THE LUNATIC FRINGE

BY

GERALD W. JOHNSON

Philadelphia

J. B. LIPPINCOTT COMPANY

New York

THOMAS PAINE

who was smitten by the people, not the law

"THESE ARE THE times that try men's souls," wrote Tom Paine in the opening paragraph of *The Crisis,* and in the closing paragraph of the same essay he added, "I thank God that I fear not."

With these two sentences the first great member of the Lunatic Fringe qualified for inclusion in that body. He saw that the souls of Americans were being tried as by fire, and he had no fear of the outcome. Obviously he was a lunatic.

The story, perhaps apochryphal, is that he wrote in an army field tent, using a drumhead for a writing desk; but however that may be, there is no doubt whatever that he wrote the opening paragraph and probably the closing one in Washington's camp at a desperate moment in the history of the Revolution. The fortunes of the American cause were at their lowest ebb. Washington had fought on Long Island and had been beaten. He had fought at White Plains and had been beaten. He had been driven out of New York, across New Jersey and into Pennsylvania. His army of 20,000 men had dwindled through casualties, prisoners, and, most of all, desertion, to a few hundreds. To all human appearances the war was lost.

Which was the moment that Tom Paine chose to announce, "Thank God, I fear not."

It was insane. It was as wildly insane as the utterance of those Americans who, ten years after the Second World War,

were asserting in the face of the Russian menace that all we had to fear was fear itself, an irrational fear that would betray us into surrendering liberty for a little temporary safety. Nevertheless, Washington was so enchanted that he issued orders that in every unit *The Crisis* should be read aloud to the troops at the very next formation, were it only a corporal's guard. More than that, the essay—doubtless expanded somewhat when Paine got back to Philadelphia—was printed and circulated throughout the country with immense effect.

As Crane Brinton points out, it is nonsense to suppose that *The Crisis* won the battle of Trenton; but it is equally nonsensical to doubt that it stimulated enormously the morale of a dispirited army, and three weeks later that army went out and won the battle. Circulated behind the lines it had an equal effect on the morale of a dispirited people, and every authority on the art of war, from Clausewitz down, agrees that the defeat of a nation consists in breaking its will to resist. Defeating its armies and occupying and devastating its territory are only means to that end. Victory comes when the will to resist is broken, and not before.

Paine's earlier essay, *Common Sense,* had done much toward establishing the will to resist, and this second one (the first of a series of twelve, usually grouped under the name of the first, *The Crisis*) without any doubt whatever helped to sustain that will. In short, there is no gainsaying that Paine was a tremendously important force on the psychological as distinguished from the military side of the Revolutionary War. He shared the military adventure. He was with the army through the dreadful retreat across New Jersey, although it is doubtful whether his status was that of a staff officer or that of a political agent. But the fact of his presence there, where he ran an excellent chance of being shot, or of being captured and hanged, establishes his physical courage; at the same time, it is beyond question that his mili-

tary value was trifling by comparison with his value as a propagandist. Washington, seeing that, soon put him back beyond the reach of any roving enemy patrol; for as commander-in-chief he would sooner have lost a regiment of infantry than have had Tom Paine captured.

All this is merely by way of establishing the fact that Thomas Paine could say with Othello, "I have done the state some service, and they know 't." Congress knew it when a special act was passed conferring American citizenship on Paine, although he was born in England; and the people of New Jersey knew it when they gave him a farm near Bordentown. The great profits of his writings had gone to serve the cause, for, like most idealists, he was a hopelessly bad business man.

These honors came because by the course of events, not by any act of the man himself, the lunacy of 1776 had been converted into magnificent prophecy. After Washington won the war it became an article of faith that those who had been afraid were the lunatics while those who, like Paine, had no fear, were sane and rational. For several years following the Revolution—until 1789 to be exact—he held the status of a major prophet and all Americans were eager to do him honor.

Yet later he lost his standing so completely that after a hundred years Theodore Roosevelt, a product of Harvard and a writer of books—therefore presumably an educated man—could describe Paine as a "filthy little atheist." In life Paine stood five feet ten inches, was rather fastidious in his dress, and believed in God; what made him, after death, filthy, little, and an atheist was nothing of his own doing, but the fact that Roosevelt was writing the life of Gouverneur Morris and felt it necessary to defend that indefensible character. To do him justice it should be added that Roosevelt, in 1888, probably had not read *The Age of Reason,* but simply accepted the clerical opinion of the book; but his char-

acterization of Paine was so widely accepted that it caused hardly a ripple of protest at the time.

