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978-1-108-04546-9 - Rights of Man. Part the Second. Combining Principle and Practice

Thomas Paine

Frontmatter

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A major actor in the American Revolution, English intellectual Thomas Paine (1737–1809) is remembered especially for his pamphlet *Common Sense* (1776; also reissued in this series), which advocates America's independence from Great Britain. A dedicated radical, Paine went on to lend his support to the French Revolution. In 1791, he published *Rights of Man* in response to Burke's *Reflections on the Revolution in France* (1790), a condemnation of the events in France. First published in 1792, this book is a continuation of *Rights of Man*. While the first volume was a passionate rebuttal of Burke's argument, this book – reissued here in its second edition – develops concrete measures for political reform, proposing novel concepts such as political representation and tax reform to benefit the poor. Widely circulated because of its low price, the book proved immensely influential, and resulted in indictments for seditious libel for Paine and his editor.

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R I G H T S O F M A N .

P A R T

T H E S E C O N D .

C O M B I N I N G

P R I N C I P L E A N D P R A C T I C E .

B Y

T H O M A S P A I N E ,

SECRETARY FOR FOREIGN AFFAIRS TO CONGRESS IN THE
AMERICAN WAR, AND AUTHOR OF THE WORK ENTITLED
COMMON SENSE; AND THE FIRST PART OF THE RIGHTS
OF MAN.

T H E S E C O N D E D I T I O N .

L O N D O N :

PRINTED FOR J. S. JORDAN, NO. 166, FLEET-STREET.

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T O

M. DE LA FAYETTE.

AFTER an acquaintance of nearly fifteen years, in difficult situations in America, and various consultations in Europe, I feel a pleasure in presenting to you this small treatise, in gratitude for your services to my beloved America, and as a testimony of my esteem for the virtues, public and private, which I know you to possess.

The only point upon which I could ever discover that we differed, was not as to principles of government, but as to time. For my own part, I think it equally as injurious to good principles to permit them to linger, as to push them on too fast. That which you suppose accomplishable in fourteen or fifteen years, I may believe practicable in a much shorter period. Mankind, as it appears to me, are always ripe enough to understand their true interest, provided it be presented clearly to their understanding, and that in a manner not to create suspicion by any thing like self-design, nor offend by assuming too much. Where we would wish to reform we must not reproach.

When the American revolution was established, I felt a disposition to sit serenely down and enjoy

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DEDICATION.

the calm. It did not appear to me that any object could afterwards arise great enough to make me quit tranquillity, and feel as I had felt before. But when principle, and not place, is the energetic cause of action, a man, I find, is every where the same.

I am now once more in the public world; and as I have not a right to contemplate on so many years of remaining life as you have, I am resolved to labour as fast as I can; and as I am anxious for your aid and your company, I wish you to hasten your principles, and overtake me.

If you make a campaign the ensuing spring, which it is most probable there will be no occasion for, I will come and join you. Should the campaign commence, I hope it will terminate in the extinction of German despotism, and in establishing the freedom of all Germany. When France shall be surrounded with revolutions, she will be in peace and safety, and her taxes, as well as those of Germany, will consequently become less.

Your sincere,

Affectionate Friend,

THOMAS PAINE.

London, Feb. 9, 1792.

P R E F A C E.

WHEN I began the chapter entitled the “*Conclusion*” in the former part of the RIGHTS OF MAN, published last year, it was my intention to have extended it to a greater length; but in casting the whole matter in my mind which I wished to add, I found that I must either make the work too bulky, or contract my plan too much. I therefore brought it to a close as soon as the subject would admit, and reserved what I had further to say to another opportunity.

Several other reasons contributed to produce this determination. I wished to know the manner in which a work, written in a style of thinking and expression different to what had been customary in England, would be received before I proceeded farther. A great field was opening to the view of mankind by means of the French Revolution. Mr. Burke’s outrageous opposition thereto brought the controversy into England. He attacked principles which he knew (from information) I would contest with him, because they are principles I believe to be good, and which I have contributed to establish, and conceive myself bound to defend. Had he not urged the controversy, I had most probably been a silent man.

