THOMAS PAINÉ—DEMOCRAT

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These may be "the times that try men’s souls," as President Roosevelt recently told the nation, but they may also be the times when free and courageous men may push forward toward the better society of which Thomas Paine dreamed when he pleaded with the colonists for unity in the cause of freedom. When Paine first wrote those words 165 years ago, America had an opportunity to break away from the tyranny of Europe. But Paine was not content to win a war of independence for America alone. Like many today, he talked of world revolution aimed at the tyranny of the few over the many. He, too, argued that men—all men—should have an equal opportunity to shape their own destinies and the destiny of the world in which they found themselves. In an era when men are fighting to preserve and extend a heritage of freedom, it would be well to reëxamine the ideas of Paine, whose writings inspired men of his day in America, in England, and in France to work and to die that they might be free.

The examination will be based primarily on the pamphlets and articles written after 1791; for, as Vernon L. Parrington has said, "the maturest elaboration of Paine's political philosophy is found in The Rights of Man,"¹ which was written in that year. It is only in the book mentioned that Paine attempted to set down in any detail his beliefs on the general nature of the state and government. Later pamphlets and essays served to expand and elaborate the reasons for particular conclusions stated in his reply to Burke’s Reflections on the Revolution in France. Because he was, as Charles E. Merriam suggests, primarily an "agitator" whose influence was "popular rather than scientific,"² Paine was not as concerned with writing a complete philosophy as in securing results in specific instances. However, in his many articles on immediate issues after 1791 he remained consistent with the general position adopted in his major work.

² C. E. Merriam, "Thomas Paine's Political Theories," Political Science Quarterly, Vol. XIV, p. 402 (Sept., 1899). See also Max Lerner, It is Later Than You Think, p. 109. Lerner calls Paine a "demagogue," that is, one of those Americans who were "good artists in majority politics."

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As a democrat—and in his later years he was a democrat—Paine believed that sovereignty ought to reside in the people, that decisions of the sovereign ought to be made by the numerical majority, that all members of the society ought to have equal political rights with an equal opportunity to determine the decisions of the majority, and that some means ought to be provided whereby the majority may make its decisions known.

The remainder of this essay will consider the political doctrines of Paine with respect to each of these items of his democratic creed.

I. POPULAR SOVEREIGNTY

In order to discover who ought to possess sovereignty, Paine posited a state of nature. This state of nature was never a pre-historic age when men lived apart from each other as isolated individuals. Man naturally came into society because he was a friend of man, and because he could not as well satisfy his wants if he remained apart from other men. A state of nature, then, was any society in which there was no regularly constituted, functioning government. Thus he referred to the members of the National Assembly of France as "delegates of the nation in its original character; future assemblies will be delegates of the nation in its organized character."

All governments must either grow "out of the people or over the people." Governments which "grow out of the people" are based upon "the common interest of society and the common rights of man." They are set up by a compact among all the members of society, "each in his personal and sovereign right... and this is...

8 Some of the undemocratic features of Paine's earlier writings will be referred to briefly to indicate the historical development of his thinking.

4 For a full discussion of the belief of a majority-rule democrat, see the excellent discussion in Willmoore Kendall, John Locke and the Doctrine of Majority-Rule, esp. pp. 24–38.


Ibid., pp. 406–407. See also Common Sense, Vol. I, p. 70. Here Paine spoke of the possibility of men attempting to live as individuals, but soon joining each other when they could live better by a division of labor.

7 Ibid., p. 311. Italics are Paine's. He also referred to the United States as being in a state of nature between 1775 and the time of the adoption of the Articles of Confederation. See Vol. II, p. 407.

8 Ibid., pp. 309, 310. Italics are Paine's.

9 Ibid., p. 308.
the only mode in which governments have a right to arise, and the only principle on which they have a right to exist. Government which are "over" the people arise through usurpation and are based upon superstition or force. They may be called governments of priestcraft or of conquerors.

Because all men enter into the compact, "sovereignty, as a matter of right, appertains to the Nation only and not to any individual; and a Nation has at all times an inherent indefeasible right to abolish any form of government it finds inconvenient, and to establish such as accords with its interest, disposition, and happiness." The constitution or compact (Paine uses the terms synonymously) antedates government and is supreme over it. Government cannot be a partner to the compact which establishes it, and therefore cannot alter the terms of the pact. Government may "control men only as individuals," but men collectively control both the terms of the compact and the powers of government.

