Review

Thomas Paine and the idea of human rights

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This valuable study by Robert Lamb offers a reconstruction of Thomas Paine's political thought, based essentially on a reading of his diverse texts, alongside occasional engagements with a handful of Paine scholars. The book's primary goal is to describe Paine as a "liberal" in view of his commitment to universal human rights as the basis of government (along with popular consent). Lamb goes on to survey the nature of Paine's liberalism in areas such as distributive justice and international theory. It is all very educational and interesting. For his coverage of Paine's opinions in careful expository prose, Lamb has achieved a great deal and deserves a wide readership.

To begin, Lamb offers a chapter-length defense of his procedures, intended chiefly (in the spirit of Mark Bevir) to offer a counterpoint to the so-called Cambridge School of intellectual history. It is quite important for Lamb to defend what he repeatedly calls a "historical" thesis that Paine was a liberal thinker, without committing him to much if any serious engagement with Paine's immediate context. Major claims in the study are vindicated by comparing Paine to a few other canonical thinkers, and especially John Locke. But it is even more important, Lamb says, to outline Paine's contribution to a *philosophia perennis* in which fundamental problems can last indefinitely across long stretches of time – and it is true that claims concerning the inherent rights of individuals are more common than ever in our day.

Few could object to Lamb's sensible commitments to authorial scrutiny in a relative void of context, though it does strike me as more dubious for Lamb to take two further steps on this basis. The first step is to place so much emphasis on "historical" claims about Paine's relation to the liberal tradition with next to no investigation or substantiation of what that tradition has been, especially in light of how contested a label it is, or even reference to much secondary literature (such as Duncan Bell and Edmund Fawcett, to name only the most recent authorities whose works throw up a significant challenge to the claims about "liberalism" made here). No liberals of serious note, for example, had Paine's foundational commitment to human rights between the 1790s and the 1970s, so it may turn

out to be more implausible than Lamb believes to extrapolate about the nature of the tradition from one of the last believers in a persistently controversial eighteenth-century metaphysics.

The second potentially dubious step Lamb takes is to offer arguments about how novel Paine's thinking was, even relative to that earlier background. It is one thing – presumptively defensible for the reasons Lamb explains – to reconstitute the identity of a thinker's contribution by reading his texts and comparing them as a putatively coherent vision to other canonical positions. It is quite another, however, to make claims concerning the thinker's "originality" without invocation, let alone study, of more immediate context. If you skip a rich century of theory (in and outside of the English language) between Locke and Paine, it is unclear how you can vindicate the claim that the latter was original, simply because he differed from the former. Typically, Paine is seen as a controversialist and pamphleteer whose rhetorical vigor and political impact outstripped his philosophical originality, and it is not clear that Lamb's procedures are well designed to prove otherwise.

However, it is still important to know what Paine actually thought, whether it was liberal or not, and original or not, and Lamb's study is generally careful and interesting in this regard. Where Lamb may nonetheless fall short is not in his failure of historical contextualization but in his lack of full engagement with the *current* philosophical literature – since what might matter, if not the historical credentials of Paine's thought, is how to judge the relevance of his contribution now.

A first problem in this regard is the lack of detail concerning Paine's attempt to justify the existence of human rights, and their priority to duties generally and to duties to collective goods particularly. Lamb repeatedly claims that both human rights and their priority over other concerns (such as virtue, which Paine happily embraced) flow from human equality. Yet it is unclear why they do so. All humans could be equal in their possession of no rights, or in the priority of their duties to their rights, and indeed it was much more common to reach both those conclusions within egalitarian traditions before (indeed during) the eighteenth century. Lamb proceeds immediately to the important fact that Paine deduced the necessity of consent to government from the existence and priority of individual rights, and — though he briefly flirts with assigning to Paine an interest-based approach to basic entitlements — returns only late in the book to the fact that Paine's justification of them in the first place was essentially theistic (and not very theologically sophisticated for that matter). More engagement with the current attempt to "ground" human rights, and notably engagement with the raging debate among contemporary philosophers between proponents of "orthodox" or "moral" readings of the concept (such as James Griffin, John Tasioulas, or Jeremy Waldron) and "functional" or "political" interpretations of it (such as Charles Beitz or Allen Buchanan) would help to compensate for Lamb's failure to work out

the historical details of his case by explaining what illumination — if any — Paine offers to conversation now.

Similar observations apply to Lamb's valuable working out of Paine's position on the relation of property and welfare rights. Paine was, recent historians have shown, among the most pioneering contributors to still raging discussions of state redistribution; and Lamb helpfully writes that while Paine generally hewed to a quite "libertarian" account of property, he counteracted it with something like a commitment to a universal basic income as well as some other welfare rights. But, as far as one can tell from Lamb's quotations, Paine was in fact (as Gareth Stedman-Jones has likewise emphasized) a forerunner of a "sufficientarian" perspective on distributive justice, which sets a floor of protection in the socioeconomic domain without insisting on a ceiling on inequality. "I care not how affluent some may be, so long as none be miserable in consequence of it," Paine wrote in *Agrarian Justice* (1796) (cited at p. 148). It is an exemplary articulation of sufficientarianism, worthy of its most recent representatives, such as Harry Frankfurt, who rightly understands that position as an alternative to egalitarianism. But, seemingly unaware of the currently raging debate between sufficientarianism and egalitarianism in distributive justice, Lamb appears to mix the two up, desiring Paine to take up the more ambitious position as if it were a necessary consequence of his commitment to the equal rights of individuals. Distributive egalitarians, however, most definitely care about how rich the rich are, not merely whether the poor are still poor. And Lamb does not cite evidence that Paine ever drew distributively egalitarian inferences, and conflates his protagonist's sufficientarian conclusions with John Rawls's more demandingly egalitarian approach (p. 148).

In an excellent chapter, Lamb finishes by investigating Paine's "cosmopolitanism." He finds—unsurprisingly, I believe—that Paine envisioned a world of states existing indefinitely into the future, and even accorded them some moral importance; and Lamb goes on to reflect on how this could be compatible with his foundational commitment to human rights. It is, however, very revealing that Paine's nearly exclusive interest in "human rights" was for their implications for domestic governance, up to and including the right of revolution, rather than foreign affairs. Meanwhile, there were at least one or two moral cosmopolitans in Paine's time who believed in an institutional cosmopolitan order that would supersede the current interstate scene: perhaps the most florid example is Paine's fellow "citizen of the world" in the French revolutionary assembly, the German Baron Anacharsis Cloots. But Lamb shows Paine to be closer to Immanuel Kant and indeed on slim evidence imputes to him Kant's view that states that fail to protect individual's rights are not subject to respect, since they betray their central function. A strong anti-colonialist, Kant did not conclude that intervention was therefore legitimate, at least as a matter of his preliminary articles in *Perpetual Peace* (in his discussion of this point, Lamb ignores the distinction between them and Kant's definitive articles, a distinction that makes it difficult to know whether

Kant forbade intervention permanently). As Lamb reminds us, even if Paine did not write specifically about intervention, or develop any category of “cosmopolitan right” in his polemic with Edmund Burke, he did accuse his foe of illegitimate meddling in French affairs. (Correspondingly, recent historical scholarship, not cited here, by Brendan Simms among others, reveals that Burke had a sophisticated theory of humanitarian intervention.) But Lamb does not succeed in showing, though he does imply, that Paine did serious thinking about these matters, and so the book is forced to extrapolation and speculation about what Paine might and must have thought.

Overall, Lamb has written a valuable book that might have benefited not from more historical context but — in the spirit of his own self-declared methodology — even more philosophical sensitivity.

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