

## **Claims of Right, March 23-4 2007: summary of discussion**

*Participating:* Serge Aberdam, Bertrand Binoche, Oliver Dowlen, Michael Drolet, Alex Franklin, Ultan Gillen, Amanda Goodrich, Rachel Hammersley, Bob Harris, Joanna Innes, Francois Jarrige, Steve Kaplan, Jim Livesey, Philip Lockley, David Magee, Katrina Navickas, Mark Philp, Robert Poole, Michael Schaich, Richard Sheldon

### Introductory session

Philp explained the overall aims of the project – to build a network of people with overlapping interest, who would profit from exchanging ideas; Innes explained how the plan for the current session had arisen.

### Session I: rights in theory

*Philp:* struck by contrast between ways of thinking about rights in America and France on the one hand, England on the other. American pattern of thinking translates relatively easily to France. One vehicle Franklin's translation of various American state constitutions for Vergennes: these were widely circulated. Paine brought the same tradition of thinking to England – but it was foreign to much English thinking, for all its Lockean roots. The American-French tradition linked ideas of rights with democratic representation – though they didn't call it that, 'democratic' having denigratory connotations; they talked about representative government, or alternatively 'the republic'. Paine, Condorcet and Sieyes all had problems in explaining how representative government can be reconciled with rights – problems dealt with in modern democratic theory were first encountered by them. How they engaged with these problems is an interesting topic. Also of interest is to establish what happened to this line of discussion – why did these themes get marginalised. In the nineteenth century, there was less interest in theories of rights, more in representation detached from a concern with rights.

*Dowlen:* has been working on random selection (eg choice of jurors by lot), a mechanism not articulated in political theory. This has led him to a more general interest in the fact that while political practices may give rise to linked languages and ideas, they don't necessarily do that. He's also interested in the opposite phenomenon: political ideas that have more currency as idea than as practice. Notes that Burke was critical of what he saw as 'abstract' ideas of rights, seen as coming out of ideas and attempting to penetrate practice: Burke thought these promised more than they could deliver. English criticisms of Paine also relate to the revolutionary implications of the rights programme – rights talk could stimulate people to overthrow existing systems. Ideas about rights originated in various domains outside politics: religion, anthropology etc. Not all rights claims were equally removed from political experience. Some had hidden roots: in justifications for overthrowing tyrants – the possibility of doing this now came to be formulated as a right; this also reflected New World experience. Was the function of rights language to advocate change from older to newer and better forms of government? If so, why did advocacy take this form?

*Binoche:* due to pressures of time, focusses on the third topic on his precirculated outline: that is, the question of for whom rights are claimed, raising the question of the relationship between 'man' and 'citizen'. The roots of political thinking on this topic lay in contract

theories, but in this period these were ditched in favour of ideas of ‘natural’ rights. The system of ideas is not immediately easy to grasp, because of the one hand we have the triad nature/society/government, on the other hand only two kinds of rights, natural and civil. A further question relates to the people who have rights: do women? children? He is particularly interested in terminologies other than that of ‘man’ in use at this time, esp. the idea of the ‘individu’. In the French Declaration of Rights, that word is always used in negative contexts. In Godwin’s writing, by contrast, the word is eminently positive. Constant, in translating Godwin, wrote positively of the ‘droits d’individu’. Constant championed the ‘individu’ against the ‘people’ – and rights against Bentham’s hostility to rights language. Another interesting word is ‘personne’. In 1848, common talk was not of the rights of man, but of the genre humain, individu or personne.

*Hammersley:* the French Declaration of Rights caused as many problems as it solved. The Cordeliers Club eagerly embraced the language of rights, but used it as a stick with which to beat the authorities. They equated the proper implementation of rights with democracy. The club grew out of the Cordeliers electoral district. Members challenged the authorities, who they thought were failing to implement rights, and supported those whose rights they thought were being violated. They were especially concerned with the failure of the authorities to respect political rights, and in that connection with the active/passive citizen distinction. In 1789 they were already explicit about their commitment to ‘democracy’. Camille Desmoulins was the first directly to avow it. They knew about the supposed difficulty of implementing democracy in large states – and did not see conventional forms of representative government as adequately dealing with this, precisely because they didn’t respect individual rights. They suggested alternative mechanisms, including short terms of office, and mandates. They explored the potential of these in various publications. Their concept of democracy was Athenian-inspired: they thought that the right of the citizen to take part in the formation of law could not be delegated. It might be worth paying more attention to the kinds of rights they advocated in practice.