The nation may delegate power to representatives in a legislature, who hold that power as a trust as long as the people wish and no longer. "But the right of the Nation is an original right as universal as taxation. The Nation is the paymaster of everything, and everything must conform to its general will." A mixed constitution, which divides authority between the representatives of the people and groups which are not responsible to the nation, is contrary to the nature of legitimate government because the irresponsible elements may control the responsible representatives.

10 Ibid., p. 309.
11 Ibid., p. 308. See also ibid., pp. 277–281, 310.
12 Ibid., p. 385. Italics are mine. See also "Address to the Addressers," Vol. II, p. 68. The term "nation" as used by Paine always refers to all the citizens of a particular country.
13 Ibid., pp. 309–310. This does not mean that Paine believed in judicial review. See section on Popular Consultation.
14 Ibid., p. 436.
15 Ibid., p. 361. Italics are mine. See also p. 238, where Paine argues that an elective body no longer responsible to the people is as despotic as any king who usurped power originally. The phrase "as universal as taxation" is to be found frequently in Paine's writings. Paine himself did not believe that voting should be based upon the payment of taxes (see section on Political Equality), but was quite willing to use the term for persuasive purposes. He usually went ahead to explain that everyone pays taxes in some form, and therefore acceptance of the phrase necessitates acceptance of the notion of political equality.
Sovereignty inhere in a people, and they cannot relinquish it either for themselves or for posterity. Paine denied Burke's contention that the people of England must continue to be ruled by a king because a Parliament in 1688 had pledged their obedience to William and Mary and their children forever. The rule of the living by the dead is the worst of all tyrannies. A compact which binds posterity to a particular ruler and deprives it of political rights is similar to a will in which A bequeaths the property of B to C. It is both unjust and absurd.

Representative government (i.e., democracy) based upon popular sovereignty is "nothing more than a national association acting on the principles of society." It is concerned with the "management of the affairs of the nation," and is for the "good of the nation and not for the emolument or aggrandisement of particular individuals." It is, then, a republic, established for the "good of all, as well individually as collectively."

In his earlier writings, Paine took exception to the doctrine of popular sovereignty in so far as it applied to certain kinds of economic contracts. Neither the legislature nor the people had the right to revoke certain kinds of economic contracts agreed to by a preceding legislature and another party. If both the government

18 Ibid., p. 366.
19 Ibid., p. 411. Italics are Paine’s. For similar definitions, see also pp. 443, 446. In the latter passages, Paine did not include the last phrase, “acting on the principles of society.” It will be noted that his definition makes no distinction between the “state” and “government,” or between the “state” and “society.” The word “state” is never used by Paine except to describe the “thirteen American states.” As we noticed earlier, a democratic state differs from society only because it is organized. In Common Sense, Vol. I, p. 69, Paine distinguished between the origin of society and of the state. The former arose because of the needs of man, the latter because of his wickedness. The duty of the state was to preserve law and order. Not until he identified representative government with organized society was Paine able to give the state the positive function of promoting the common good.
20 Ibid., p. 385.
21 Ibid., p. 397.
22 Ibid., pp. 421–422, 443. Republic, said Paine, came from the word res-republica, meaning public affairs. A republic, then, does not describe a form of government, but the purpose of government. He added, however, that representative government is the only kind which actually deals with public affairs or the good of the nation.
23 “Dissertation on Government; the Affairs of the Bank; and Paper Money,” Vol. II, p. 147. If the people or government break a contract, it is contrary to the terms of the original compact in which men “renounced as despotic, detestable and unjust, the right of breaking and violating their engagements, contracts and compacts with, or defrauding, imposing or tyrannizing over each other.”
and the other party agreed to revise or discard the contract, then, and only then, could it be modified or revoked. Disputes arising out of these contracts must be submitted to a court for a decision. Yet, even in this essay—written before Paine had completely worked out his political philosophy—he argued that contracts must have a limited duration. He suggested thirty years. To grant a charter "forever" can have no meaning, because "our forever" ends when the "forever" of our children begins, and we can no more bind our children to economic contracts than we can set up a government for posterity.

No such limitations upon popular sovereignty were recognized in The Rights of Man written five years later. Paine did not consider economic contracts except in passing, but he left no doubt about his beliefs concerning political charters granted by the government. In demanding the abolition of the English "rotten boroughs," he discussed the relationship of charters to equality of rights and popular sovereignty.

