Thomas Paine lived in a blaze of political glory and died in relative obscurity. His philosophy inspired two of the greatest revolutions in human history—the American Revolution and the French Revolution. In gratitude both the United States and France bestowed great honor as well as citizenship upon him. Yet his memory has been dimmed in the first nation, and all but forgotten in the second. If any man is entitled to be called the Father of American Independence, it is Thomas Paine, whose *Common Sense* stated the case for freedom from England's rule with a logic and a passion that roused the public opinion of the Colonies to a white heat. Just as essential in preserving the cause of independence was the series of pamphlets, *The American Crisis*, published to sustain the morale of Washington's army and the patriotic cause in the darkest days of the conflict. The first of them, written on a drumhead by the flickering light of a campfire during Washington's retreat before greatly superior forces, with its ringing opening sentence: "These are the times that try men's souls," galvanized the soldiers before whom it was read, at Washington's orders, into spirited and successful resistance and counterattack.

Paine's pamphlet *The Rights of Man* brought him international fame—but in England, where his earlier works had been forgiven after the recognition of American sovereignty, only infamy. Written as a reply to *Reflections on the Revolution in France*, by Edmund Burke—whom Paine had regarded as "a friend of mankind" because of his defense of the American cause—it presented the severest indictment of hereditary monarchy and privilege that had ever been penned until that time. In consequence he was elected a deputy to the French National Assembly. He was the chief, if not the sole
author—Condorcet was a collaborator—of the Declaration of the Rights of Man and of the Citizen, which Burke vehemently attacked.

In virtue of his devotion to the provisions of that declaration, Paine opposed the incipient terrorist practices of the French revolutionists and courageously pleaded against the proposed execution of Louis XVI and Marie Antoinette. On Robespierre's orders he was arrested and jailed. Although some of his American friends intervened on his behalf, the French authorities refused to recognize his American citizenship or to release him. By a lucky chance he escaped the guillotine—his cell had been improperly marked. After Robespierre's downfall he was released and restored to his post in the Convention, but by this time he had become disillusioned by the fanaticism and extremism that had betrayed the rights of man he had so zealously defended against Burke's animadversions.

It was during the days immediately preceding his arrest, when Paine was convinced that he would be sacrificed on the bloody altars of the Jacobins, that he composed the first part of The Age of Reason. The action and its significance can be compared to Condorcet's composition of his great work on The Outlines of the Progress of the Human Spirit* as he lay hiding from those who had come to execute him in the name of human progress. In a letter to Samuel Adams in 1803, Paine relates the dramatic circumstances under which he wrote the first part of The Age of Reason:

My friends were falling as fast as the guillotine could cut their heads off, and I every day expected the same fate...I appeared to myself to be on the death-bed, for death was on every side of me, and I had no time to lose.

By one of the greatest ironies in intellectual history, this work—written in a dedicated epistle—became the protection of "My Fellow Citizens of the United States of America" as he slipped the manuscript to a friend under the eyes of his captors and which he wrote to combat the atheism and infidelity of the French revolutionists—became the cause of his unpopularity in the only country he adopted as his own. Never was there so gross and inexcusable an act of historical ingratitude as that suffered by Thomas Paine at the hands of his former comrades-in-arms on the occasion of his second visit to America.

* Esquisse d'un tableau historique des progrès de l'esprit humain.
The irony was all the greater because Thomas Paine’s *Age of Reason* expressed the religious faith of the great architects of the American Revolution—of philosopher-statesmen like Thomas Jefferson, Benjamin Franklin, John and Sam Adams, and others. It was an impassioned plea for Deism and the religion of reason, and a criticism of the literal reading of the Old and the New Testament, a criticism which grounded orthodoxy in primitive superstition and sublimated violence and lust. Paine was a man of naive but moving natural piety. He had already proclaimed in *The Rights of Man*, while contending that religion was a private matter, that “every religion is good that teaches man to be good,” but in his *Age of Reason* he made quite explicit his fervent belief in the existence of God and the immortality of the soul. Paine had underestimated the hold that institutional religion had on the belief and behavior of the American people even though religion was not a part of the legal establishment as it was in England. His experience in America was to teach him that religious intolerance does not disappear merely because religion is disestablished. Although he loved America, he did not understand her very well and overlooked the fact that for most of his countrymen religious tolerance at that time did not flow from conviction—as was the case for Jefferson and his circle—but from the plurality of religious sects, no one of which was strong enough to crush the others.