*Livesey:* interested in why ideas about rights and constitutionality play out so differently in America, France and Britain. Is attracted by Tilly Tarrant’s theory that theories of right in effect represent peace treaties between contending groups. Notes that none of the French republics have had a strong constitutional court: mediating disputes between subjects has not been a strong theme in French theories of rights. The French Declaration of Rights provided a new language, which could be used to articulate aspirations. Rather than closing contention down, as in Tarrant’s theory, it operated to drive contention. Notwithstanding this, we should note how easily rights language could be adopted in the context of practical disputes: how functional it was. See thus Jean Laurent Rosenthal’s work on water rights. The translation of feudal rights into property rights wasn’t readily accepted by ordinary people. By contrast, the reinterpretation of water rights was a brilliant success. Mills and dams were cleared, but their proprietors compensated; the idea of free circulation was adopted as a general principle. See thus also the Jacobin law on the division of the commons. This gave all ‘individus’ (including women and servants) a vote; political rights were used to solve a social problem. Rights language may not have been functional as a master language of politics, but good in social practice. Another hypothesis: between 1791 and 1799, James Mackintosh stepped back from the science of man in which he’d been trained at Edinburgh and began employing the language of law as a language of discipline, nonetheless rooted in the natural law tradition. He

exemplifies the way in which the language of rights could become a language of counterrevolution.

*Kaplan:* Although tempted to digress on to topic of whether and how ideas matter, will talk about the ways in which he wants to revise what he's already said. Thinks there has been too little attention to precisely who articulates rights claims. In the French context, many such claims were articulated well before the revolution, eg within guilds. Experience of guild life gave members a relatively sophisticated experience of what a constitution was, and of political campaigning. He sees this as an empowering experience, putting these people in a position to respond to the revolutionary stimulus – but yet leaving them with very mixed feelings about what was involved in trading in their old 'rights' capital. In his view, 'sans culottes' have not been well understood. The new regime of liberty promised individual rights, but social hell. People had to choose between their old workers' rights and the new civic rights.

#### *DISCUSSION:*

*Innes* identified as possible starting points for discussion two themes that had emerged from the various contributions: two possible sources for rights, in experience and ideas; and the question of alternative languages of rights – what were the implications of adopting one rather than another way of talking about rights?

*Harris* said that he thought that in the 1790s people's object was often the realisation of liberty, which they took to mean the realisation of a particular form of personality, embodying 'virtue'. By nurturing such personalities, they hoped to move towards a more moral society. But that way of thinking collapsed in the early nineteenth century, and instead we find a more modern language of rights emerging.

*Philp* suggested that the Americans made this transition first, suggesting that one could not rely on virtue to preserve liberty

*Kaplan:* virtue remains an important idea for Mme de Stael, Chateaubriand and Tocqueville, among others. It didn't disappear, but there were changes in how it was talked about, and in ideas about how one achieved it.

*Harris* agreed that its meaning shifted, but he was interested in the culmination of a particular pattern of use.

*Livesey:* post 1794 virtue is a claim about self-organising capacity. Prior to that there was always some kind of Catholic moral underpinning.

*Aberdam:* Robespierre's ideas about virtue always linked to law, whether or not also to Catholic religion. But wanted to take the discussion back to the subject of rights, and in particular to debate of 17 April 1793 on the rights of women. Talk of 'hommes des deux sexes' or of 'individus des deux sexes'. Question of vocabulary was explicitly debated. There was a similarly explicit discussion of the tensions between representation and the direct expression of the gathered people. A common image showed Hercules trying to bring liberty and equality together.

*Binoche*: Robespierre specifically said he was talking about ‘vertu politique’, not moral. He meant this in a Rousseauian sense: the capacity to sacrifice oneself for the common good. Notes that the French said their revolution was the first to be founded on a theory. Burke said, indeed, that’s why it’s so monstrous. The debate for and against the revolution was in consequence in part a debate about the relative merits of theory and practice.

*Magee*: in relation to the issue of marrying rights and virtue, the London Corresponding Society’s Moral and Political Magazine explicitly concerned itself with both rights and duties, with both moral reform and the reform of parliament.

*Kaplan*: for a long time French communists fulminated against formal rights, on the grounds that they didn’t provide a vehicle for practical rights. Workers were not against the French revolution as such, but were critical of the ways in which it formalised rights. In their view, virtue had to relate to collectivities. Thus also the French Catholic Church in the nineteenth century: individualism was identified as the enemy of virtue.

*Sheldon*: thinks older concepts of virtue were overtaken and penetrated by modern political economy. In its place was erected happiness.