"Rights are inherently in all the inhabitants; but charters, by annulling those rights, in the majority, leave the right by exclusion in the hands of the few. If charters were constructed so as to express in direct terms "that every inhabitant, who is not a member of a corporation, shall not exercise the right of voting," such charters would, in the face, be charters not of rights but of exclusion. They do not give rights to A, but they make a difference in favour of A by taking the right of B, and consequently are instruments of injustice." 27

In his last political essay, written fourteen years after The Rights of Man, Paine denied his earlier contention in the Dissertation on Government that certain economic contracts could not be annulled by a legislature even if the contracts were contrary to the expressed will of the people. He admitted that if one legislature could pass an act which was beyond the power of succeeding legislatures to revise, it would be contrary to the "very intention, essence, and principle of annual elections." 28 He therefore suggested that acts which require permanency—"sales or grants of lands, acts of incorporation, public contracts with individuals or companies beyond a certain amount"—should be proposed by one legislature and adopted by a

24 Ibid., p. 146.  
26 Ibid., p. 148.  
26 Ibid., pp. 164–166.  
second legislature after the people had expressed their desires on the measure through an intervening election.29 Apparently (the essay is not entirely clear on this point)30 Paine believed that his proposal would give some degree of permanency to those kinds of economic contracts mentioned above, even though it was within the power of the people to change or annul the contracts (presumably by following the same procedure by which the contracts had been adopted originally). If this interpretation is correct, Paine had accepted in the sphere of economic contracts the position which he had argued in *The Rights of Man* in connection with political contracts. The one limitation upon popular sovereignty—that of forcing the people to wait a year before agreeing to changing a contract—is too minor to constitute any real exception to the doctrine.

It has been contended by at least one writer, however, that Paine held that rights to property are inalienable, that they constitute a limitation upon sovereignty of the people, and that government was instituted for the security and benefit of property-owners.31 But an analysis of Paine's later works (i.e., after 1791) indicates quite clearly that this is not the case, and that Paine, with the minor exception noted above, believed fully in popular sovereignty. He argued that the only inalienable rights which men possess are the natural rights that belong to them by right of their

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29 Ibid., pp. 468, 469.
30 In the essay, Paine argued that certain acts, i.e., the contracts mentioned, differ from ordinary laws which may be repealed at any time. He argued that these special acts required permanency without being clear what he meant by "permanency." However, he spoke of the value of elections in insuring just contracts because "it is always to the interest of a much greater number of people in a country, to have a thing right than to have it wrong, [and therefore] the public sentiment is always worth attending to. It may sometimes err, but never intentionally, and never long." The last sentence indicates that the people will be allowed to correct their "errors," even at the expense of permanency. He also argued that the people of New York had "vetoed" the specific contract in question when they defeated the legislators who enacted the measure.

On the other hand, see V. L. Parrington, *op. cit.*, Vol. I, p. 139, where it is suggested that Paine may well have believed in a socialized order, but that his desire to secure a measure of relief from intolerable conditions prevented him from bluntly stating his full position. Also see C. E. Merriam, *op. cit.*, esp. pp. 397, 400, where he remarks that Paine argues that the state should not interfere much in the affairs of business, but that he also suggests a number of instances when government ought to regulate economic conditions even more stringently than they were then regulated.
existence, namely, freedom of religion, freedom of discussion, and the right of citizenship, with its appendage—the vote. Possession of these natural rights depends only upon the willingness of a man to recognize the claim to the same right by other men. Rights and duties are reciprocal, and a statement of rights, by its nature, is also a statement of duties. Even the right to vote, which has no "equivalent counterpoise," may be taken away from those who would deprive others of that right.

Property is frequently spoken of as a right, but only on one occasion was it spoken of as an inalienable right, and then by implication. In The Rights of Man, Paine gave general approval to the first three articles of the "Declaration of the Rights of Man and Citizens," in which property was referred to as one of the "natural and imprescriptable rights of man." But elsewhere in the same essay he commended the action of the French Republic in selling the lands of the church to pay the national debt, and he also proposed a progressive income tax to raise money for the aid of the poor, aged, newly-married, etc. The tax was to become confiscatory for incomes above 20,000 pounds. This would be difficult to reconcile with an inalienable right to property.