At any rate when Theodore Roosevelt, to his lasting discredit, referred to Thomas Paine, without having read him, as “a filthy little atheist,” he was slandering someone whose belief in the traditional doctrines of the existence of a Supreme Power and the immortality of the Soul was much more unqualified than the belief of two thinkers who have been characterized as the leading Protestant theologians of the twentieth century—Paul Tillich and Reinhold Niebuhr.
Thomas Paine was a typical figure of the Enlightenment. He was not a profound thinker but a remarkable popularizer whose gift for bold and graphic expression made him a natural pamphleteer. It was the cause of American independence that drew him into politics and his pen onto paper. Although he firmly believed that the American colonists had right on their side, it was not merely as an American or in behalf of narrow American interests that he threw himself so completely into the struggle, but as a free man, a cosmopolitan citizen of the world, who was convinced that when he struck a blow for freedom in America he was doing so for England and France or wherever arbitrary authority ruled. "My principle is universal. My attachment is to all the world, and not to any particular part, and if what I advance is right—no matter where or who it comes from."

What was the source of his principle? Theoretically, it stemmed from his ambiguous doctrine of natural rights. Psychologically, it was rooted in the man himself—proud and sensitive, simple yet dignified—who turned aside a fortune by refusing to profit a penny from any of the pamphlets that he wrote. The excesses of his style flowed from a hatred "of cruel men and cruel measures." He was a compassionate and modest person, prepared to risk his life in action, who sought no compensation or rewards except the good will and good judgment of his fellowmen.

Of all his writings only his Rights of Man remains topical, and relevant to contemporary concerns. It is not a profound work. Paine answers Burke brilliantly and effectively but does not do justice to the subtleties of Burke's position. And although he properly defines human rights, he offers little by way of justification for them.

Insofar as Burke attacked the French Revolution on the grounds that it opposed the principle of hereditary succession, undermined the authority of the past, discarded heredi-
right of his existence. Of this kind are all the intellectual rights, or rights of the mind, and also all those rights of acting as an individual for his own comfort and happiness, which are not injurious to the natural rights of others." This is obviously circular. What Paine clearly means is that a natural right is a moral claim to the exercise of certain human powers and to the enjoyment of certain goods. It is a claim against all men and governments. Civil rights are natural rights that appertain to man in virtue of his being a member of society. They are moral claims individuals recognize as necessary to safeguard and to implement more effectively their natural rights. "The rights of men in society are neither divisible nor transferable, nor annihilable, but are discardable only." Human beings can forego asserting their rights. They may, in extreme cases, even voluntarily enslave themselves to others. But if they do, they do not extinguish their rights, which they or others may subsequently reclaim for them, and above all, they do not extinguish the natural rights of their posterity. "If the present generation, or any other, are disposed to be slaves, it does not lessen the right of the succeeding generation to be free: wrongs cannot have a legal descent."

From whence come these rights? Strictly speaking this is an illegitimate question which Paine should not have asked. For if rights are natural, coeval with the existence of man as such, they have no origin. Paine asks the question because he is following Burke, for whom rights are always special or partial, historical, and limited. Paine has no difficulty in exposing the arbitrariness and invalidity of the view that any human being or beings, whether a tyrant or a tyrannical corporation, has the authority to endow human beings with rights. Trace human rights back as far as you wish and you will discover that human beings already had them, or, if they were denied by a king or bishop, that they should have had them. No one can grant human rights to human beings, who already possess them once we classify them as men. History is irrelevant. If we undertake historical excursions, then we must go beyond antiquity to the beginning of man, "when man came from the hand of his Maker."

The natural rights of man according to Paine derive from the equality and unity of man, by which he means:

... that men are all of one degree, and consequently that all men are born equal, and with equal natural rights, in the same manner as if posterity had been continued by creation instead of generation; and consequently every child born into
the world must be considered as deriving its existence from
God. The world is as new to him as it was to the first man
that existed, and his natural right in it is of the same kind.

Two things must be said about Paine's attempt to justify
the rights of man. On the basis of his own theory, a religious
justification is superfluous. God may have created man in his
own image, but the rights of man do not depend on that
creation. If the rights of man are also possessed by God, they
would be divine and man would not possess them. If men as
such have them in virtue of their being men, this would be
unaffected by the existence or nonexistence of God.

