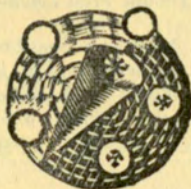




THE RIGHTS OF MAN

A



THOMAS PAINE

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became quartered on one another, and the wondering cheated multitude worshipped the invention.

When I contemplate the natural dignity of man, when I feel (for Nature has not been kind enough to me to blunt my feelings) for the honour and happiness of its character, I become irritated at the attempt to govern mankind by force and fraud, as if they were all knaves and fools, and can scarcely avoid disgust at those who are thus imposed upon.

We have now to review the governments which arise out of society, in contradistinction to those which arose out of superstition and conquest.

It has been thought a considerable advance towards establishing the principles of Freedom to say that Government is a compact between those who govern and those who are governed; but this cannot be true, because it is putting the effect before the cause; for as man must have existed before Governments existed, there necessarily was a time when Governments did not exist, and consequently there could originally exist no governors to form such a compact with. The fact therefore must be that the *individuals themselves*, each in his own personal and sovereign right, *entered into a compact with each other to produce a Government*: and this is the only mode in which Governments have a right to arise, and the only principle on which they have a right to exist.

To possess ourselves of a clear idea of what Government is, or ought to be, we must trace it to its origin. In doing this we shall easily discover that Governments must have arisen either *out* of the people or *over* the people. Mr. Burke has made no distinction. He investigates nothing to its source, and therefore he confounds everything; but he has signified his intention of undertaking, at some future opportunity, a comparison between the Constitutions of England and France. As

he thus renders it a subject of controversy by throwing the gauntlet, I take him up on his own ground. It is in high challenges that high truths have the right of appearing; and I accept it with the more readiness because it affords me, at the same time, an opportunity of pursuing the subject with respect to Governments arising out of society.

But it will be first necessary to define what is meant by a *Constitution*. It is not sufficient that we adopt the word; we must fix also a standard signification to it.

A *Constitution* is not a thing in name only, but in fact. It has not an ideal, but a real existence; and wherever it cannot be produced in a visible form, there is none. A *Constitution* is a thing *antecedent* to a Government, and a Government is only the creature of a *Constitution*. The *Constitution* of a country is not the act of its Government, but of the people constituting a Government. It is the body of elements, to which you can refer, and quote article by article; and which contains the principles on which the Government shall be established, the manner in which it shall be organised, the powers it shall have, the mode of elections, the duration of Parliaments, or by what other name such bodies may be called; the powers which the executive part of the Government shall have; and in fine, everything that relates to the complete organisation of a civil Government, and the principles on which it shall act, and by which it shall be bound. A *Constitution*, therefore, is to a Government what the laws made afterwards by that Government are to a Court of Judicature. The Court of Judicature does not make the laws, neither can it alter them; it only acts in conformity to the laws made: and the Government is in like manner governed by the *Constitution*.

Can, then, Mr. Burke produce the English Constitution? If he cannot, we may fairly conclude that though it has been so much talked about, no such thing as a

future assemblies will be the delegates of the Nation in its *organised* character. The authority of the present assembly is different to what the authority of future assemblies will be. The authority of the present one is to form a Constitution; the authority of future assemblies will be to legislate according to the principles and forms prescribed in that Constitution; and if experience should hereafter show that alterations, amendments, or additions are necessary, the Constitution will point out the mode by which such things shall be done, and not leave it to the discretionary power of the future Government.

A Government on the principles on which constitutional Governments arising out of society are established, cannot have the right of altering itself. If it had, it would be arbitrary. It might make itself what it pleased; and wherever such a right is set up, it shows there is no Constitution. The act by which the English Parliament empowered itself to sit seven years, shows there is no Constitution in England. It might, by the same self-authority, have sat any greater number of years, or for life. The bill which the present Mr. Pitt brought into Parliament some years ago, to reform Parliament, was on the same erroneous principle. The right of reform is in the nation in its original character, and the constitutional method would be by a general convention elected for the purpose. There is, moreover, a paradox in the idea of vitiated bodies reforming themselves.

