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Paine's *Rights of Man* and the Religiosity of Rights Doctrines

Gregory Claeys

Though I mean not to touch upon any sectarian principle of religion, yet it may be worth observing, that the genealogy of Christ is traced to Adam. Why then not trace the rights of man to the creation of man? ... The illuminating and divine principle of the equal rights of man, (for it has its origin from the Maker of man) relates, not only to the living individuals, but to generations of men succeeding each other. Every generation is equal in rights to the generations which preceded it, by the same rule that every individual is born equal in rights with his contemporary.

Every history of the creation, and every traditionary account, whether from the lettered or unlettered world, however they may vary in their opinion or belief of certain particulars, all agree in establishing one point, the unity of man; by which I mean, that men are all 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, the latter being only the mode by which the former is carried forward; 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.

The Mosaic account of the creation, whether taken as divine authority, or merely historical, is full to this point, the unity or equality of man. The expressions admit of no controversy. 'And God said, Let us make man in our own image. In the image of God created he him; male and female created he them.' The distinction of sexes is pointed out, but no other distinction is even implied. If this be not divine authority, it is at least historical authority, and

shews that the equality of man, so far from being a modern doctrine, is the oldest upon record.

It is also to be observed, that all the religions known in the world are founded, so far as they relate to man, on the unity of man, as being all of one degree.¹

How ought we to interpret this dramatic yet in some respects unexceptionable passage? Paine's extraordinarily influential claim has been termed 'one of the most important developments in the doctrine of rights in our own time.'² It occurred at a critical moment of both political and conceptual change in which modernity is often described as being declared in the description of all humanity, rather than only the privileged few, as rights-bearers. Yet both Paine's formulations and their reception reveal other levels of meaning. There is no doubt that this particular passage possessed a shocking, intoxicating quality. *Rights of Man* was a type of secular revelation. One reader termed Paine a 'second Jesus Christ'; in the words of the radical shoemaker Thomas Hardy, Paine's writings 'seemed to electrify the nation'. Universalistic rights claims were empowering in an extraordinarily dramatic manner. Well had the Unitarian radical Joseph Priestley reflected, capturing the spirit of the moment, that 'every man, when he comes to be sensible of his natural rights, and to feel his own importance, will consider himself as fully equal to any other person whatever.'³ Yet this passage goes beyond empowerment to hint at redemption of a sort, at least of passionate hopes and expectations. It clearly involved a powerful emotion in which the apprehension of God's will plays a major part in the experience, if falling short of Priestley's vaunted millennium.⁴ It indicates, too, that the religion of rights gained its moral force partly, perhaps even predominantly, by being entwined with a psychological process of individuation, which brought about a more intense desire for 'rights' as markers and assertions of identity.

This chapter will focus on several aspects of the religious context of Paine's *Rights of Man* (1791–2). Most historical accounts of human rights ideals in the later modern period deploy some variation on a secularization narrative. They see some type of shift from natural rights, grounded in natural jurisprudence and theology, and from discussions of historical rights, 'liberties' and 'privileges' of particular peoples, to secular arguments which impute rights to human beings as such. It is often contended that the phrase 'human rights' had not yet appeared in this period; in fact, while not yet widely deployed it was in use.⁵ Thus it is widely accepted that the French Revolution 'marked the secularization of the concept by changing its name from "natural rights" to "human rights"'.⁶

Nonetheless the secularization hypothesis is liable to various challenges. It can for instance be suggested that many rights concepts rested on a pre-existing conception of human nature whose first premise, sometimes framed in terms of the 'natural dignity' of mankind⁷ still defined 'human nature' in terms of divine natural law.⁸ The reception of rights ideas in this period is thus interwoven with religiosity to a degree usually unexplored. We need hence to recall that the concept of revolution itself, defined in this period in a well-known account (the 1789 *Catechisme d'un peuple libre*) as a crisis in which peoples aged by suffering regained 'the vigor of youth, and escape the grip of death', was frequently associated in this period with the idea of regeneration. Rights ideas thus often remained more deeply infused with religious associations than we commonly acknowledge.

How does Paine fit into this story? Issued in two parts in February 1791 and February 1792, *Rights of Man* became the best-selling political tract ever published in the English language, selling at least 200,000 copies. It followed on from the Declaration of the Rights of Man and of the Citizen, drafted by Lafayette and ratified by the Constituent Assembly in August 1789. This had asserted that 'in respect of their rights men are born and remain free and equal'. It built, of course, on Lafayette's main model, the American colonies' Declaration of Independence, a document once attributed to Paine (who perhaps played a major role in drafting it). And it owes something also to Paine's *Common Sense*, which had done much to further the cause of independence in appealing to 'the equal rights of nature'.⁹ *Rights of Man* also reacted directly to Edmund Burke's *Reflections on the Revolution in France* (1790), which denied that the chief function of civil society was to protect rights inherited from the state of nature and which described natural rights doctrines as 'metaphysical abstractions' which had spawned the 'monstrous fiction' of human equality.¹⁰ Yet this monstrosity was also one of the foundation myths of both European and American culture and would become an essential dogma in modern republican civil religion as well as in socialism.