The descent from prophet to pariah therefore illuminates not so much the character of Paine as that of the American people who demonstrated by their treatment of this man their vulnerability to a common human weakness that makes self-government an art painfully acquired and laboriously practiced. This weakness is inability to endure contradiction without flying into blind rage.

Tom Paine is dead. What he was capable of doing was done nearly two centuries ago and he has left the scene. Indeed, he has disappeared with singular completeness, for even his bones went into a junk shop and were lost there. His body, having been refused interment in consecrated ground, was buried in a field in New Jersey; but years later that strange creature William Cobbett exhumed the bones, intending to give them honorable burial in England; but Cobbett himself died before he could do so and his effects, including the bones, went to a dealer in second-hand furniture, which is the last we know of them.

But although Paine is dead, the American people survive and their attitudes and beliefs continue to have important effects upon the whole world. Logicians may contend that there is not, and cannot be, any such thing as the character and temperament of a nation, but only the sum of the characters and temperaments of the individuals composing the nation; but, unfortunately for the logicians, they are defeated by brutal facts. In every large population there is a dominant opinion, usually—it is a temptation to say invariably—the opinion of a minority.

If we are to believe John Adams, only one third of the Americans of 1776 really favored independence; another third went along pretty halfheartedly and the remaining third definitely favored monarchy. Even the genuine en-

thusiasts were a composite group; some of them, as for instance Thomas Jefferson, really hated oppression as such, while others, as for instance John Hancock, merely hated being oppressed. Their common detestation of British tyranny made them indistinguishable as long as the struggle against the King continued; but when that struggle was won their divergence promptly came to light. The particularist group regarded with suspicion any further interest in freedom as an abstraction; and if that interest seemed to involve danger their suspicion was converted into opposition that, in measure as the danger seemed to increase, mounted to hysteria.

That was the picture after 1783, and its resemblance to the picture in 1957 needs no emphasis. We still have people convinced that oppression of Americans is a special case not necessarily related to oppression of any other people; and we still have those who, like Paine, are persuaded that oppression is the disease and whether it breaks out in New Jersey or in Burma is of as little importance as whether a metastasizing cancer breaks out next in the foot or in the eye.

Neither of these constitutes a majority of the nation, but whichever happens to be dominant at the moment establishes for all practical purposes the opinion of the nation. As in John Adams' day at least one third of all Americans—pessimists will say more than one half—had no opinion of their own, so today there is a tremendous segment of the inert that will be carried along by whichever of the living opinions is most dynamic.

The historical record shows the fact—but does not explain it—that in the years following every great war the inert are swept along by the dominant opinion of the terrified. It is an odd characteristic of Americans that facing a clear and present danger, such as an attack by an armed enemy, they are as cool as the proverbial cucumber, but when the danger is merely potential, the dreadful thing that might happen "if," they go mad with fear and throw away their most cher-

ished possessions in the hopeless attempt to attain certain security against contingent disaster.

In the decade following the Revolution we passed the Alien and Sedition laws. In that following the Civil War we abolished eleven states and converted them into military districts. In that following the First World War we staged the Mitchell Palmer witch-hunt. In that following the Second World War we set up the Attorney General's subversive list and the theory of guilt by association. In each of these cases the armed enemy had been defeated and the imminent danger averted before the extreme terror possessed us. In each case what we sought to guard against was not conquest, but conversion; so each represented a profound revolt against one of the basic theories of the republic, namely, "the safety with which error of opinion may be tolerated where reason is left free to combat it."

The story of the American people's dealings with Thomas Paine is one of the most deplorable revelations of a national weakness. It was in France that Paine was sent to jail for his opinions, not in this country. In this country he was merely sent to Coventry. But this means only that the case smirched the record of the people, not that of the government.

In the middle of the twentieth century, as at the beginning of the nineteenth, Americans will readily admit that it is a horrible heresy, political as well as religious, to assume that whatever is legal is *ipso facto* moral; but many respectable persons, or at least of enough respectability to be elected to Congress, are unable to perceive that the reverse of that medal is the assumption that a man who has not been punished by the criminal law has suffered no punishment at all. They hold that for the government to destroy a man's reputation, expose him to public contumely and contempt, and deprive him of the means of livelihood is not punishment; therefore the man involved is not entitled to the safeguards

against unjust punishment allowed to persons accused of crime.