*Philp*: through the 90s a lot of ‘virtue’ language was targeted on the aristocracy, pilloried for corruption

*Kaplan*: if virtue language was associated with regulationism, that was made necessary by conviction of the frailty of human beings, by a gloomy anthropology. The revolution saw man rehabilitated: a more optimistic vision made regulation gratuitous. In the twenty-first century we’ve seen a return to a more regulated world. Was the era of ‘rights’ a utopian moment, in which regulation briefly faded?

*Innes*: another word worth bringing in is ‘interest’. Provides an alternative or analogue to the language of rights: see thus the modern notion of ‘stakeholding’, which entrenches but at the same time limits claims.

*Aberdam*: the idea of a ‘right of association’ provides a basis for bringing the interests of individuals together, as gathered citizens. Given the prevalence of right forms of association, it was argued, alternative associations were redundant, vehicles for sectional interest. When emphasis shifted to the right to vote, ideas about rights of association developed along a different track.

*Livesey*: wonders how the rise of interest in statistics plays into this: they embody the notion that society has a collective shape, not just a mass of individuals.

*Ab[d]erdam*: statistics (as then understood) had the potential to make public opinion look like a fact of nature, rather than it being understood as a dynamic force.

*Kaplan*: wants to come back to stakeholding. Should this notion be seen as part of a longer term effort to reconcile rights with market culture? Is this a matter of the market sacralising itself?

*Dowlen* asked *Livesey* to clarify what he had said about water rights: was this a matter of casting interests in rights language?

*Livesey*: the point was that the parlements were unable to adjudicate these conflicts of interest within the old rights framework.

*Kaplan*: the ability of the state to enact national laws was an important breakthrough; this hadn't previously existed in France

*Livesey*: by 1793, the primary right was understood in effect to be the right to 'voice'

*Navickas*: thinks one might posit a transition from 'moral economy' to a demand for voice in the public sphere. One can see the same thing happening in England, with a shift from protests against turnpikes to demands for rights of way.

*Gillen*: proposed that in the British counterrevolutionary tradition, it was property that gave you an interest and provided the foundation for rights.

*Innes* pointed out that this notion could be given a democratic twist: the counterargument to that was that property in labour should be recognised to give rights.

*Philp* suggested that one effect of cashing out 'interests' in rights terms is that they potentially become alienable; in some circumstances, this makes the idea of an interest more powerful and attractive

There was some desultory discussion of the role of interest language in politics: it was noted that different forms of interest can be distinguished, eg self-interest, sectional interest. It was suggested that the period from the late eighteenth to the mid nineteenth century saw an idealisation of self-interest. Reformers did sometimes invoke ideas of interest, eg in talking about the need for the general interest to trump sectional interests.

*Innes* suggested that the picture that was arising out of the discussion was one in which rights language remained important throughout the period: it was recast in various ways, but never entirely marginalised. Though there were different forms of rights language, there was always scope for slippage from one to another formulation, or for counterformulations.

*Philp* added that there was also generally scope for slippage between the bases of rights claims: those who used the language of rights were often happy to move between several possible bases.

## Session II: democratic rights in practice

*Poole*: question of how political language relate to political activity? Post-war Britain: mix of constitutional agitation and economic distress. Period of war against Napoleon had seen something of a national consensus, within which radical patriotism had revived. Wartime changes in law on eg apprenticeship; critique of old corruption developed. Followed by exceptionally severe postwar depression. Reform bill 1816 sent out for consultation by London Hampden club; petitions were centrally printed and distributed. Political rights were seen as the solution to a problem; natural rights were not the premise. Real urgency of

situation in the north took things out of the hands of the Hampden club, which agreed to stage a national delegates' meeting. Preparatory meeting in Lancashire: Bamford swung it for manhood suffrage, said militia rolls could serve as electoral register. Sir Francis Burdett refused to present this petition; presented instead by Cochrane. Failure of Commons to show respect for petitions was widely held to justify more drastic action: column of marchers to 'remonstrate' with monarch. Various historical refs, esp. to peasants revolt. Reflections: important to distinguish content of demands from means employed. Means self-consciously drew on a tradition. Constitutionalism and rebellion not seen as antithetical but part of a continuum. Subsistence rights understood to be the most fundamental rights – but political rights seen as crucial to protect them. Important to look at language and political activity together.

*Sheldon*: interested in tension between right to live and property rights. Burke argued could be no abstract right to food. He wants to argue 1760s-90s saw in Britain a debate about the right to food cast in natural rights terms. Malthus strongly denied 'right to relief'. Argues so many articulate people wouldn't have gone out of their way to deny rights if there hadn't been a popular clamour for rights. Malthus blamed on French philosophers. How did that political language die?

