Introduction

Thomas Paine is an Anglo-American political icon: a brandy-swilling, swashbuckling, straight-talking, revolutionary campaigner, whose writings – more than those of any other – captured the zeitgeist of the two most significant political events of the eighteenth century, the American and French Revolutions. Widely acknowledged by historians as the most important pamphleteer, polemicist and political activist of his age, his writing has nevertheless suffered remarkable neglect from political theorists and philosophers. Indeed, despite having been the subject of much valuable scholarly attention throughout the twentieth century, there has been relatively little interest expressed in Paine that has not been either of a purely historical or of a biographical nature.[1] He is rarely thought to have advanced any intrinsically interesting or original viewpoints about politics; nor are his works often included in the lists of great modern texts that students of political philosophy are required to read during their studies. His uniqueness as a writer is thought to be found not in the substance of his theoretical reflections, but to lie instead in the provocative manner he adopted and demotic language he used, as well as in the political action that his works inspired and influenced.[2] At the same time, Paine's political legacy is

[1] John Keane's *Tom Paine: A Political Life* (London: Bloomsbury, 1995) is, by some distance, the most comprehensive and impressive biographical treatment of Paine. Previous biographies include Moncure Conway, *The Life of Thomas Paine* (London: Knickerbocker Press, 1892); W.E. Woodward, *Tom Paine: America's Grandfather* (London: Secker and Warburg, 1946); Alfred Owen Aldridge, *Man of Reason: The Life of Thomas Paine* (London: Cresset, 1959); D. Hawke, *Paine* (New York: Harper and Row, 1974); D. Powell's *Tom Paine: The Greatest Exile* (London: Croom Helm, 1984); A.J. Ayer, *Thomas Paine* (London: Secker and Warburg, 1988); Jack Fruchtman, Jr., *Thomas Paine: Apostle of Freedom* (New York: Four Walls Eight Windows, 1984).

[2] There are notable exceptions to this tendency, such as Gregory Claeys, *Thomas Paine: Social and Political Thought* (London: Unwin Hyman, 1989), Mark Philp, *Paine* (Oxford: Oxford University Press, 1989), Jack Fruchtman, Jr., *Thomas Paine and the Religion of Nature* (Baltimore: The Johns Hopkins University

today somewhat schizophrenic, insofar as he is lauded at once by the libertarian 'Tea Party' right in the USA and by the Bennite socialist left in the UK, his memory invoked warmly and authoritatively by American presidents as ideologically divergent as Ronald Reagan and Barack Obama.

With this scholarly neglect and ambiguous public legacy in mind, my aim in this study is to rehabilitate Paine's theoretical reputation and demonstrate that his writing contains a political philosophy that is fundamentally coherent and of continuing interest and relevance for the way in which we think about human rights and their implications. To this end, I present an analytical reconstruction of his political theory, which demonstrates his commitment to the concepts of individual freedom and human moral equality. I draw on a variety of Paine's essays, pamphlets and letters across a diverse range of themes that are prominent both in his writing and in contemporary political philosophy. These themes include the grounds for (and limits to) political obligation; the nature of and justification for representative democracy; the right to own private property and entitlements to welfare provisions; international relations and global justice; and the nature of religion and its relationship to secular liberalism. I argue that on each of these topics Paine has something to say that is genuinely unique within the history of ideas and, when taken as a whole, his thought represents a distinct contribution to political philosophy.

In addition to the individual interpretive claims put forward about particular political themes, there is a general, overarching argument that I pursue throughout the book. This argument concerns the identity

Press, 1993), Jack Fruchtman, Jr., *The Political Philosophy of Thomas Paine* (Baltimore: The Johns Hopkins University Press, 2009). These works do, however, only go so far to address the neglect of Paine as a political theorist of enduring significance. Although Claeys achieves his objective of 'a fairer and more detailed treatment of [Paine's] ideas' (3), the thrust of his analysis is contextual: he thus suggests that 'If one thread runs through my interpretation of Paine, it is the attempt to place his ideas and their reception in the context of the recrafting of republican ideals by political reformers in the light of their increasing acceptance of commercial society' (5). Philp's book succeeds in its aim to offer 'a much fuller account of Paine's political theory . . . than can be found in most of the work on him published so far' (x), but is intended primarily as an introduction to his thought. The emphasis in Fruchtman Jr.'s two studies is again historical and his interpretive claims about Paine's homiletic style and naturalistic religious beliefs stem from an interest in the political languages he invoked rather than the substantive theory he articulated.

