



## The Doctor of the Rights of Man

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### Abstract

*Although born in 1717 in England, Dr. Richard Gem would spend most of his adulthood studying and practicing French medicine, or French physic as it was known. Dr. Gem's passion for French medicine would lead him on the path to becoming the doctor assigned to the English embassy in Paris in 1762, where he would work for more than thirty years. Dr. Gem's position at the embassy allowed him to have a renaissance in political affairs while he worked closely with Thomas Jefferson and many French patriots leading up to and during the French Revolution of 1789. Dr. Gem's primary and most important work involved writing foundational ideas of essential rights for citizens that he then shared with Jefferson. It is highly probable that Jefferson used these ideas and shared them when aiding the Marquis de Lafayette in drafting their natural rights of man into the final document known as the Declaration of the Rights of Man, Lafayette's catechism for France. Gem's influence on the Declaration of the Rights of Man is revealed when one assesses the relationship between Dr. Gem and Jefferson, considers a document that was written by Dr. Gem and sent by Jefferson to James Madison in early 1789, and compares the drafts for a Declaration of the Rights of Man by Lafayette throughout 1789 with Dr. Gem's earlier draft.*

On July 11, 1789, chaos reigned in the city of Paris and at the palaces in Versailles, with disaster looming around every corner as mobs roamed the cities due to food shortages and drought. The King's guard openly fought royalist troops in the streets of Versailles causing multiple casualties, and when the Assembly became concerned, wanting all troops removed, the King denied their request. The city streets of Paris and Versailles were a powder keg ready to explode with revolutionary fervor, forcing the appointed Assembly into a tough decision: conform to the King's orders or resist him and risk arrest and condemnation.<sup>1</sup> It was during this tumultuous time that Lafayette stood up in the Assembly to present his Declaration of the Rights of Man, a ten point document outlining what he believed to be the natural rights of all men.<sup>2</sup> His initial remarks were given a standing ovation and described by the members of the Assembly present as "short but animated and expressive," as well as having "the noble simplicity of a hero-philosopher" and "it seemed as if we were listening to Wazington [*sic*] speak to the people on a square in Philadelphia."<sup>3</sup> When Lafayette finished giving his "catechism for France," the Assembly again erupted in uproarious applause and the *Comte de Lally-Tollendal* seconded his motion for a declaration rights by declaring, "It is fitting that Lafayette be the first to offer a declaration of rights because he speaks of liberty as he has defended it."<sup>4</sup>

This foundational document has been prevalent through the centuries to the present day, known in its original French as *Déclaration des Droits de l'Homme et du Citoyen*, or in English as the *Declaration of the Rights of Man and the Citizen*. It contains seventeen distinct articles as opposed to the ten originally submitted by Lafayette. This document has been ever important and influential, both in understanding the parts of this document that were used in future French Constitutions throughout the 1800s and 1900s, as well as in the charter for the United Nations of 1948 and the United Nations Universal Declaration of Human Rights.<sup>5</sup> This document, the Declaration of the Rights of Man and the Citizen, was forged from the mind of Marie-Joseph Paul Yves Roch Gilbert du Motier de Lafayette, Marquis de Lafayette, better known simply as Lafayette, with the help of the American Thomas Jefferson throughout the year of 1789.<sup>6</sup> The historians Margaret Maddox and Louis Gottschalk even go so far as to say, "In sum, the Declaration of the Rights of Man and the Citizen of 1789 was based more upon his project than any one other."<sup>7</sup> However, there is a relatively hidden figure lying

1. Margaret Maddox, and Louis Reichenthal Gottschalk, *Lafayette in the French Revolution*, (Chicago: University of Chicago Press, 1969), 92.

2. *Ibid*, 92-93.

3. *Ibid*, 93.

4. Maddox, 97. Laura Auricchio, *The Marquis: Lafayette Reconsidered* (New York: Alfred A. Knopf, 2014), 182.

5. Stevenson, Douglas K, *American Life and Institutions*, Stuttgart, (Germany: Klett, 1996), 36.

6. Auricchio, 164-184; Thomas Jefferson and Marie Joseph Paul Yves Roc Gilbert Du Motier Lafayette, *The Letters of Lafayette and Jefferson*, ed. Gilbert Chinard (New York: Arno Press, 1979). 80-82, 137-142; Susan Dunn, *Sister Revolutions: French Lightning, American Light*, (New York: Faber and Faber, 1999), 143-145; Harlow G. Unger, *Lafayette*, (New York: John Wiley & Sons, 2002), 209; Dale Van Kley, ed., *The French Idea of Freedom: The Old Regime and the Declaration of Rights of 1789* (Stanford, California: Stanford University Press, 1994), 72-75.

7. Maddox, 225.

in the shadows of history who had sizeable influence on the likes of Thomas Jefferson and the Marquis de Lafayette.

This man's name is Dr. Richard Gem. His influence and importance may not be quantifiable, but the Englishman abroad, Dr. Gem, was there every step of the way with Jefferson and Lafayette in 1789. Gem's influence is revealed when one assesses the relationship between Dr. Gem and Jefferson, considers a document that was written by Dr. Gem and sent by Jefferson to James Madison in early 1789, and compares the drafts for a *Declaration of the Rights of Man* by Lafayette throughout 1789 with Dr. Gem's earlier draft.

