges" (ib. pp. 80—81). In France things are quite the reverse, i.e. men’s hearts have been hardened, and because of the human rights the human nature is forgotten so that one has — without improving reason — cut all paths to the hearts of the citizens and killed "all the well-placed sympathies of the human breasts" (ib. p. 130).

Thus one has not included in politics "the sentiments which beautify and soften private society". In making a clean sweep with the past one has brought about the following (ib. p. 151):

"All the superadded ideas, furnished from the wardrobe of a moral imagination, which the heart owns, and the understanding ratifies, as necessary to cover the defects of our naked shivering nature, and to rise it to dignity in our own estimation, are to be exploded as a ridiculous, absurd, and antiquated fashion".

The breaking off from the past means, according to Burke, a dissolution of the emotional bonds within human society and an annihilation of the moral conceptions which have till then kept it together. The consequence of having been blinded by "the rights of men" in their abstract character has been that "all natural sense of wrong and right has been undermined (ib. p. 159). If the emotional bonds of society are dissolved, the foundation of "all liberal and manly morals" disappears, and man is made "unfit for rational liberty" (ib. pp. 166—67).

The breach with the church belongs to the French mistakes. Burke’s starting-point in this matter is "that we know, and what is better, we feel inwardly, that religion is the basis of civil society, and the source of all good and of all comfort" (ib. p. 173). Man is "by his constitution a religious animal" (ib. p. 174). To Burke religion means obedience to "the sovereign of the world", trust in his "declarations", and imitation of his "perfection" (ib. p. 288). The English system of state church with its institutions is built on this foundation. State and church must work together to "build up that wonderful structure, Man" (ib. pp. 176—77). The union with the church also supports the state when the end is to protect the power which is necessary for the freedom of the individuals (ib.). When it is realized that only religion is capable of freeing men from "all the lust of selfish will", and that the power ought to be exerted "according to that eternal immutable law, in which will and reason are the same", the authorities who possess what is necessary, namely "virtue and wisdom", will be chosen (ib. p. 180). Burke gives a visionary picture of the divine connection behind all human existence. He says that "society is indeed a contract". But here it is not a question of an agreement concerning pepper and coffee but an obliging "partnership" in a transcendental order (ib. p. 184):

"Each contract of each particular state is but a clause in the great primeval contract of eternal society, linking the lower with the higher natures, connecting the visible and invisible world, according to a fixed compact sanctioned by the inviolable oath which holds all physical and all moral natures, each in their appointed place. This law is not subject to the will of those, who by an obligation above them, and infinitely superior, are bound to submit their will to that law".

In this divine order of the world the individual experiences the co-operation of state and church as a means to reach the intended union between nature and virtue (ib. p. 186). What Burke says about the mistake of France in this respect is of less interest, but according to his opinion the National Assembly has removed itself from the transcendental connection which he regards as indispensable for the bringing about of a society built on freedom and equality as far as these principles could be realized under human conditions. He clearly dissociates himself from the French philosophy of the Enlightenment (ib. pp. 166 and 207 ff.). Besides he declares that the oppression might be equally great within a democracy, for the majority might cause a minority greater violence than when just one person rules. However, the National Assembly in France has not succeeded in avoiding that the situation must be compared to "a mischievous and ignoble oligarchy" (ib. p. 230 ff.). At the same time Burke often expresses his detestation of the dissolution brought about by the parliament of the street.

One could ask oneself which the import of freedom and equality is under these conditions. From what has been said it is obvious that freedom in an abstract sense, at the forming of society, must be limited, and that it becomes a freedom under order, a confined freedom — through laws and sanctioned ideas and valuations &c. Burke says in one place that it is hardly difficult to bring about freedom in the
sense "give a free rein". But it is difficult to form "a free government", for then it is necessary to combine "these opposite elements of liberty and restraint in one consistent work" (ib. p. 434). However, freedom is not only possible to combine with the laws but becomes a support for them (ib. p. 84). But this means to Burke as little as to Locke, Adam Smith or most philosophers of the Enlightenment that there is no possibility of preserving the natural or acquired differences among men. There is no other qualification for participation in the government of a country than "virtue and wisdom". Wherever they are found in society they are "the passport of Heaven to human place and honour". Things go wrong in a state that tries to put aside "talents and virtues". In this context Burke says that "everything ought to be open; but not indifferently to every man". One must not build on a mechanical rotation or on lottery-drawing. The path from humble external conditions to participation in the government should be open to all but not too easy to tread, for in order to reach "eminence" "some difficulty and some struggle" is demanded (ib. p. 106 ff.).

Although Burke mostly intends the employment of the eminent capacity within the functions connected with the constitution, he also, as we have seen, has a definite idea of the importance of taking care of the talents and capacities along with virtue. It is virtue which in its turn becomes decisive for the equality. Burke was of the true moral equality of mankind. To inspire men intended for "a labious life" with other ideas would be to deceive them, for then one will "aggravate and inbit to real inequality, which it never can remove" (ib. pp. 84—85). There is by nature an endeavour in man to distinguish himself (ib. p. 254), but this cannot break all bonds of every man's power. Burke resolutely points out that those who "attempt to level, never equalize". These "levelers" destroy the order of nature in just turning upside down the social building founded on the natural layers among men (ib. p. 104). These ideas become decisive of Burke's conception of the attempts in France to form a new division into cantons, communes, and departments with the National Assembly as the supreme instance (ib. p. 311 ff.). Three different principles have been applied — the size of the territory, the population and the income from taxation — in order to get a correct representation from the entire country. Burke tries to show the strange results of this, and he for his part does not wish to regard the principle "one man, one vote" as the best. There are other categories than "substance and quantity" to take into account, for instance quality and mutual relation (ib. p. 332). Against the French model to "build from below" in which the National Assembly popularly elected is looked upon as the ultimate sovereign, Burke sets what he regards as the English system according to which every representative component of the government is part of the whole. Then it is not so important that for instance various provinces proportionally have their counterpart in the different representative organs. All who work in them are bound by the total context, of course ultimately by their knowledge of the divine order of the world, in which every state is a small part (ib. p. 335 ff.). Equality is warranted by this moral quality, not by an arithmetical way of looking. Burke dissociates himself from the idea that it is possible, by means of educational measures, to bring about "an enlightened self-interest" — according to the French model — which creates necessary warrants for the equality (ib. p. 270).

There is in fact nothing new in the points of view of 1790 as compared to those of an earlier date. There is a divine plan of the world mirrored in an instinctive disposition in man for religion and virtue and for the various and mutual contributions of men according to innate capacity. On this must be founded what Burke in his youth called "a natural society". His outlook on the historical development had not changed. Also in "Reflections" he says that history presents a spectacle of "miseries" (ib. p. 258), at the same time as it is a store of "pretexts" for him who wishes to use it. Only in really serious cases the continuity which perhaps has been created could be interrupted. Freedom and equality are phenomena within a given social frame, and they might only essentially be conceived as "abstract" quantities. In the concrete world of man they are "refracted rays" of a transcendental reality in the substratum which is human society.