*Innes*: wants to take a slightly different position on a similar issue. Thomas Horne, in his study *Property rights and poverty*, provides a good account of theoretical debate on these issues in Britain from the early seventeenth through to the mid nineteenth century. She has moved her focus down a notch, looking for these notions as they did or didn't surface in policy debates and policy-related pamphleteering. Suggests that although there are certainly strong notions of entitlement around in the eighteenth century, casting these in terms of 'rights' was more common after Malthus than before. Ironically, Malthus' denial seems to have helped to popularise the notion. The need to counter Malthusian arguments drove successive generations of radicals, down at least to the Chartists, to acquaint themselves with the rudiments of natural law theory and invoke Grotius and Pufendorf in defence of subsistence rights. In fact, these ideas seem to have been taken up most vigorously after 1820, when Malthusianism was most influential, and writers such as Cobbett helped to diffuse knowledge of alternative theories. A context for the 'intellectualisation' of popular culture, inasmuch as a felt need to be able to take on such arguments spurred some to seek to engage with relatively 'high' intellectual traditions.

*Aberdam*: His focus is on metayage, for which originally no English equivalent, later translated by an American term, sharecropping. Played an important role in France from C16 through mid C20; not derailed by revolution. Jurists used term 'colonage', but this term not used by ordinary people: they used metayage, from moitié. Involved an annual contract, entailing quasi-seigneurial obligations. An extreme form of subjection, usually producing very conformist attitudes; no tradition of political organisation among sharecroppers. But during revolution, agitated against seigneurial right and tithes along with others. Came into conflict with masters – very exceptional for them. Past legal practice had not provided them with a clear language in which to argue their case: their status seen as sui generis, defined by particular local customs. In context of revolutionary reconstruction of property rights, faced with a choice: they could either try to become tenants, or try to obtain a guarantee of proportionate income; in fact they insisted on sharing strictly by halves, arguing on equality principle. That unsatisfied claim of equality between masters and sharecropper was to last almost 150 years, until WW II, *Libération* and suppression of sharecropping.

*Jarrige*: Interested in how different groups use the language of rights in specific contexts. Adrian Randall, in his work on English labour disturbances, suggests that different groups had different opportunities in this regard depending on their relationship to regulatory traditions. He will focus esp on experience of French printers confronted with mechanisation of their work in the 1830s and 40s. Unusual workers in that they came from such a lettered milieu. In this period rights of property were increasingly sacralised. This made it hard to challenge new methods of work. Forms of argument deployed varied with political context of each movement. 1830 – appealed to Charte: argued that state could demand sacrifice of private property in name of public interest, drawing on an article in Charte. 1848, used idea of right to work promoted by new government. In each case they appropriated a current high political language: an effective political strategy. These appropriations of ideas of rights, put into circulation for new ends, an instrument of democratisation.

#### *DISCUSSION:*

*Philp*: one might want to ask what languages were being replaced by claims of right, eg perhaps the language of charity?

*Kaplan*: thinks we need to discuss extent to which such ideas circulated. Unconvinced popular culture much affected by them.

*Innes, Jarrige*: both stress weren't arguing ideas achieved universal currency, rather focussing on appropriations by specific people in specific circumstances. Though Innes also said she didn't think such ideas only functioned instrumentally: interest in them also helped to develop the interest of certain people identifying with the working class in high culture, regarded as an important resource.

*Dowlen*: suggested that this evoked the Marxist idea of the 'advanced worker', who tries to fuse theory and practice. [Indeed, could be seen to help set the scene for socialism: a would-be democratic appropriation and reworking of social and economic theory]

*Sheldon*: the distinction between elite and popular culture was itself a construction of the high enlightenment – which saw popular ignorance and superstition repeatedly denigrated.

*Magee, Livesey*: both agreed found 'popular culture' too abstract and undifferentiated a concept: more and less articulate people within it; plenty of opportunities in urban context to access literate culture.

*Poole*: like Kaplan thinks if anything early nineteenth century saw a broadening rather than a narrowing of the high/popular culture gap. But wants to return to issue of how far claims were made as claims of right. He thinks his people seeking to operate within what they understood to be traditional channels; object to have grievances redressed, government held accountable, not a democratic system.

*Aberdam*: thinks peasants did want to be able to justify their actions, did talk about rights among themselves; socialisation in markets and cafes was important.

*Kaplan*: maybe, but we don't know what they said. More hypothesis to presume they talked in terms of rights.

*Innes*: wants to resist high/low culture distinction because society multi-layered: quite possible for ideas to spread upwards and downwards. Against the idea of a widening gap in practice, Not least, plenty of contexts in which elites trying to recruit populace: eg through Paine burnings; moral tracts; charity; affirming significance of certain kinds of popular right. (Clarified in response to a challenge from Kaplan that by multi-layered she didn't understand harmonious: many conflicts, but not always across the same fault lines: was no one line along which society divided).