The two main meanings of rights claims before the French Revolution were rooted in the idea of rights as privileges and the wider idea of rights as rooted in nature and derived from God. Rights were deemed 'natural' insofar as they were possessed by all in the state of nature, defined by natural liberty. Thus Abraham Williams had written in 1762 that all men were 'naturally equal, as descended from a common parent', while John Dickinson wrote of rights that 'we claim them from a higher source – from the King of Kings, and Lord of all the earth'.¹¹ Though it had been used synonymously with 'liberty', 'claim', 'power' and so on in John Locke and others, 'right' here was not something granted

and possibly withdrawn (except for criminals). It was rather an inheritance (often described as a 'birth-right') which, at least, all propertied white males received upon reaching maturity. Locke had also proposed both a secular and a religious conception of equality, the former based in a concept of personhood which stressed equal desires for happiness and capacity for rational reflection and the pursuit of rational ends. Every man had in Locke's view an equal right to natural freedom 'without being subject to the will or authority of any other men'. The 'rights of man' was certainly very rarely understood as such to imply the 'rights of women': the universal presumption is not yet present, if latent as a principle awaiting to be driven forwards by the embarrassment of the hypocrisy of restriction. The 'rights of man' were thus actually the 'rights of men' which were in turn chiefly 'the rights of Britons'. But some eighteenth-century writers did acknowledge that rights claimed as Christians and rights claimed as men could differ, despite the fact that their source was identical.

At the dawning of the Revolution there is evidence of a perceived tension between these two traditions. As Jonathan Israel has shown, one reason the French Declaration won out over a restatement of the English Bill of Rights of 1688 was that it did not have to have recourse to 'ancient rights and liberties'. Attempts to have 'God' inserted somewhere in the Declaration also failed, leaving the way open for a more universalistic interpretation of the document. Israel notes that the 'French Declaration clearly envisioned renewal of society on a completely new basis, not one inherent in the legal past of the nation (as is implied by the American declaration)'. This echoes Paine's own sense that a 'Regeneration of Man' was proposed by the Declaration.¹²

The case for seeing the emergence of these ideals in religious terms has often been stated. Alexis de Tocqueville described the French Revolution as 'a political revolution which proceeded in the manner of a religious revolution', emphasizing here precisely that doctrinal universalism which sought 'the regeneration of mankind ... to regulate the relations of man towards God, and the rights and duties of men towards each other, independently of the various forms of society', and exporting such ideals to all nations accordingly.¹³ We might describe this process as the rebirth of the Christian ideal of equality as a theory of political equality based on rights, but still infused with a fervency characteristic of religion. Partially, at least, this was the dialectical, antithetical response to existing privilege, the citizen pitted against the aristocrat. Partly also it was a response to modernity as such, and the unsettling effects of urbanization, scarcity and the extension of market society.

Accounts of rights during the revolutionary period were, however, often suitably ambiguous with regard to religion. In describing 'the natural, inalienable and sacred rights of man' the 1789 Declaration had asserted that, respecting rights, 'men are born and remain free and equal'. This could mean that citizens possessed (an undefined) freedom and equality, defined in terms of rights, *at their own birth*. Or it could mean that mankind was collectively created or 'born' as a species in possession of such rights in a more metaphorical, Rousseauian sense of the word. Some assume that such claims did intend to refer to 'individuals by virtue of their humanity'.¹⁴ But did this 'humanity' derive from being made in the image of God or from some other postulate? The former response was offered by Richard Price, a key target in Burke's *Reflections*. Price contrasted the 'rights of men' to 'prescriptive right' and wrote in his *Discourse on the Love of Our Country* of the 'general rights of mankind'. He argued that the American colonists' rights derived not from charters but 'from a higher source' and described the fundamental right of 'equality or independence' as emanating from 'their maker'. In the *Discourse* Price doubtless also wedded Christian enthusiasm to a radical approach to rights in proposing the superiority of universal benevolence over patriotism – that is, appealing to higher over lower rights.

Paine's chief concern was to refute Burke's insinuation that rights were merely conventional and emanated from 'musty records and mouldy parchments' (18). Thus he strengthened the tacit theological context of the 1789 Declaration, bringing it into line with accepted natural law usage rather than making it more overtly secular. This gave him a broader appeal than discussions of the rights of particular peoples. But it did not establish a psychological or 'humanist' rights claim as such, even if a person's rights were exercised, according to Paine, 'in right of his existence' (39). 'Existence' is still defined theologically rather than as a claim about personality, identity, psychology, physiology or 'humanity' as such. It is true that in 1777 Paine defined a natural right as 'an animal right; and the power to act it, is supposed, to be mechanically contained within ourselves as individuals'.¹⁵ This gives us the hint of a psychological theory of rights separate from, if derivative of, the Creation. But it was not the strategy central to *Rights of Man*. Moreover, no declaration of rights could become truly universal unless it were freed from the framework of particular religions. Hence the irony of Paine's claim: deriving rights from 'Genesis' gave them a more universal basis than the particular rights of Britons, Frenchmen or Americans but still limited them to an account which, notwithstanding his comments about the 'unity of man', non-Christians might find difficult to accept. This strategy has been described

