

THE RIGHTS OF MAN

Edmund Burke's 'Reflections in the Revolutions in France' which John Morley has said 'electrified' England and the reply that Thomas Paine wrote in his 'Rights of Man' should be read today as the principles which Paine and Burke debated still underlie the search for the good, thinking society.

Thomas Paine was born at Thetford in 1737, the son of a Quaker stay-maker.

After several years at sea, in the exercise and at stay-making, Paine went to America in 1774 at the age of thirty-seven and edited the *Pennsylvania Magazine*. Two years later, he published *Common Sense*, a tract in favour of republicanism (a word used by Paine to mean not anti-monarchism as such, but a form of government run in the interest of the *res publica* – the whole community). *Common Sense* inspired the first moves towards the American Declaration of Independence of July 1776 (drafted by his friend, Thomas Jefferson, the future President).

Paine was appointed Secretary of a Commission sent out by the newly established Congress to deal with the Indians and later Secretary of the Congressional Committee on Foreign Affairs. He was thus a person of some experience, influence and consequence who had inspired and participated in the foundation of the new republic of America, when he returned to Europe in 1787 at the age of fifty. In England, he associated with societies that were spreading ideas of liberty. He died in New York in 1809.

The First French Republic was born in 1789 as a revolution against the corrupt, crumbling, feudal monarchy of Louis XVI. That revolution was bitterly and eloquently denounced in 1790 by Edmund Burke in his *Reflections on the Revolution in France*, which, John Morley has said, 'electrified' England. It was in reply to Burke that Thomas Paine wrote his *Rights of Man*. Burke was opposed to revolution as being merely destructive; he hated lawlessness and violence; he disliked abstractions and doctrines of 'rights'; he saw the value of social and political continuity; and he feared that the principles and methods of the French revolutionaries might infect the British people. All this was wise. However if change is prevented too long, it bursts out in violence.

Paine dedicated Part I of the *Rights of Man* to George Washington, first President of the United States of America. Part I is largely an explanation of the early origins of the Revolution in the writings of Montesquieu, Voltaire, Rousseau, the Abbe' Raynal, Qusnay, Turgot, the summoning of the States-General ¹ in May 1789 and its transformation into the National Assembly in June, the events leading to the storming of the Bastille in July, the Declaration of the Rights of Man made by the Assembly, and the working of the new Constitution based on it. The Declaration had twenty-seven clauses, of which the first three, Paine said, were in essence:

- I. Men are born and always continue, free and equal in respect of their rights. Civil distinctions, therefore, can be founded only on public utility.
- II. The end of all political associations is the preservation of the natural and imprescriptible rights of man; and these rights are Liberty, Property, Security and Resistance of Oppression.
- III. The Nation is essentially the source of all sovereignty; nor can any individual, or any body of men, be entitled to any authority which is not expressly derived from it.

¹ This body, elected by the aristocracy, the clergy and the commonness, was called on extraordinary occasions. It had last been convened in 1614.

Perhaps Paine's approval was natural: he had spent thirteen years witnessing the foundation of the American republic, with its promise of democratic processes and representative institutions buttressed by a spirit of independence and a political maturity that augured well for the future.

When the Soviet Union published its new 'liberal' constitution in 1936, it was hailed by 'advanced' political thinkers – Harold Laski, Norman Angell, Sidney and Beatrice Webb and others – as the dawn of a new democracy. Events of late seem to indicate that the pathetic delusion of Soviet democracy persists to this day.

Perhaps we should not blame Paine too much. He could justify his attitude not only by his recent personal experience in America, but also from the history of his own country: the bloodless English revolution of 1688 had asserted the authority of Parliament over a monarchy pretending to presumptuous democracy.

However, Paine did not look deep enough into history; nor could he have foreseen the results of the political upheavals that came after him. The risk of violent revolutions is that they put society into the melting-pot; they encourage the scum to rise to the top and they may merely replace one tyranny by another. Paine did not adequately reply to Burke's claim that the French people would be just as badly off under nominally democratic assemblies as they had been under the old monarchies. In more recent times, a whole political philosophy has been erected on the superstition that a man or a body of men that rules in the name of the people will necessarily be concerned with its well-being, that to appoint a man a public official is to make him a public benefactor.