Burke's great treatise on the French revolution caused a serious division between him and his own party (see e.g. Magnus p. 215 ff.). In later contributions Burke rather increased this opposition. He wrote "A Letter to a Member of the National Assembly" in Jan., 1791 (Burke VI, p. 1 ff.), and in Aug. the same year he published his defense in "An Appeal from the New to the Old Whigs" (ib. p. 69 ff.). In Dec., 1791 and in Nov., 1792 he wrote "Thoughts on French Af-
fairs" and "Heads for Consideration on the Present State of Affairs" (ib. VII, p. 6 ff.). Also later on he returned to the French revolution, but the now mentioned contributions are of greatest interest for the illustration of possible differences between him and Thomas Paine. As to facts they contain nothing new, but on certain points they could strain one's eyes to Burke's points of view and way of reasoning.

The condemnation of Rousseau and Condorcet for instance is interesting. Rousseau is looked upon as being the real authority of the new pedagogics of the revolution, the aim of which is to dissolve the family bonds "as contrary to liberty" (Burke VI, p. 29 ff.). To a certain extent there is a correct observation behind the idea that the children are to be fostered to adherents of a new "ideology", and that in some quarters "a state system of education" is advocated (see chap. 6), but to vent one's spleen upon Rousseau and above all on "Julie ou La nouvelle Héroïne" (Burke VI, p. 38; cf. chap. 3) does not show a good judgment of the actual conditions. It would have been more just to aim the shaft at Helvétius who is only mentioned in passing (ib. p. 41; cf. chap. 4), at least when he criticizes the tendency of founding a new social conception with the help of a kind of state pedagogics. Burke's condemnation of the "atheist" Condorcet (Burke VII, pp. 58 ff. and 78 ff.) also hits a victim that might have been better chosen, since the intention was to find those who had, according to Burke, in an incorrect way, vindicated "l'égalité naturelle des hommes et la souveraineté du Peuple". But Burke regarded all who fought for the human rights as "Jacobins" (Canavan p. 106).

The exposition in "An Appeal" revolves round the concepts of freedom and equality. The French revolution is a deviation from true freedom and real morals. Burke explicitly defends himself against the statement that this point of view would be incompatible with his earlier ideas. Thus he repudiates the accusation of "inconsistency" (ib. VI, p. 112 ff.). For instance he points out how he to the voters at Bristol had referred to "liberty connected with order" (ib. p. 118), and he declares that he in connection with the liberation of America had displayed similar points of view which he mutatis mutandis had applied to the French revolution (ib. p. 120 ff.). He does not say that he has dissociated himself from either republic or monarchy, since the form of government ought to be adjusted to the conditions of the country (ib. p. 133; cf. e.g. III, p. 182 ff.). With the support of a lot of statements he wishes to show that his party comrades in the past completely shared his idea of the English revolution as a necessary restoring of the original contract between "kings, lords, and commons" in the form of a free constitution (ib. VI, p. 141 ff.). Opposite these party comrades there is a younger fraction to which Paine's book is a guide. Burke quotes lengthy passages from Paine's "Rights of Man" (ib. pp. 186—200). He still opposes the thought that every individual and every generation without regard to continuity and tradition has a right to start from the beginning, and he denies that a majority, on this foundation, could usurp power in a country. According to Burke a constitution resting on "some compact" cannot be altered "without the breach of the covenant, or the consent of all the parties". This is the import of every contract. The majority of the people could no more through a decision abolish the moral obligation than they could transform the objects of the physical world in such a way (ib. pp. 201—202). If society rests on a moral foundation it is subjected to the commands of duty and not to a free decision. He says (p. 205): "Now though civil society might be at first a voluntary act (which in many cases it undoubtedly was) its continuance is under a permanent standing covenant, co-existing with the society; and it attaches upon every individual of the society; without any formal act of his own". Privileges and obligations in this way are equally self-evident to all. But such a contract has as its condition "a supreme ruler" who forms and gives strength to "the moral law" (ib.). Here Burke again falls back on the divine order of which the society and its individuals is a part (ib. p. 206): "The lawful author of our being is the author of our place in the order of existence". On this our duties towards men and mankind rest. But this moral order has a foundation in our instinctive disposition. Children and parents and the citizens in relation to their equals and their country are united in this way whether they wish it or not. For "powerful instincts" are not lacking which make our duty in such contexts "as dear and grateful, as it is lawful and coercive" (ib. p. 207). Burke professes himself to be convinced that "neither he, nor any other man, or number of men, have a right (except what necessity, which is out of and above all rule, rather imposes than bestows) to free themselves from that primary engagement into which
every man born into a community as much contracts by his being born into it, as he contracts an obligation to certain parents by his having been derived from their bodies" (ib. p. 208).

But could not a people with its majority abolish a contract once concluded? As is obvious from above Burke thinks that all parts in that case must agree. But what is a people? Such a thing does not exist "in a state of rude nature". A number of individuals as such do not form a people. This is a corporation that has its origin in "common agreement". As soon as this is broken there exists no longer a people, but a number of mutually completely independent individuals (ib. pp. 210—11).

As regards the question of the majority one ought to remember that Burke in connection with the election of John Wilkes to the House of Commons (cf. the account above of "Thoughts on the common Cause of the present Discontents") pointed out that in this case the minority in reality had decided. This was a contribution that must be seen in relation to how elections to the House of Commons should take place — hence it was not a question of "universal suffrage" (see e.g. Canzani, p. 156 ff.). But now it is in fact a question of that. Burke means that the majority of a people could decide only if, in the union of the people to one, this was agrcted upon, i.e. that the majority really may represent "the whole" (ib. pp. 211—12). To many it seems as if the principle of the majority is a kind of "law of our original nature". Burke means that without society there is no cause whatsoever for such a rule (ib. p. 212). Besides various societies have had differing position to the question (ib. p. 213). He sums up his point of view in the following words (ib. pp. 215—16):

"As in the abstract, it is perfectly clear, that, out of a state of civil society, majority and minority are relations which can have no existence; and that in civil society, its own specific conventions in each corporation, determine what it is that constitutes the people, so as to make their act the signification of the general will".

Neither in France nor in England there is, according to Burke, an original or later carried out "compact" which means that a majority counted per capita would constitute "the acting people". A society demands "social discipline", or it stops to be a society. Burke thinks that in such cases one should not cling to the principle of the majority but must use what could be found of talent and virtue. This
Summary

Above it was pointed out that there have been various opinions as to the background of Burke's conception and its origin in an outlook related to natural rights, but that later research more and more has asserted that he really in a high degree moves within this very frame (see e.g. Parkin, Canavan and Stanlis). Our analysis of Burke's point of view from his youth and to the beginning of the 1790's when he and Paine were confronted, confirms the correctness of this. In this summary of Burke's ideas the main end will be to show his attitude to the principles of freedom and equality. Hence there is no reason to deal with in detail to which extent the present investigation agrees with or differs from earlier contributions aiming at a more thorough exposition of Burke's religious, philosophical and political ideas.

First some texts till now not used will illustrate the import of freedom and equality to Burke within the frame of a thinking of natural right. Already in 1761 he wrote in a work not published: "A conservation and secure enjoyment of our natural rights is the great and ultimate purpose of civil society" (Burke IX, p. 364). In a parliamentary speech Burke adheres to the tradition from Locke when he mentions "life, liberty and property" as "those things, for the protection of which society was introduced" (ib. X, p. 16). Equality too belongs to the natural rights. In 1761 Burke speaks about "the great rule of equality, which is grounded upon our common nature, and which Philo, with propriety and beauty, calls the Mother of Justice" (ib. IX, p. 351).