## Historical Context

Historians previously have shown great negligence in figuring out Dr. Gem's works, life, and influence around the opening year of the French Revolution. Adrienne Koch gives him brief mention and refers more to Gem's thoughts and work with Thomas Paine in and around 1791.<sup>8</sup> In volume fifteen of his multi-volume set, *The Papers of Thomas Jefferson*, published in 1958, the historian Julian P. Boyd shows us how Dr. Gem came to be of importance in Thomas Jefferson's life by describing not only how they met, but also how Dr. Gem gained access to his inner circle.<sup>9</sup> Boyd also gives a roughly two-page biography of Dr. Gem's life, taken nearly word for word from John G. Alger's *Englishmen in the French Revolution*, published in 1889.<sup>10</sup> For the most part, however, Dr. Gem is not mentioned at all in book after book and article after article when historians through the years have written about Lafayette, Jefferson, and the French Revolution. Even when Gem is mentioned, it is often one sentence referring back to the work of Koch and Boyd in the 1950s, who themselves reference their limited knowledge from a magazine or book from the 19th century.

In order truly to get to the bottom of Dr. Gem's influence on the Declaration of the Rights of Man and its most prominent authors, Thomas Jefferson and the Marquis de Lafayette, one must first get to the bottom of who Dr. Gem was and for what he stood in life. There is little written about Dr. Gem in the historical record, and in fact his name is often misrepresented as Gesme, Ghym, Gamm, Gam, and Gom in the rare occasions he does arise.<sup>11</sup> There is no doubt, however, that these are references to him as with each misspelled name that arises in the historical record, there is also an accompanying description of the man as an English doctor. Even people who did claim to know him while he spent time in France would refer to him as Dr. Gom and write in 1821 that, "It is remarkable that so little (indeed scarcely anything in print) has been said . . . Dr. Gom was, in body and mind, distinguished from ordinary men."<sup>12</sup>

8. Adrienne Koch, *Jefferson and Madison, The Great Collaboration*, (New York: Alfred A. Knopf, 1950), 52-54.

9. Thomas Jefferson, *The Papers of Thomas Jefferson: 27 March 1789 to 30 November 1789*, ed. Julian P. Boyd, vol. 15 (Princeton, New Jersey: Princeton University Press, 1958), 386-387.

10. *Ibid.*, 385-386.

11. Jefferson, 15: 384.

12. *The Monthly Magazine, or, British Register. c.1 v.51 1821. - Full View | HathiTrust Digital Library | HathiTrust Digital Library*. Accessed November 12, 2018. <https://babel.hathitrust.org/cgi/pt?id=chi.28583726;view=lup;seq=148, 138>.

## Early Life & Enlightenment Associations

The Englishman Dr. Richard Gem was born the only child of a gentleman, Richard Gem of Worcester, in 1717, and thus seems to have been well off financially.<sup>13</sup> His educational path, and ultimately his career path, while untraditional, can be better described as chaotic from 1735 until his 1762 appointment to the position of Physician of the Embassy by John Russell, the 4th Duke of Bedford and English ambassador to France.<sup>14</sup> Boyd says, “In 1735 he was admitted pensioner to St. John’s College, Cambridge, but he seems to have left without graduating. He appears to have received no medical degree, though he may have served an apprenticeship to one of the two Gems of Worcestershire who were physicians and who must have been related to him: one was Dr. Thomas Gem and another was Dr. James Gem.”<sup>15</sup> Richard Gem’s tutor at St. John’s College of Law at Cambridge was a Dr. Williams who pointed out to Gem that the study of law would be the most profitable, but nonetheless Gem ignored that suggestion, deciding instead to leave the college in order to study his true passions of French and Physic instead.<sup>16</sup>

There is debate as to how exactly Gem became a doctor of Physic and Medicine, but there is no debate amongst the limited sources on Gem about where he stood politically. In a letter to James Madison, Thomas Jefferson describes Dr. Gem as, “A very sensible man, a pure theorist, of the sect called the oeconomists, of which Turgot was considered as the head.”<sup>17</sup> Boyd expands on the political and theoretical background of Gem, calling Gem, “A successful physician, an ardent devotee of republican principles, a friend of Diderot, Turgot, DuPont, Condorcet, and Morellet, and of course one of those who gathered around Baron d’Holbach, who died early in 1789.”<sup>18</sup> These men with whom Gem associated regularly, and whose works he undoubtedly read, were known as political and philosophical theorists, and some of them were also known as oeconomists. The oeconomists were a sect that Gem, according to Jefferson, was a part of and that believed in the economy of governance. Their goal was, “To create actors, institutional arrangements, processes and regulations aiming to organize the production, distribution and use of goods and services in order to guarantee human beings the utmost possible well-being; whilst always striving to preserve and enrich the biosphere and protect the interests, rights and power of initiative of future

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13. Jefferson, 15: 385. This source actually lists his birth year as 1817, but that is clearly a typo what with the years listed afterwards and everything known about him from other sources of the time period. Also, when searching through Cambridge’s student records one finds that they have his birth listed as 1716, but an Ancestry.com search reveals he was christened in December 1715, thus throwing further confusion into the matter of his birth year.

14. *Notes and Queries* (London [etc.] Oxford University Press [etc.]), accessed November 12, 2018, <http://archive.org/details/a1lnotesqueries02londonuoft>, 122.

15. Jefferson, 15: 385. A pensioner means he was a paying student to the university.

16. *Notes and Queries*, 121. It is worth noting here that “Physic” is akin to our modern term “physician” and meant that he was studying medicine.

17. Thomas Jefferson, *The Papers of Thomas Jefferson: 8 October 1788 to 26 March 1789*, ed. Julian P. Boyd, vol. 14 (Princeton, New Jersey: Princeton University Press, 1958), 437.

