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POLITICAL SCIENCE

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THOMAS PAINE'S POLITICAL THEORIES.

THE political theories of Thomas Paine were struck off in the course of a career that extended over the revolutionary quarter of the eighteenth century and persistently followed the storm centre of the revolutionary movement.¹ In January, 1776, he issued his famous pamphlet *Common Sense* — the strongest plea that was made for American independence; in the same year appeared *The Forester's Letters* — Paine's side of a controversy with Dr. William Smith, of Philadelphia; from 1776 to 1783 appeared thirteen letters under the heading of *The American Crisis*, and in 1786 the *Dissertations on Government, the Affairs of the Bank and Paper Money*.

In the same period Paine had served as aid to General Greene, as secretary of the Congressional Committee for Foreign Affairs and as clerk of the Pennsylvania Assembly. In 1787 he returned to England, where he published in 1791-92 *The Rights of Man*, as a reply to Burke's reactionary *Reflections on the Revolution in France*. Like his *Common Sense*, this production of Paine was extensively circulated and became widely influential. So obnoxious was its radicalism to the government that the author

¹ See Moncure D. Conway, *Life of Thomas Paine* (2 vols., Putnam's Sons, 1892). Also *Writings of Thomas Paine*, edited by Conway (4 vols., Putnam's Sons, 1894-96). The references in the present article, unless otherwise stated, are to this edition of the writings.

was prosecuted for "scandalous, malicious and seditious libel," and upon trial was outlawed.

Before his case was heard, however, Paine passed over to France, where he entered the National Convention in the capacity of representative. In this new scene of activity the irrepressible agitator played, as elsewhere, a conspicuous part. He was a member of the committee which framed the Constitution of 1793,¹ and was active in the proceedings against Louis XVI, though he opposed the execution of the king. Among his writings during his stay in France were an *Anti-Monarchical Essay* (1792), the *Age of Reason* (1794-95), a *Dissertation on First Principles of Government* (1795) and *Agrarian Justice* (1797).

Paine returned to America in 1802 and plunged at once into the conflict against the Federalists, with a series of letters *To the Citizens of the United States* (1802-3). He also wrote on the proposed constitutional convention in Pennsylvania (1805). These last years of Paine's life were not happy. His bitter letter to Washington² and the radical doctrines of the *Age of Reason* had estranged many of his friends and had made him many enemies, so that the career of the author of *Common Sense* closed in comparative obscurity and neglect.³

It is the purpose of this paper to examine the political ideas for which this ubiquitous revolutionist carried on so long, so vigorous and so frequently successful a propaganda. Did he "breathe the political atmosphere" of Rousseau and Locke? and was his genius "from the first that of an inventor"?⁴ Or did he merely "prate about the rights of man"?⁵ These are questions that may be answered by a study of Paine's writings in their relation to general political theory.

¹ Conway says: "It is certain that the work of framing the Constitution of 1793 was mainly intrusted to Paine and Condorcet."—Writings, III, 128.

² Writings, III, 213 (1796). For Paine on John Adams, see III, 390.

³ Paine was denied the right of suffrage at his home in New Rochelle in 1806.—See Life, II, 374.

⁴ Conway, Introduction to Writings of Thomas Paine.

⁵ McMaster, History of the People of the United States, II, 620.

I.

A fundamental distinction in the political theory of Paine is that drawn between society and government.¹ The social condition he regards as the natural state of man, the governmental as purely artificial. Men are attracted into society, on the one hand, by certain wants which can be satisfied only by means of social coöperation and, on the other, by that love for society and social relations which is implanted in men from birth. Life in society, then, Paine regards as perfectly natural and normal. It is in this social state, moreover, that Paine finds the basis for the natural rights upon which his whole system rests. Burke, who was as much afraid of political change as Plato, had in his *Reflections* contended for government in accordance with historical precedent. To this argument Paine agreed; but, said he, if the justification for government is to be found in precedent, we must not stop short of the first and foremost precedent. In this search he finds that

it is authority against authority all the way till we come to the divine origin of the rights of man at the creation. Here our inquiries find a resting place and our reason finds a home.²

If, then, we are to follow precedent, the state of man at the creation stands first in the series. But man, fresh from the hands of nature, possesses a body of original or natural rights, such as liberty, equality, *etc.*³ That there may be no lack of connection between the primitive and the present state, Paine goes on to show that every child born into the world has the same kind of rights, as if "posterity had been continued by creation instead of generation." The state of nature, then, affords the first great precedent.