A high-pitched expression of the origin of equality Burke gives in 1788 with the following words (ib. XIII, pp. 165—66):

"We are all born in subjection, all born equally, high and low, governors and governed, in subjection to one great, immutable, pre-existent law, prior to all our devices, and prior to all our contrivances, paramount to all our ideas, and all our sensations, antecedent to our very existence, by which we are knit and connected in the eternal frame of the Universe, out of which we cannot stir".

But freedom too belongs to the rights, although with the limit which is a necessary consequence of equality. In a letter from 1789 Burke says that the freedom he loves is not "a solitary, unconnected, individual, selfish Liberty". On the contrary — "the Liberty I mean is social freedom". No one must behave exactly as he wishes. The social freedom of which he speaks "is that state of things in which Liberty is secured by the equality of restraints", in other words the state in which no one through his freedom encroaches upon that of another (Burke: Corresp. VI, p. 42).

A strong religious basis is fundamental to Burke's conception. As far as one could follow him the existence is to him a divine order of the world according to which both physical and human conditions are regulated according to "the law of nature". In this cosmos the individual man and the various peoples have their place. God is ultimately decisive for both individual and society — in his wise omnipotence he shows himself in nature and in the relation of the individuals to each other. This Creator is to Burke a "providence" who does not have the character of an inventor of natural sciences, nor, in other words, has designed an ingenious machine and then has it work according to some fixed principles. God's creative activity is perpetually continued, especially in the history of man, the peoples and the states. The divine being on one occasion is described as a lawful state where "will and reason are the same". In God there is no opposition between intellect and action. His creation, however, is not equally perfect, and that is why it must constantly be continued aiming at the same "perfection" as in God.

From this it is evident that Burke himself in a high degree is "metaphysical", insofar as he bases his entire conception on the idea of a transcendent reality. When he accuses his opponents of clinging to "abstract metaphysics" this is not due to the fact that he, as distinguished from them, would stop at that which is empirically evident. The dividing-line must be understood in another way. To Burke God is constantly active in his world according to "the law of nature", and history is an expression of his intention to realize his own perfection, a consistent synthesis of "virtue and wisdom". Burke misses in his antagonists the contact between the transcendent world and the reality in which man and society exist. A theoretical idea is isolated form the reality of which it is the vital force. This "narrow" point of view Burke calls "metaphysical" in his polemics.

God's work is above all continued through man. Hence man's disposition becomes the vital point in Burke's social philosophy. Already from his youth to the controversy of the French revolution Burke pointed out that the possibility of a relation to God is the most
important aspect. Religion has an instinctive foundation in the human nature. We experience God as our Creator and as the Lord of the world and the existence, we try to follow his commands, and we seek his perfection. Man is "a religious animal" and hence society is ultimately based on religion. For along with the religious instinct man has, according to the law of nature, "natural feelings" and "reason". Burke divides the natural feelings into selfish passions and social sentiments. Throughout his life he repeats the point of view that it is the duty of reason to master the passions. In this context he obviously considers the feelings connected with the self-preservation, but sometimes he even has them work — as in his aesthetical main work — as a force that unites men. Otherwise he always implies the "self-denial" which is the condition precedent for virtue and morals. But it is of course the social sentiments that are the foundation of the connection between men. There is in reality "a natural society" resting on "natural affections". Burke never denies the importance of reason; as such it is a gift from Heaven. But Burke's judgment of the importance of reason shows a development during his youth. In his earliest statements he seems inclined to attach to reason a real power to master, from itself, the passions that may divide the individual from his equals in society. But it appears as if he soon began to attach greater weight to the religious and social foundation in these contexts. Nature, "our hearts", or "our breasts", is sometimes even pictured as a force struggling against reason. Under all circumstances this is only "a part" and not, in fact, the most important component of human nature. But along with religious and social sentiments it has always its given place in men's mutual relations.

Hence the forming of society is founded on religion in the first place and in the second place in co-operation with this on "virtue and wisdom", i.e. on the very aspects that frictionlessly coincide in God. Man's great task is to try to attain the same ideal, if possible. Then he is able to unite "justice" and "liberty" in society. Burke's social outlook might be easier to understand with the help of two expressions common in him, namely "moral reason" and "rational liberty". To Burke society is always a combination of order and freedom, and these are always led back to the Creator of the world and his "law of nature". Reason as a gift of God must be united with the moral demands raised by human co-existence. One must not content oneself with anything less than "virtue and reason" or "moral reason". But if it is possible to reach so far, the result is "a rational liberty". The freedom is rational insofar as reason and morals have been combined to "moral reason". Man lives as freely as possible but with necessary regard to others. Before the commands of morals all are equal.

But which is the origin of human society? Various opinions as to whether Burke really imagined "a state of nature" or not have existed. Complete unity on this point would seem difficult to attain. For my part I believe that Burke sometimes has given indications which in reality show, that he implied a state before the rise of the instances of societies of which man has knowledge. Above all a family forming has existed originating in the sexual instinct and in the human feelings attached to it. Society in a wider sense is sometimes regarded as a compromise by means of which it is necessary to renounce the freedom and the rights to achieve more as to the "conveniences" that men might create with united strength. He also evidently reckons with "natural rights" before the contract that becomes the foundation of various societies. In this contract one gives up certain rights, especially the right to be a judge of one's own cause and to defend oneself. The "metaphysical" rights could be compared to the rays which are refracted in a different way according to the medium they penetrate. By means of this various combinations of advantages and drawbacks due to the conditions arise. Nevertheless the metaphorical rights are an important element in Burke's own ideas of natural right, whether or not they are a mere fictive feature in them.

It is evident that society is founded on a contract between those who have united. The model of this contract is the contract that God has concluded with his world and still maintains. According to Burke it is part of the nature of the contract that it is binding on all parts and that it could be abolished only if any part breaks it, or if its sacred principles which must always be the foundation of it are violated. Thus under certain circumstances it might and should be abolished. But as little as God's contract with his cosmos could be eliminated, as little the human contracts could be broken in an arbitrary way. God is active in history, and that which Burke looks upon as a contract could be amended by a constantly continuing evolution by means of which the human rights are adjusted to new and changed
conditions. Every man in this way will be born to or into a society resting on a contract understood in this way. Although Burke in a treatise of his youth scourged the degeneration of the artificial society, it is obvious that in many contexts there is no real contrast to him between what he sometimes calls an artificial society and sometimes a natural one. Man becomes what he must aspire to be, namely virtuous and wise, preferably within the frame where these characteristics could be developed, i.e. in relation to other people. Burke has expressed this in the words "art is man's nature". But this means that in the artificial society which comes into being by a contract a natural society arises, in other words a society founded on man's own nature according to the divine laws of it.