The relationship of property to society is stated in some detail in Agrarian Justice. Land was originally held in common, but with the development of cultivation this became impractical. Improvement resulting from cultivation cannot be separated from the land itself. Nevertheless, all members of society deserve some remuneration from the land, even though some do not occupy any of it. Those who live upon the land, therefore, should pay ground-rents or an inheritance tax of ten per cent into the national treasury for distribution among the members of the nation. A portion of per-

32 The Rights of Man, op. cit., Vol. II, p. 306. Paine sometimes spoke of these as "personal rights" or "rights of the mind."
33 Ibid., pp. 307, 325-326, 328. Religious freedom, he said, was essential to all other rights.
34 Ibid., pp. 397, 330. Also see "Address to the Addressers," Vol. III, p. 68.
36 Ibid., pp. 354-355.
sonal property also should be given "back to society from whence the whole came," because "any accumulation beyond that which a man's own hands could produce" is made possible by his living in society.43

Paine advised those who owned property to make it "productive of a national blessing,"44 because only then could the owners be assured of retaining even a part of their possessions. The advice was given, if we can judge from the general tenor of his works, not out of any love for property and its "rights" as such, but because he held a functional concept of property. His proposal of high taxes on lands and personal property would, he thought, peacefully relieve misery and provide all members of society with at least the material essentials of life. Failure to give the people the necessities would mean the expropriation of property by violence, when "wealth and splendour, instead of fascinating the multitude, excite emotions of disgust . . . [and] when the ostentatious appearance it makes serves to call the right of it in question."45 Government, not private individuals, should put the functional concept of property into practice, because private charity cannot accomplish the job effectively.46

If our summary of Paine's attitude toward property is accurate, it is difficult to accept a recent interpretation of his economic ideas which argues that his concern in Agrarian Justice was the protection of property against the caprice of the multitude; and that he urged property-owners to give up some of their holdings because he wished them to save the rest and not because he wished to improve the material circumstances of men.47 The more probable explanation of his urging owners to give up part of their holdings is that he acted like some present-day reformers who attempt to persuade business men that it is to their own interest to have trade unions organized within their industries. The argument, whether valid or invalid, is not made out of any desire to aid business men but to aid labor. It is no easier to accept the statement by the same author that both Paine and Hamilton were seeking the same economic objective.48 To argue that Paine and Hamilton believed in the same sort of economic organization has no more meaning than to argue that President Roosevelt and Henry Ford both believe in

capitalism. It is probably true that neither Paine nor Hamilton would have taken away all property from its owners, but at this point the similarity ceases. Paine wished property to serve all in society; Hamilton wished the state to preserve property for those who owned it, and certainly not to take it from them to help others.49

Parrington is right when he says that Paine believed that property rights were "limited by social needs,"50 and that the people were to determine those needs because there can be for Paine "no law superior to this popular will expressed through the majority."51 Although he spoke of the "rights of property," Paine emphasized that they were rights "not of the most essential kind,"52 and could not be compared with, e.g., the right to vote.53 If the rights of property are inferior to the natural rights, it seems reasonable to assume that they are not inalienable rights and that they may be regulated through the use of the natural rights.

II. MAJORITY RULE

That the sovereignty of the people should be expressed through the decision of the majority, Paine never doubted in his later writings.54 So convinced was he that majority-rule was the only reasonable method of making decisions in a representative society that he found it necessary to mention "majority" only briefly in The Rights of Man. His belief in the efficacy of majority-rule is expressed in a description of the ratification of the American constitution by the Massachusetts convention, where "the majority was not above nineteen or twenty in about three hundred members; but such is the nature of representative government that it quietly decides

49 See Dixon Wecter, "Hero in Reverse," Virginia Quarterly Review, Vol. XVIII, 243–259 (Spring, 1942). Wecter tells of the hatred for Paine among the conservatives in his day because of his economic beliefs. If he and Hamilton agreed on economic ideas, Hamilton and his supporters were curiously unaware of the similarity. See esp. pp. 244, 245, 248.
51 Ibid., p. 333. We need not follow Parrington's speculation that Paine would have carried his arguments to a more radical conclusion, had he not confined his writing to immediately attainable objectives. See p. 339.
53 Ibid., p. 267.
54 In Common Sense, Vol. I, p. 97, Paine suggests that Congress might pass acts by a vote of three-fifths of the members "in order that nothing might pass into a law which is not satisfactorily just." In no other pamphlet does Paine suggest rule by any number other than a simple majority.
all matters by majority." 55 "If it prefer a bad or defective govern-
ment to a reform or chuse to pay ten times more taxes than there is any occasion for, it has a right so to do; and so long as the ma-
jority do not impose conditions on a minority, different from what they impose upon themselves, though there may be much error, there is no injustice." 56 He carried the idea of decisions by majority vote into the legislature. He objected to a bicameral legislature because "it always admits of the possibility, and is often the case in practice, that a minority governs a majority, and that in some in-
stances to a degree of great inconsistency." 57