18. Jefferson, 15: 384.

generations.”<sup>19</sup> Gem was also a follower of the oeconomist theory of Physiocracy, which held that the wealth of a nation was derived solely from the value of agriculture or the development of land and that all agricultural produce should be priced high.<sup>20</sup> However, Gem was not only an oeconomist, he can also be referred to as a *philosophe*, much like the men in France with whom he often associated.

The *philosophes*, French for philosophers, were the rational thinkers and self-proclaimed scrupulous observers of the 18<sup>th</sup>-century Enlightenment in France who believed that a society based around reason instead of religious fanaticism would improve people’s ability to think critically and scientifically about social issues.<sup>21</sup> The *philosophes* also represented a move toward materialism, determinism, and empiricism as well as a distinct move away from uncritical acceptance of revealed providential Christianity, tradition, undemocratic political power, and any non-naturalistic concepts of humanity.<sup>22</sup> These philosophers of the French Enlightenment with whom Gem associated were diverse in social and educational origin but recognized each other by common values, interests and opponents.<sup>23</sup> The *Encyclopedia of the Enlightenment* further defines them by saying,

They came to consciousness of the drama of their rejection of inherited authority per se, and, in theory at least, of their commitments to empirical evidence, rational analysis, nature as the sole source of our knowledge and values, and, from their analysis of nature, a commitment to the principle of utility. By utility, they meant that the happiness of the species was the highest value, and that all things should be judged by their contribution to happiness or suffering.<sup>24</sup>

Perhaps the most famous *philosophe* and most famous *philosophique* work is by Voltaire and is his *Dictionnaire Philosophique*. The renowned American historian Peter Gay describes it and its purpose by saying, “Among the innumerable polemics the philosophes poured out in the eighteenth century to pillory the stupidity of religious men, the absurdity of religious doctrine, the viciousness of priests, and the cruelties inspired by dogma, Voltaire’s *Dictionnaire philosophique* is the most famous.”<sup>25</sup> Voltaire along with Rousseau were founding names in the *philosophe* movement and Gem was involved in their circles of thought throughout his life in France. When one reads Gem’s *General Principles Relating to Political*

19. Pierre Calame, *Why We Should Speak of the Oeconomy Rather than the Economy, and the Definition of Oeconomy - Initiative Internationale Pour Repenser l'économie*. Accessed October 11, 2018. [http://www.i-r-e.org/fiche-analyse-226\\_en.html](http://www.i-r-e.org/fiche-analyse-226_en.html).

20. Manuela Albertone *National Identity and the Agrarian Republic: The Transatlantic Commerce of Ideas between America and France (1750–1830)*, (Abingdon, United Kingdom: Routledge, 2016), 95.

21. Mark Kishlansky, Patrick Geary, and Patricia O’Brien, *A Brief History of Western Civilization: The Unfinished Legacy*. 5th ed. Vol. 2. Longman, 2006), 274-275.

22. Alan Charles Kors, ed., *Encyclopedia of the Enlightenment*, vol. 3, 4 vols. (Oxford: Oxford University Press, 2003), 274.

23. *Ibid.*, 268.

24. *Ibid.*

25. Peter Gay, ed., *The Enlightenment: A Comprehensive Anthology* (New York: Simon and Schuster, 1973).

State, it is clear to the reader that Gem was indeed an oeconomist, a *philosophe*, and a “pure theorist” as Jefferson had described him because all of their ideals are represented in his manuscript.

### The Road to Becoming a Doctor

There is a relatively interesting span of six years in Dr. Gem’s life from 1735 until 1741 that shows what he was truly getting himself into as a scholar. The anonymous writer in *The Monthly Magazine* who claimed to have known Gem in France wrote, “In fact, in his youth he took a dislike to the generally established system of school learning, but seemed better pleased with the instruction of a neighbouring gentleman, characterised as a free-thinker . . . This volunteer preceptor put into young Gem’s hands the works of Helvetius and Rousseau with which writings he expressed himself delighted.”<sup>26</sup> Boyd, however, has a problem with this image of Gem, and, upon investigating, so do I, as Helvetius and Rousseau were both born within a few years of Dr. Gem in the 1710s and did not write their most famous works until the 1750s and 1760s, a time when Gem was spending a lot of time in Paris and France generally.<sup>27</sup> This information seems to suggest that even a man who claimed to have met him, known him, and spent time with him in fact hardly knew him at all or had, perhaps in this case, merely forgotten in their old age by the time of writing their submission to *The Monthly Magazine* in 1821. When it comes to what Gem read and studied, there is no definite record to indicate that he fully knew the work of advanced thinkers and philosophers such as Rousseau, Helvetius, or Diderot. However, we do know that he was active in their sphere of influence, and it is therefore reasonable to speculate that he had detailed knowledge of at least a few of their published writings. A reader of Helvetius would note that Helvetius was an uncompromising egalitarian when it came to government and an individualist when discerning the citizenry.<sup>28</sup> It can be argued then that Gem was knowledgeable of Helvetius, for in his *General Principles Relating to Political State*, point three makes an egalitarian appeal, saying, “The state must be homogeneous, have perfect unity in all its parts, even constitution, and even legislation, and must not have subjects.” Additionally he has an individualist appeal in point one saying, “Point of arbitrary distinction between the citizens, neither nobility, nor power, nor hereditary charge.”<sup>29</sup> One can argue who Gem was reading the most and what authors perhaps had more weight on his conscience than others during his mid-life years, but their influence was foundational to his future political theorist renaissance.

While Dr. Gem’s political ideas are more concrete, his true educational path to becoming a doctor is not known with one hundred percent certainty.