In this conception of a contract, that — thanks to the continued activity of providence with the divine order of the world — without being abolished could be adjusted to changed external conditions for man, must be found the "conservative" element of Burke's social philosophy. Against this background it is perhaps also possible to understand what Burke meant in connection with the problem of sovereignty and representation. Sovereignty ultimately rests with God. But as far as one could understand, it is also to be found among those who, according to the law of nature, conclude a contract with each other, and then of course in all. By means of the contract and only by means of this a people or a state comes into being. But the contract might be formed in different ways as a consequence of various conditions, and hence the government might be formed in various ways. From God and all those who conclude the contract the sovereignty passes to the governors seen as a whole or a totality representing all those who have concluded the contract. The sovereignty constituted in this way makes a people with its general will. However, among the governors those must be included who have reached furthest in "virtue and wisdom". Thus Burke reckons with that every government ought to preserve the natural aristocracy. This is the best warrant that freedom and equality will be a reality in society. From these reasons Burke could also defend the "balanced system" of the English constitution with king, House of Lords and House of Commons. If the House of Commons is not proportionally elected in the country this means very little if the natural aristocracy has been taken care of. In this context we also understand how Burke to his voters could vindicate complete independence or freedom of action according to personal judgment and conscience. For judgment and conscience are ultimately "a trust of Providence" and must not be put aside in those who have been elected as the best, in favour of temporary opinions in many others less happily furnished. The right of determination rests with the M.P. in co-operation with other parts of the government, and not with the local representative chosen in a free election. Burke demands of the former "prudence", a combination of "virtue and wisdom" which means that one could learn from the past and apply it to the present.

The contract which, as a consequence of various circumstances for those who conclude it, might be given various forming as regards government, and which at least to a certain extent might be adjusted to the development, is, according to my interpretation of Burke's point of view, an act which protected by the sovereignty of God creates a people with its sovereignty. In every individual case the constitution ought to result in a government which in the first place is taken care of by those who represent "virtue and wisdom". In this way the people or the state has got a real representation and expresses in this way its "general will". The mistakes of France, as of England too at the rise of the social contract, are that nothing has been constituted about the right of determination of the majority of the people, nor that this right could be decided by an assembly that by no means has its authority from a contractual constitution. Besides it does not at all represent "virtue and wisdom", and hence it could not be a warrant for a society, in which freedom and equality in their mutual complementing of each other bring with them the rise of a natural society. There exists no "chartered right" but just an arbitrary taking over of power.

The "conservative" feature of Burke is then that his conception of natural right emphasizes the importance of tradition and continuity, and that changes, in themselves often necessary, only exceptionally ought to take place through revolution instead of through evolution. France is not an exception. The aristocratic element in Burke's conception of who should decide in states according to the social contract does not exclude freedom and equality for all. It is not primarily a question of aristocracy in its privileged form. It is Burke's opinion that the government should essentially be left to the "wisest and
best”. With this one has reached as far as is possible for man to attain to the complete union of “will and reason” which exists in God. Burke says that he never wishes to put a man in a position where he is no longer a “free-man”. Freedom is to him always “the portion of the mass of the citizens; and not the haughty license of some potent individual, or some predominant faction” (Burke IX, p. 422). He also believes that the natural aristocracy might best contribute to maintain “the true moral equality of mankind”.

A certain lack of interest in the educational problems was the result of Burke’s entire way of looking with its ending up in the necessity of realizing the divine order of the world with the help of a natural aristocracy, which he relied on to find among the privileged groups of society. His high-tempered attack on Rousseau in 1791 is an exception, but it was caused by the idea that Rousseau was one of the spiritual fathers of the whole of the “metaphysics” which he considered to be behind the French revolution, and which he earlier had fought. The criticism of Rousseau was highly unjust and incorrect. In fact, there were a lot of similarities between the conceptions of Rousseau and Burke. Rousseau’s emotional religiousness and his belief in an instinctive foundation of the relation among men could be mentioned as an example. It is a well-founded observation that “there was no important divergence of opinion on the question of fundamental principles” (Osborn pp. VII and 26 et passim). There was no essential division whether for instance laws and customs should be regarded as and be an expression of the will of the people. Both Rousseau and Burke had learnt much from Montesquieu as regards the relativity of the political principles, the laws and the manners with consideration to natural and historical conditions (ib. pp. 85 ff. and 107 ff.). As to education Burke misunderstood Rousseau equally thoroughly as when he discusses “Contrat social” (see e.g. Burke: Correspondence VI, p. 79). From his starting-points he does not realize the importance of giving to each man as good an education as possible, and when he deals with educational questions he obviously first considers the natural aristocracy. But when he, on isolated occasions, indicates what he implies in education, he essentially shares Rousseau’s points of view, for instance when he writes: “What is the education of the generality of the world? Reading a parcel of books? No. Restraints of discipline, emulation, examples of virtues and of justice, forms the education of the world” (Burke XVI, p. 268). This is just another way of expressing that which Burke already had pointed out in his aesthetical work about the importance of the act of sympathy, of imitation and of ambition at the forming of men, or that which he later quoted about the individual’s’ “growing into” a historically given society with its laws and customs. In other words it is evident to both Rousseau and Burke that “social spirit” is a result of an educational process. What distinguishes them from one another is that one of them demands more intensive, regulated measures than the other to the great mass of the people.

Paine contra Burke – a confrontation of “liberalism” and “conservatism” at the end of the 18th century

Paine’s and Burke’s conceptions of the problem of freedom and equality could be attacked in two ways both equally wrong. On the one hand the common foundation on which they built might be too strongly emphasized so that the divisions are hidden. But on the other hand the differences might be pointed out so that what unites them disappears. These extreme interpretations ought to be avoided. One must at the same time consider what unites and separates.

The above analysis shows that both Paine and Burke were anchored to a thinking related to natural right with a marked religious element. Both are on this point “metaphysical”. From these starting-points both agree that there are certain original, natural rights, and that freedom and equality are two of the most important ideas. God has created all and made them equal in relation to one another. These rights are transferred by means of a contract to society, within the frame of which one tries to preserve as much as possible of the natural rights. Both Paine and Burke believe that man could fill his ultimate end only within a society. Further they are both adherents of a democracy in which the rights of all are secured in various ways. However, at the same time they advocate the idea that the government which men in their union in a society need ought to be protected by those who are best fitted for such a task. If all will enjoy the greatest possible freedom and equality in society, the natural aristocracy ought to be “governours”.

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If one looks behind these uniting points of view, it is not difficult to discover many things upon which Paine and Burke did not agree. To a certain extent the explanation could be found in the fact that they had taken their ideas from various traditions of natural right. The natural right goes back to Antiquity, especially aristotelian and stoic philosophy. It then survived within Christianity, and became an important element of medieval scholasticism. During the 17th and 18th centuries the idea of natural right was supplied with new aspects, among other things on account of the rise of the rational and empirical thoughts that both became part of the so-called philosophy of the Enlightenment. However, at the same time the idea of the irrational side of existence and man's mind got new force, for instance from the older philosophy of natural right. It is an intricate problem to explain how the ideas of natural right under these conditions developed in various directions. It is not easy to fix certain limits for different schools. One could admit that some of the divisions are included in the idea of a special so-called contract of sovereignty apart from the fundamental contract at the transition from a kind of historical and/or fictive state of nature to a society with its need of one form of government or another. It is also evident that the oppositions could be mentioned with reference to rationalistic versus voluntaristic and individualistic versus collectivistic points of view (for this see e.g. Strzelewicz p. 60 ff.). But it is equally true that one often does not know where to place the various portal figures. Rousseau is an instance of this. Both Paine and Burke could be said to agree with Rousseau in various respects. But from this it is clear that it seems impossible to include them in only one of the schools. It might be said that Paine in a higher degree is dependent on a more modern line of thought of a deistic, rationalistic-empirical and individualistic nature (see e.g. Osborn pp. 56—57 et passim), and Burke is more rooted in a religious way of looking derived from scholastic theology with consequences for the conception of tradition, of the instinctive, emotional and volitional feature in man and of society as an organic whole (see especially Stanlis). It is probably wise not to stress such a division too much. More is achieved if one tries to explain on every individual point which difference could be found in the persons in question.