as 'linking the humanistic basis of rights with a religious approach', and it is stressed that Paine saw the individual 'conceived as the rightful possessor of rights *qua* individual, and not because of ... his status as a member of an existing community'.¹⁶ Yet Paine did not move towards the more secular strategy here, but rather if anything away from it. When he spoke of 'inherent' rights, as he did several times in *Rights of Man*, the reference was not psychological but to theologically rooted natural rights. Similarly, it is unwise to assume that 'the rights of man' were either intended to describe the most general attribution of rights to the species, or even prospectively desired to become universal, if one is to understand that claim to universality as having its basis in the essence of the human.¹⁷

It might be helpful at this point to describe briefly the religious context of Paine's ideas. The democratic language of equality of right and opportunity in the pre-Revolutionary American colonies had many religious sources. The quest for individual perfection, salvation and millennial happiness was often linked to collective endeavour and identity at a time of change, fear and challenge of various kinds. An intensified religiosity often termed 'enthusiasm' characterized the Great Awakening of the 1740s, which has often been described as 'the beginning of America's identity as a nation – the starting point of the Revolution'. Here a discourse focusing on rights, contractual self-government and antagonism to ecclesiastical hierarchy linked religion and politics. The New World represented a markedly utopian ideal in which respite from the sins of the old world loomed large psychologically. A sense of divine mission, millennial hope and escape from persecution united the more religious colonists and provided the basis for a growing conception of manifest destiny which would subsequently of course become central to America's national identity. A resurgence of evangelical zeal occurred after 1790. Such a coincidence was also present in the Second Advent movement of William Miller (Millerism), with the American development of Owenism and Fourierism, and with Shakerism and other forms of sectarianism. In Britain this 'enthusiastic' religiosity was often linked to Methodism and forms a significant undercurrent to the 'Rational Dissent' which we more commonly associate with eighteenth-century radicalism, but which was linked to millenarianism in the writings of Priestley and Price in particular. This would also fuel an unprecedented expansion of Protestant religiosity in the nineteenth century. Its presence helps us to understand the cathartic reaction by readers to Paine's *Rights of Man*, which clearly brought home or reinforced in startling fashion the message that religious doctrines could possess a strikingly direct political meaning. Paine's background as a sometime Methodist lay minister

made it easy for him to deploy such arguments. There is also evidence that a number of Methodists were Paineites. But we can also conceive Paine as reimporting to Britain from the new United States a more enthusiastic fusion of religion and politics, focused on the idea of rights and infusing both the American and French revolutions with Providential and quasi-millenarian meanings.

Finally, it is worth reiterating that the publication of *The Age of Reason* (1794), with its withering assault on the 'Mosaic account' of creation and revelation more generally, potentially undermined a good part of the foundation of Paine's rights claims of 1791–2, as well as fatally wounding Paine's American reputation. Anxious to stake his claim as a deist, and to counter atheism, Paine nonetheless inadvertently moved rights arguments in a non-theological direction. If the account of human equality offered in 'Genesis' was some combination of 'fabulous' and 'traditional', this concept too had to be rethought, for instance in utilitarian terms. The same rationale holds for his arguments respecting divine intentions concerning property rights in *Agrarian Justice*, where the earth is described as initially bequeathed by God as 'the *common property of the human race*', leaving 'every person born into the world' with the right to a means of subsistence.¹⁸ The subversive nature of theological criticism in Paine's case ironically paved the way for seeing all rights as essentially conventional and aspirational, and rights-based movements as 'utopian' attempts to construct a social and political framework which *created* equality rather than assuming it was retrieving a long-lost divine intention. We should also recall in this context that the further welfare rights proposals offered in *Agrarian Justice* were *not* contingent on divine intent but included a 'principle of progress' and a theory of 'social debt' by which the rich as stewards of God's bequest always owed part of their wealth to society. Here, in particular, old-age pensions were justified on the basis of labour performed, not any humanitarian consideration as such, for Paine insisted that it was 'not of the nature of a charity, but of a right' (200). The religiosity of the moment of *Rights of Man* was passing and giving way to more secular accounts of rights, and now, not in 1791–2, Paine lent his assistance to the process.

It has been argued here that the theological context of Paine's claims on behalf of the 'rights of man' is central both to Paine's argument and to understanding the immense popularity of *Rights of Man*. In terms of the secularization of human rights arguments in the later modern period, Paine's strategy for going beyond revolution to 'the regeneration of man' (82) can thus be seen as a retrograde one. But this probably contributed substantially to the book's popularity in the 1790s.

It may also be that, like *The Age of Reason*, this was a move by Paine to stem some of the French revolutionaries' efforts to 'de-Christianise' society. The irony is that this is accomplished by a reinforcement of a theological context which many earlier Enlightenment thinkers had been concerned to erode and many later human rights theorists to dismiss. This context, in turn, was wedded to other meanings associated with the idea of regeneration, like the constitutional renewal urged by Paine (42).

Further Reading

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