26. “The Monthly Magazine, or, British Register. c.1 v.51 1821. - Full View | HathiTrust Digital Library | HathiTrust Digital Library.” Accessed November 12, 2018, 138.

27. Jefferson, 15: 385.

28. David Wootton, “Helvétius: From Radical Enlightenment to Revolution,” *Political Theory* 28, no. 3 (2000): 312.

29. “Founders Online: Enclosure: Proposed Declarations of Rights Drawn by the Marqui . . .,” accessed October 10, 2018, <http://founders.archives.gov/documents/Jefferson/01-14-02-0209>.

He most likely was not a degree holding doctor, but had studied and practiced medicine so much and for so long that he earned the title, as was in fact relatively common in this time period. What is known is that in 1741, Gem published an article of fifty-four pages with a long title called “An Account of the Remedy of the Stone lately published in England.... extracted from the examinations of this remedy, given into the Royal Academy of Sciences at Paris by M. Morand and M. Geoffrey. By Richard Gem of the University of Cambridge.”<sup>30</sup> The “By Richard Gem” alerts us to the fact that in 1741, at the age of 25, he had still not yet received his medical degree despite his previous studies. The writer of the *Notes and Queries* goes on to say that, “I am not acquainted with the nature of his subsequent qualification. Probably it was from a foreign, if any, university.”<sup>31</sup> The author also notes that by going through his own research on Dr. Richard Gem, he found that Gem is not listed in either the London College of Physicians or the Royal College of Surgeons, and that no librarian he consulted could find him in the records.<sup>32</sup>

The anonymous writer who did not truly know Gem’s past in England, but certainly knew him in France, gave a description of Gem that I believe shows with a high degree of probability that Dr. Richard Gem had studied Physic entirely under the French model, which would explain why any record of him in the English doctoral catalogues does not exist. It also, and more importantly, strengthens the evidence for how Dr. Gem was able to join the *philosophes*. The writer said that,

It was chiefly from the late Lord Stormont . . . that Dr. Gom’s advice was required by the sick English of Paris . . . counting the pulses by a stopwatch; and also making all the necessary inquiries of the patient and the nurse, and giving directions even concerning the ingredients of the buillion [*sic*]. These, which are considered by the French practitioners of Physic, as requisite or essential observations in the sick house or chamber, are, by the English deemed almost universally unnecessary, especially by the ycleped eminent ones, but are left to the province of the nurse or cook.<sup>33</sup>

This passage shows that if Dr. Gem was in fact schooled at a university in Physic, it was almost certainly somewhere in France, not England. It also illustrates that even if he was not properly schooled in any way to legitimately earn his Doctorate in Physic or Medicine, that he was adequately learned enough in the ways of French Physic to have excelled in the field. No matter how he was trained in the field of French Physic, it was deemed enough to earn him the appointment as the

30. *Notes and Queries*, 121.

31. *Notes and Queries*, 121.

32. *Ibid.*

33. “The Monthly Magazine, or, British Register. c.1 v.51 1821. - Full View | HathiTrust Digital Library | HathiTrust Digital Library.” Accessed November 12, 2018. <https://babel.hathitrust.org/cgi/pt?id=chi.28583726;view=1up;seq=148>, 138. Ycleped is a very archaic word that means to name or to call. In this passage, it would currently, most likely note “so-called eminent ones” instead of ycleped eminent ones.

physician to the embassy of England in France for the rest of his life. It was there that Dr. Gem's devotion to republican principles would not go unnoticed by the great Thomas Jefferson, who he met sometime in the late 1780's, introduced to each other by a mutual friend and fellow physician, the Italian, Phillip Mazzei, who had known Gem for thirty-two years. In 1788, Mazzei would describe Gem, as "One of the best men in the world and a true philosopher."<sup>34</sup>

### A Friend of Thomas Jefferson

Politically speaking, Dr. Gem was an ardent and active republican among the inner circle of French Revolutionaries, who met regularly at the United States of America embassy, often in the company of the Marquis de Lafayette and Thomas Jefferson.<sup>35</sup> It is clear from multiple letters that the Marquis de Lafayette was calling meetings of the French patriots and republicans. This is especially made clear in an August 25th letter to Jefferson requesting a meeting with him and eight or so other Members of the National Assembly to discuss the Assembly's business and receive Jefferson's advice and consultation on the subjects of the day over dinner.<sup>36</sup> According to the historian Laura Auricchio, "Lafayette, Condorcet, and their constitutionally minded colleagues joined together to form a faction of their own . . . Lafayette and his circle claimed the name 'patriots' and welcomed anyone who shared their views."<sup>37</sup> In the summer of 1789, Thomas Jefferson's Paris home became the de facto meeting place for French patriots who, knowing his expertise and history, asked him for his political judgements and to make recommendations on how they should move forward.<sup>38</sup> These men who Gem associated with are all famous Frenchmen and, more importantly, loud revolutionaries. Most of the men, including Dr. Gem, were arrested later by the Jacobins, with a few being not as fortunate as Gem, who was released before execution via guillotine.<sup>39</sup> The historian Manuela Albertone, when referring to the French meetings at Jefferson's house, says, "An Englishmen, close to the Unitarians, Gem personified the meeting point between the [religious] dissenters and the French *philosophes*."<sup>40</sup> Gem was in fact so close with these revolutionaries and their meetings that Thomas Jefferson's personal copy of Condorcet's *Declaration des droits, traduite de l'anglois, avec l'original a cote* shows a corrected title that reads "Declaration des Droits, par le Marquis de Condorcet traduite en Anglois, par le Docteur Gem avec l'original a cote,"<sup>41</sup> or "Declaration of Rights, translated from English, with the original," and "Declaration of Rights, by the Marquis de Condorcet translated into English by

34. Jefferson, 15: 385. What Mazzei said was written in the original French as, "*Un des meilleurs hommes du monde et veritable philosophe.*"

35. Albertone, 95.

36. Jefferson, 15: 354.

37. Auricchio, 169.

38. Albertone, 95.

39. Jefferson, 15: 384 and 386.

40. Albertone, 95. A dissenter was someone who was an English Protestant and had shifted from a reliance upon external authority in moral matters to their own internal authority, self-informed by reason.