*Harris*: thinks extracts circulated by Sheldon may illustrate this: similar languages being used in many different contexts.

*Binoche*: thinks there is a blind spot in discussion. The fact that we are employing phrase 'languages of right' may be leading us to conclusions which differ from those we would reach if we spoke of 'ideologies of right': we may not be conscious enough of the consequences of employing a particular set of analytical categories (not intending to prejudge which categories would be best).

*Kaplan*: need to think about ontology of right. Always involves the state. (*Livesey* agreed with this; *Innes* and *Dowlen* not; *Dowlen* argued rights claims could be claims against the state, to a higher necessity).

*Navickas*: notes English machine breakers use language of legality rather than right – thinks these should be distinguished, at least in English, if not clearly differentiated in French. In her view, such language was instrumental: not an ideology.

*Aberdam*: stresses how quick the shift could be from revolutionary claims of right to practical negotiations.

*Gillen*: discussion highlights problems with Cambridge model, insofar as that involves isolating 'language' from the contexts in which it is deployed.

### Session IIIa: anti-democratic theories of right

*Goodrich*: aristocracy literally means government by the best or few; in eighteenth-century Britain mainly used to mean in effect oligarchy. Only during French Rev came to be used frequently to denote a social class. In both usages, had negative connotations; associated with various 'bad rights' (as set out in her precirculated outline). What did radicals want to achieve in that context? Paine thought aristocracy and associated rights and privileges should be swept away. But in GB didn't happen; in fact, radicals commonly aimed rather at reform, and failed to formulate any agreed alternative to the basic formula of the mixed constitution. Chiefly concerned with changing basis of representation in Commons; only Cartwright proposed an elected House of Lords. Reformers also failed to show how bad rights and abuses of power could be negated. What happened to language in the wake of the French Revolution debate? Loyalists increasingly deflected radical challenge, rather than taking it head on; argued that the elite was in fact open and commercial, and that society offered equality of opportunity. In

nineteenth century aristocracy not the usual target: rather a broader propertied elite, and practice of 'monopoly'.

*Gillen*: interested in those who elaborate theories of rights that are not democratic, esp. middle-class liberals. They may originally sympathise with revolution, but as 1790s proceed tend to become counterrevolutionary. Process can be traced in several countries. Thinks anti-democratic claims of right characteristically not founded on natural right. Special interest in Ireland, which shared with Britain heritage of 1688 revolution, but complicated by Ireland's relationship with Britain. Rights language never fell from use in Ireland: Britain was always being charged with violating Irish rights. C18 also saw Irish ascendancy absorbing enlightenment ideas, seeing selves as enlightened; extension of religious toleration held up as most desirable form of progress. Various ways of making claims in this context: could claim democratic natural rights, or say, we're Protestant and deserve inclusion as such; or propertied Catholics might say, we own property and deserve recognition as property owners. First route involved claiming rights as individuals, other routes, claiming them as members of particular communities. Government responsiveness to different forms of approach varied over time. 1790s saw shift from community to individual rights; then reverse. O'Connell mobilised Catholics to claim rights as Catholics: not democratic, prepared to sacrifice 40/- freeholders to achieve equal rights across confessions. 1810s saw resectarianisation of Irish society, decline of civic identities. Not sure how much this experience was paralleled in other countries.

## *DISCUSSION*

*Goodrich*: something similar can be seen in case of British middle-class reform movement: shift to a more class-focussed approach.

*Kaplan*: wants to question monolithic character of 'enlightenment' as posited by *Gillen*: 'enlightened' thinkers were in fact deeply divided over fundamental issues. Equally should question all generalisations about masses or lower orders, who were also divided.

*Philp*: said *Gillen*'s thesis does not represent enlightenment as a monolith; his focus on what Irish do with enlightenment themes. (*Gillen* added that he liked John Robertson's formulation, that the enlightenment involved a common agenda of questions, not a single set of answers – though at same time finds Robertson approach too narrowly intellectual; not enough concern with enlightened practice). Against *Goodrich*: worries that there's too much teleology in her last comment: idea of shift to more class-focussed approach from as early as 1790s echoes *Claeys*, but shouldn't this also be understood tactically: if claiming political rights had become very dangerous, better to shift terrain, hope to construct different kinds of alliance. In different circumstances of 1810s and 20s, it was possible to open up political/civic issues again.

*Magee*: by 1820s, *Cobbett* and others had revived attack on aristocracy – but also new targets, eg 'millocrats'.