In this state of society men might have lived in peace and happiness without government, had the "impulses of conscience" been "clear, uniform and irresistibly obeyed."⁴ Men are, how-

¹ See *Common Sense*, I, 69; *Rights of Man*, II, 406-11.

² *Rights of Man*, II, 304.

³ See Declaration of Rights in French Constitution of 1793, which contained Paine's ideas on natural rights.

⁴ *Common Sense*, I, 71; also *Rights of Man*, II, 406.

ever, morally weak and imperfect, and hence require some restraining power. This is found in government, which is defined as "a mode rendered necessary by the inability of moral virtue to govern the world."¹ Unconsciously following the theory of St. Augustine, Paine declares that "government, like dress, is the badge of lost innocence. The palaces of kings are built upon the ruins of the bowers of paradise." Government was in his eyes a "necessary evil": "the more perfect civilization is, the less occasion has it for government." Little importance is attached to what he terms "formal government." The security of the people, their comfort and their progress, depend much more upon society than upon government. Social usage and custom, the mutual relations of men and their mutual interests, are of far greater influence than any political institutions, however perfectly constructed or skillfully operated. Government is needed only in those few cases where society cannot conveniently act. There are even instances where all the ordinary functions of government have been performed by society alone, as in the American colonies during the first years of the Revolutionary War.² On the whole, society is "a creature of our wants," government of our "wickedness"; society is a blessing, government is an evil; society is a "patron," government a "punisher."

The transition from society to government is effected by a contract between members of the society.³ By the terms of this agreement, each individual retains all the rights which he is able to enforce, such as "rights of the mind," and the right to act for one's own happiness where this is not in conflict with the happiness of others. Rights which one possesses but is unable to enforce are deposited in the "common stock"; and, as Paine says, the individual "takes the arm of society in preference to his own." After the formation of government every man has two classes of rights: natural rights, by virtue of his membership in the human race; civil rights, by virtue of his membership in civil society.

¹ Common Sense, I, 71.

² Rights of Man, II, 407.

³ *Ibid.*, II, 306.

Paine denied, as Rousseau had denied, the existence of a contract between people and government;¹ for such a contract would suppose the existence of a government before it had a right to act. The government could not logically be a party to the contract which created it. The only contract between government and people which Paine would admit is that the people should pay their governors as long as they retain them in the popular service.

II.

In the classification of the forms of government, Paine does not always adhere to the same canons of distinction. In one place he declares that there is but one species of man and one element of power; and that, therefore, "monarchy, aristocracy and democracy are but creatures of the imagination, and a thousand such may be contrived as well as three."² Again, from an historical point of view, there have been three classes of governments: first, government by superstition, in which the rulers and the priesthood are in close alliance; second, government by brute force, in which authority is obtained by conquest; and, third, government based on the rights of man.³ The classification most commonly used divides government into two groups: government by "hereditary succession" and government by "election and representation."⁴ Monarchy and aristocracy fall under the first of these classes; democracy, under the second.

For government by "hereditary succession" Paine, like Rousseau, had a deep-seated dislike. All hereditary government he looked upon as tyranny. There is no justification for such government on the basis either of right or of utility. In support of the legitimacy of the hereditary form, it might be urged that such a right was derived from the contract to which Paine stood committed; but to this he would reply that no one generation of men has power to bind another. A nation

¹ Rights of Man, II, 432.

² *Ibid.*, II, 384, 385.

³ *Ibid.*, II, 308. For another classification see Dissertations on Government, II, 133.