Both Paine and Burke have a religious foundation. But it seems obvious that Paine adheres to what might be called a deistic point of view to which reason is of greater importance than to Burke. To Paine God is "the ultimate cause" which only reason could find in the world that he has created. To Burke the idea of God rests on a more instinctive foundation, on emotional experiences of the greatness and goodness of the Creator. To Paine religion thus is a result of a rational thinking, while it to Burke is an "enthusiasm" that brings man into contact with a transcendental reality reaching from the beginning of times and gradually emerging in the course of the historical development. Reason and emotion, and history and present times have different importance to Paine and Burke.

This is the fundamental difference with the help of which the remaining controversial conceptions in Paine and Burke could be understood. They do not seem to disagree as to the necessity of the society since men have to unite their strength, and since they could only create the moral obligation in a society which is the condition for all real freedom and equality. Both Paine and Burke imagine a contract between those who wished to unite. So far sovereignty rests with the people according to both Paine and Burke. This contract also means that the forms of the government are decided. But the opinions differ in important respects. As a consequence of the just mentioned difference in a "metaphysical" respect, the contract is possible to renew, according to Paine, as soon as it becomes necessary in order to secure freedom and equality within the frame of society. To Burke the contract is certainly not impossible to abolish if anyone violates it, or if it is at war with the ultimate aim of such a contract. But it is anchored to the historical development which is God's interference in his world. It appears to be probable that Burke regards the fundamental, original contract as an expression of everybody's will. So does Paine, but he also in this contexts holds the will of all to be the will of the majority. Hence under new conditions a new majority might conclude a new contract. To Burke the principle of the majority is valid only within certain given forms, for instance in elections of representatives to the House of Commons within the frame of what he considers to be "the English constitution" such as it has been developed and modelled through the ages.

This statement brings us on to another important difference. Both Paine and Burke distinguish, at the forming of society, the indivi-
duals from the totality they form. To Paine the totality arises when the individuals at a certain point of time unite by means of a contract. Burke first sees the totality which each society through the historical development has become, according to the perpetual interference of providence in its created world. Within this totality he distinguishes groups and individuals, but they are bound by the totality of which they are a part. According to Paine every new generation has the same possibility of forming a society from its starting-points and decide its form of government. But Burke thinks that every generation as a rule is "born into" a society already existing. This difference of conception is behind the contrasted judgment of the French revolution.

These quoted differences of "metaphysical" bases are also behind the fact that Paine and Burke — although they both wished to use the natural aristocracy in the government — had completely divergent points of view where this aristocracy could be found. Paine then develops a way of looking which is almost free from possibilities of a genetically conditioned influence. He reckons — as distinguished from e.g. Helvétius — with great natural differences, but sees no way of deciding where and how men with these different qualifications should be found. They must constantly anew be fetched from the depth of the people. Hence public instruction and freedom for all to obtain education according to need is an important point of view. Burke sets out from the existences of the natural aristocracy found where it has been placed by the events of history. He does not wish to exclude anyone from the opportunity to "toil along", but he does not regard this as a decisive circumstance in order to have necessary supply of "the wisest and best". Therefore, he does not devote his interest to public instruction.

The concepts of "liberalism" and "conservatism" cannot easily be clearly marked off from each other. One is faced with the same difficulty as that bound up with the limits of various schools within the philosophy of natural right. Words receive their intellectual and emotional meaning from our experiences. Without entering into what distinguishes "liberalism" from "conservatism" one might say that Paine and Burke with the divergent opinions that really exist between them explain to us important aspects of two political doctrines that during the 19th century are essential elements in the history of Western culture and the forming of governments. But one must not forget that in spite of all differences of an important nature, there are also agreements in the initial stage. Both Paine and Burke fought that man would be able to live in a society with greatest possible freedom and equality. The import of this ideal is in fundamental respects almost the same to both of them. Freedom means a possibility of developing according to one's qualifications, and equality to pay regard to others to the same extent as this is expected from them.

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In the introductory notes it was pointed out that the eight chapters of this book were to be looked upon as a kind of sample test from an overwhelmingly profuse material, but that the selection had not been done at random but with the intention of trying to make concrete certain main lines of the treatment of the problem of freedom and equality in educational contexts during the 18th century. When the results now will be briefly summed up, a double rendering of an account is consequently necessary. On the one hand it ought to be mentioned what might deserve special attention within every individual study; on the other hand the synthesis at which the entire exposition has aimed ought to be presented.

In the first chapter Locke is treated of in his capacities as philosopher of natural right and social theorist, as psychologist and pedagogue. Locke's epistemological empiricism is not, as is often believed, incompatible with the natural furnishing which, according to him, varies from one individual to another and gives rise to different capacities. Instruction and vocational training must be adjusted to this fact. Upbringing, on the other hand, should form all towards the same goal, viz. the development of reason to complete mastery of the instinct-guided life in such a way that a correspondence within society arises to the independence (freedom) and consideration (equality) which from the beginning existed in the state of nature.

The examination in chapter 2 of the origination of the American Declaration of Independence has shown that the liberation to a great extent was justified by thoughts derived from Locke. According to him men unite and form a society in order to obtain greater security to their "lives, liberties and property" than what was possible in the state of nature, since few have enough strength to follow the law of reason. But this agreement is not unshakable, but could be changed if the elected government has misused its rights. In this way the colo-
ties considered themselves to have reasons to separate themselves from the mother country. Behind the words "all men are created equal" could be found the same conception of an identical constitutional nature of mankind advocated by Locke, but in combination with a marked observation of the individual differences as regards the degree of for instance physical and intellectual natural endowments. Jefferson, John Adams, Benjamin Rush and Thomas Paine do not disagree in this respect. The government of a society should be entrusted to the wisest and best in the first place. But since they should be elected by the people, it is necessary that all are given a certain amount of knowledge and enlightenment, and that all are brought up to considerate citizens. In the last-mentioned respect was included, as distinguished from Locke, certain innate conditions, a kind of "moral faculty" or "conscience" which must always be looked after and trained to reach perfection. When Jefferson in the Declaration of Independence emphasizes the concept of equality with reference to the originator of the world, and when he changes Locke's "property" to "pursuit of happiness", this might indicate certain preliminary deliberations between him and the other members of the committee before he presented the first known draft of the text.