X From these preliminaries I proceed to draw some comparisons. I have already spoken of the declaration of rights; and as I mean to be as concise as possible, I shall proceed to other parts of the French Constitution.

The Constitution of France says, *That every man who pays a tax of sixty sous per annum* (2s. 6d. English) *is an elector.* What article will Mr. Burke place against this? Can anything be more limited, and at the same time

Count Vergennes was the personal and social friend of Dr. Franklin; and the Doctor had obtained, by his sensible gracefulness, a sort of influence over him; but with respect to principles Count Vergennes was a despot.

The situation of Dr. Franklin, as Minister from America to France, should be taken into the chain of circumstances. The diplomatic character is of itself the narrowest sphere of society that man can act in. It forbids intercourse by the reciprocity of suspicion; and a diplomatic is a sort of unconnected atom, continually repelling and repelled. But this was not the case with Dr. Franklin. He was not the diplomatic of a Court, but of MAN. His character as a philosopher had been long established, and his circle of society in France was universal. Count Vergennes resisted for a considerable time the publication in France of the American Constitutions, translated into the French language: but even in this he was obliged to give way to public opinion, and a sort of propriety in admitting to appear what he had undertaken to defend. The American Constitutions were to Liberty what a grammar is to language: they define its parts of speech, and practically construct them into syntax. The peculiar situation of the then Marquis de la Fayette is another link in the great chain. He served in America as an American officer under a commission of Congress, and by the universality of his acquaintance was in close friendship with the civil government of America, as well as with the military line. He spoke the language of the country, entered into the discussions on the principles of Government, and was always a welcome friend at any election.

When the war closed, a vast reinforcement to the cause of Liberty spread itself over France, by the return of the French officers and soldiers. A knowledge of the practice was then joined to the theory; and all that was wanting to give it real existence was opportunity. Man

being capable of being every moment compared with the end of political institutions, may be more respected; and also, that the future claims of the citizens, being directed by simple and incontestable principles, may always tend to the maintenance of the Constitution, and the general happiness.

For these reasons the National Assembly doth recognise and declare, in the presence of the Supreme Being, and with the hope of his blessing and favour, the following *sacred* rights of men and of citizens:

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.

IV. Political Liberty consists in the power of doing whatever does not injure another. The exercise of the natural rights of every man, has no other limits than those which are necessary to secure to every *other* man the free exercise of the same rights; and these limits are determinable only by the law.

V. The law ought to prohibit only actions hurtful to society. What is not prohibited by the law should not be hindered; nor should any one be compelled to that which the law does not require.

VI. The law is an expression of the will of the community. All citizens have a right to concur, either personally or by their representatives, in its formation. It should be the same to all, whether it protects or punishes; and all being equal in its sight, are equally

presents itself to man like light intercepted by a cloudy medium, in which the source of it is obscured from his sight, and he sees nothing to reverence in the dusky ray.¹

The remaining articles, beginning with the twelfth, are substantially contained in the principles of the preceding articles; but in the particular situation which France then was, having to undo what was wrong, as well as to set up what was right, it was proper to be more particular than what in another condition of things would be necessary.

While the Declaration of Rights was before the National Assembly some of its members remarked that if a Declaration of Rights was published it should be accompanied by a declaration of duties. The observation discovered a mind that reflected, and it only erred by not reflecting far enough. A Declaration of Rights is, by reciprocity, a declaration of duties also. Whatever is my right as a man is also the right of another; and it becomes my duty to guarantee as well as to possess.