41. Jefferson, 15: 386-387.



Dr. Gem with the original.”<sup>42</sup>

There is further evidence that Gem was often in the presence of Thomas Jefferson and was a trusted confidant in matters of a political nature. A January 11, 1789, letter from Jefferson to John Jay includes information on the character of the Prince of Wales, verified from a source close to him that is undoubtedly Dr. Gem. Jefferson wrote in his letter to Jay, “The information I most rely on is from a person here with whom I am intimate, who divides his time between Paris and London, an Englishman by birth, of truth, sagacity, and science.”<sup>43</sup> Boyd himself also agrees that this was most likely Dr. Gem that Jefferson was referring to as his informant because he was involved with the right circles and had many opportunities to meet and talk to the Prince. The story goes that Dr. Gem, through his status and connections that got him the embassy job, was able to secure a seat at the table close to the Prince of Wales at a state-sponsored dinner. From there, he was able to garner much information on the state of things in the English royalty, the character of the Prince, and other important details of what was happening in England to report back to Jefferson.<sup>44</sup>

Another known occurrence of Gem being acknowledged for his work, presence, and influence on Jefferson, or anyone for that matter during the French Revolution, comes from a letter Jefferson sent in 1790 after he had returned to the United States and knew he would most likely never return to Paris. In saying goodbye to France and Dr. Gem, Jefferson spoke candidly of Gem and what he meant to him and his family while he stayed in Paris:

In bidding adieu, my dear Doctor, to the country which united our residence, I find the loss of your society and instructive conversation among the leading circumstances of regret. Be assured that I feel it most sensibly, and accept my warm acknowledgements [*sic*] for all your kindnesses and services to me and my family while at Paris. I hope that your philanthropy is by this time fully gratified by the final establishment of order, and equal government in a country which you love, and that you will still be blessed in seeing them extended to others so as to found a rational hope that man is at length destined to be happy and free. Our affairs wear a very pleasing aspect.<sup>45</sup>

Jefferson then goes on in his letter to give Gem an update on the affairs of his family and the United States before finishing the letter by saying, “God bless you my dear Doctor, with life & health, and be assured of the constant affections of your sincere friend & humble servt [*sic*], Th: Jefferson.”<sup>46</sup> There is no known reply to this letter, and it is relatively unclear whether or not Gem actually ever received this letter that praises him and his contributions to the Jefferson family.

42. Translation done by the author with the help of a French Dictionary.

43. *The Papers of Thomas Jefferson*, vol. 14, 8 October 1788 - 26 March 1789, ed. Julian P. Boyd, (Princeton: Princeton University Press, 1958), 430.

44. Jefferson, 14: 433.

45. Thomas Jefferson, *The Papers of Thomas Jefferson: 30 November 1789 to 4 July 1790*, ed. Julian P. Boyd, vol. 16 (Princeton, New Jersey: Princeton University Press, 1961), 297-298.

46. *The Papers of Thomas Jefferson*, vol. 16, 30 November 1789-4 July 1790, ed. Julian P. Boyd, (Princeton: Princeton University Press, 1961), 298.

Regardless, this letter indicates that Dr. Gem was often present in the company of Jefferson and was a trusted, respected member of his inner circle whose thoughts and ideas were not only accepted, but sought after in times of need. Jefferson hoped that Gem's beloved France was finally in the right direction to becoming a fully established and orderly republican government that Gem so admired, and that what the French had done so far in turning around their government would extend to others around the world so that they, too, would be both happy and free. The ending of his letter shows that they had become good friends whose company they both enjoyed quite often and very much in their short, but meaningful time together in Paris.

### **The Drafts: Evidence of Gem's Influence**

The letter Thomas Jefferson sent in 1790 signified the endpoint in his and Dr. Gem's transcendent relationship. However, in the late 1780s, these two men were still together and united in the same cause since a certain fascination with putting to paper a list of rights was sweeping both France and the United States simultaneously. Jefferson was in the center of it all, and historian Susan Dunn puts it best saying, "The American Minister in Paris was the living juncture at which the two rights movements crossed paths."<sup>47</sup> In a December 20<sup>th</sup>, 1788 letter to a friend, Thomas Jefferson observed, "All the world is occupied at present in framing, every one [*sic*] his own plan of a bill of rights."<sup>48</sup> He repeated his thoughts in a January 12, 1789, letter to James Madison but putting it as, "Every body [*sic*] here is trying their hands at forming declarations of rights."<sup>49</sup> Jefferson was by then the meeting point of most of the men in Paris, and most importantly great friends with the Marquis de Lafayette. Thomas Jefferson, during the last months of 1788 and first few months of 1789, was meeting with and giving aid to both the legendary American Revolutionary War General Marquis de Lafayette and Dr. Richard Gem on their mutually inclusive quest to write a declaration of rights for France.

