

Carlsbad 1819

Like another Chouannerie

Joel Barlow against the Second Estate

September 2, 2017 by Nulle Terre Sans Seigneur

Of the Founding Fathers, plenty has been said. Of the Founding Jacobins, less so. The Mel Bradfords, the Friedrich von Gentzes, and many others, would insist that the American Revolution was no revolution at all, but a conservative revolt for the protection of the customary rights of Englishmen. Yet even Bradford admitted that the conservative heritage of America had already faded by 1819 — presumably chosen for the banking panic of the same year, marking a cut-off between the age of the landed gentleman and the age of the commercial speculator. So, surely, in the aftermath of this calamitous derailing (Hamilton's bank not helping matters), the Founding Jacobins would become a matter of interest.

But with a Jacobin as outrageous as Joel Barlow, one is enough. A parochial New England man whose main reading for a long time avoided speculative political philosophy; a member and associate to the literary scene known as the "Hartford Wits," which included the High Federalist cleric Timothy Dwight. Barlow, who served as a chaplain in the American Revolutionary War, was not immunized in any way from interacting with these circles, and would become an ultra-left pamphleteer of astonishing bravado in his assertions, and largely remain so until the end of his days.

At the age of 34, in 1788, he set sail to France, shortly after immersing himself in a fiasco as the agent of a fraudulent land company (https://en.wikipedia.org/wiki/Scioto_Company), selling worthless deeds (not deliberately, but out of gross mismanagement) to French colonists for lots in what would later become Ohio.

Soon to commit more fraud in the form of his ideological screeds, he met with Jefferson, Lafayette, Volney and various Girondist deputies, traveling back and forth between France and England, also meeting up with Mary Wollstonecraft and becoming a member of the proto-Chartist Society for Constitutional Information in the latter country. On February 1792, he graced the world with the first of a two-part essay: *Advice to the privileged orders, in the several states of Europe, resulting from the necessity and propriety of a general revolution in the principle of government*. We need only look at the first part. It was published half a year before the establishment of the National Convention in Paris, which would later grant naturalized citizenship to Joel Barlow, one of three foreigners to receive this dignity.

Barlow's *Advice* is pretty much the Enlightenment in a nutshell. It perfectly represents the speculative intuitionism masquerading as logically rigorous rationalism which characterizes the *philosophe*, and in some sense, it feels much less dated than many other contemporary texts of that genre. 225 years on, it

actually seems more relevant than before, since its rabidly egalitarian and leveling postulates overlap quite well with the tenets of our present leftward-accelerated regime.

Let's look at Barlow's comments on three aspects of the older days: the feudal system, the Church and the military.

I'll get to the attack on primogeniture, but first, his view of the pernicious consequences:

It swells the inequality of wealth, which, even in the best regulated society, is but too considerable; it habituates the people to believe in an unnatural inequality in the rights of men, and by this means prepares them for servility and oppression ; it prevents the improvement of lands, and impedes the progress of industry and cultivation, which are best promoted on small estates, where proprietors cultivate for themselves; it discourages population, by inducing to a life of celibacy.

Now, this point is important, because it's a general condemnation of *unearned wealth*.

It is not limited to any side of the political spectrum, but is rather ubiquitous, and for often conflicting reasons.

The commercial liberal spirit abhors legally sanctioned concentrations of wealth that emerge outside of strictly endogenous market processes; the socialist one-ups him by declaring all wealth not earned by individual exertion of labor to be unjust.

Note Barlow's "small estates." Here we have a distributist yeoman angle, also — inherited wealth is fine for family businesses, but an abomination if said family business has the nerve to start expanding.

The same people, of course, generally have no issue with the unearned wealth of treasuries and parliaments carrying out infrastructural and redistributive efforts.

Indeed, how else could one relieve the poor and invest in improvements without an accumulated store of wealth that preferably stays in one hand (familial, corporate or otherwise) throughout generations? Why, the more revenue to appropriate, the more the lord paramount can liberate you from the "servility and oppression" of having to obey the people closer to you!

As for the "improvement of lands," Barlow must be conflating feudal primogeniture with the waste and commons system of open-field agriculture.

On status:

Whether men are born to govern, or to obey, or to enjoy equal liberty, depends not on the original capacity of the mind, but on the instinct of analogy or the habit of thinking. When children of the same family are taught to believe in the unconquerable distinctions of birth among themselves, they are completely fitted for a feudal government ; because their minds are familiarised with all the gradations and degradations that such a government requires. The birth-right of domineering is not more readily claimed on the one hand, than it is acknowledged on the other ; and the Jamaica planter is not more habitually convinced that a European is superior to an African, than he is that a lord is better than himself.