The first three articles are the basis of Liberty, as well individual as national; nor can any country be called free whose Government does not take its beginning from

¹ There is a single idea, which, if it strikes rightly upon the mind, either in a legal or a religious sense, will prevent any man, or any body of men, or any Government, from going wrong on the subject of Religion; which is, that before any human institution of Government was known in the world, there existed, if I may so express it, a compact between God and Man, from the beginning of time; and that as the relation and condition which man in his individual person stands in towards his Maker, cannot be changed, or any-ways altered by any human laws or human authority, that religious devotion, which is a part of this compact, cannot so much as be made a subject of human laws; and that all laws must conform themselves to this prior existing compact, and not assume to make the compact conform to the laws, which, besides being human, are subsequent thereto. The first act of man, when he looked around and saw himself a creature which he did not make, and a world furnished for his reception, must have been devotion, and devotion must ever continue sacred to every individual man, as it appears right to him; and Governments do mischief by interfering.

the principles they contain, and continue to preserve them pure; and the whole of the Declaration of Rights is of more value to the world, and will do more good, than all the laws and statutes that have yet been promulgated.

In the declaratory exordium which prefaces the Declaration of Rights we see the solemn and majestic spectacle of a Nation opening its commission, under the auspices of its Creator, to establish a Government, a scene so new, and so transcendently unequalled by anything in the European world, that the name of a Revolution is diminutive of its character, and it rises into a REGENERATION OF MAN. What are the present Governments of Europe but a scene of iniquity and oppression? What is that of England? Do not its own inhabitants say it is a market where every man has his price, and where corruption is common traffic at the expence of a deluded people? No wonder, then, that the French Revolution is traduced. Had it confined itself merely to the destruction of flagrant despotism perhaps Mr. Burke and some others had been silent. Their cry now is, "It has gone too far"—that is, it has gone too far for them. It stares corruption in the face, and the venal tribe are all alarmed. Their fear discovers itself in their outrage, and they are but publishing the groans of a wounded vice. But from such opposition the French Revolution, instead of suffering, receives an homage. The more it is struck the more sparks it will emit; and the fear is it will not be struck enough. It has nothing to dread from attacks: Truth has given it an establishment, and Time will record it with a name as lasting as his own.

Having now traced the progress of the French Revolution through most of its principal stages, from its commencement to the taking of the Bastille, and its establishment by the Declaration of Rights, I will

ing of the Nation, and resting on their own merits, disown any flattering applications to vanity. The continual whine of lamenting the burden of taxes, however successfully it may be practised in Mixed Governments is inconsistent with the sense and spirit of a Republic. If taxes are necessary, they are of course advantageous, but if they require an apology, the apology itself implies an impeachment. Why, then, is man imposed upon, or why does he impose upon himself?

When men are spoken of as Kings and subjects, or when Government is mentioned under the distinct or combined heads of Monarchy, Aristocracy, and Democracy, what is it that *reasoning* man is to understand by the terms? If there really existed in the world two or more distinct and separate *elements* of human power, we should then see the several origins to which those terms would descriptively apply; but as there is but one species of man, there can be but one element of human power, and that element is man himself. Monarchy, Aristocracy, and Democracy, are but creatures of imagination; and a thousand such may be contrived as well as three.

From the Revolutions of America and France, and the symptoms that have appeared in other countries, it is evident that the opinion of the world is changed with respect to systems of Government, and that Revolutions are not within the compass of political calculations.

The progress of time and circumstances, which men assign to the accomplishment of great changes, is too mechanical to measure the force of the mind, and the rapidity of reflection, by which Revolutions are generated: All the old Governments have received a shock from those that already appear, and which were once more improbable, and are a greater subject of wonder, than a general Revolution in Europe would be now.

RIGHTS OF MAN

PART THE SECOND

INTRODUCTION

WHAT Archimedes said of the mechanical powers may be applied to reason and liberty. "*Had we,*" said he, "*a place to stand upon, we might raise the world.*"

The Revolution of America presented in politics what was only theory in mechanics. So deeply rooted were all the Governments of the old world, and so effectually had the tyranny and the antiquity of habit established itself over the mind, that no beginning could be made in Asia, Africa, or Europe, to reform the political condition of man. Freedom had been hunted round the globe; reason was considered as rebellion; and the slavery of fear had made men afraid to think.