*Innes* to *Magee*: would like to know more about prevalence of 'aristocracy' as target in radical journalism of 1820s; can see might well figure in attacks on corruption; role played by House of Lords in reform debates also set them up as a target. To *Gillen*: would like to know more about response to sell-out of 40/- freeholders.

*Magee*: varies with journal. For Cobbett, whose writings had a mass circulation, the aristocracy was still very central. The Trades Newspaper was more anti-employer – but this had a much more limited, chiefly metropolitan circulation.

*Gillen*: generally communal victories accepted as sufficient. Thinks James Connelly right to say O’Connell not a ‘liberator’ but the enslaver of the Irish people, inasmuch as he encouraged them to think in sectarian terms.

*Poole*: from point of view of Lancashire workers wasn’t a big difference between aristocracy and employers. Power employers enjoyed looked ‘aristocratic’ – in that they were able to use political power to defend economic privilege. Picking up on ‘community rights’ idea, suggests that in England unenfranchised boroughs made ‘community’ claims.

*Aberdam*: in the first months of French Rev, aristocracy was positively evaluated : ideal of *gouvernement des meilleurs* as way out of ancien regime mess.

*Goodrich*: thinks in English context demonised by Paine. Agrees with Innes suggestion some positive revaluation by Whigs early C19.

*Kaplan*: in France generally positive evaluation of aristocracy in C18. Was aristocratic resistance to the state in terms of claims of right that started the revolution. Anglophile perspective encouraged a positive evaluation of their possible role. The salons were essentially aristocratic. Should be accorded a positive role in promoting certain kinds of rights claims.

*Harris*: to Gillen – wonders if communal rights claims were really superseded by more individual/universalising approach in 90s, or whether sectarian identities weren’t rather thinly masked by the appropriation of a universalising language?

*Gillen*: agrees. But thinks, against Marianne Elliott, that this was a period of popular politicisation – there was a revolutionary democratic movement, not just sectarian hatreds, tho it was certainly fragile.

### Session IIIb: limits of rights language

*Drolet*: suggests that in French context, the early C19 saw a movement from ideas of ‘natural rights’ to ‘natural law’ [although both rendered by *droit naturel*]. Has been preoccupied for some time with issue of how people like Guizot, Royer Collard and Maine de Biron came to fall on Reid’s ‘commonsense’ philosophy to reconstitute a kind of authoritarian liberalism. Worried by what the revolution had shown to be the disruptive potential of rights claims, they tried to rethink psychology, and the relation between the individual and society. Their goal: social peace. In that context, Biron moved from ideologue stance to fairly reactionary position. Guizot and Royer Collard interested in establishing a middle class order. In that context, employed ideas of natural law. Guizot saw affinities between Jansenist philosophy and Reid’s commonsense language. 1810-17 a key period for this rethinking.

*Issue of continuation of enlightenment after French Revolution.*

*Lockley*: is researching millenarian groups. Not all radicals deployed some form of rights language. In late 1820s, National Union of the Working Classes had as its founding

programme a Declaration of the Rights of Man; one member said of it that it was distinguished by its advocacy of abstract principles. But there were also alternative religious languages. Their adherents envisioned change as a matter of realising true Christianity, and cultivating such Christian virtues as mercy, justice and benevolence; the Bible was their main text. Thinks there is a blind spot in religious history around the time of the Reform Bill. Written too denominationally, with a focus on church/dissent rivalries, or on anti-priestcraft rhetoric. But there was a middle ground, in which the ground on which the established church was challenged was that it was not true to Christianity. There are problems of evidence: in question are small, heterodox sects which didn't leave many records. Two examples of religious-based critique: John Ward and James Smith, both notorious in 1830-4 period, both Southcottians. Ward concerned with political issues: blended thought of Richard Carlile with that of Joanna Southcott. Saw himself as a prophet; held packed meetings in radical sites, such as Rotunda and Borough Chapel. Criticised slavery of workers, esp. mill workers. When Ward imprisoned for blasphemy, Hunt and unstamped press campaigned for his release. Smith more concerned with economic issues. Had been ordained in Church of Scotland. Associated first with Carlile, then Owenites. Edited Owenite journal *The Crisis* and contributed to *NUWC Gazette*, aimed at 'true Christianity'. He follows Barbara Taylor in wanting to see religious language as a possible vehicle for a variety of purposes. Provided a language of social optimism; its use not necessarily a matter of 'belief'. Owenism later narrowed to insist on secularism; believers then broke away.