⁴ Rights of Man, II, 414; First Principles, III, 257.

is in a constant state of change : infants are daily born into it and the aged are daily leaving ; and in this ever-running flood of generation there is no part superior in authority to another. "Man," he argues, "has no property in man ; neither has one generation a property in the generations that are to follow." Or, as otherwise expressed :

Our ancestors, like ourselves, were but tenants for life in the great freehold of rights. The fee absolute was not in them, it is not in us : it belongs to the whole family of man through all ages.¹

Paine suggests that "all laws and acts should cease of themselves in thirty years ; it would prevent their becoming too numerous or voluminous."²

Again, it might be maintained that the right to hereditary succession had been acquired by prescription. But Paine will have none of this. To say that the right is acquired by time, is either to put time in the place of principle or make it superior to principle ; whereas time has no more connection with principle than principle has with time.

The wrong which began a thousand years ago is as much a wrong as if it began to-day, and the right which originates to-day is as much a right as if it had the sanction of a thousand years.

Political radicalism never found more complete expression than in the declaration of Paine : "Time, with respect to principles, is an eternal now."³

Failing to find a basis of right for hereditary government, Paine is no more successful in discovering support for the system in utility. He is blind to all elements of strength it may contain, and is able to see nothing in the hereditary system

¹ First Principles, III, 262.

² Dissertations on Government, II, 165. Compare Jefferson, Works (Ford's ed.), II, 115.

³ First Principles, III, 260.— But Pennsylvania, Paine argued at another time, had no right to annul the charter of the Bank, because "the state is still the same state. The public is still the same body. . . . These are not new created every year, nor can they be displaced from their original standing, but are a perpetual permanent body, always in being and still the same." The next generation may annul the charter, but not the present.— See Dissertations on Government, Writings, II, 147, 166.

but an unnatural and absurd method of selecting governmental officials. The plan is contrary to nature and to reason; and it is, in fact, hardly conceivable how apparently sensible people ever came to adopt it. We do not attempt to secure "an hereditary mathematician," or an "hereditary wise man," or an "hereditary poet laureate"; why, then, choose our governors after this fashion? The only parallel to the doctrine of hereditary succession is found in the theological tenet of original sin.

In Adam all sinned, and in the first electors all men obeyed; in the one all mankind were subjected to Satan, and in the other to sovereignty; our innocence was lost in the first, and our authority in the last.¹

In the institution of monarchy Paine can discern nothing whatever that is worthy of approval, much less of imitation. Every king is to him a George III, and a George III at his worst. The whole vocabulary of epithet is exhausted in the effort to render monarchy odious and ridiculous. "Sceptred savage," "royal brute," "breathing automaton," are presented as accurate characterizations of kings. Burke's elaborate and eloquent plea for the "divinity that doth hedge about a king" was wholly unappreciated by Paine, who compared monarchy to something kept behind a curtain about which there is a great deal of bustle and fuss, and a wonderful air of seeming security; but when by any accident the curtain happens to open and the company see what it is, they burst into laughter.²

Kings are only useless and expensive figureheads — the sooner dispensed with, the better. The only function performed by the English king is that of making war and giving away places for £800,000 a year and being worshiped into the bargain.³ Even in a representative government Paine would oppose the establishment of a single executive, because one man will always be at the head of a party and because, moreover, there is a certain debasement involved in the idea of obedience

¹ Common Sense, I, 81.

² Rights of Man, II, 426.

³ Common Sense, I, 84. Paine admits that in an absolute monarchy a king may be of some service.

to any one individual.¹ Paine's opinion of monarchy is fairly expressed when he declares: "Of more worth is one honest man to society and in the sight of God than all the crowned ruffians that ever lived."² This single statement contains both his premises and his conclusions.