A more complete statement of his belief in majority-rule is to be found in "Dissertation on First Principles of Government," which was written in support of his arguments in The Rights of Man:

"In all matters of opinion, the social compact, or principle by which society is held together, requires that the majority of opinions become the rule for the whole, and that the minority yield practical obedience thereto. This is perfectly conformable to the principle of equal rights: for, in the first place, every man has a right to give an opinion but no man has a right that his opinion should govern the rest. In the second place, it is not supposed to be known beforehand on which side of any question, whether for or against, any man's opinion will fall. He may happen to be in a majority upon some questions, and in a minority upon others; and by the same rule that he expects obedience in the one case, he must yield it in the other. . . . The principle of equal rights has been repeatedly violated and that not by the majority but by the minority, and that minority has been composed of men possessing property, as well as of men without property; property, therefore, even upon the experience already had, is no more a criterion of character than it is of rights. It will sometimes happen that the minority are right, and the majority are wrong, but as soon as experience proves this to be the case, the minority will increase to a majority, and the error will reform itself by the tranquil operation of freedom of opinion and equality of rights. Nothing, therefore, can justify an insurrection, neither can it ever be necessary where rights are equal and opinions free." 58

55 Rights of Man, II, p. 434.
Political parties or factions around which majorities may rally at election time received little attention from Paine. He apparently accepted the fact that parties arise wherever there are representative institutions. Usually he mentioned parties only in passing, and then without comment. Once he declared that the only safeguard against parties ruling in their own interest is a constitution to which they are subject. Even here, it will be noted, he does not condemn parties as such, but only suggests that they must not be supreme. On a later occasion he expressed the belief that the "fate of every party is decided by its principles," because a majority will not long support a party with a poor or wrong program. Perhaps it was Paine's wider experience with political factions in England and France that prevented his falling into the then prevalent American notion that all parties necessarily subvert the will of the people.\(^6^9\)

"The majority are, politically, the people,"\(^7^0\) not only because a society of equals ought to be ruled by a majority, but also because any attempt of a minority to govern "will unite them (i.e., the majority) in a common interest against the government and against those who support it; and as the power is always with the majority, they can overturn such a government and its supporters whenever they please."\(^6^1\) Having taken part in two revolutions which displaced kings, Paine failed to see that inertia might well prevent a disorganized majority from ruling in the face of a determined, disciplined minority. Nor did he foresee that the day would come when minorities backed by armies can control majorities—the mere strength of numbers meaning little in the face of modern military forces.\(^6^2\)

Because governmental action needs the support of the people, minorities ought not rule even when they are certain that their decisions are correct.\(^6^3\) If power is not lodged in the majority of an inclusive electorate, there is no logical stopping point short of one-

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\(^{6^0}\) See "Letter to Samuel Adams, January 1, 1803," Vol. IV, p. 207.


\(^{6^2}\) "Letter to the Citizens of the United States" (no. 3), Vol. III, p. 392. In this article, Paine did express some doubt of the ability of majorities to control minorities when he spoke of "the doubtful contest of civil war."

man rule.64 And it is impossible for one man to be so wise in all things that he can instruct the people and make their decisions.65

Unanimous agreement would be, he conceded, the preferable method of making decisions. But such is the nature of man that common consent will be consistently given only to the proposition that the majority should rule. Society will give the power to the majority because of the absolute necessity that decisions be made, and because "it is a mode of decision derived from the primary original right of every individual concerned; that right being first individually exercised in giving an opinion, and whether that opinion shall arrange with the minority or the majority, is a subsequent accidental thing that neither increases or diminishes the individual original right itself."66

III. EQUALITY

Our discussion of Paine's belief in majority-rule has also indicated his belief in equality of political rights. As in the case of his discussion of popular sovereignty and majority-rule, he conducts his argument on two levels. He maintains that equality springs from ultimate principles or natural law, and also insists that equality should be granted for practical reasons, saying that those who have the power to bring about equality should do so for their own interest. As in all such arguments, he places greatest emphasis on the "justice" of the proposition.