*Magee*: idea of 'march of intellect' a common trope of 1820s. Cartoon portrayed the broom/Brougham of intellect sweeping away corruption, the game laws, superstition. Francis Place thought the march of intellect necessary as a basis for popular rights. 1810s-30s also saw growth of popular press and agitation against 'taxes on knowledge'. Knowledge claimed as a right: slogan 'knowledge is power'. Though was a 'knowledge aesthetic' in popular culture at this time, what was offered in this format varied. The idea of the 'march of intellect' supplied a narrative of progress, linked to a radical or Whiggish vision of democratisation; functioned as such in radical autobiographies, eg Lovett's 'Bread, Knowledge and Freedom'. 'Useful knowledge' hailed by Carlile as first step towards political rights – but attacked by Cobbett, who saw it as a mask for orthodox political economy. In practice associated with a critique of gambling and of 'brutal pursuits', such as demoralising prize fights, seen as distracting people from the pursuit of rights. Two different world views at uneasily side by side: one of democratic politics, one of the market place, where the crucial right was the right to choose.

*Navickas*: is mainly looking at textile workers in England. In her contribution, wants to focus on methodological issues. Contrasts two models: one foregrounding participation, in which the object is held to be 'voice'. Margaret Somers suggests that the organising narrative here was supplied by the political culture of rights. Alternatively, we have the Thompsonian model of a 'moral economy', in which the object is taken to be the establishment of a reciprocal relationship. Can we run both models at once? How were they interlinked? Doesn't think her textile workers did see participation as the objective. Individually, they aimed more at moral-economy-type goals; collectively, they needed to participate in order to achieve this. Thinks we should not be concerned with words only, but also with expressive actions. Textile workers parading round a town and drawing workers out of mills, in the context of a campaign of pressure on employers were using a non-textual way of asserting their 'rights'. More generally, historians need to work at penetrating behind textual evidence to the grey area

between public and private in which many crucial things went on that weren't recorded: idea of the 'hidden transcript'.

*Franklin*: illustrates use of images in campaigns against slavery in Britain and America. Such images posed a problem to which claims of right offered a solution. They made notion of liberty more vivid and personal than did abstract cap/bonnet images. Emerson suggested that the laws of the head and the heart align: sentiment and calculation tend to the same conclusions. Similarly, utilitarian and rights language might be intertwined. Images speak especially to sensibility. Present us with a world in which coincidence – drama – is important.

## DISCUSSION

Exchange about whether cheap print served primarily to diffuse political economy; *Magee* said sometimes so, but its content in fact various. *Franklin* said SDUK journal played down slavery issue, did not highlight its role in certain kinds of commerce.

*Kaplan*: some thoughts crystallised for him by Navickas presentation. Not clear one can distinguish 'moral economy' from 'participation': the first may bleed into the second, certainly does in French case. Surely discussions of former have moved beyond Thompsonian idea of reciprocity; though historians may continue to use the term, this is not what they're talking about. Also thinks we should be careful in invoking notion of 'public sphere'; Habermas' term is being degraded by excessively wide use; he meant something very specific and bourgeois. Perhaps better to talk about participation in politics than in 'the public sphere'.

Ensuing discussion: *Navickas* said she didn't disagree, was merely trying to identify issues. *Sheldon* wondered if there wasn't some merit in the notion of a 'plebeian public sphere'. *Navickas* doubted that it helped to proliferate spheres – therefore sceptical of idea that has been proposed of a 'counterrevolutionary public sphere'. *Gillen*: his thesis started as an exploration of the potential of the concept in an Irish setting. It didn't end up there, but he still finds the notion useful.

*Jarrige*: asked why *Navickas* hadn't invoked Bohstedt. *Navickas* responded that she thought his methodology flawed, especially his use of counting. Inappropriate to invoke a distinctive 'urban' environment, when even Manchester was very closely connected with its hinterland. *Innes* observed that Bohstedt's approach had numerous features, to some of which she would have expected *Navickas* to be sympathetic, notably his downplaying of ideology and preference for a model based on tactical pragmatism. *Navickas* said she did indeed agree with him on that issue.

*Harris*: asked whether we can distinguish text from action, in the way *Navickas* seems to want to advocate. How do actions become intelligible? Isn't how actions are reported also important – and actors themselves are well aware of that. *Navickas* agreed that they were well aware that they would be reported and judged as having been more or less orderly, and demonstrating orderliness was certainly one of their goals.

*Poole*: reporting was often polarising in effect: newspapers were often highly partisan. One of problems everyone faced was how to determine which groups represented the community. One function of orderly, convivial gatherings was to demonstrate harmony and thus convey inclusiveness. Here see a circuit between language and practice.

*Aberdam*: when women gathered in primary assemblies 93, a key purpose was to show that they could participate without disorder: the medium was also the message.