It would seem to be closest to the truth to say that a mutual exchange of ideas took place between the American colonists on the one hand, and the leading persons of the development in France down to and during the revolution on the other hand. However, one could hardly neglect studying Rousseau and Helvétius as two opposites within French philosophy of the Enlightenment. This has been done in the chapters 3 and 4. As regards Rousseau his rewarded writings from the beginning of the 1750's in a high degree have been misinterpreted. It is true that civilization, according to Rousseau, has developed in an unhappy way, but nevertheless it is his idea too that the freedom and equality of the state of nature should get as great a correspondence as possible within human society. "Le contrat social" comes into being since men need help from one another. This leads to the rise of a "corps politique", the general will ("la volonté générale") of which in the first place is made concrete in constitutional laws, within the frame of which all citizens have the same rights and the same duties. To this must be added that the observation of customs and manners should warrant every individual his reasonable freedom in relation to his fellow-men. But the acceptance of these laws and the acquiring of these customs and manners also means that one in various respects decides to assume certain obligations valid within the limits of such a system. In this way freedom and equality are indisputably linked together. Under these conditions Rousseau attaches great importance to upbringing for the possibility of transferring the freedom and equality of the state of nature to society. Reason must be developed in the children according to the directions of nature prescribed in this respect. However, the possibility of feeling compassion towards others must be used, which, according to Rousseau, is the very foundation of a conscience, that does not allow anyone to hurt others without feeling ashamed. The human egoism or self-love might thanks to this be led by reason and modified by compassion so that the result is humanity and virtue. The duties to be fulfilled by every individual in society ought to be adjusted to the endowments bestowed on everyone in a varying degree.

Helvétius is in almost all important respects an opposite of Rousseau, and they have also been in a direct controversy with one another. Helvétius transforms Locke's epistemological empiricism to a theory of environment according to which man is exclusively formed by his surrounding. This is one of the first examples of how Locke was misinterpreted. On the other hand Helvétius agrees with him insofar as he believes in the possibility of having the human reason bridge the instinct-guided life by means of a suitable influence so that each man, for his own good, learns to consider others. Helvétius in this context refers to Spartan models and suggests the establishing of state institutes of education for the ages 6 to 18. At these the individualizing instruction and education might take place which is necessary with regard to the need of society of various kinds of professions. But for reasons easily understood Helvétius has no possibility of deciding what will become what. His theories mean a solution to the problem of the realization of equality when reason has learnt that the best thing for the individual is to consider his fellow-beings, but the problem of self-realization ends — which is not the case in Rousseau — in a question-mark.

However, Rousseau and not Helvétius is important to the debate before and during the French revolution. Moreover his idea of upbringing and instruction was shared by many various fractions of the
French philosophy of the Enlightenment as a whole. To many of those
who demanded educational reforms the aim was enlightenment and
virtue, thus the same as to Jefferson and his contemporaries in Ame-
rica. Hence this is true of La Chalotais, and of representatives of
physiocracy like Turgot and Mercier de la Rivière, and of Diderot.
They agree that there are natural individual differences which must
be taken care of, and as a rule they wish to establish a public ele-
mental instruction followed by higher institutes with possibilities of
differentiation. However, within this educational system the moral
and the civic spirit should be developed which could be built on an
original sympathy for the fellow-man and his equal demands, a kind
of “social instinct” the existence of which is manifest to most of them.
In other words, enlightenment and virtue are the road to a society
warranting man the greatest possible freedom and equality. Some of
these pre-revolutionary advocates of reforms, for instance Turgot and
de la Rivière in many contexts are directly connected with Rousseau.
This has been treated of in a special section of chap. 6.

The chapters 5 and 6 deal with the origination of the Declaration
of the rights of man and of the citizen 1789 and the pedagogical endeav-
ours during the revolution 1789—1795. When Lafayette took the
initiative in making the Constituent National Assembly promulgate
a declaration of rights, this was due to an influence from the expe-
riences of his participation in the American war of independence, and
to his close connections with Jefferson in Paris during Jefferson’s
time as an ambassador there. The proposal presented by Lafayette on
July 11, 1789 undoubtedly is connected with the philosophy of natu-
ral right derived from Locke, the ideas of which were an important
element of the argumentation of the liberation of the colonies. But in
many respects Lafayette paid attention to conditions in his own
country, so that he for instance avoided mentioning the question of
liberty of faith. Besides Lafayette was only a link in the development.
At the continued intensive work of the National Assembly on a
declaration of rights, the French philosophy of the Enlightenment
exerted a direct influence on the discussion, and to the final declara-
tion of Aug. 1789 above all Rousseau’s thinking was of great im-
portance. Man transfers the freedom and equality of the state of na-
ture to a society in which the general will with the help of decisions
by the majority determines in laws the limits of the rights and duties
of all. Freedom means among other things the right to get the position
in society which every man might aspire to according to the talent
and virtue that he possesses. Hence the individual endowments must
be realized freely, and virtue means that one does not stress one’s
own interests so far that it prevents others from realizing their equal
demands. It becomes frequently evident in various documents that
one faces an important educational task. In the declarations that were
accepted by Girondins and Jacobins at the end of May and at the end
of June 1793, it was also directly pointed out that every man has
a right to get the instruction he needs, and that every man’s position
in society is decided by “les vertus et les talents”. In the constitution
of 1795 these points of view have been placed in a separate chapter.

However, it turned out to be difficult to agree on an educational
program of reform which satisfied all desires. Already during the
period of the Constituent National Assembly a certain front might
be discerned. These divisions were increased within the Legislative
Assembly and the National Convention which appointed special com-
nittees for the treating of educational questions. These committees
met to Oct. 1795 no less than 632 times (about three times a week).
One of the main points of the reform work was that a national
system of education should be established, divided into successive levels
and with possibilities for all, independent of economic and social
qualifications, to obtain the education and instruction which the
individual endowments justify. In other words, the freedom of self-
realization was a fundamental point of view. To this was linked the
idea that all to the same extent should be brought up to possess the
civic spirit which from 1792 stood out as the most important civic
virtue, bringing with it the idea of a moral equality for all as men
and members of a new society. However, many feared this hierarchi-
cal system, since it might lead to the rise of a new educational
aristocracy which did not appear to be much better than that which
had just been fought in other forms. Thus the main stress fell in a
higher degree on the principle of equality, and the importance of de-
veloping everyone to sans-culottes was emphasized. But it was impos-
sible to agree to the best way of carrying out these intentions. Some
proposed the establishing of state institutes of education — the model
was obviously not Helvétius but Sparta — while others wished to
make society itself the educational environment which at the same
time fosters all to good republicans and is capable of giving them fundamental knowledge and a differentiated instruction according to talent. During the Terror 1793—1794 a law of compulsory primary schools was introduced, but at the same time it was considered desirable to exert such a strong social control over upbringing both at schools and in homes — in both cases it was important to protect "la morale républicaine" — that the freedom was almost transformed into supervision. All this was changed anew by laws in 1795 when an educational system divided into levels was introduced, the purpose of which was to give public instruction to all and a differentiated education according to the various qualifications of the individuals, while homes and schools in mutual co-operation should attend to the desired civic upbringing. Freedom should not have to withdraw in favour of equality, or vice versa.

While America and France were wrestling with the problem of forming a new democratic society which in legal forms would give man the freedom and equality that is possible within a social collective, he who is usually called the father of economic liberalism had appeared in England. In chap. 7 Adam Smith is treated of whose main works "The Theory of moral Sentiments" 1759, and "The Wealth of Nations" 1776 sometimes have been looked upon as incompatible with one another. Our examination ends in the point of view, that Smith in the one case presents a moral philosophical doctrine ultimately derived from the idea of a divine substratum for a forming of conscience to which both experience and upbringing are important. This is the condition without which the individuals in their mutual relation fail to develop the three main virtues, "justice", "benevolence" and "prudence", which, however, does not prevent the right and possibility for every individual to "strain every nerve and muscle" in emulation with others. In the other case Smith has above all considered the last-mentioned point of view as a decisive condition for the distribution of work on which he builds the economic development of society. But this does not at all mean that he in his work on national economy denies the necessity of morals, the rise of which he has previously tried to explain. The society of competition must not imply an abandonment of the demand for "justice" and "prudence". Regard to the fellow-man and individual emulation are obviously no incompatible contrasts to Smith.