of Paine's thought. I aim to show that his thought offers a *liberal* theory of human rights, one that is historically and philosophically distinct and should be regarded as theoretical progenitor of our most familiar understanding of this idea. This suggestion requires some immediate clarification. Most obviously, I need to spell out what I take liberalism to mean, why we should think Paine an affiliate and why we might consider his thought as a historically significant variant of it. The definition of liberalism that I work with here should hopefully not be too controversial. I conceive it broadly as a historical tradition comprised of individual viewpoints that – though not necessarily shared in an exact sense – overlap sufficiently for it to have definitive intellectual characteristics, such that it can be distinguished from others.[3] This construal allows for the existence of a number of subterranean intellectual traditions within liberalism (as in the case of libertarianism) as well as for crossovers between traditions (as in the case of liberal feminism). The reconstruction of intellectual traditions – and location of past thinkers within them – is one of the main tasks undertaken by historians of ideas. An obsession with classifying a thinker can of course become tiresome if approached in too partisan a fashion, or if the label is regarded as an interpretive straightjacket that tries to force a thinker exclusively into one political camp. But if done with an open mind, there is huge value in properly situating thinkers within traditions: doing so improves our understanding of the philosophical identity of the former and of the historical development of the latter.

Though a rich and diverse tradition, liberalism is usually characterised by its commitment to the normative sanctity of the individual.[4] The striking feature of modern liberalism as an intellectual tradition is the ascription of inviolable human rights to all persons in recognition of

[3] The fact that traditions identified by historians must have some definitive characteristics does not imply that they are hypostatised entities with essential characteristics, but are rather contingent products of individual thought. The understanding of tradition that I invoke is outlined by Mark Bevir in *The Logic of the History of Ideas* (Cambridge: Cambridge University Press, 1999), 200–213.

[4] It might be objected that utilitarian theories – those that call for the maximisation of happiness as a matter of political right – provide an example of a variant of liberalism that is incapable of adequately protecting the individual. But even if this is true in terms of its implications, it cannot be denied that utilitarianism is itself a fundamentally individualistic doctrine, grounded in Bentham's justification of aggregation: the insistence that 'every man [is] to count for one, and nobody for more than one'.

that commitment. The rights that liberals ascribe to individuals are explained with reference to the status of persons as moral *equals*. Such rights are, in turn, most often ascribed to individuals for the purpose of protecting, or enabling, individuals to exercise, or benefit from, *freedoms*. Rights, equality and freedom are the concepts that define modern liberalism. These concepts are central to Paine's political thought.

While the substantive character of Paine's liberalism will be borne out during the course of my reconstruction of his thought, the question of his historical significance within that tradition should be mentioned at the outset. His thought is not novel purely by virtue of its individualism, nor because of the inviolability of the rights he identifies; nor is it so because of his commitments to basic equality and to the protection of valuable freedoms. Several of these themes are prominent features in the writings of canonical early modern political thinkers, most notably in the contractualist thought of Thomas Hobbes, John Locke and Jean-Jacques Rousseau. Yet, as I argue, Paine is importantly different from these writers because the nature of his thought marks him out as the progenitor of our modern understanding of human rights.

As my analysis does not – at least not by design – concern itself with the development of Paine's thought over time, its structure is not chronological. Nor does it approach each of his works separately, though certain chapters will focus on only one or two texts in some detail. In each chapter, I explore Paine's viewpoints on questions prominent in modern political thought, which together comprise a theory of human rights. In the first chapter – before I get to Paine's writing – I address some methodological issues: I explain why it is both possible and valuable to treat his texts as works of political philosophy concerned with perennial problems, rather than as pamphlets to be understood only in their particular ideological contexts. I then move on, in the second chapter, to the fundaments of his political beliefs: this involves attention to his understanding of the moral universe, his account of basic liberal rights and his axiomatic commitment to human equality. His thinking on these issues is most explicit in *Rights of Man*, where he engages with the conservatism of Burke, which he rejects in favour of a rights-based liberalism. Through his rejection of Burke, Paine outlines a seemingly libertarian theory of political obligation, which insists that the existence of a general duty of obedience to government is entirely dependent upon the consent of living

individuals. I outline this argument as well as his commitment to basic liberal rights to freedom of action, thought and expression and to a state that is neutral between competing visions of the good life. I argue that his commitment to such rights is based on the value that freedom has for individuals and his belief in the legitimate pluralism of a political community.

Having established that consent and the protection of individual rights are the necessary conditions for legitimate political authority, I turn, in the third chapter, to Paine's account of the structure of the just political system, attention to which undermines the plausibility of a purely libertarian interpretation of his thought. He makes it quite clear – in *Rights of Man, Part Two*, and elsewhere – that government must adopt a certain structure: it has to be a representative democracy. I unpack Paine's argument for representative democracy and show that he believes it can protect equality amongst citizens through a kind of 'publicity principle' that requires there to be public fora that enable comprehensive political engagement across – and the display of civic virtue within – a community. I then provide a theoretical reconciliation between his liberal commitment to rights and his republican commitment to civic virtue.