In recording what the two men believed to be the natural rights of man, Lafayette appears to have been more the pragmatist and Gem the theoretician. In a January 12, 1789, letter to James Madison, Jefferson describes Lafayette's draft as "adapted to the existing abuses" while Gem's spoke "of those possible as well as those existing."<sup>50</sup> It was Lafayette who Jefferson took more seriously and who's draft Jefferson had a major role in writing and influencing. In that same January 12<sup>th</sup> letter, Jefferson sent both Dr. Gem's and Lafayette's first drafts of a declaration of rights to Madison. It is important to note this triangle of influence anchored by Jefferson that reflected back to each man portions of the others' knowledge and expertise in political affairs. Through Jefferson, both men were able to influence the other.

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47. Dunn, 143.

48. Jefferson, 14: 366.

49. *Ibid*, 437.

50. Jefferson, 14: 438.

While writing drafts throughout the first seven months of 1789, Lafayette would consistently call on Jefferson for aid in his writing, and even though Dr. Gem only wrote one draft, it seems unlikely that Jefferson would forget or ignore his company and instructive conversation. After the January 12<sup>th</sup> draft, there is not another known one by Lafayette until late in June, 1789. By June, it had changed from his original seven points in long written out paragraph form to a much more focused list of ten points that read as shorter, more deliberate sentences. In Jefferson's papers accompanying this second draft of rights from Lafayette, there is a sixteen point, bulleted list of rights written entirely in French entitled, *Loix Fondamentales d'une societe politique*, which translates to "Fundamental Laws of a Political Society."<sup>51</sup> These sixteen points from late June of 1789 that accompany Lafayette's second draft are a shorthand form, in a slightly different order, with one extra added "law" missing from the original Dr. Gem draft entitled "General Principles Relating to Political State." If Jefferson kept Gem and his draft in mind, then it allows for a bridge where Jefferson's aid to Lafayette in his writing of a declaration of the rights of man was more than the traditionally known narrative of a document made by only two men. Jefferson would meet with Lafayette again and again to revise this draft before he would ultimately submit it to the Assembly on July 11, 1789. In a July 6<sup>th</sup> letter to Jefferson, Lafayette concludes his letter by asking, "Will you send me the Bill of Rights with Your Notes? I hope to see You to Morrow [*sic*]. Where do You dine?"<sup>52</sup> In another letter dated July 9<sup>th</sup>, but mostly likely from July 10<sup>th</sup>, Lafayette again looked for help and assistance from Jefferson, saying, "To Morrow I present my bill of rights about the middle of the sitting. Be pleased to Consider it Again, and Make Your observations. ... Bonjour, My dear friend, I Beg You to Answer as soon as you get up, and wish to Hear from You about eight or Nine at last. God Bless You."<sup>53</sup> Lafayette adds the God Bless You that is not present in other letters between the two, showing how thankful he is for his friend's help in his endeavor. There are significant enough time gaps between the end of June, July 6<sup>th</sup>, and July 9<sup>th</sup> that allow for Jefferson to have had time to review and revise Lafayette's drafts while also sharing it with his trusted confidant, Dr. Gem. Lafayette sought Jefferson's help in writing his declaration and in doing so, accrued the knowledge, inspiration, and influence of all the other French luminaries who Jefferson associated with in Paris including the Englishman, Dr. Richard Gem.

It is important, then, to identify the distinct details that emerge simultaneously in Gem's draft and in Lafayette's that Jefferson had the privilege of reading. Lafayette's second draft adds six points while thoroughly editing and reshaping what was written in his first iteration. Therefore, it is also worthwhile to show what Gem's draft has in common with both of Lafayette's drafts

51. "Founders Online: Lafayette's Draft of a Declaration of Rights, June 1789." Accessed September 22, 2018. <http://founders.archives.gov/documents/Jefferson/01-15-02-0223>.

52. "Founders Online: I. Lafayette to Jefferson, 6 July 1789," accessed November 27, 2018, <http://founders.archives.gov/documents/Jefferson/01-15-02-0232-0002>.

53. "Founders Online: X. Lafayette to Jefferson, 9 July 1789," accessed November 27, 2018, <http://founders.archives.gov/documents/Jefferson/01-15-02-0232-0012>.

simultaneously, as well as what Gem's draft shares with only one of Lafayette's drafts and not the other (See Appendix). Lafayette's first draft shares a common first point with Gem's, where Lafayette declares that nature has made men equal and that any distinction between them should be measured on general utility.<sup>54</sup> Lafayette's point here can also be seen again in his second draft where he then makes his idea more concise by saying, "Nature has made men free and equal; the distinctions between them are based on general utility."<sup>55</sup> Lafayette's second point in his first draft matches up with Gem's fifth, where Gem writes, "The civil and criminal code, as well as all institutions whatever, must conform to universal justice," and Lafayette speaks of the right of man to secure aspects of his livelihood that are effected by virtue of the laws granted to him and enforced by an equal, legal court.<sup>56</sup> The main points here by Lafayette are in his second draft as well, but are split between different points that refer to the rights of man, the application of the laws, and an impartial judicial power.