Nor are the rights of man logically justified because all
men are equal in the sight of the Lord. Men could all be rec-
ognized as equal in the sight of the Lord but not before the
Law. The inference from one to the other is not logical. The
strength of Burke's position appears in his repudiation of
any religious, logical, or metaphysical justification of human
rights. For Burke "government is a contrivance of human
wisdom," and the "rights of man" are the reasonable claims
that men make when they choose between goods and between
evils, when they make decisions concerning the better when
goods conflict, or decisions concerning the lesser evil when
choice is limited to alternatives both of which are evil. To
Paine this is tantamount to saying that government is ruled
by no principle and that it is the expression of arbitrary
power.

Paine is unjust to Burke's position on this point, for even if
one holds that the natural rights of man are absolute, the
conflict of rights is an inescapable fact of moral and political
experience. In the end our wisdom must decide which rights
are to be given priority and emphasis. Where Burke erred—
and here Paine's criticism is completely warranted—is in as-
cribing a kind of hereditary wisdom to hereditary political
and social rights. But, as Paine caustically argues, "... it is
impossible to make wisdom hereditary ... that cannot be a
wise contrivance, which in its operation may commit the gov-
ernment of a nation to the wisdom of an idiot."

Once the question is posed not as, What is natural to man?
but as, What is reasonable for man? questions of origin be-
come largely irrelevant. What man is now and what he is
likely to become, and not what he originally was, are pertinent
in considering what he should do and how he should live now. Contemporary human needs and wants, not heredi-
tary forms, are focal for Paine. Society is described as the set
of institutions that enables men to gratify their needs and
wants. Like Jefferson, whom he strongly influenced, Paine felt that government, whose scope should be restricted merely to state power, was an intrusion into society, unfortunately made necessary by violations of the moral duties men owed to each other. Both Paine and Jefferson underestimated the role of government in strengthening the social institutions required to gratify contemporary human needs and wants. The state of England was such, however, that Paine at the close of his Rights of Man proposes that the government undertake measures for the amelioration of distress—which entitles him to be considered almost despite himself a forerunner of the Welfare State. In his views on land rent and agrarian justice, shortly afterward, he strikingly anticipates the doctrines of Henry George.

This inconsistency in Paine is a tribute to his sense of compassion for human suffering, but it reveals a political naiveté, probably strengthened by his reading of Rousseau, that blinded him to the realities not only of American life but of life in modern society. For him it is not the absence of government which is anomalous and must be explained, but its presence. "The instant formal government is abolished," he writes, "society begins to act." In the absence of formal government, Paine relies upon the diversity of human needs and the necessity of reciprocal help to gratify them to provide the bonds that hold society together. He assumes that these bonds must be harmonious and ignores the possibility that the social bonds themselves may reflect not only dependence of some upon others but exploitation and enslavement. The unconscious assumption is that until government interferes with its operations, society can be considered as one great happy family capable of resolving its disputes without establishing governments and states. "The more perfect civilization is, the less occasion has it for government, because the more does it regulate its own affairs, and govern itself." The tumults and riots that afflict society, in Paine's view, are the consequence not of absence of government but of its presence. How is this possible if, as Paine admits, poverty and unhappiness are the ultimate source of social disorder? "Whatever the apparent cause of any riots may be, the real one is always want of happiness." His reply is that even here government is at fault because poverty is caused by excessive and inequitable taxation. Presumably, under an equitable tax-system there would be no poverty or social distress. Aside from the dubious economics involved, this overlooks the obvious fact that a tax system cannot be enforced without the existence of a government. Paine cites the instance of America as a community
which suffered from excessive government under the British, yet carried on without difficulty when the authority of government was destroyed during the War of Independence. It is quite clear, however, that the subsequent development of the United States could never have taken place under the aegis of a laissez-faire regime such as Paine favored.

III

It may be instructive to examine Thomas Paine's position on some special questions of topical importance such as the right to revolution, civil disobedience, and the limits of dissent. Since the legitimacy of government rests upon the freely given consent of the governed, any government that is imposed upon the people by conquest or fraud or usurpation, no matter how benevolent its intention or beneficial its rule, is morally illegitimate. The people have a moral right—the simple voice of nature and reason—to overthrow it and to act on that right whenever their discretion and judgment deem it wise to do so. For basically—in a logical if not a historical sense—all men are legislators. "In this first parliament every man by natural right has a seat."