The fourth chapter focuses on Paine's view of economic rights, reconstructing his theory of private property and distributive justice. I draw on his work *Agrarian Justice* to explain his account of legitimate acquisition and ownership. His theory of property stands singularly in the history of political thought, not least because of the way in which it fuses commitments to liberty and equality. I show that Paine offers a labour theory of acquisition, which departs from Locke by placing normative justification on the value added through initial acts of cultivation on the natural world. This departure generates a radical egalitarianism from within an otherwise libertarian theory of property by insisting that the value of the natural world that preceded such cultivation remains commonly owned in a significant moral sense. After showing how Paine manages a simultaneous adherence to libertarian rights of ownership and the egalitarian principle of redistribution through government taxation, I discuss the rights to welfare provisions that he defends in *Rights of Man, Part Two*.

In the fifth chapter, I consider how Paine's individualistic theory of liberal rights translates to the global sphere by examining his conception of international relations. I argue that while there is much evidence

to explain why he is understood to be a cosmopolitan theorist committed to universal political norms, this reading becomes problematic when his defence of the rights of nations is appreciated fully. In order to resolve the tensions between his cosmopolitanism and his idea of nationhood, I argue that national sovereignty must be thought conditional on a background of liberal rights. What emerges following this resolution is a species of cosmopolitanism, one that accords absolute priority to the protection of universal human rights. The Paineite theory of international relations raises questions about possible liberal intervention between states, while the trumping force of libertarian consent means that the prospect of global governance is accorded legitimacy without actual endorsement.

In the sixth and final chapter, I turn to an important but oft-ignored area of Paine's thought: the question of its religious basis and how his professed Deism fits with his political ideas. I outline the nature of Paine's Deist religious commitments and his reasons for rejecting Christianity and then examine the connection between his belief in God and his political philosophy. I argue that it is through God – and specifically through the idea that we are created by God – that Paine grounds his assertion of equality, but that his theology does not make any thick imprint on his broader account of justice. I then turn finally to consider his vindication of God's existence, which I suggest is best understood as a phenomenology of religion, rather than an attempt at deductive reasoning. At the heart of considerations of his religious beliefs is the identity of his liberalism itself, which emerges as normatively secular but foundationally theological.

The overall argument that I pursue throughout the book – and to which each chapter should be thought a contribution – is that Paine's views comprise a liberal theory of human rights. His texts provide the statement of a philosophy that remains highly relevant to twenty-first-century politics. It is nevertheless important to emphasise from the beginning that this study is not an attempt at a vindication of Paine's theory. Nor is it an attempt to solve problems in contemporary political theory, if this is understood to mean finding final answers or solutions in the writings of a long-dead thinker. It is rather an exercise in interpretation, one in which I seek to animate the spirit of Paine's thought in a novel, productive, yet faithful way, and to include his voice in conversations from which he has traditionally been excluded. My objective

is to depict him in a manner akin to the portrait by Laurent Dabos on the front of this book: as someone who – as well as being an influential political actor writing during dangerous, raucous times – spent a lot of time at a desk in a quiet study, writing about and grappling with the most significant and enduring problems in political philosophy.

1 *Paine as political philosopher: interpretation and understanding*

In this book, I offer an analytical reconstruction of Paine's political philosophy: I examine his texts and offer interpretations of his views about important political problems that concerned him. My focus is on his engagement with those long-standing problems that not only occupied his contemporaries and the writers who preceded him, but are also of interest today and will almost certainly remain so for future minds. The aim is to determine what his overall contribution to modern thought is, that is, what a Paineite political theory looks like. Before proceeding with my analysis, I want to address some important issues concerning its feasibility and value. While it is tempting to consider the fruits of my interpretive labour to be themselves capable of justifying the approach I take, such an attitude will not convince those sceptical about treating Paine's writings as works of political philosophy capable of speaking across time to perennial problems. Scepticism towards such an approach might derive either from general worries about anachronistically taking Paine's ideas out of their context or from particular doubts that his writing is suitable for this kind of analysis. To assuage such worries, I will – as tersely as possible – advance the following arguments: (1) that the concept of anachronism makes sense only when understood in evidentiary terms and therefore, in principle, poses no threat to my approach to Paine; (2) that political philosophy should be construed broadly as an activity and that such a construal invites Paine's inclusion; and (3) that the historical understanding of thought involves (and need involve nothing more than) the ascription of beliefs to individuals. A chapter on methodology might strike some readers as unnecessary, because the nature of my project is uncontroversial and its potential value obvious. Readers who hold such a view should feel free to skip this discussion and proceed directly to the analysis of Paine's writings in the next chapter. For my part, having encountered so much of what strikes me as muddled thinking about the nature of historical understanding, I feel I should be as upfront as possible about my interpretive approach.