The basis of equality is to be found in the origin of man. When he came from the hand of his Maker, his "high and only title" was man.67 All accounts of the beginning of man, although differing from all others in many particulars, are agreed on one point, "the unity of man; by which I mean that all men are of one degree, and consequently that all men are born equal, and with equal natural right, 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

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66 "Letter Addressed to the Addressers, etc.," Vol. III, pp. 91–92. Italics are Paine's.
existed, and his right in it is of the same kind."68 There is "but one species of man, [and therefore] there can be but one element of human power; and that element is man himself."69

Upon leaving society in its "original" state to become a part of society in its "organized" state, every individual, "each in his own personal and sovereign right, entered into a compact with each other to produce a government ...";70 therefore, each "is a member of the Sovereignty"71 with equal political rights based upon his natural rights.72 That the rights of man in society "shall be equal is not a matter of opinion but of right, and consequently of principle."73 Any limitation upon equality would be admitting that some men have property in others.74

"The right of voting for persons charged with the execution of the laws that govern society is inherent in the word Liberty, and constitutes equality of personal rights."75 If the right to vote is "attached to inanimate matter,"76 such as place of residence, property, or payments of direct taxes, "the dignity of the suffrage is thus lowered ... in placing it with an inferior thing. ... It is impossible to find an equivalent counterpoise for the right of suffrage, because it alone is worthy of its own basis, and cannot thrive as a graft, or an appendage. ..."77 A man should lose his right to vote only if he attempts to exclude another from voting. By his attempt, he automatically forfeits his claim to the right by refusing to recognize a similar claim on the part of others.78

On the practical side of the question, Paine argued that it was unwise to limit the suffrage to those with great property-holdings because this would, by excluding the majority, unite them, and they would seize control anyway.79 If the suffrage were based upon

68 Ibid., pp. 304–305. Italics are Paine's. He cites the Mosaic account of the creation which says that God made man in his own image, distinguishing between the sexes, "but no other distinction is implied."
69 Ibid., p. 385.
70 Ibid., p. 309. Italics are Paine's.
71 Ibid., p. 386.
76 "Letter Addressed to the Addressers, etc.," Vol. III, p. 88.
79 Ibid., p. 266.
a small amount of property, it would be based upon accident. To associate the vote with property in any fashion would be to place the right on the most precarious of bases, because men are constantly gaining and losing property—frequently through no fault of their own. Men would, if property were a criterion, lose not only property but the right to vote when it "would be of most value." To limit the vote to those who pay taxes would be meaningless, because all men pay taxes in some form. If the payment of a direct tax were required, it would be dangerous because corrupt politicians could buy elections by paying the poll taxes for those who could not afford the fee. If exceptions to the property qualifications are made in favor of those who have served in the army, they will fail in their purpose, because the soldier will not fight harder, realizing that his children cannot have the right which he is acquiring at the risk of his life. The wisest criterion for voting is age, because "nothing but dying before that time can take it away."

Nor is it wise to grant special representation to particular interests, because they will legislate for their own welfare to the detriment of the rest of society. Besides, what right have they "to a distinct and separate interest from the general interest of the nation?" To discriminate against any group is to "make poverty their choice." A wise man of property, Paine said, recognizes that security of his interest rests upon equal political rights for all, because the people never injure property if they are accorded equality of rights. Property is not safe, however, when it is employed

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80 Ibid., p. 267. Paine suggested that it might well be that a man's right to vote would depend upon such a thing as the birth of a mule. In that case, he wonders who should have the vote—the mule or the man. See Dorfman, op. cit., p. 379, for a curious statement of Paine's belief in the equality of suffrage. Dorfman ignored most of the arguments stated by Paine in an effort to prove that the sole purpose for removing property qualifications for voting was the protection of property rights. Dorfman's argument is based entirely upon carefully selected sections of The Rights of Man and "Letter Addressed to the Addressers," ignoring completely the two pamphlets which were most explicit on the question of suffrage. (Agrarian Justice and "Dissertation on First Principles of Government.")

81 "Letter Addressed to the Addressers, etc."
82 Ibid., pp. 75, 88.
85 "Address to the Addressers," Vol. III, p. 88
87 Ibid., p. 399.
"criminally . . . [as] a criterion for exclusive rights." Men of property should remember that "it is possible to exclude men from the right of voting, but it is impossible to exclude them from the right of rebelling against that exclusion; and when all other rights are taken away, the right of rebellion is made perfect."90

IV. POPULAR CONSULTATION

To remove the necessity of resorting to violence to secure their ends, the people must be given some means of expressing their desires both in the changing of the fundamental law and in the selection of representatives. Paine believed that elections, frequently held,91 prevent "inconveniences accumulating, till they discourage reformation or promote revolution."92