In England the French revolution aroused mingled feelings. Thus the battle-line becomes in a certain degree of a purely political nature, and the examination in chap. 8 of Thomas Paine and Edmund Burke shows a commencing opposition between a liberal and a conservative social conception. Both to Paine and to Burke it is evident that freedom and equality is possible to man only within the limits of society. Men unite to mutual help by means of a contract which is the condition for the rise of government. This in the first place ought to be entrusted to the wisest and best. But Paine and Burke who are "metaphysical" in the sense that they imagine a divine order of the world as the ultimate condition for the life of nature and man, derive their ideas from various tides of the philosophy of natural right. Paine represents a rationalistic deism according to which reason, not least in the world of nature, could perceive the wisdom and goodness of the Creator. Besides there are in man certain "social affections" which are a condition for what Paine calls "moral duty". Perhaps it could be said that Burke's ideas have affinity with the older scholastic philosophy of natural right, and during his whole life he implied a kind of religious instinct that brings man into contact with a transcendental reality, extending from the beginning of times and appearing in the historical development to the present time. Along with the religious experience Burke also mentions "natural feelings" — selfish and social passions — and "reason". Reason is more important to the young Burke than to the mature statesman. He now attaches more weight to the religious and social instincts although reason is not denied all significance but always has to see to it that the human selfishness is kept within necessary limits. However, from these starting-points the contract on which society rests might be dissolved, according to Paine, by every new generation according to the decision of the majority, while Burke emphasizes the importance of continuity and tradition and only admits a renewing of the contract, when the authorities have broken the sacred principles on which it was founded from the beginning. While Paine thus gives the individuals a possibility of uniting to a collective perpetually anew, it is to Burke necessary to consider a historically founded phenomenon which always is a present reality and which must not be shaken but in extreme cases. While from their conceptions both Paine and Burke agreed to the right of the American colonies to independence, a bitter
fight between them broke out about the French revolution which Burke did not look upon as necessary or justified, since the drastic changes of it were not explained by a real breach of contract from anyone's part, nor founded on a representation of the entire people. Both Paine and Burke believe that the "natural aristocracy" must be used within the government of a country, but Paine wishes to recruit it from "the depth of the people", since nature, in an unknown way and always anew, distributes the endowments to the individuals independent of social position &c. In his demand for "enlightenment and virtue" Paine then becomes a warm supporter of public instruction, while Burke in this respect too puts confidence in the results of the historical development, although he does not wish to deprive anyone of the possibility of "toiling along" to the position granted him by his qualifications and manifested capability. In spite of all differences it might be pointed out that freedom and equality are central conceptions both to Paine and to Burke, and that it is only possible to fulfill them in a society. Freedom means everybody's right to self-realization, and equality rests on a virtue implying the demand for respect and consideration to the fellow-men as God's creatures with equal claims in their mutual relations.

This survey could now be the basis of certain summed up reflections. First might be pointed out that most of the studies have shown the role of the conception of man to the ideas of freedom and equality. The statement is of course more or less a truism, but nevertheless the psychological basis of the analyses would seem to have contributed to more lucidity than before, at least in some cases. When man's possibilities of realizing freedom and equality in an original state of nature and in a more or less complicated society are treated of, with consideration to his intellectual and moral qualifications, the criticism of lack of coherence, for instance in Rousseau's and Burke's thinking, loses much of its edge. Man's constitution becomes the thread which in such cases links the points of view which have been regarded as incompatible.

But the conception of man is clearly and often in close connection with two important lines of thought, viz. the philosophy of natural right on the one hand, and the moral sense philosophy on the other. Within these clusters of thoughts and ideas there are many shades that have not become the objects of a closer examination. Many other scholars have successfully devoted themselves to problems connected with this. What is important to us is the combination of belief in the existence of an original natural right of divine extraction and the various positions to the question of man's moral endowments, which in every single case give the condition for the outlook on the problem of freedom and equality. To Locke the freedom and equality of the state of nature is connected with the divine reason of which man has been given a share, and society is possible because man, through education, might empirically acquire the faculty of anticipating the consequences of his actions, and in this way keep his selfish passions in check, and allow every man to develop according to his individuality with consideration to the equal rights of others. However, to Locke there are no innate moral ideas. In spite of this it is possible to combine self-realization within society with regard to others and vice versa. The difference between Locke and Rousseau is in this respect above all, that Rousseau has a strong belief in a natural compassion, a sentiment towards others of the same originality as the self-love, but just because of this the important support of reason in the struggle against egoism. In Burke the natural right, with a marked religious element and trust in the innate social instincts, gives reason to a less prominent position than for instance in Locke. A common feature in Locke, Rousseau and Burke is nevertheless the idea of intellectual and other differences that must be taken care of for the benefit of the individual and society.

The last-mentioned point of view brings us to another recurring fact of the debate of the development treated of. It concerns the question of the import of the concepts of freedom and equality in the contexts that we have tried to penetrate. The answer is that freedom is equivalent to independence and self-determination which in educational respects in the first place means a possibility for all to realize their natural endowments. Equality is bound up with the respect and consideration that everybody owes one another in the same degree, since they are all God's creatures, representatives of one and the same species, and members of one and the same social collective. Equality is the equality of all as regards rights and duties and their equal value as men and citizens. It is not a question of either material or intellectual universal mediocrity. On the contrary even radical Jacobins maintain that all certainly should become sans-
culottes, but that society must not for that reason overlook the natural talent. In educational contexts freedom is thus attached to the idea of a more or less differentiated instruction and vocational training, while equality is connected with upbringing identical for all.

However, it is in the nature of things that the educational influence, which in most cases is looked upon as necessary in a more formalized frame than previously, when one did not, as intently as later on, endeavour to develop a democratic society, is faced with considerable difficulties due to the different conceptions of man which have just been mentioned. The tasks that must be met with could not be the same when one proceeds from the existence of individual endowments and a natural foundation of the consideration to the fellow-men on the one hand, and when one dissociates oneself from these qualifications on the other. Helvétius is comparatively alone with his theory of the environment, and his point of view is interesting for this period, since it shows that it is possible, from his premises, to bring all up to try to fill the same moral demands, but that the many-sided instruction which a professionally differentiated society makes necessary is difficult to regulate, since indications how and to whom it will be distributed are lacking. But also to upbringing the situation becomes another when the existence of a kind of social instinct is implied than when this is not the case.