*Philip*: period surely saw breakdown of consensus, expressed in separation of rival meetings, though each might still use inclusive language.

*Poole*: thinks Andy Wood's book *Riot, rebellion and popular politics* an important long-term study. For his part, wants to resist too many metaphorical uses of term 'text'. And among things that genuinely are texts, should distinguish functioning of eg on the one hand manifestos, on the other hand spies' reports.

*Aberdam* (in response to a question from Innes) elaborated on how words emerged out of the primary assemblies he has been studying. A proposition might be brought to the assembly, but then might be a discussion on what else needed saying, on which the president of the assembly might take notes. A 'bureau' would be elected whose signatures would validate the final statement; their election might take half a day. They had to be literate; characteristically prominent local people, eg the maire. Also elected envoys to go with *proces verbal* to Paris, who might be charged with conveying supplementary information.

Exchange between Kaplan and Aberdam about how stereotyped such *proces verbaux* were: *Kaplan* was inclined to suspect they might tell us little about genuine local views; *Aberdam* said much local individuality in his experience: though convocation decree came with a model, people would then add expressions of their own wishes. *Jarrige* commented that this was much less true of *cahiers de doléances*; *Aberdam* agreed that were significant differences: *doléances* of 1789 addressed the King in respectful terms; in 1793, when people were asked to submit collective expressions of wishes in relation to the new Constitution; what they submitted in practice reflected a wide variety of concerns.

*Innes* noted early nineteenth century saw a change in the mode of political petitioning in England. Vast increase in numbers of petitions characteristically forwarded, across a whole range of topics: constitutional, religious, trade-specific. Probably involved drawing in more people as organisers, diffusion of experience in organising political action.

*Jarrige* observed that after 1791, collective petitions were forbidden in France: only individuals were supposed to petition – but it was agreed that this was not observed.

### Discussion of future agendas

*Innes and Philp* explained that sessions with historians of Germany and America were planned. Participants were invited to say whether they liked the format that this meeting had followed, and what themes they thought might beneficially be addressed in future. To date the focus had been on network-building, and the object more to spark ideas in the minds of participants than to produce any concrete collective product, though possibly at some future stage an attempt might be made to produce some form of collaborative overview of some of the issues.

*Sheldon:* would be worth trying to confront some methodological issues. Can we write macrohistories of claims of right over long periods of time? How can we move beyond the reading of texts? How do we engage with power?

*Harris:* might focus on modes of political action, and their effect on the content of claims.

*Kaplan:* could commission a number of historiographical pieces. Might constitute working groups to work towards working papers, bringing together people working on different cultures.

*Lockley:* might focus on the term 'democracy' and its uses.

*Dowlen:* definition of project, and particularly extent to which it aims to engage with current issues, could do with more attention.

*Poole:* might be useful to focus on other kinds of claim, thus to participate, or for redress. Maybe 'democracy' needs deconstructing. We have no effective narrative of this period. 2008 will mark 25th anniversary of long version of Stedman Jones piece on Chartism: could reflect on where that has got us.

*Navickas:* could do with more on religion.

*Gillen:* liked the informality of the meeting; better to have precirculated papers than papers presented in a workshop. Could look at 1848.

*Harris* likes the idea of smaller workshops producing working papers.

*Franklin:* also thinks should stick to current format. Perhaps link with focus groups on particular themes.

*Sheldon:* likes format. Would find history of concepts useful: democracy, rights.

*Drolet:* likes format. Found second meeting of group (Democracy: the King's view – based on set of readings) more focussed than the current one – though has only been present for second day.

*Hammersley:* likes format. Also thinks having focus groups might help to contain diversity.

*Magee:* what is 'democratisation' as distinct from democracy? Could we enquire more into that?

*Binoche:* likes informal approach. Also likes the two levels of comparison: between countries, and between high and low registers. Democracy is a good central concept.

*Aberdam:* perhaps there is a need for a textbook on this subject. Emphasised diversity in what was recognised as democratic practice. In the French context what was emphasised above all was the act of gathering to express views, not voting.

*Jarrige*: likes the central theme, Reimagining democracy. Likes the interaction between intellectual texts and practice. Wonders if it might not be worth taking politicisation as a theme, eg bringing into confrontation the contrasting approaches of Agulhon and Rosanvallon.

*Innes* observed that a new narrative of the establishment of democracy was now being developed in Britain as a basis for an element in school history teaching.

*Hammersley*: thinks more might be done to bring out contrasts between France and Britain, both in terms of concepts and in terms of practices, eg the role of clubs. She would also be interested in focussing more on mutual influences.