But such is the irresistible nature of truth that all it asks, and all it wants, is the liberty of appearing. The sun needs no inscription to distinguish him from darkness; and no sooner did the American Governments display themselves to the world than despotism felt a shock and man began to contemplate redress.

The Independence of America, considered merely as a separation from England, would have been a matter of but little importance, had it not been accompanied by a Revolution in the principles and practice of Governments. She made a stand, not for herself only, but for the world, and looked beyond the advantages herself could receive. Even the Hessian, though hired to fight against her, may live to bless his defeat; and England, condemning the viciousness of its Government, rejoice in its miscarriage.

revenue their objects. While such Governments continue, peace has not the absolute security of a day. What is the history of all monarchical Governments but a disgusting picture of human wretchedness, and the accidental respite of a few years' repose? Wearied with war, and tired with human butchery, they sat down to rest, and called it peace. This certainly is not the condition that heaven intended for man; and if *this be Monarchy*, well might Monarchy be reckoned among the sins of the Jews.

X The Revolutions which formerly took place in the world had nothing in them that interested the bulk of mankind. They extended only to a change of persons and measures, but not of principles, and rose or fell among the common transactions of the moment. What we now behold may not improperly be called a "*counter Revolution.*" Conquest and tyranny, at some early period, dispossessed man of his rights, and he is now recovering them. And as the tide of all human affairs has its ebb and flow in directions contrary to each other, so also is it in this. Government founded on a *moral theory, on a system of universal peace, on the indefeasible hereditary Rights of Man*, is now revolving from west to east by a stronger impulse than the Government of the sword revolved from east to west. It interests not particular individuals, but Nations in its progress, and promises a new era to the human race.

The danger to which the success of Revolutions is most exposed is that of attempting them before the principles on which they proceed, and the advantages to result from them, are sufficiently seen and understood. Almost everything appertaining to the circumstances of a Nation, has been absorbed and confounded under the general and mysterious word *Government*. Though it avoids taking to its account the errors it commits, and the mischiefs it occasions, it fails not to arrogate to itself

CHAPTER I

OF SOCIETY AND CIVILISATION

GREAT part of that order which reigns among mankind is not the effect of Government. It has its origin in the principles of society and the natural constitution of man. It existed prior to Government, and would exist if the formality of Government was abolished. The mutual dependence and reciprocal interest which man has upon man, and all the parts of a civilised 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. Common interest regulates their concerns, and forms their law; and the laws which common usage ordains, have a greater influence than the laws of Government. In fine, society performs for itself almost everything which is ascribed to Government.

To understand the nature and quantity of Government proper for man, it is necessary to attend to his character. As nature created him for social life, she fitted him for the station she intended. In all cases she made his natural wants greater than his individual powers. No one man is capable, without the aid of society, of supplying his own wants; and those wants, acting upon every individual, impel the whole of them into society, as naturally as gravitation acts to a centre.

But she has gone further. She has not only forced man into society by a diversity of wants which the reciprocal aid of each other can supply, but she has

implanted in him a system of social affections, which, though not necessary to his existence, are essential to his happiness. There is no period in life when this love for society ceases to act. It begins and ends with our being.

If we examine with attention the composition and constitution of man, the diversity of his wants and talents in different men for reciprocally accommodating the wants of each other, his propensity to society, and consequently to preserve the advantages resulting from it, we shall easily discover that a great part of what is called Government is mere imposition.

Government is no farther necessary than to supply the few cases to which society and civilisation are not conveniently competent; and instances are not wanting to show, that everything which Government can usefully add thereto, has been performed by the common consent of society, without Government.

For upwards of two years from the commencement of the American War, and to a longer period in several of the American States, there were no established forms of Government. The old Governments had been abolished, and the country was too much occupied in defence to employ its attention in establishing new Governments; yet during this interval order and harmony were preserved as inviolate as in any country in Europe. There is a natural aptness in man, and more so in society, because it embraces a greater variety of abilities and resources, to accommodate itself to whatever situation it is in. The instant formal Government is abolished, society begins to act: a general association takes place, and common interest produces common security.