The actual making and enforcing of laws cannot be done by society at large. For that we need government. But what kind of government men should have, what kind of constitution should be adopted, modified, or amended, is a subject always before a country as a matter of right. This leaves men free to discuss and advocate any system of government they please, provided its establishment rests upon the free consent of their fellows and is not imposed upon them by dictators or would-be saviors. Paine rather optimistically believed that if monarchy and aristocracy were to be judged by their fruits in experience mankind would reject them in favor of republican regimes. Meanwhile, men must be free to say, to read, and to print what they think about existing governments and to make any proposals to change or modify them without let or hindrance by civil authority. Such rights "cannot without in-
vading the general rights of the country, be made subjects for prosecution.”

Paine grounds the ultimate authority of government in “a convention of the whole nation fairly elected.” But why trust the decision to such a convention, why risk the danger that prejudice and passion will triumph and the convention of the whole nation degenerate into a mob? Paine’s answer is the answer of an optimistic democrat to the pessimistic Plato, who is convinced that the generality of mankind is too unintelligent and/or too vicious to be entrusted with the power of self-government. Paine believes that prejudice is the result of moral ignorance. “No man is prejudiced in favor of a thing, knowing it to be wrong.” Once prejudices are compelled to face the test and challenge of reason, they will give way. This faith in the power of reason to affect prejudice reflects the assumptions of the Enlightenment. It is oversimplified in that it does not understand the springs of action—which, often concealed and obscure, flow from vested personal and social interest, vanity, ambition, and sheer love of power. Less weak is Paine’s retort to those who hold that a people is unfit for freedom because men are afflicted with some natural depravity. Even if this were so, it would be better to trust the many than the few, who are also infected with the plague of self-interest and selfishness. Although Paine’s arguments can be developed to a point where they possess considerable validity, he really begs the question in his defense of the natural virtue of man, uncorrupted by customary prejudices.

Once we start from the premise that the only right or justified government is one based on consent, all is smooth sailing. Revolutions then are justified because they restore to men the power of choice. But once the mechanisms by which popular sovereignty expresses itself, have been established, then—within the provision that men’s natural rights—the rights to speech, press, and assembly—be scrupulously preserved—there is no longer a right to forcible revolution. That is why Paine opposed not only the royalist conspiracies to overthrow the French Republic but the conspiracy of Babeuf. He agreed with Babeuf that it was a serious flaw to limit suffrage in any way, but he denounced it because instead of “seeking a remedy by legitimate and constitutional means” he sought to establish “a directorship usurped by violence.” This crucial point is overlooked by those who assume that the Boston Tea Party is a precedent for similar action when one encounters a bad or iniquitous law. For Paine, the Boston Tea Party and the resort to revolution was justified only because there were no means by which grievances could peacefully be
redressed. The crimes of tyranny are a standing justification for resistance. But where tyranny has been replaced by government based on consent, then although such government may enact measures that are unjust, so long as criticism and the right to dissent are not abridged, so long as means exist to repeal or amend them, they should be obeyed. For if one's private judgment becomes the sole arbiter of what should be obeyed or not obeyed, good laws as well as bad laws will be undermined.

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 show 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.

In this connection, it is interesting to note that Paine, whose own antecedents were Quakers, speaks very harshly of the Quakers in and around Philadelphia. The Quakers were not required by the newly independent State, in its struggle for survival against England, to engage in any action contrary to the spirit of their religion. Paine severely castigates them for advising their members to resist the American authorities in carrying out their tasks of defense against British aggression, and for actions which made them in his eyes "three-quarter Tories." In terms of our own times, Paine was zealous in defending civil disobedience if it meant refusal to do what strained a man's religious conscience. But he condemned actions that, under the plea of conscience, interfered with the prosecution of the war for freedom and independence. The Quakers could refuse on grounds of conscience to bear arms in any war under any circumstances, but to the extent that they prevented others from bearing arms, according to Paine, they were insofar forth guilty of treason.
Thomas Paine has not yet received his due measure of homage from the peoples and nations of the world whose aspirations he expressed with such force and clarity. His passion for human freedom shines through everything he wrote. An autodidact, he acquired sufficient knowledge of literature and science to make him one of the company of the immortals of the Enlightenment. Like Franklin and Jefferson he was an inventor, the first one to create a working model of an iron bridge. He was a true cosmopolitan who felt that he was personally engaged wherever injustice was committed or freedom denied. He was the great phrasemaker of his age, and his complete sincerity and dedication to the cause of human dignity and freedom were evident in the details of his daily life.

To most Americans Paine has been seen through a mist thrown up around him by the confluence of different streams of thought. It is safe to predict, however, that if he is read, these mists will vanish, and the man and his thought emerge in clearer and sharper focus as one of the great figures in American political thought.

Sidney Hook