It was this sort of thing to which Tom Paine was subjected. It was precipitated by his adherence to the French Revolution after the well-to-do in America had begun to be frightened by the extent of the thing. In 1789 the Revolution was popular in this country because most people assumed that it was essentially a repetition of our own "revolution" which was, in fact, merely a civil war in which one segment of the British Empire revolted successfully against the political control of London. Neither John Adams nor Jefferson, to say nothing of Washington, dreamed of attempting to upset the whole social order.

So when Paine went to France with the avowed intention of encouraging the revolutionists his course was widely approved. Even when the enthusiastic French voted to give him French citizenship they were doing no more than the American Congress had done and his acceptance of the honor seemed to be in line with Lafayette's acceptance of American citizenship for himself and his descendants. It was not until it became apparent that the French revolutionists were attacking not only the institutions of monarchy and hereditary aristocracy, but also the institution of property and the lives of the propertied, that the opinion of the influential in this country began to shift. But then it shifted completely. American terror of the Jacobins mounted to heights not to be touched again until terror of the communists reached and surpassed that level a century later.

Paine, it is true, was not a Jacobin. In the National Assembly he had voted against the execution of the King and he joined the Gironde, a group of moderates roughly comparable to the Russian Mensheviki of 1917. But he had written one of his characteristic pamphlets in defense of the ideals of the Revolution, and this pamphlet, *The Rights of Man,* had what gentlemen of property considered a sinister success,

both in this country and in England. In the latter country, by then at war with France, Paine was tried *in absentia* and outlawed; in the United States, not at war, he was merely ostracized by the upper classes. They lost control of the government in 1801, or they would probably have followed the British example when fear of the Jacobins was followed by fear of Napoleon.

However, Paine's moderation recoiled upon him when the Revolution began to devour its children. The Gironde then began to follow the aristocrats to the guillotine, and when the Terror reached its full height Paine found himself in prison. He appealed to the American minister, at that time Gouverneur Morris, an appointee of President Washington, and Morris, in Paine's opinion, betrayed him. Later Morris claimed that he refused to press Paine's case fearing merely to precipitate his execution, an explanation accepted by such conservative historians as Crane Brinton, but indignantly rejected by such radicals as Howard Fast. Certain it is that Morris informed the French government that Paine's claim to American citizenship had no foundation, in which Mr. Morris by his own fiat repealed an act of Congress.

If we may judge by his conduct in another case a little earlier the truth probably is that Mr. Morris had no particular desire to see Paine's head fall into a basket but, on the other hand, neither had he any objection to that outcome. The elegant Mr. Morris simply couldn't be bothered with the claims of down-at-the-heels patriots. His own diary records his intense annoyance at being called away from a party of ladies in 1792 to attest the will of a beggarly American who was dying in Paris. The attestation of an American officer was necessary to make the will valid, so Morris disgustedly went to the lodging house where the sick man was living; but as soon as he had signed the documents he hurried back to his ladies, leaving the American to fall across the bed and

die untended and alone, his body face down on the bed, his feet touching the floor. The man was John Paul Jones, captain in the American Navy and sometime commander of the *Bonhomme Richard.*

A man capable of such treatment of our first great naval hero certainly could not be expected to do much for a minor hero of Tom Paine's class, but it is too much to assume that Morris deliberately tried to send him to the guillotine. Mr. Morris merely refused to concern himself with a character not accepted in the polite society that Mr. Morris adored. So Paine remained in prison until the worst of the terror was over and then James Monroe, successor to Morris, succeeded in getting him released.

Then Paine played the fool, utterly and ruinously. His contempt for Gouverneur Morris was so towering that it betrayed him into supposing Morris incapable of doing anything on his own initiative, which implied that he was acting on orders from the President. So Paine damned himself to lasting infamy by writing Washington a letter including the words, "I shall continue to think you treacherous until you give me cause to think otherwise." An American who would accuse Dwight D. Eisenhower of treachery would thereby ruin himself; imagine, then, the effect of such an accusation brought against George Washington!

But the letter was as manna from heaven to prosperous gentlemen who quaked in their boots with fear that the American masses might be stirred to rise against property rights. It gave them a terrible weapon, not only against Paine, but against all ideas harbored by Paine. Prosperous gentlemen were now joined by another class, only less influential in the United States, to wit, the clergy. During his enforced leisure in prison Paine had spent part of his time writing a document called *The Age of Reason.* It opens with the profession, "I believe in one God, and no more; and I

hope for happiness beyond this life," and today it seems to be no more than an attack on what we now call fundamentalism. But the clergy chose to view it as an attack on all religion, thereby revealing the sacerdotal view that belief in God is immaterial, it is disbelief in the clergy that makes an atheist.