So far is it from being true, as has been pretended, that the abolition of any formal Government is the dissolution of society, that it acts by a contrary impulse, and brings the latter the closer together. All that part

CHAPTER II

OF THE ORIGIN OF THE PRESENT OLD GOVERNMENTS

It is impossible that such Governments as have hitherto existed in the world, would have commenced by any other means than a total violation of every principle, sacred and moral. The obscurity in which the origin of all the present old Governments is buried, implies the iniquity and disgrace with which they began. The origin of the present Government of America and France will ever be remembered, because it is honourable to record it; but with respect to the rest, even flattery has consigned them to the tomb of time, without an inscription.

It could have been no difficult thing in the early and solitary ages of the world, while the chief employment of men was that of attending flocks and herds, for a banditti of ruffians to overrun a country and lay it under contributions. Their power being thus established the chief of the band contrived to lose the name of Robber in that of Monarch; and hence the origin of Monarchy and Kings.

The origin of the Government of England, so far as relates to what is called its line of Monarchy, being one of the latest, is perhaps the best recorded. The hatred which the Norman invasion and tyranny begat, must have been deeply rooted in the nation, to have outlived the contrivance to obliterate it. Though not a courtier will talk of the curfeu-bell, not a village in England has forgotten it.

Those bands of robbers having parcelled out the world, and divided it into dominions, began, as is naturally the case, to quarrel with each other. What at first was obtained by violence was considered by others as lawful

ment capable of embracing and confederating all the various interests and every extent of territory and population; and that also with advantages as much superior to hereditary Government, as the Republic of Letters is to hereditary literature.

It is on this system that the American Government is founded. It is representation ingrafted upon Democracy. It has fixed the form by a scale parallel in all cases to the extent of the principle. What Athens was in miniature, America will be in magnitude. The one was the wonder of the ancient world; the other is becoming the admiration, the model of the present. It is the easiest of all the forms of Government to be understood and the most eligible in practice, and excludes at once the ignorance and insecurity of the hereditary mode, and the inconvenience of the simple Democracy.

It is impossible to conceive a system of Government capable of acting over such an extent of territory, and such a circle of interests, as is immediately produced by the operation of representation. France, great and populous as it is, is but a spot in the capaciousness of the system. It is preferable to simple Democracy even in small territories. Athens, by representation, would have outrivalled her own Democracy.

That which is called Government, or rather that which we ought to conceive Government to be, is no more than some common centre, in which all the parts of society unite. This cannot be accomplished by any method so conducive to the various interests of the community as by the representative system. It concentrates the knowledge necessary to the interest of the parts, and of the whole. It places Government in a state of constant maturity. It is, as has already been observed, never young, never old. It is subject neither to nonage nor dotage. It is never in the cradle nor on crutches. It

is not in the persons, but in the laws. The enacting of those requires no great expence; and when they are administered the whole of civil Government is performed—the rest is all court contrivance.

CHAPTER IV

OF CONSTITUTIONS

THAT men mean distinct and separate things when they speak of Constitutions and of Governments, is evident; or why are those terms distinctly and separately used? A Constitution is not the act of a Government, but of a people constituting a Government; and Government without a Constitution is power without a right.

All power exercised over a Nation must have some beginning. It must either be delegated or assumed. There are no other sources. All delegated power is trust, and all assumed power is usurpation. Time does not alter the nature and quality of either.

In viewing this subject, the case and circumstances of America present themselves as in the beginning of a world; and our enquiry into the origin of Government is shortened by referring to the facts that have arisen in our own day. We have no occasion to roam for information into the obscure field of antiquity, nor hazard ourselves upon conjecture. We are brought at once to the point of seeing Government begin, as if we had lived in the beginning of time. The real volume, not of history, but of facts, is directly before us, unmutilated by contrivance or the errors of tradition.