If status is a habit of thinking, then perhaps the Jacobin is better off reading the Discourses of Epictetus than smashing property relations.

The cynical argument for hereditary status distinctions relates to the ability to hold elites accountable. Else if all enjoy equal liberty, scoundrels get to claim that their actions are no more than embodiments of a general will, which Barlow thinks is an improvement, evidently.

Indeed, if all enjoy equal liberty, then all are equally at liberty to expropriate others by the political means through equally accessible participation in power.

Barlow's ability in taking a *reductio ad absurdum*, and proceeding to defend the absurd, is grand. Observe, as he speaks of the USA:

Many operations, which in Europe have been confidcred as incredible tales or dangerous experiments are but the infallible confequences of this great principle [that all men are equal in their rights]. The first of these operations is the business of election which with that people is carried on with as much gravity as their daily labor. There is no jealousy on the occasion, nothing lucrative in office; any man in society may attain to any place in the government, and may exercise its functions. They believe that there is nothing more difficult in the management of the affairs of a nation, than the affairs of a family ; that it only requires more hands. They believe that it is the juggle of keeping up impositions to blind the eyes of the vulgar, that constitutes the intricacy of state. Banish the mysticism of inequality, and you banish almost all the evils attendant on human nature. The people, being habituated to the election of all kinds of officers, the magnitude of the office makes no difficulty in the case.

The president of the United States, who has more power while in office than some of the kings of Europe, is chosen with as little commotion as a churchwarden. There is a public service to be performed, and the people say who shall do it. The servant feels honored with the confidence reposed in him, and generally expresses his gratitude by a faithful performance.

Well, this speaks for itself. Teach men to believe in equality, and they realize managing the affairs of an empire is just like taking care of one's family (but if one has a monarchy that actually *is* a family business, this is unacceptable!), and indeed they take the election of an office more powerful than many kings not seriously at all. *This is supposed to be a good thing.*

Barlow is really saying that equality has stoned people out of their minds so thoroughly that they make life-and-death decisions at the drop of a hat. What, do you have a problem with that? AYY WEED LMAO #420 #BLAZEIT

On the other hand, what *does* a serious election look like?

Something like [this \(https://archive.org/stream/feudalmonarchyin001918mbp#page/n47/mode/2up\)](https://archive.org/stream/feudalmonarchyin001918mbp#page/n47/mode/2up):

The Archbishop of Rheims “chose the king” in accordance with the agreement previously arrived at by the great men of the kingdom before anointing and crowning him, and the subjects who thronged the cathedral, greater and lesser nobility alike, gave their consent by acclamation. Theoretically the unanimous choice of the whole kingdom was necessary for the election but, in fact, once the will of those who were of decisive importance was made clear, the approbation of others was merely a matter of form. Nevertheless the conventions of the chancery attached considerable importance to it; the first year of the reign only began on the day of consecration and this rule, closely related to the theory of election, was to last for two centuries.

In fact, then, this Capetian kingship whose supernatural character we have been illustrating was, at the same time, elective. To the modern mind that may present a strange contradiction but contemporaries found no cause for surprise. The very fact that the kingship was so closely comparable to the priesthood justified its non-hereditary character. How could churchmen deny the divine nature of an institution because it was elective? Even bishops and popes were appointed by election. The monk Richer attributes to the Archbishop Adalberon a speech to the nobles in 987 which does not exactly represent the ideas of Adalberon but it is quite in accordance with the principles of the Church. “The kingdom,” he says, “has never made its choice by hereditary right. No one should be advanced to the throne who is not outstanding for intelligence and sobriety as well as for a noble physique strengthened by the true faith and capable of great souled justice.” The best man must reign and, we may add, he must be chosen by the “best” men.

This was the theory of the Church without modification or limitation. Once he had been elected by a universal acclamation, which, in fact, represented the assent of a few individuals, and consecrated, he became king by the Grace of God commanding the implicit obedience of all.

And from this West Francian ritual, the system of prince-electors in the East was the later analogue, itself an evolution of an earlier system. “The best choosing the best” is nonetheless a form of election that underlines the hereditary endowments of those chosen to vote.

Now, I want you to be prepared for this next statement.

It is one of the most brazen assertions I have encountered, and made baffling by its non-ironic character.