Constitutions, as we have seen, cannot be modified even by elected representatives, because the government would then be removed from the people after the first election.93 Constitutions should state the methods by which the people may make "alterations, amendments, or additions."94 A provision for constitutional amendment is one of the greatest steps toward the "security and progress of Constitutional liberty."95 The wisest provision for amendment is probably one which calls for a periodic convention—perhaps every seven years96—because "it provides frequent opportunity of using it [the right of constitutional revision] and thus helps to keep the government within the principles of the constitution."97 By electing special assemblies for the consideration of proposed revisions, "the general will, whether to reform or not, or what the reform shall be, or how far it shall extend, will be known, and it cannot be known by any other means."98

89 Ibid., p. 268. See The Rights of Man, Vol. II, p. 296, where Paine suggests that the mob is the safest asylum possible, and that even a miser would cease to think only of money if he were to mix with a mob. He uses "the mob" both to threaten those of property and to idealize "the common man."
90 Ibid., pp. 267–268.
93 Ibid., p. 311. Ibid., p. 452. Ibid., p. 431.
tion has finished its work, the revisions should be submitted to the people for their approval.\textsuperscript{99} Paine was clear that the calling of conventions at regular intervals must not be interpreted as barring revisions during the interim, because the powers of “forming and reforming, generating and regenerating constitutions . . . are always before a country as a matter of right . . . .”\textsuperscript{100}

The people cannot meet together to pass on ordinary laws, so representatives must be kept in close touch with their constituents.\textsuperscript{101} Legislators who are not held accountable to the people cease to represent the nation and represent only themselves.\textsuperscript{102} They are no better than the aristocracy, who, being “accountable to nobody, ought not be trusted by anybody.”\textsuperscript{103} Free discussion,\textsuperscript{104} aided by complete reports to the people by government officials, is essential to the maintenance of representative government. The reason for every government act must be given, because each citizen is a “proprietor of government, and considers it a necessary part of his business to understand.”\textsuperscript{105}

Paine gives more attention to the election of the members of the legislature than to the election of the members of the executive branch of government, because he assumed that the legislature in a democracy would be supreme. Nevertheless, he believed that both arms of the executive branch—the judiciary was not a separate branch of government\textsuperscript{106}—should be kept responsible to the people through elections. Applying his beliefs to the American scene, he insisted that presidential electors should be selected by the people


\textsuperscript{100} \textit{The Rights of Man}, Vol. II, pp. 397–398. See also “Letter Addressed to the Addressers, etc.,” Vol. III, p. 86.


\textsuperscript{103} \textit{The Rights of Man}, Vol. II, p. 323. See also “Anti-Monarchical Essay for Use of New Republicans,” Vol. III, p. 108, for a curious passage illustrating the lengths to which Paine would go to assure legislative responsibility. “With representatives, frequently renewed, who neither administer nor judge, whose functions are determined by laws; with national conventions, with primary assemblies, which can be convoked at any moment; with a people knowing how to read, and how to defend itself; with good journals, guns, and pikes; a Legislature would have a good deal of trouble in enjoying many months of tyranny.”

\textsuperscript{104} “Letter to Citizens of the United States” (no. 4), Vol. III, pp. 414–417. This essay was written against the Sedition Act of 1798.

\textsuperscript{105} \textit{The Rights of Man}, Vol. II, pp. 427–428.

rather than by the legislature, as was true in some states.\textsuperscript{107} Judges should also be made immediately responsible to the people. Terms for “good behavior” are open to objection because they have no legal or moral meaning.\textsuperscript{108} In monarchical systems, judges should be independent of the king, but in democracies an irresponsible court cannot be tolerated. In a monarchy, the judges may protect the people against the tyranny of the king. In a democracy, an independent judiciary is a limitation upon the rights of the people to self-government. If presidents, governors, and legislators can be replaced by elections, why is it that judges can be removed only by “the tedious and expensive formality of impeachment?”\textsuperscript{109} Perhaps, Paine suggested, because judges are lawyers, and lawyers always draw up the sections of constitutions dealing with the judiciary.\textsuperscript{110}

V. DEMOCRACY AND DEISM

If the above analysis is correct, Paine’s political ideas, at least in his later writings, satisfy all the requirements of the majority-rule democrat. There remains to discuss briefly the relationship of his belief in democracy and his belief in ultimate, immutable principles and absolute moral laws which may be objectively discovered—a notion which pervades all his writings.\textsuperscript{111}

His “scientific” deism held that God revealed himself in nature, and that by observing nature man could find the laws which govern society, just as Newton found the laws which govern the world of physics.\textsuperscript{112} A democratic or representative government is best fitted to follow the laws of nature because it “takes society and civilization for its basis; nature, reason, and experience for its guide.”\textsuperscript{113} Being in accord with laws of nature, the democratic society can discover other laws which govern the conduct of society.