There is more that connects these two men's drafts. Another point that they have in common is that in Lafayette's first draft, he outlines the doctrine of separation of powers by speaking on the legislative, executive, and judicial branches of government and what should be their focus. Gem does not go so far as to outline how the government's job is defined, but he does explain how the country's government should be divided, by writing, "The state must be homogeneous, have perfect unity in all its parts, even constitution, and even legislation."<sup>57</sup> In Lafayette's second draft, he essentially keeps what he wrote in the first one, but refines it by splitting it into four separate points with more concise wording. There is a fourth and final right that both first drafts have in common that are not exactly the same, but I feel as though they essentially have the same clout. Gem's point is verbatim freedom of the press while Lafayette's reads more as freedom of speech when he writes, "Man endowed with voice and thought can not be harmed either for his opinions or for the communication of his ideas."<sup>58</sup> In Lafayette's second draft, he also iterates this point, but makes it more broad by writing that, "No man can be worried either for ... his opinions, or the communication of his thoughts by the word; writing or impressing."<sup>59</sup>

There is also one right that appears in Gem's draft and Lafayette's second draft, but not his first one, that we currently cherish wholeheartedly, as do the French: freedom of religion. Lafayette did not include it in his first draft perhaps to appease the Assembly that contained three distinct branches, one of which was the Clergy. The historians Gottschalk and Maddox agree and note that

54. "Founders Online: Enclosure: Proposed Declarations of Rights Drawn by the Marqui ...," accessed October 10, 2018, <http://founders.archives.gov/documents/Jefferson/01-14-02-0209>.

55. "Founders Online: Lafayette's Draft of a Declaration of Rights, June 1789." Accessed September 22, 2018. <http://founders.archives.gov/documents/Jefferson/01-15-02-0223>.

56. "Founders Online: Enclosure: Proposed Declarations of Rights Drawn by the Marqui ...," accessed October 10, 2018, <http://founders.archives.gov/documents/Jefferson/01-14-02-0209>.

57. "Founders Online: Enclosure: Proposed Declarations of Rights Drawn by the Marqui ...," accessed October 10, 2018, <http://founders.archives.gov/documents/Jefferson/01-14-02-0209>.

58. *Ibid.*

59. "Founders Online: Lafayette's Draft of a Declaration of Rights, June 1789." Accessed September 22, 2018. <http://founders.archives.gov/documents/Jefferson/01-15-02-0223>.

for his third and final draft, which was submitted on the 11<sup>th</sup> of July, he yet again dropped the phrase, “No man be disturbed ... for his religion” and goes on to say, “Despite Jefferson’s preferences, Lafayette was being careful not to alienate ... the clergy by explicitly including free thought.”<sup>60</sup> Auricchio seconds their thoughts by stating, “Facing a fractious and frightened assembly, Lafayette was in all likelihood more concerned with winning the support of the clergy than with acting immediately on the matter of religious freedom.”<sup>61</sup> Lafayette was most likely right at the time to leave this sentence out of his draft to the assembly so that it would be taken seriously and not viewed as too radical for the Assembly to adopt. Auricchio agrees, saying, “It may not have fulfilled all of Jefferson’s expectations, but Lafayette’s Declaration of the Rights of Man was sufficiently radical.”<sup>62</sup> Jefferson disagreed, and it was one of the few changes offered by Jefferson to Lafayette that Lafayette chose not to keep in his final draft to the Assembly.<sup>63</sup> Gem has more rights of man listed in his draft than Lafayette does in his two, which is why Jefferson said Lafayette was the pragmatist and Gem the theoretician.

On August 26, 1789, Gem, Jefferson, and Lafayette were able to witness the fruits of their labors when the National Assembly of France approved the Declaration of the Rights of Man and the Citizen. The document contained seventeen distinct articles considered by the representatives of the French people to be necessary and proper.<sup>64</sup> The first nine of the Declaration’s articles, more than half, were almost entirely derived from Lafayette’s first paragraphs in his second draft. The final eight articles mostly stay the course with the last three paragraphs of his second draft.<sup>65</sup> The only point in Lafayette’s drafts, where he wrote of future amendment of the document by special convention that was not included in the Declaration passed by the Assembly was in fact debated by them but in the end not passed.<sup>66</sup>

A few of Dr. Gem’s general principles that are nowhere to be found in Lafayette’s drafts are in fact explicitly mentioned in the final document passed by the National Assembly. Gem’s twelfth point, “The single territorial tax,” is seen in Article Thirteen, his tenth point, “The law of habeas corpus,” is seen in Article seven, and his physiocratic tendencies towards the extreme appreciation of property are seen in Article Seventeen.<sup>67</sup> It was fitting for Gem to have part of

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60. Maddox, 95.

61. Auricchio, 182.

62. Auricchio, 182.

63. I chose not to analyze draft number three because there are no significant changes, only minor word and phrasing changes that Jefferson gave to Lafayette. If one would like to read about it, Maddox and Gottschalk go in depth in their book *Lafayette in the French Revolution: Through the October Days* on pages 94-96. One can also read the draft in the motion offered by Lafayette at the Assembly on July 11th at this link: [https://www.persee.fr/doc/arcpa\\_0000-0000\\_1875\\_num\\_8\\_1\\_4654\\_t2\\_0221\\_0000\\_19](https://www.persee.fr/doc/arcpa_0000-0000_1875_num_8_1_4654_t2_0221_0000_19) where it is in its original French.

64. Van Kley, 1-3.

65. Maddox, 225.

66. *Ibid.*

67. “Founders Online: Enclosure: Proposed Declarations of Rights Drawn by the Marqui ...,” accessed October 10, 2018, <http://founders.archives.gov/documents/Jefferson/01-14-02-0209>; Van Kley, 2-3.

what he strongly believed added to the final Declaration because, as Albertone says, “He personally drafted a declaration inspired by Physiocracy that restricted voting rights to ‘landowners,’ sanctioned ‘the complete liberty of industry and commerce’ and fixed ‘the single land tax.’”<sup>68</sup> Gem’s handwriting is all over Lafayette’s drafts and subsequently throughout the seventeen articles passed by the National Assembly. Dr. Gem’s influence is recognized after assessing his relationship with Thomas Jefferson, comparing the various drafts for a Declaration of the Rights of Man by Lafayette with Dr. Gem’s draft, and by analyzing the final seventeen articles of the Declaration of the Rights of Man passed by the National Assembly.