You might think it's unbelievable, but it just ain't so
(<https://archive.org/stream/adviceprivileg00barluoft#page/36/mode/2up>):

Engrave it on the heart of a man, that all men are equal in rights, and that the government is their own, and then persuade him to sell his crucifix and buy a musket, — and you have made him a good citizen.

I should probably end things right here, because what hope do I have of ever topping this?

One thing I will say, the modern Jacobin would be quite squeamish about buying that musket. So instead of guns, I reckon the modern equivalent would be “persuade him to sell his crucifix and buy a dildo.” Because that is the greatest liberation of all.

Also: “Where the people at large feel and know that they can do everything by themselves personally, they really do nothing by themselves personally.” Once more, this is meant by Barlow as an endorsement, not an indictment.

Back to specifically feudal aspects, this is presented as the recipe for freedom: “The simple destruction of these two laws, of entail and primogeniture; if you add to it the freedom of the press will ensure the continuance of liberty in any country where it is once established.”

That simple.

Barlow regards all restraints on alienation as abhorrent, but his singling out of the fee tail is odd. As a formal instrument, it did not exist until 1285. Its vesting of the eldest son as sole heir, a “barbarous exclusion” so described, set in motion the same forces that would lead to its demise, as the younger sons would be pushed into the professions.

The fee tail grew particularly after the outlawing of subinfeudation in England in 1290. The great hierarchies of tenants becoming mesne lords by enfeoffing their new subtenants who thus owed feudal incidents to the mesne lords, were decisively ended as all such alienations were now mandated to be substitutions rather than subinfeudations — the seigniorial rights being held only by the Crown or those lords the Crown had already established. As such, this was a victory for free alienation in some sense.

In common law, the taboo against restraint on alienation would go on to be formalized as the rule against perpetuities. It has led to absurd situations where the vesting of an executory interest in some property (e.g. “convey to A on condition of doing not-B, at which point revert to C”) is declared unlawful due to the long temporal horizon at which the condition could activate. It reeks of “dynastic” principles, does it not? So it may, but it also lowers the social rate of time preference. To hell with that, I must seek my enjoyment *now*!

Barlow also despises people inheriting the allegiance of their forebears: “On the first investiture of a fief, the superior lord (supposing he had any right to it himself) has doubtless the power of granting it on whatever terms the vassal will agree to. It is an even bargain between the parties; and an unchangeable allegiance during the lives of these parties may be a condition of it. But for a man to be born to such an allegiance to another man, is to have an evil star indeed; it is to be born to unchangeable slavery.”

To which the obvious retort is: as opposed to the universal demesne of the people, which knows no bounds, and is free to legislate on anything it can secure a majority for? But there is also the fact that the estate in a thing and the enjoyment of the thing itself need not have a direct relation. One can have the right of easement to use without possessing a thing, one can possess a lease without owning a thing, up to a myriad of such possibilities.

Barlow now moves on to the Church. He declares: “It would have been impossible for the feudal system, with all its powers of inversion, to have held human nature so long debased, without the aid of an agent more powerful than an arm of flesh, and without assailing the mind with other weapons than those which are furnished from its temporal concerns.”

It is funny that he names the Church as an ally of the feudal system. In England, one way of avoiding paying feudal incidents was to donate lands to the Church (which held tenure in frankalmoin as a perpetual freehold not subject to seigniorial duties), and then have the Church lease them back to you. This practice was abolished by the Statutes of Mortmain, but various loopholes in the common law tool of uses (https://en.wikipedia.org/wiki/Use_%28law%29), would go on to serve the same purpose.

In the Coutumes de Beauvaisis, one of the master works of medieval French customary law, the chapter on ecclesiastical jurisdiction also speaks of the right of the Holy Church to independently administer its property, subject to some limitations:

The third case which belongs to the ecclesiastical courts is concerning all the property and all the donations [aumosnes] given and donated [aumosnees] and contributed [amorties] to serve and sustain Holy Church, except the cases of temporal jurisdiction and guardianship, which belongs by a general custom to the king and by special custom to the barons in whose baronies the religious houses are founded. And there is no reason why secular justice should not help those who hold the property of Holy Church to defend and safeguard their temporal possessions, so that offenders may not do them harm or violence. Nevertheless, they can summon and excommunicate those who offend against them, if those who are summoned do not have a good defense. But because the members of Holy Church sometimes think they have a right to certain things to which they have no right, such as when they sue for some real property which someone is in possession of, the cognizance belongs to the person from whom the person in possession says he holds the land. But where something is admitted to be theirs, whether it be real or personal property, they can if they wish excommunicate the person standing in their way [qui leur empeche].