In May 1791 Paine visited France, and he was in Paris when the King tried to flee the country but was captured and imprisoned. Paine returned to England in July and worked on the second part of *The Rights of Man*, which he dedicated to M.de la Fayette.² Paine had had difficulty in finding a publisher for Part I: the printer, a Mr. Johnson of St Paul's Churchyard, would have nothing more to do with it when he discovered passages he thought made him liable to prosecution; it was finally published by a Mr. Jordan of Fleet Street. The circumstantial evidence suggests that the Government tried to buy the copyright of Part II through the printer, who, meeting with refusal, nevertheless supplied the gallery-sheets to a minister. Paine records the circumstances in the appendix to Part II: it seems that the Government tried to delay publication when they learned that he was proposing reductions in taxation; publication was in fact delayed until after the opening of Parliament, when William Pitt forestalled Paine's criticism by proposing reductions in taxes on the very objects listed by him.

Part II finally appeared, again published by Mr. Jordan, in February 1792. Like Part I, it had immediate success. Indeed, William Hazlitt wrote:

Paine's *Rights of Man* was the only really powerful reply [to Burke's *Reflections*] and indeed, so powerful and explicit that the Government undertook to crush it by an *ex-officio* information, and by a declaration of war against France to still the ferment and excite an odium against its admirers, as taking part with a foreign enemy against their prince and country. Part I was concerned specifically with the revolution in France; it was outspoken enough, and in places rude about Burke. Part II was a more general inquiry into the principles of government and constitutions, but even ruder about kings and aristocracies – and again Burke. It was an uncompromising indictment of the hereditary principle'.

² Formerly the Marquis de la Fayette, the aristocrat who at nineteen years of age went to America to help the colonists. Later in France he was one of those who demanded that Louis summon the States-General. He became a leader of the French Revolution, although a moderate whom the National Assembly declared a traitor for opposing the Jacobins and favouring limited monarchy. He later served as a Liberal deputy when the Bourbons were restored after Napoleon, and was a leader in the 1830 Revolution which replaced the Bourbon Charles X with his cousin Louis Philippe.

Paine was batting on a good wicket: there were many faults and abuses in those days in the charters, corporations, 'rotten boroughs,' the House of Lords, taxation, and other institutions and practices. And he could write freely because there was a tradition of vigour and candour in public debate that would regard as squeamish and effete the more polite, oblique argument of our day. At his best Paine was penetrating, clear-sighted, and formidably logical. But he was better at criticizing the old governments than at appraising the new. He did not foresee the development of modern constitutional monarchy, and its value as a symbol of principles that could weld into a vast political association a multiplicity of races and religions. Neither did he foresee that representative institutions could degenerate into a tyranny of majority rule, an instrument for buying votes with the elector's own money, or into vehicles for petty party politics and vested interests.

Paine thought the representative system produced 'the wisest laws, by collecting wisdom from where it can be found.' That may be representative government at its best; but to remain at its best needs to rest on three supports. First, it needs an informed, liberal-minded, tolerant electorate; secondly, it needs to limit itself to a broad framework of law and institutions and to avoid dabbling in daily detail; and thirdly, it needs a foundation of decentralized political power based on a dispersal of property ownership.

As regards the first of these: mathematical representation in government collects not only wisdom, as Paine thought, but a mixture of wisdom and foolishness, short-sightedness, ignorance and any other virtues and vices of those represented. Statesmen must accordingly not only follow but also lead. Herbert Asquith's government of 1906 carried through its programme of social reform against bitter opposition. President Franklin Roosevelt had to persuade the American people, slowly and tactfully, that their future lay in supporting Britain against Germany in the 1939-45 war. If Mr. Macmillan's government

had not decided in 1957 to risk political unpopularity, inflation would have continued because it benefited, or rather *seemed* to benefit, most of the people. Yet statesmen must not move too fast or too far ahead of the people, otherwise they are tempted to dictatorship. Both to support a far-sighted leader, and to prevent leadership from degenerating into tyranny, representative democracy needs an intelligent electorate.

The second of the supports is hinted at by Paine in the opening pages of Part II: 'Government is no farther necessary than to supply the few cases to which society and civilization are not conveniently competent'. There is even a fleeting recognition of the third essential. 'In the representative system, the reason for everything must publicly appear. Every man is a proprietor in Government, and considers it a necessary part of his business to understand. It concerns his interest, because it affects his property. He examines the cost, and compares it with the advantages.' Representative democracy is insecure if too many people own too little property. The most tragic example is Germany, in which the property of the middle classes was wiped out by inflation and they looked to a tyrant to replace it. Britain had approached equality in income (perhaps too far), but property is still too highly concentrated. Perhaps this will be put right now that two political parties have put the dispersal of private property into the forefront of their programmes.