These were the factors that made Thomas Paine for a hundred years an untouchable in the country that he had served faithfully and brilliantly. He was not the victim of a tyrannous government. Indeed when the treaty of Amiens made it safe for Paine to return from France the then President, Jefferson, offered him passage on the *Maryland,* a naval vessel; but Paine, for once in his life exhibiting discretion, refused the offer and returned on an ordinary merchantman. He was the victim not of a tyrannous government, but of a tyrannous public opinion; which makes his story one to be pondered less by politicians than by the plain people of the United States; for the onus lies upon them.

Is it worth studying? That is to say, is there the faintest hope that any good purpose may be served by raking up

> Old, unhappy, far-off things,
> And battles long ago,

when the force involved is not the ruthlessness of some despot, but the attitude of the people? A tyrannical government can be overthrown, if needs must, by force and violence; but a tyrannical public opinion is invulnerable to physical weapons.

Philosophers from Plato down have despaired of an answer; or, perhaps, one should say that the *Phaedo* is their despairing answer. The Kremlin at this moment is grimly certain that the cup of hemlock is the people's invariable reward to Socrates; hence the Kremlin assumes that the peo-

ple cannot be trusted with the advancement of civilization. We can retort, "*Tu quoque,*" but "You're another" has always been a puerile form of argument. It is true, but not much better, to argue that the ordeal of Oppenheimer, Edward U. Condon, Jessup and Lattimore is preferable to that of the old Bolsheviki. To prove our case we need to do more than prove that we do not physically exterminate brilliant servants of the state the moment they deviate from the party line; we need to prove that we do not even ostracize them for deviationism, and that is difficult.

Nevertheless, we are committed. The moment we proclaimed the pursuit of happiness as one of the inalienable rights of man we bound ourselves to accept the thesis that error of opinion may be tolerated where reason is left free to combat it. If that thesis is unsound, we are sunk, and the American Dream is no more than a dangerous hallucination.

But where is the indisputable evidence that it is unsound? It is beside the point to cite the New Deal because the New Deal is too recent for us to know what its ultimate fruits are destined to be. So far, indeed, the net result of the New Deal is only a series of reforms under which the country has attained an astounding power and prosperity; if it has, in fact, undermined the character of the people, that effect will not become plain for another generation, so it cannot be offered in evidence now.

If we go back far enough to be certain that we know the results, we find the lunacies of the Lunatic Fringe falling into two classes: those, such as the phalansteries of Fourier, that inflicted only microscopic damage on the country and have long been forgotten, and those, such as most of the speculations of Thomas Paine, that have turned out to be not lunacy at all, but prophecy.

The long-lasting and incalculable damage that the country has suffered from ideas have almost invariably come from

some idea that the Lunatic Fringe denounced but that was approved by the wise and prudent. The Alien and Sedition laws were not put through by the wild radicals, but by conservatives. This has been true of every effort to repress opinion, down to the Espionage Act of Wilson's administration and the test oaths of the Truman-Eisenhower regime.

Safety, therefore, seems to lie in the direction of persuading the wise and prudent, rather than the lunatics, that the framers of the Constitution knew what they were about when they defined treason as consisting only of overt acts proved by the testimony of two or more witnesses. That rules out legal punishment for moral treason; but we seek avidly to punish it by extra-legal means, and the Supreme Court has found that in recent years we have adopted illegal means in more than one case.

We are reluctant to face the fact that the suppression of unpopular opinions is itself moral treason in that it tends to subvert the Constitution. This reluctance is natural, but it is one of those natural bents, like the natural impulse to brain an enemy, that must be eradicated if civilization is to advance. To tolerate "opinions that we loathe and believe fraught with death," as Justice Holmes described them, is tremendously difficult, but it is one of the qualifications of a civilized man.

And it is the task of the individual. People like Tom Paine are hard to bear, and no institution can make it easier for us to stand them. But it must be done, for some among them are not the lunatics that all appear to be, but Promethean messengers who have stolen Vulcan's fire for the use of mankind. So the individual American who uses, or approves the use of legal or extra-legal means to suppress opinion is recreant to the duty that lies upon us all, even though we have not taken the President's oath, to "preserve, protect and defend the Constitution of the United States."