His assertion, then, that “nations are cruel in proportion as they are guided by priests,” is dubious, although of course it depends on what faith the priest adheres to...

With typical confidence, he proceeds: “As long as public teachers are chosen by the people, are salaried and removeable by the people, are born and married among the people, have families to be educated and protected from oppression and from vice,— as long as they have all the common sympathies of society to bind them to the public interest, there is very little danger of their becoming tyrants by force; and the liberty of the press will prevent their being so by craft.”

Thank ~~God~~ Reason for the free press. Reason knows our public teachers, freed from clerical celibacy and kept in check by the press (who are apparently a class *separate* from them?), display no avarice.

So it is with Barlow and the Church, but Barlow and the military?

Against men like Burke, he levies the charge that defenders of the nobility are also partisans of that eternal republican bugbear, the standing army: “Those persons therefore who undertake to defend the noblesse as a necessary order in the great community of men, ought to be apprised of the extent of their undertaking. They must, in the first place, defend standing armies and that too upon principles, not of national prudence, as relative to the circumstances of neighbours, but of internal necessity, as relative only to the organization of society.”

Honore de Bonet, in his *Tree of Battles* outlining the laws of war in the 14th century, says fighting is outlawed on feast days:

“Now I ask whether battle may, or should be fought on a feast day. I prove plainly that it should not, for feasts are ordained for the service of our Lord, so that on such a day we must abstain from fighting and from all worldly works. The decrees say, on this matter, that, in particular, battle should not be waged on a feast day or a day of rest.”

That women, children and elder non-combatants ought not be taken as prisoners:

“I hold firmly, according to ancient law, and according to the ancient customs of good warriors; that it is an unworthy thing to imprison either old men taking no part in the war, or women, or innocent children. Certainly it is a very bad custom to put them to ransom as it is common knowledge that they can have no part in war, for the former lack strength, the others knowledge. And in truth to capture them would show no great courage, for all gentlemen should keep them from harm, and all knights and men-at-arms

are bound to; do so, and whoever does the contrary deserves the name of pillager. And if the King found a remedy for this I think that God would help, him, and would the sooner give him peace and victory over his enemies; and may He, by His grace, grant this in spite of all.”

That clergy and agriculturists have the right to safe-conduct:

“Now we must consider other people who, of right, have safe-conduct in time of war; for you have heard above how prelates, chaplains, deacons, and also conversi, hermits, pilgrims, and all the people of the Holy Church, should be in security, since even if they have no safe-conduct, it matters not, for they have it by law. And I add that ox-herds, and all husbandmen, and ploughmen with their oxen, when they are carrying on their business, and equally when they are going to it or returning from it, are secure, according to written law. And in truth that this should be so is not without good reason, because it is expedient and convenient for all sorts of people, since those who cultivate the soil plough and work for all men and for everybody, and all manner of folk live of their labour. Therefore right reason does not permit that they should receive any ill or annoyance, seeing that they have no concern with war or with harming anyone.”

Ramon Llull, in his book on chivalry, sums it up so: “Where, then, are justice and humility? What purpose do they serve? What good are they? If justice and peace were opposed to each other, chivalry, which is involved essentially with justice, would be contrary to peace. And thus those who love wars, theft and robbery would be the only proper Knights. And those who make peace and bring good people to accord with each other, who flee the tribulations and wickedness of this world, would be regarded as evil Knights. However, God the High Emperor who sees and knows all things, knows well that things are not like that. For the felons and malefactors are altogether contrary to chivalry and to true honor.”

Don Anthony of Guevara, whose book *The diall of princes* was one of the most popular works of the 16th century, undergoing several translations, was an exemplar of the Renaissance humanist take on the mirrors for princes genre. He states

(<https://archive.org/stream/diallofprinces00guevuoft#page/148/mode/2up>): “It is a dishonest thing, and also perilous to carry priests to the war: for their office is to pacify the gods with tears and not to threaten men with weapons. If perchance princes would say it is good to carry priests to the war to offer sacrifices to the gods, to this I answer that the temples are built to pray, and the fields for to fight, so that in one place the gods would be feared, and in another honoured and sacrificed.”

With the innovations of *equality before the law* and *equality of rights*, however, none are spared on basis of their status (it is all the same), and wanton butchery is sanctioned, or at least not capable of being coherently opposed. Priests go to war (and women too now), they’re all citizens owing their duty to the lord paramount of the realm... who happens to be identical with themselves, for are they not self-governing?

Men are all equal, and hence equally disposable.

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