## Conclusion

In Lafayette’s opening remarks to the assembly on July 11, he contended, “The merit of a declaration of rights consists in truth and precision; it should say what everyone knows, what everyone feels.”<sup>69</sup> Dr. Gem most certainly felt everything in his declaration, and he undoubtedly believed in what he had written. The purpose of crafting a declaration of rights was not only for oneself, it was for France and it was for the world. Writing a declaration was the right thing to do, and Lafayette would also give reasons for why in his introductory remarks on the 11<sup>th</sup> of July by saying,

The first reason for a declaration is to recall the sentiments that nature has engraved on the heart of every individual and to facilitate the development of them ... The second reason is to express these external truths from which all institutions should be derived and to become ... a loyal guide that always leads them back to the source of natural and social right.<sup>70</sup>

Lafayette and Gem framed their declarations of rights for France and the world to act as the guide to natural and social rights for man. These were natural rights that all men should be allowed to enjoy as nature intended, and that is how Lafayette, Gem, Jefferson and their fellow French patriots saw it.

Unfortunately for Gem, he would not truly get to enjoy everything that was accomplished through the passage of the Declaration of the Rights of Man. Gem would be constantly in and out of prison cells from 1793 until his death in 1800 at the age of eighty-three, due largely in part to his beliefs not being radical enough during the Reign of Terror and because he was an Englishman.<sup>71</sup> Gem’s life, once Jefferson returned to the United States and the French Revolution went into full swing, can only be described as a humbling affair. An English journalist named John G. Alger, writing in 1889 on Englishmen involved in the French Revolution, was able to find details on the final years of Dr. Gem’s life in and out

68. Albertone, 95.

69. Lynn Hunt, *The French Revolution and Human Rights: A Brief History with Documents*, ed. David W. Blight and Bonnie G. Smith, 2nd ed. (Boston, Massachusetts: Bedford/St. Martin’s, 2016), 69.

70. Hunt, 69.

71. Jefferson, 15: 387.

of prisons. Alger notes that Gem was first arrested in October of 1793, released that November after nine days via an authoritative decree that exempted all foreign doctors from arrest based on scarcity, and was then re-arrested outside of Paris by the authorities at Versailles who placed him in jail until it was discovered he was a doctor.<sup>72</sup> Alger also gives an account of what Gem was like in prison based on an account told to Lord Malmesbury in 1796 of a cellmate of Gem's, a Mrs. Grace Dalrymple Elliott, saying, "He cried the whole time and was terrified to death."<sup>73</sup> It can be argued then that a reason why Dr. Gem remains so much in the shadows of history is that some of his last days were spent in the shadows of a prison cell and hiding in and around Paris. Unlike his friend Jefferson, whose life made leaps and bounds post-French Revolution, Dr. Gem's life never saw the end of it and, instead, withered and died. Unfortunately for him, he was old and frail at this point and could not use his work or connections in his various higher thinking circles to boost himself; his writings given to Jefferson were his last scholarly chapter in life and they hardly even saw the light of day. It was a sad end to the life of a man who wrote passionately about freedom for man to have all of his freedoms removed. However, as humbling and depressing as the last years of his life were, it does not diminish the importance of his life's work for human rights by law. Certainly, Gem's longest lasting influence and impression on the world is that of his work in lending his ideas to Jefferson and Lafayette in writing and ultimately passing the Declaration of the Rights of Man and the Citizen for themselves and posterity.

## Appendix

First Draft by Lafayette	First Draft by Dr. Richard Gem
Nature has made men equal, and the distinctions between them necessitated by monarchy, have for base, and must have as their measure, the general utility.	Point of arbitrary distinction between the citizens, neither nobility, nor power, nor hereditary charge.
The rights of man secure his property, his liberty, his honor, his life; no infringement may be effected except by virtue of the laws granted by him or his representatives, previously promulgated, and enforced by an equal tribunal.	The civil and criminal code, as well as all institutions whatever, must conform to universal justice.

72. John Goldworth Alger, *Englishmen in the French Revolution* (London S. Low, Marston, Searle & Rivington, 1889), <http://archive.org/details/englishmeninfren00algeuoft>.

73. Alger, 30. The Lord Malmesbury helped Gem and, through the use of his secretaries, was able to give witness to Dr. Gem's final will and testament which gave the majority of his estate back in Worcestershire, England to his favorite nephew William Huskisson.

<p>All sovereignty resides essentially in the nation. The government is divided into three powers, the Legislative, which must be exercised principally by a large representative assembly, freely and frequently elected; the executive, who belongs only to the king, whose person is sacred and the ministers responsible; the Judiciary which must be entrusted to courts whose sole function is to keep the deposit of laws, and to apply them literally to the cases submitted to them, and whose organization and the system ensure the judges their independence, the public their impartiality, to the parties the means of justification, and an easy distribution of justice.</p>	<p>The state must be homogeneous, have perfect unity in all its parts, even constitution, and even legislation, and must not have subjects.</p>
<p>Man endowed with voice and thought cannot be harmed either for his opinions or for the communication of his ideas, unless he has violated the social order or the particular honor, in which case he is subject to the law.</p>	<p>Freedom of the press.</p>

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