I will here concisely state the commencement of the American Constitutions: by which the difference between Constitutions and Governments will sufficiently appear.

of those who exercise the Government. All the Constitutions of America are declared to be established on the authority of the people. In France, the word Nation is used instead of the people; but in both cases a Constitution is a thing antecedent to the Government, and always distinct therefrom.

In England it is not difficult to perceive that everything has a Constitution, except the Nation. Every society and association that is established first agreed upon a number of original articles, digested into form, which are its Constitution. It then appointed its officers, whose powers and authorities are described in that Constitution, and the Government of that society then commenced. Those officers, by whatever name they are called, have no authority to add to, alter, or abridge the original articles. It is only to the constituting power that this right belongs.

From the want of understanding the difference between a Constitution and a Government, Dr. Johnson and all writers of his description have always bewildered themselves. They could not but perceive that there must necessarily be a *controuling* power existing somewhere, and they placed this in the discretion of the persons exercising the Government, instead of placing it in a Constitution formed by the Nation. When it is in a Constitution it has the Nation for its support, and the natural and the political controuling powers are together. The laws which are enacted by Governments controul men only as individuals, but the Nation, through its Constitution, controuls the whole Government, and has a natural ability so to do. The final controuling power, therefore, and the original constituting power, are one and the same power.

Dr. Johnson could not have advanced such a position in any country where there was a Constitution; and he is himself an evidence that no such thing as a Constitu-

The first thing is, that a Nation has a right to establish a Constitution.

Whether it exercises this right in the most judicious manner at first is quite another case. It exercises it agreeably to the judgment it possesses; and by continuing to do so, all errors will at last be exploded.

When this right is established in a Nation, there is no fear that it will be employed to its own injury. A Nation can have no interest in being wrong.

Though all the Constitutions of America are on one general principle, yet no two of them are exactly alike in their component parts or in the distribution of the powers which they give to the actual Governments. Some are more, and others less complex.

In forming a Constitution, it is first necessary to consider what are the ends for which Government is necessary? Secondly, what are the best means, and the least expencive, for accomplishing those ends?

Government is nothing more than a national association; and the object of this association is the good of all, as well individually as collectively. Every man wishes to pursue his occupation, and to enjoy the fruits of his labours and the produce of his property in peace and safety, and with the least possible expence. When these things are accomplished, all the objects for which Government ought to be established are answered.

It has been customary to consider Government under three distinct general heads. The legislative, the executive, and the judicial.

But if we permit our judgment to act unencumbered by the habit of multiplied terms, we can perceive no more than two divisions of power, of which civil Government is composed, namely that of legislating or enacting laws, and that of executing or administering them.

occur. The Rights of Man are the rights of all generations of men, and cannot be monopolized by any. That which is worth following will be followed for the sake of its worth, and it is in this that its security lies, and not in any conditions with which it may be encumbered. When a man leaves property to his heirs, he does not connect it with an obligation that they shall accept it. Why, then, should we do otherwise with respect to Constitutions?

The best Constitution that could now be devised, consistent with the condition of the present moment, may be far short of that excellence which a few years may afford. There is a morning of reason rising upon man on the subject of Government that has not appeared before. As the barbarism of the present old Governments expires, the moral condition of Nations with respect to each other will be changed. Man will not be brought up with the savage idea of considering his species as his enemy, because the accident of birth gave the individuals existence in countries distinguished by different names; and as Constitutions have always some relation to external as well as to domestic circumstances, the means of benefiting by every change, foreign or domestic, should be a part of every Constitution.

We already see an alteration in the national disposition of England and France towards each other, which, when we look back to only a few years, is itself a Revolution. Who could have foreseen, or who would have believed, that a French National Assembly would ever have been a popular toast in England, or that a friendly alliance of the two Nations should become the wish of either? It shews that man, were he not corrupted by Governments, is naturally the friend of man, and that human nature is not of itself vicious. That spirit of jealousy and ferocity, which the Governments of the two countries inspired, and which they rendered sub-