There is also in Part II a perhaps unconscious groping towards the then new doctrines of Adam Smith (with whom Paine unfavourably compared Burke in Part I):

It is to the great and fundamental principles of society and civilization - to the unceasing circulation of interest, which passing through its millions channels, invigorates the whole mass of civilized man - it is to these things, infinitely more than to anything which even the best instituted Government can perform, that the safety and prosperity of the individual and of the whole depends.

The cohesive and driving force of ‘interest’ has been derogatively labeled self-interest by those who have misunderstood and misrepresented the classical economists. Yet it is to the neglect of this mainspring of human action that the futility of much so-called ‘progressive’ political theorizing is to be attributed. Those who have erected political systems on the gratuitous notion that man is, or should be, moved by the common interest have seen them maintained by terror in countries where individual liberty counts for little, or collapse like packs of cards where it still counts for much. In practice, the only alternative to harnessing private interest to the common advantage by a system of rewards and forfeits through free markets is a system of penalties in a police state. Sticks and carrots, or whips and scorpions: we have yet to find some other alternative.

There is a second echo of the classical economists in the relatively minor role Paine assigned to government and the primacy he attached to individual action in creating and maintaining order and civilization. ‘The mutual dependence and reciprocal interest which man has upon man, and all the parts of a civilized community upon each other, create that great chain of connection which holds it together. The landholder, the farmer, the manufacturer, the merchant, the tradesman, and every occupation, prospers by the aid which each receives from the other, and from the whole.’ We have tended to forget this in modern times when governments have come to be regarded as creators of the good life. Beyond providing the legal and fiscal framework to facilitate economic relations between individuals, government should do only those things it can do better than individuals left to themselves. These are however, surprisingly few. Part II contains proposals for a Beveridge in embryo – complete from maternity benefits to funeral expenses.

In Paine’s day this was very advanced thinking. In ours we have no sooner erected a structure of State provision for the needy than it has in some respects become out of date

with rising personal incomes. The welfare state is, or in a free society should be, a passing phase, but there is a danger that it will be erected into a permanent appendage, that the crutch will be beaten into a shackle.

Part II of *The Rights of Man* was strong meat, too strong for the government of the day, which indicted Paine for treason in May 1792, and on the same day issued a proclamation against 'seditious writings.' In August Paine published a defence:

If to expose the fraud and imposition of monarchy and every species of hereditary government – to lessen the oppression of taxes – to propose plans for the education of helpless infancy, and the comfortable support of the aged and distressed – to endeavour to conciliate nations to each other – to extirpate the horrid practice of war – to promote universal peace, civilization, and commerce – and to break the chains of political superstition, and raise degraded man to his proper rank; - if these things be libelous, let me live the life of a libeler, and let the name of libeler be engraven on my tomb!

In September he learned that the department of Calais had elected him the representative in the National Convention. He considered it more important to take his seat in Paris than to defend himself in London. He proceeded to Dover for embarkation to Calais, and, on being warned by William Blake, the poet, that he was to be detained, embarked just in time.

Paine knew no French and he seems to have misjudged the Frenchmen in power. In time his bluntness and love of liberty made him unpopular with the Jacobins and he incurred the suspicion of Robespierre. He was thrown into prison and escaped the guillotine by an accident. When Robespierre himself was guillotined, Paine was restored to his seat in the Convention. In 1802 he sailed to America but found his popularity had evaporated. He

died in New York in 1809 at the age of seventy-two. His body was removed to England in 1819 by William Cobbett.

The Rights of Man is easiest to read when it is terse, pointed and epigrammatic. The passages in the classical eighteenth – century style, embodying constructions and even language that have long disappeared, are more difficult at first; but their elegance and word-music are often pleasing.

Thomas Paine was an uncompromising, courageous, obstinate rationalist. He saw what he thought was the truth so clearly that he insisted on telling it: and he did – bluntly, untactful, sometimes arrogantly but always honestly. He was self-made; he built his name solely on the sheer force of his intellect; and his influence was felt far beyond his own country. He was the sort of restless Englishman, who, by questioning established institutions and thinking, has initiated change to better things. His long line, from the humble to the great, from Samuel Plimsoll and William Willett to Robert Peel and Winston Churchill, has kept alive the spirit of independence which has many times saved his country from the torpor of conformity, complacency and conceit and his tendency to go to seed in waywardness has been a small price to pay for his services. True to this tradition, *The Rights of Man* was a cold douche; it shocked but nevertheless it stimulated.

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