\textsuperscript{108} Ibid., p. 464. \textsuperscript{109} Ibid. \textsuperscript{110} Ibid.\textsuperscript{111} See, for example, “Dissertation on Government, etc.,” Vol. II, p. 132. “There are such things as right and wrong in the world.” And “Dissertation on First Principles of Government,” Vol. III, p. 260. “... time has no more connection with, or influence upon principle, than principle has upon time.”
\textsuperscript{112} See, for example, The Age of Reason, Vol. IV, p. 45, “The word of God is the creation we behold: And it is in this word that God speaketh universally to man.” (Italics are Paine’s.) See also p. 191: “The principles we discover are eternal and of divine origin. ...” For a brief analysis of the relationship of Paine’s religious beliefs to his political, economic, and social thinking, see the excellent article by H. H. Clark, “Toward a Re-interpretation of Thomas Paine,” American Literature, Vol. V, pp. 133–145. \textsuperscript{113} The Rights of Man, Vol. II, pp. 418, 423.
Men are by nature both rational and good.\textsuperscript{114} They know that to do good is to act in their own interest.\textsuperscript{115} All that is necessary to put natural laws into practice is to have wise men inform the people of their findings about the nature of society, and the people will insist that right principles be followed.\textsuperscript{116} "Reason, like time, will make its own way,"\textsuperscript{117} and the errors committed at one time will be corrected by the people as soon as they recognize their mistakes.\textsuperscript{118} The people may be trusted with power, because it is to their interest, i.e., to the interest of the majority, that right be done.\textsuperscript{119} Superior members, who guide and inform the mass of men, spring from every section of society, but only a democratic state can take advantage of their wisdom, because only a democratic state allows all sections of the nation to take part in government.\textsuperscript{120} Inferior members of the community may occasionally inform superior members, and therefore it would be unwise to bar them from participation.\textsuperscript{121} When all members of society take part in its governance, all views are expressed, thus adding to the general enlightenment necessary for the passage of good acts.\textsuperscript{122} It appears, then, that it is right that decisions should be made by the people, as expressed by the majority, because in the long run the majority will decide rightly.\textsuperscript{123}

When the few are allowed to rule—and Paine assumed that minority-rule would be hereditary—the likelihood of government according to natural law is diminished. The interest of the few is not necessarily the interest of the entire society, and hence is not in


\textsuperscript{117} \textit{The Rights of Man}, Vol. II, p. 403.

\textsuperscript{118} Ibid., p. 509.

\textsuperscript{119} Ibid., p. 435.

\textsuperscript{120} Ibid., pp. 418-420.

\textsuperscript{121} "Thomas Paine's Answer to Four Questions, etc.," Vol. II, p. 242.


\textsuperscript{123} Ibid., p. 384. "Constitutions, Governments, and Charters," Vol. IV, App. H., p. 457; see also "Letter to Citizens of the United States" (no. 4), Vol. III, p. 400, "The Right will always become the popular." Compare this position with Max Lerner, \textit{op. cit.}, p. 107, "... the majority in a state represents a good bet in the long pull of history." See Kendall, \textit{op. cit.}, Ch. X, where the question is raised as to whether the belief in the "rightness" of majorities underlies all modern theories of majority rule.
accord with God’s principles. Succeeding generations of minorities become less and less qualified to rule because wisdom is not hereditary; in-breeding among the minority weakens the off-spring; and because the children are reared in an atmosphere conducive to oppression, not justice.

The principles of a democratic society, stated above, have been discovered through the “science of government,” although that science is still in its infancy. Students of government have also found that forms of government must correspond to its principles to produce harmony and “a rational order of things.” Future generations will discover new laws and modify or change present forms of government to harmonize with God’s revealed principles. Because of the magnificent advances during the last quarter of the eighteenth century toward an understanding of the natural laws and principles which govern society, “the present age will hereafter merit to be called the Age of Reason. . . .”

124 Ibid., p. 321.
125 Ibid., pp. 322–323.
128 Ibid., p. 512.