Another reason for deferring the remainder of the work was, that Mr. Burke promised in his first publication to renew the subject at another opportunity, and to make a comparison of what he called the English and French Constitutions. I therefore held myself in reserve for him. He has published two works since, without doing this; which he certainly would not have omitted, had the comparison been in his favour.

In his last work, "*His appeal from the new to the old Whigs*," he has quoted about ten pages from the *Rights of Man*, and having given himself the trouble of doing this, says, "he shall not attempt in the smallest degree to refute them," meaning the principles therein contained. I am enough acquainted with Mr. Burke to know, that he would if he could. But instead of contesting them, he immediately after consoles himself with saying, that "he has done his part."—He has not done his part. He has not performed his promise of a comparison of constitutions. He started the controversy, he gave the challenge, and has fled from it; and he is now a *case in point* with his own opinion, that, "*the age of chivalry is gone!*"

The title, as well as the substance of his last work, his "*Appeal*," is his condemnation. Principles must stand on their own merits, and if they are good they certainly will. To put them under the shelter of other men's authority, as Mr. Burke has done, serves to bring them into suspicion. Mr. Burke is not very fond of dividing his honours, but in this case he is artfully dividing the disgrace.

But

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But who are those to whom Mr. Burke has made his appeal? A set of childish thinkers and half-way politicians born in the last century; men who went no farther with any principle than as it suited their purpose as a party; the nation was always left out of the question; and this has been the character of every party from that day to this. The nation sees nothing in such works, or such politics worthy its attention. A little matter will move a party, but it must be something great that moves a nation.

Though I see nothing in Mr. Burke's Appeal worth taking much notice of, there is, however, one expression upon which I shall offer a few remarks.—After quoting largely from the *Rights of Man*, and declining to contest the principles contained in that work, he says, “This will most probably be done (*if such writings shall be thought to deserve any other refutation than that of criminal justice*) by others, who may think with Mr. Burke and with the same zeal.”

In the first place, it has not yet been done by any body. Not less, I believe, than eight or ten pamphlets intended as answers to the former part of the “Rights of Man” have been published by different persons, and not one of them, to my knowledge, has extended to a second edition, nor are even the titles of them so much as generally remembered. As I am averse to unnecessarily multiplying publications, I have answered none of them. And as I believe that a man may write himself

himself out of reputation when nobody else can do it, I am careful to avoid that rock.

But as I would decline unnecessary publications on the one hand, so would I avoid every thing that might appear like fullen pride on the other. If Mr. Burke, or any person on his side the question, will produce an answer to the “Rights of Man,” that shall extend to an half, or even to a fourth part of the number of copies to which the Rights of Man extended, I will reply to his work. But until this be done, I shall so far take the sense of the public for my guide (and the world knows I am not a flatterer) that what they do not think worth while to read, is not worth mine to answer. I suppose the number of copies to which the first part of the *Rights of Man* extended, taking England, Scotland, and Ireland, is not less than between forty and fifty thousand.

I now come to remark on the remaining part of the quotation I have made from Mr. Burke.

“If,” says he, “such writings shall be thought “to deserve any other refutation than that of *criminal* justice.”

Pardoning the pun, it must be *criminal* justice indeed that should condemn a work as a substitute for not being able to refute it. The greatest condemnation that could be passed upon it would be a refutation. But in proceeding by the method Mr. Burke alludes to, the condemnation would, in the final event, pass upon the criminality of the process and not upon the work, and in this case, I had

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had rather be the author, than be either the judge, or the jury, that should condemn it.

But to come at once to the point. I have differed from some professional gentlemen on the subject of prosecutions, and I since find they are falling into my opinion, which I will here state as fully, but as concisely as I can.

I will first put a case with respect to any law, and then compare it with a government, or with what in England is, or has been, called a constitution.

It would be an act of despotism, or what in England is called arbitrary power, to make a law to prohibit investigating the principles, good or bad, on which such a law, or any other is founded.

If a law be bad, it is one thing to oppose the practice of it, but it is quite a different thing to expose its errors, to reason on its defects, and to shew cause why it should be repealed, or why another ought to be substituted in its place. I have always held it an opinion (making it also my practice) that it is better to obey a bad law, making use at the same time of every argument to shew its errors and procure its repeal, than forcibly to violate it; because the precedent of breaking a bad law might weaken the force, and lead to a discretionary violation, of those which are good.