To these observations might be attached the question in which sense and to which extent the pedagogics advocated in various quarters has been given a more or less intellectualistic character. In this respect too stereotyped statements must be avoided. Very few have succeeded in disregarding both rational and irrational elements of man’s psychical development. Thus Locke believes, as we have seen — in spite of his empirical epistemology — that man in a varying degree is capable of developing a reason which anticipates the consequences of an action, and hence makes it possible to have the behaviour regulated according to the principle of “pleasure and pain” which he considers to be fundamental for all activity. In itself this would be completely satisfying for every individual. But as “a rational creature” no one could escape noticing the equal demands of others. In order to really pay attention to these, such sentiments of reverence and gratitude must be used in education which the children feel for the generosity of their parents and other persons in their surrounding. According to Locke it could consequently never be a question of a development of reason alone, but also a proper using of the irrational elements of the individual. Reason and sentiment both in their own way contribute to bringing about freedom and equality. When, on the other hand, one, like Locke’s supporters in America, believes in a kind of innate moral sense, the result is, as for instance in Jefferson, that one demands enlightenment in a purely intellectual sense, an abolishing of the “ignorance” which might cause reason and conscience to give us a defective idea of what the own lawful freedom and consideration to others demand in various contexts. In Rousseau we find other points of view. He reckons with the successive ripening of reason, but also with the growth of compassion and conscience by means of the contact with parents, teachers and comrades. In homes, schools and society one learns to let self-love be governed by reason and modified by compassion so that the personal needs could be combined with consideration to the fellow-men. Helvétius is much more purely intellectualistic than Rousseau in pointing out that the knowledge of the personal benefit makes man respect the demands of others, so that this is behind even what is called love and friendship. Man is an instinct-guided organism, but thanks to his reason he can, according to Helvétius, govern his egoism and give precedence to others, since he in the end gains most by doing this. But then Helvétius is forced to take refuge in a strict system of education within which one does not build on the emotional relations between children and adults — as in the case of Rousseau — but on the training of the “moral catechism” of which Helvétius himself gives the outlines. A physiocrat like Mercier de la Rivière combines, as we have seen (chap. 6), ideas from Rousseau and Helvétius, and he makes a certain natural need of esteem from others a means of support for reason to judge that it might be in the own interest to bow to the general will, and thus to consider the fellow-men. Within the revolutionary pedagogies many derived their ideas from Rousseau and consequently wished to influence the development of both reason and compassion. To others, for instance Mirabeau, enlightenment in an intellectual respect becomes the foremost condition for freedom to be limited in a sufficient degree, and makes it possible for it to walk side by side with equality, i.e. a regard to the interests of others as well. A third group of revolutionary pedagogues might be said to consist of those who pro-
ceed from the ideals connected with their political doctrine and to whom the deeper theoretical aspects are of less importance than the practical possibilities of solution. They did not concern themselves so much with making man moral as with imparting to him "la morale républicaine". It is difficult to decide the extent to which one believed in a pure enlightenment of reason, and how much one trusted in concrete forming of habit, whether or not it should take place at institutes or in society. This group seems, however, to have included also the emotional relations that would be adjusted in one way or another, i.e. they trusted in an influence of the social pathos that revived their own souls. In Adam Smith we find a new kind of intellectualism inasfar as the act of sympathy to him means a cognitive process — one "enters into" the situation of another — and this is the condition for us to approve or disapprove of the behaviour of anyone. In this way the real knowledge of the world in which man lives undoubtedly becomes an important condition for the development of morals. But also the forming of conscience is as a highest form of "moral evaluation" to a certain extent a result of education, although Smith ultimately falls back on certain moral principles as a kind of divine "reflection" in man. As related to this point of view Paine and Burke, when compared to each other, seem to walk in separate directions. Paine's deistic religion is in a high degree founded on the experiences which knowledge of nature gives to man and with which the moral obligations to the neighbour are connected. In his youth Burke too appears to have trusted in a purely intellectual enlightenment to reach a rational mastery of the selfish instincts, but with years the religious instinct and the social sentiments became more important to him as to the question of combining freedom with consideration to others.

Especially as regards the question of upbringing, a lot of various conceptions are found about the means and qualifications of carrying out the educational influence. As compared to this education and instruction have not offered anything like this problem. As the most important lesson from the discussion we have tried to follow, however, the very fact stands out that freedom and equality — as they were conceived — in their mutual relation were not looked upon as an obstacle for one another, but as complementing concepts. Freedom means independence, and in educational contexts self-realization for the individual. Equality is always to be found on the purely moral level, i.e. all have the same rights and duties, or have the same value as men and citizens. These two conditions are compatible with each other. Freedom is a freedom "within fixed limits" just because it is bound to the principle of equality, and equality, on the other hand, is not pushed so far that freedom loses its entire margin of action; thus in educational contexts the possibility for the individual to self-realization is preserved. Our conclusion might also be expressed so that there is no freedom without a law (i.e. equality is a condition for freedom in society), but there is neither a law without freedom (a certain amount of independence and self-determination as well as a possibility of self-realization are conditions that enable us to speak about equality at all among men in their mutual relations).
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The book is included in two serial publications. The first one, "Årsböcker i svensk undervisningshistoria" (Annals of Swedish History of Education), is published by "Föreningen för svensk undervisningshistoria" (The Swedish History of Education Society). It is a privilege for me to be able to reach many and expert readers, and I am glad that the society which has been working for more than half a century and during this period has published two or three volumes annually, now for the first time presents a work in such a form that it becomes internationally available.

This is still more the case as about half of the edition of the book is part of "Studia Scientiae Paedagogicae Upsaliensia" published by the Institute of Education at the University of Uppsala. In this way the humanistic traditions of this institute are continued. This number is distributed by Almqvist & Wiksell.

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On account of a weakened faculty of seeing, some smaller errors might have crept in as regards quotations and page references &c. I hope they are so few as to be of slight importance. However, the responsibility for them is entirely mine.

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Reports

Reports from the research project "Freedom and equality" at the Institute of Education, University of Uppsala, have been published by grants from The Bank of Sweden Tercentenary Fund and The Swedish Council for Social Science Research.

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3) (1970): Wilhelm Sjöstrand, John Locke om den edukativa processens betydelse för det mänskliga samhället (John Locke on the importance of the educational process to human society)

4) (1971): Wilhelm Sjöstrand, Kring den amerikanska oavhängighetsförlagen 1776 som ett dokument om frihet och jämnhet (The American Declaration of Independence 1776 as a document of freedom and equality)

5) (1971): Thorbjörn Lennholm, Individualitet (frihet) och fostran (lydnad) hos Ellen Key, närmast enligt "Barnets århundrade" och dess olika upplagor (Individuality (freedom) and upbringing (obedience) in Ellen Key, especially according to "Barnets århundrade" (The century of the child) and its various editions)


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8) (1971): Karin Bergman och Gunilla Frodell, Pehr Kölmark — a Swedish eclectic at the turn of the 19th century

9) (1971): Irene Andersson m. fl., Anton Nyström — a Swedish positivist before and after the turn of the 20th century on freedom and equality

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14) (1972): Birgitta Jonsson och Helena Sellstedt, Frihets- och jämlikhetsynpunkter i remissyttrandena om 1918 års enhetskolekommissionens betänkande 1922 (Ideas of freedom and equality in the official statements and evaluations in 1922 on the report of the commission of the comprehensive schools of 1918)

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16) (1972): Bella Nylund, Frihets- och jämlikhetsynpunkter i några viktiga pedagogiska debattinlägg 1921—1925 (Ideas of freedom and equality in some more important contributions to the pedagogical debate 1921—1925)

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