Aristocracy Paine disliked almost as much as monarchy; but the weight of his argument (or invective) was naturally directed against kings rather than aristocrats. George III and Louis XVI were the objective points of his attack. His principal arguments against aristocracy were: that it is kept up by family tyranny and injustice, that it establishes a body of men unaccountable to any one and therefore not to be trusted, and that it has a tendency to "degenerate" the species. "The artificial noble," he said, "shrinks into a dwarf before the noble of nature."³ Both monarchy and aristocracy, he thought, were doomed to speedy dissolution; and he did not believe that they would "continue seven years longer in any of the enlightened countries of Europe."⁴

Rejecting all forms of "hereditary government," it appears that the only worthy form is the representative or republican. A republic, however, is with Paine more a matter of principle than of form: in fact, any government established and conducted for the public good is a republic.⁵ The security that government will be so administered is found in the social contract, which guarantees the rights of all; otherwise, "despotism may be more effectually acted by many over a few than by one man over all." The essence of republican government is, therefore, that the "principle of despotism" be given up and that of contract and consent accepted. This insured, we are led up naturally to a system of "election and representation." On this question Paine parted from Rousseau and was an ardent advocate of representative government. Moreover, his idea of the extent to which the citizens should share in this representation was unusually broad. He denounced even

¹ Letter to Washington, III, 214.

⁸ Rights of Man, II, 323.

² Common Sense, I, 84.

⁴ *Ibid.*, II, 398.

⁵ Dissertations on Government, II, 137, 138.

the feeblest barrier in the form of a property qualification, and declared himself in favor of universal manhood suffrage.¹ The basis of representation, he contends, should be personal rather than property rights. Personal rights may, indeed, be regarded as a "species of property of the most sacred kind." As for wealth, as commonly understood, its possession is "no proof of moral character; nor poverty of the want of it." In regard to protection to the "landed interests," there is no reason why they should be guarded more than any other class of interests; but if there were especial cause, the surest guaranty would be found in the grant of equal rights to all. This follows, because a high property qualification excludes a majority of the population, who are likely to become hostile to the government and to endanger the security and safety of all. Furthermore, argues Paine, government is not organized on the same principle as a bank or a corporation, where property is the sole subject of discussion. In such cases it may be just to allot representation in proportion to property; but government is organized upon a different principle from such associations. It takes cognizance of every citizen, whether he has much or little or no property at all. The basis of representation should be, he urges, as broad as the subjects to which the government applies, and hence all should be entitled to the franchise. Representative government, therefore, should rest upon no narrower foundation than manhood suffrage.²

III.

The tripartite division of governmental powers into executive, legislative and judicial, as marked out by Montesquieu and generally received by eighteenth-century republicans, was not acceptable to Paine. He agreed to the principle of division, but not to the form commonly adopted. Paine held that there are only two classes of governmental powers — the willing or decreeing and the executing; one corresponding to the

¹ The Constitution of 1795, III, 280; First Principles, III, 265 *et seq.*

² First Principles, III, 268, 269.

faculties of the mind, the other to those of the body.¹ If the legislature wills and the executive fails to perform, as in a man when the mind wills and the body does not execute, a condition of imbecility results; or, if the executive acts without the predetermination of the legislature, a state of lunacy. The third and omitted power — the judiciary — is, in Paine's opinion, not a separate and distinct power at all, but is, strictly speaking, as in the modern French theory, a part of the executive. The latter he looks upon as made up of "all the official departments that execute the laws"; and of these the judiciary is the chief.²

For mixed or balanced governments Paine cared but little. Mixed government he derides as "an imperfect everything, cementing and soldering the discordant parts together by corruption to act as a whole."³ In the system of checks and balances which Montesquieu found in the English constitution, Paine had little confidence. The greatest weight in any government will, he thinks, be the controlling power;⁴ and, though the other powers may retard the rapidity of its motion, they are unable to prevent its ultimate success. The strongest power will finally prevail, and "what it wants in speed is supplied by time." In the English constitution the crown is the heaviest weight and, therefore, the controlling power.⁵

Paine's conception of a constitution is that of a definite body of instructions, or general rules, in accordance with which government is to be carried on.⁶ The constitution is the creation, not of the government, but of the people or the society. Thus, the National Assembly of France (1791) represents the society "in its *original* character"; but, after the formation of a constitution, future Assemblies will represent the society "in its *organized* character."⁷ A constitutional convention does not

¹ Answer to Four Questions, II, 238, 239; First Principles, III, 275.