The concept of anachronism (and how not to worry about it)

My reconstruction of Paine's political theory involves clarifying the concepts that he deploys, investigating their implications, identifying the theoretical tensions that emerge from them and assessing whether or not such tensions can be overcome. I divide his thought thematically and look at his attempts to address perennial or recurring problems in modern political thought. The hope is that we will have at the end something like a complete picture of his theory of human rights. This sort of approach to historical texts is not especially novel. In fact, the writings of most of the canonical thinkers in western political thought have been subject to the kind of sympathetic, analytical interpretation that I offer here.[1] There is nevertheless a general objection to this type of enquiry that should be addressed and dismissed. This objection concerns the danger of anachronism, which in this case means taking Paine's ideas out of their historical context and placing them where they do not belong, such that their meaning is misunderstood. An important reason for being upfront about this issue is to avoid any ambiguity about the status of my claims herein. In particular, I want to insist that my interpretation of Paine's political theory as a coherent account of liberal rights be considered as much a work of historical understanding as of philosophical analysis. In other words, the interpretive claims that I make throughout this study are about the *historical* meaning and implications of Paine's arguments and are not merely the results of a philosopher thinking he can do what he likes with old texts.[2]

[1] A small list of examples includes G.A. Cohen, *Karl Marx's Theory of History: A Defence* (Oxford: Oxford University Press, 1978); Jean Hampton, *Hobbes and the Social Contract Tradition* (New York: Cambridge University Press, 1986); Gregory S. Kavka, *Hobbesian Moral and Political Theory* (Princeton: Princeton University Press, 1986); A. John Simmons, *The Lockean Theory of Rights* (Princeton: Princeton University Press, 1992); Gabriella Slomp, *Thomas Hobbes and the Political Philosophy of Glory* (Basingstoke: Palgrave MacMillan, 2000); Matthew Kramer, *John Locke and the Origins of Private Property: Philosophical Explorations* (Cambridge: Cambridge University Press, 2004).

[2] J.G.A. Pocock distinguishes between the forms of understanding appropriate to the historian on the one hand from that of the philosopher on the other. According to him, when considering, for example, the writing of Hobbes, the philosopher might be entitled to consider the abstract arguments he advances, if it is thought 'useful', but must not invoke the apparently illusory notion that such a consideration could ever correspond to what '"Hobbes said" or more troublingly the dishonest pseudo-present "Hobbes *says*"' (J.G.A. Pocock, *Politics,*

R.G. Collingwood provides a pithy and widely accepted description of what historical interpretation involves. For him, a proper understanding of past thought requires conceiving of it as an attempt to answer a question or solve a problem.[3] It entails grasping what an individual is 'driving at' with her expressed thoughts.[4] For Collingwood, anachronisms arise in the history of ideas when there is a failure to think in terms of this 'logic of question and answer', something that, in his view, stems most often from the assumption that past thinkers are engaging with the same set of timeless concepts, regardless of the context and the particular writer's intentions. His claim is that there are 'no eternal problems in philosophy' and ignorance of this fact generates anachronisms.[5] As Collingwood points out, if a historian thinks that the problem of 'the state' is an eternal one, and considers its existence to be a fact of the human condition, then she might also find it visible in the writing of Plato as much as Hobbes, even though the concept has no place in ancient Greek thought.[6]

There is every reason to accept Collingwood's claim here: it is surely without question the case that there are no necessarily eternal problems in the history of ideas. Any belief in such a notion of eternality would beg extremely controversial metaphysical questions about their status. Eternal problems have infinite duration – they are without beginning or end – and so their existence would have to depend on a dubiously mystical view about the nature of human existence, whereby individuals are somehow compelled to always ponder the same essential

Language, and Time: Essays on Political Thought and History (London: Methuen, 1972), 8). He continues, 'something like "if we repeat these words of Hobbes under given conditions, there ensue the following results" is more your meaning'. The notion of considering Hobbes's thought as a set of abstract philosophical propositions is thus granted a kind of backhanded, fraudulent endorsement, such that it is rendered permissible only on the basis that it is a useful fiction, an enterprise that serves a function that is different from, and antithetical to, proper historical understanding. What I wish to do here is not only press for the obliteration of this spurious distinction between historical and philosophical forms of understanding, but also rehabilitate the habit of talking in the present tense about past thinkers, about what Paine *says* about a particular, perennial problem in political theory.

[3] See, in particular, R.G. Collingwood, *An Autobiography* (Oxford: Clarendon Press, 1978), 29–43.

[4] R.G. Collingwood, *The Principles of History, and Other Writings in the Philosophy of History* (ed.) W.H. Dray and W.J. van der Dussen (Oxford: Clarendon Press, 1999), 51.

[5] Collingwood, *An Autobiography*, 68. [6] Ibid., 59–64.