The case is the same with respect to principles and forms of government, or to what are called constitutions and the parts of which they are composed.

It

It is for the good of nations, and not for the emolument or aggrandizement of particular individuals, that government ought to be established, and that mankind are at the expence of supporting it. The defects of every government and constitution, both as to principle and form must, on a parity of reasoning, be as open to discussion as the defects of a law, and it is a duty which every man owes to society to point them out. When those defects, and the means of remedying them are generally seen by a nation, that nation will reform its government or its constitution in the one case, as the government repealed or reformed the law in the other. The operation of government is restricted to the making and the administering of laws; but it is to a nation that the right of forming or reforming, generating or regenerating constitutions and governments belong; and consequently those subjects, as subjects of investigation, are always before a country *as a matter of right*, and cannot, without invading the general rights of that country, be made subjects for prosecution. On this ground I will meet Mr. Burke whenever he please. It is better that the whole argument should come out, than to seek to stifle it. It was himself that opened the controversy, and he ought not to desert it.

I do not believe that monarchy and aristocracy will continue seven years longer in any of the enlightened countries in Europe. If better reasons can be shewn for them than against them, they will stand; if the contrary, they will not. Mankind are

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are not now to be told they shall not think, or they shall not read ; and publications that go no farther than to investigate principles of government, to invite men to reason and to reflect, and to shew the errors and excellences of different systems, have a right to appear. If they do not excite attention, they are not worth the trouble of a prosecution ; and if they do, the prosecution will amount to nothing, since it cannot amount to a prohibition of reading. This would be a sentence on the public, instead of the author, and would also be the most effectual mode of making or hastening revolutions.

On all cases that apply universally to a nation, with respect to systems of government, a jury of *twelve* men is not competent to decide. Where there are no witnesses to be examined, no facts to be proved, and where the whole matter is before the whole public, and the merits or demerits of it resting on their opinion ; and where there is nothing to be known in a court, but what every body knows out of it, every twelve men is equally as good a jury as the other, and would most probably reverse each other's verdict ; or from the variety of their opinions, not be able to form one. It is one case, whether a nation approve a work, or a plan ; but it is quite another case, whether it will commit to any such jury the power of determining whether that nation have a right to, or shall reform its government, or not. I mention those cases, that Mr. Burke may see I have not written on Government without

without reflecting on what is Law, as well as on what are Rights.—The only effectual jury in such cases would be, a convention of the whole nation fairly elected; for in all such cases the whole nation is the vicinage. If Mr. Burke will propose such a jury, I will waive all privileges of being the citizen of another country, and, defending its principles, abide the issue, provided he will do the same; for my opinion is, that his work and his principles would be condemned instead of mine.

As to the prejudices which men have from education and habit, in favour of any particular form or system of government, those prejudices have yet to stand the test of reason and reflection. In fact, such prejudices are nothing. No man is prejudiced in favour of a thing, knowing it to be wrong. He is attached to it on the belief of its being right; and when he see it is not so, the prejudice will be gone. We have but a defective idea of what prejudice is. It might be said, that until men think for themselves the whole is prejudice, and *not opinion*; for that only is opinion which is the result of reason and reflection. I offer this remark, that Mr. Burke may not confide too much in what has been the customary prejudices of the country.

I do not believe that the people of England have ever been fairly and candidly dealt by. They have been imposed upon by parties, and by men assuming the character of leaders. It is time that the nation should rise above those trifles. It is time to dismiss that inattention which has so long been

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been the encouraging cause of stretching taxation to excess. It is time to dismiss all those songs and toasts which are calculated to enslave, and operate to suffocate reflection. On all such subjects men have but to think, and they will neither act wrong nor be misled. To say that any people are not fit for freedom, is to make poverty their choice, and to say they had rather be loaded with taxes than not. If such a case could be proved, it would equally prove, that those who govern are not fit to govern them, for they are a part of the same national mass.

But admitting governments to be changed all over Europe; it certainly may be done without convulsion or revenge. It is not worth making changes or revolutions, unless it be for some great national benefit; and when this shall appear to a nation, the danger will be, as in America and France, to those who oppose; and with this reflection I close my Preface,

THOMAS PAINE.

London, Feb. 9, 1792.

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