² First Principles, I, 276.

³ Rights of Man, II, 383.

⁴ Common Sense, I, 74.

⁵ See analysis of English Constitution, I, 72-74.

⁶ Rights of Man, II, 309.

⁷ Rights of Man, II, 311; Dissertations on Government, II, 147.

signify to Paine a representation of the state, but of what he calls the "society," the "people," the "nation." Paine, moreover, thinks of a constitution as something which exists, not "in name only, but in fact"; which has "not an ideal, but a real existence"; and which can, furthermore, be produced "in a visible form"—in other words, a written constitution. Burke could not produce a copy of the English constitution; therefore, "we may fairly conclude that, though it has been so much talked about, no such thing as a constitution exists."¹ Cloudy as this part of his constitutional theory may be, there are other places where Paine shows great clearness of thought. Especially is this true in regard to the amendment of constitutions. Rigidity and inflexibility he considers as highly undesirable in the organic law.² The constitution should contain provision for its own amendment; for, however advantageous it might be for posterity to inherit a perfect constitution, such a consummation is impossible. "We should not," he says, "allow our anxiety for their [posterity's] welfare to carry us to the pitch of doubting their capacity. They might be wiser than we are."

In his practical politics Paine favored, as we have already seen, a system of representative government, based on manhood suffrage. Further, the executive power should not be centered in the hands of one man, and should not possess a veto.³ The legislature should consist of one house only, in which all the good and none of the bad effects of a bicameral system should be secured, by dividing the house into two sections for debate on every question, the combined vote of the two divisions being taken to determine the result.⁴ In regard to the judiciary, Paine condemned tenure during good behavior, and thought that judges should be elected annually, or for the same term as other officers. Lawyers he denounces in

¹ Rights of Man, II, 310.

² Answer to Four Questions, II, 249-251.

³ See Constitutional Reform, III, Appendix G.

⁴ Four Questions, II, 236; Constitutional Reform, III, 462. In the Four Questions he "is a little inclined to admit the idea of two chambers with an arbitrary and reciprocal veto." (II, 244.)

rather severe terms—asserting, for example, that the bar “lives by encouraging the injustice it pretends to redress.” He distinguishes between “lawyers’ law” and “legislative law,” and protests against the former, because it is “a mass of opinions and decisions, many of them contradictory to each other.” Paine holds courts of arbitration in high favor and recommends resort to them, whenever possible, in preference to the ordinary tribunals.

IV.

Other points of interest and importance in Paine’s politics are found in his scheme for a progressive income tax¹ and his plan for “agrarian justice.”² The first of these suggestions is found in the *Rights of Man*, where he outlines a plan for an income tax ranging from threepence per pound, on £50 clear yearly income, to twenty shillings—or confiscation—for the twenty-third thousand of clear yearly income. In the same connection is presented an elaborate plan for state aid to the poor in the shape of pensions, donations for marriages and births, allowances for funeral expenses, employment for the casual poor in London and Westminster³ and other like measures.

The scheme for “agrarian justice” starts with the proposition that all men have an equal right to “natural property,” though not to “artificial property.” The object of the plan is to make every individual secure in this right to “natural property.” Estimating that the natural wealth changes hands by inheritance every thirty years, Paine proposes to tax all inheritances ten per cent and all those descending out of the direct line an additional ten per cent. From this fund every man, when he arrives at the age of twenty-one, is to be paid the sum of £15, and every person over fifty may require £10 per year. In this way every one will be secured in his original right to “natural property.”

¹ *Rights of Man*, II, 497.

² *Agrarian Justice*, III, 322–344; see also his *Maritime Compact*, III, 421, and other propositions in the latter part of the *Rights of Man*.

³ *Rights of Man*, II, 501, 502.

These propositions of Paine are an excellent illustration of the flexible character of "natural-right" philosophy. Government, in his theory, is at once a necessary evil, with narrowly circumscribed functions, and, on the other hand, a beneficent instrument admirably adapted to collect a confiscatory income tax or a twenty per cent inheritance tax, or to administer schemes for state assurance of employment and support. The "rights of man" are turned with equal ease to the support of either scientific anarchy or a socialistic system. Paine, it is true, was neither a socialist nor an anarchist; but there was nothing in his fundamental theory to hinder him from becoming the one or the other.

Another interesting illustration of the subjective character of the "rights of man" is furnished by Paine's answer to the remonstrance of the people of Louisiana requesting the privilege of self-government.¹ In answer to their petition for the recognition of their "natural rights," Paine asks: "Why did you not speak this when you ought to have spoken it? We fought for liberty when you stood quiet in slavery." In language strangely at variance with his *Rights of Man*, he suggests that the petitioners already enjoy a degree of liberty;

and in proportion as you become initiated into the principles and practice of the republican system of government, of which you have yet had no experience, you will participate more and more, and finally be made partakers of the whole.

A proof of their incapacity is found in the fact that "under the name of rights you ask for powers — power to import and enslave Africans,² and to govern territory that *we* have *purchased*." Inalienable rights, it would seem, may be forfeited under certain circumstances, and political liberty is not a thing to be considered apart from political capacity.

¹ For the Remonstrance, see *Annals of Congress*, 1804-1805, p. 1597; Paine's Reply (1804), in *Writings*, III, 430-436.

² Paine's first essay for publication was on African Slavery in America. — *Writings*, I, 4.

V.

From the foregoing sketch it seems clear that Paine cannot be classed as a great political thinker. His theories of the state of nature, the rights of man, the social contract, representative government—in fact, all the great features of his system had been marked out before and better by others. Paine was not a philosopher, but an agitator. The source of his power is found in his rare faculty for popular statement of radical political ideas. Few political writers have had a more perfect mastery of the art of popular persuasion—few have played more skillfully on the popular chords than the author of *Common Sense* and the *Rights of Man*. Only one voice, that of Rousseau, has proclaimed with greater effect the democratic doctrines of the natural-right school. The *Contrat Social*, however, rejected the representative system; so that Paine was, in fact, the great popular champion of radical democracy in the latter part of the eighteenth century.

The influence exerted by Paine in his advocacy of democracy, though popular rather than scientific in its nature, was by no means inconsiderable. In France he helped to combat Abbé Siéyès's plan for an hereditary monarchy and aided in the establishment of the phrases and forms, at least, of constitutional liberty, even if its life was wanting. That England was moved by his arguments in the *Rights of Man*, is evident from the extensive circulation of the work and the widespread controversy which it aroused. His influence is noticeable in such works as William Godwin's *Enquiry Concerning Political Justice*, published in 1793. The European influence of Paine was crippled, however, by the fact that he was imperfectly adapted to the rôle of revolutionist in either of the two states where he labored. He was too French for the English and too English for the French. No checks and balances, no monarch, no hereditary nobility, but government based upon manhood suffrage—these were ideas that ran counter to English instinct, especially in England, frightened by the scenes across the channel. On the other hand, Paine was hardly radical enough to keep even

pace with the progress of the French Revolution. As he says in his reply to the Louisiana remonstrance, "You see what mischief ensued in France by the possession of power before they understood principles. They earned liberty in words, but not in fact." Paine's political ideas and political spirit were, after all, English and not French. With the French Declaration of the Rights of Man he did not disagree, but in the practical application of its ideas to political organization he was certain to differ.

In America Paine's power was weakened by the appearance of his *Age of Reason*, which extended his radical activity from the field of politics to that of religion. The conservatives, moreover, now that the American Revolution was accomplished, were inclined to forget the doctrines of that period and to think more of the duties than of the rights of man. So, an answer to Paine's greatest work was undertaken by J. Q. Adams, in a series of letters over the signature "Publicola." On the other hand, Jefferson and the Jeffersonian democracy accepted and approved in great part the political ideas of Paine. His hatred of England and his championship of manhood suffrage tended to make his general theory acceptable; and it is perhaps fair to say that John Adams's *Defense of the Constitutions of Government of the United States* and Paine's *Rights of Man* represented the political theory of the two great branches of American democracy of that day.

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