

## The Constitution of 1795

[French Revolution](#) · 1795

SPEECH IN THE FRENCH NATIONAL CONVENTION, JULY 7, 1795

Philip Foner's introduction:

On the 19th of Messidor of the year III, Paine had read from the tribune in the French National Convention the translation of this speech, which he had written in English, pointing sharply to the contradictions between the principles of 1789 and the property requirements for suffrage in the proposed Constitution of 1795. The Convention, dominated by the wealthy bourgeoisie who were determined to keep political power in their own hands, listened impatiently to Paine's fervent call for universal suffrage. No one arose to speak in support of Paine, and the Convention went on to adopt the conservative Constitution on September 23, 1795.

Paine never appeared again in the Convention after the reading of the speech.

---

ON the motion of Lanthenas, "That permission be granted to Thomas Paine, to deliver his sentiments on the Declaration of Rights and the Constitution," Thomas Paine ascended the tribune; and no opposition being made to the motion, one of the secretaries, who stood by Mr. Paine, read his speech, of which the following is a literal translation:

CITIZENS :

The effects of a malignant fever with which I was afflicted during a rigorous confinement in the Luxembourg, have thus long prevented me from attending at my post in the bosom of the Convention, and the magnitude of the subject under discussion, and no other consideration on earth, could induce me now to repair to my station.

A recurrence to the vicissitudes I have experienced, and the critical situations in which I have been placed in consequence of the French Revolution, will throw upon what I now propose to submit to the Convention the most unequivocal proofs of my integrity, and the rectitude of those principles which have uniformly influenced my conduct.

In England I was proscribed for having vindicated the French Revolution, and I have suffered a rigorous imprisonment in France for having pursued a similar mode of conduct. During the reign of terrorism, I was a close prisoner for eight long months, and remained so above three months after the era of the tenth Thermidor. I ought, however, to state, that I was not persecuted by the people either of England or France. The proceedings in both

countries were the effects of the despotism existing in their respective governments. But, even if my persecution had originated in the people at large, my principles and conduct would still have remained the same. Principles which are influenced and subject to the control of tyranny have not their foundation in the heart.

A few days ago I transmitted to you by the ordinary mode of distribution a short treatise entitled "Dissertation on the First Principles of Government." This little work I did intend to have dedicated to the people of Holland, who, about the time I began to write it, were determined to accomplish a revolution in their government, rather than to the people of France, who had long before effected that glorious object. But there are, in the Constitution which is about to be ratified by the Convention, certain articles, and in the report which preceded it certain points so repugnant to reason and incompatible with the true principles of liberty as to render this treatise, drawn up for another purpose, applicable to the present occasion, and under this impression I presumed to submit it to your consideration.

If there be faults in the Constitution, it were better to expunge them now than to abide the event of their mischievous tendency; for certain it is that the plan of the Constitution which has been presented to you is not consistent with the grand object of the Revolution, nor congenial to the sentiments of the individuals who accomplished it.

To deprive half the people in a nation of their rights as citizens is an easy matter in theory or on paper; but it is a most dangerous experiment, and rarely practicable in the execution.

I shall now proceed to the observations I have to offer on this important subject; and I pledge myself that they shall be neither numerous nor diffusive.

In my apprehension, a constitution embraces two distinct parts or objects, the Principle and the Practise; and it is not only an essential but an indispensable provision that the practise should emanate from, and accord with, the principle. Now I maintain, that the reverse of this proposition is the case in the plan of the Constitution under discussion. The first article, for instance, of the political state of citizens (v. Title ii. of the Constitution), says:

"Every man born and resident in France, who, being twenty-one years of age, has inscribed his name on the civic register of his canton, and who has lived afterwards one year on the territory of the Republic, and who pays any direct contribution whatever, real or personal, is a French citizen."

I might here ask, if those only who come under the above description are to be considered as citizens, what designation do you mean to give the rest of the people ? I allude to that portion of the people on whom the principal part of the labor falls, and on whom the weight of indirect taxation will in the event chiefly press. In the structure of the social fabric this

class of people are infinitely superior to that privileged order whose only qualification is their wealth or territorial possessions. For what is trade without merchants? What is land without cultivation? And what is the produce of the land without manufactures? But to return to the subject.

In the first place, this article is incompatible with the three first articles of the Declaration of Rights which precede the Constitutional Act.

The first article of the Declaration of Rights says:

"The end of society is the public good; and the institution of government is to secure to every individual the enjoyment of his rights."

But the article of the Constitution to which I have just adverted proposes as the object of society, not the public good, or in other words, the good of all, but a partial good; or the good only of a few; and the Constitution provides solely for the rights of this few, to the exclusion of the many.

The second article of the Declaration of Rights says:

"The rights of man in society are liberty, equality, security of his person and property."

But the article alluded to in the Constitution has a direct tendency to establish the reverse of this position, inasmuch as the persons excluded by this inequality can neither be said to possess liberty, nor security against oppression. They are consigned totally to the caprice and tyranny of the rest.

The third article of the Declaration of Rights says:

"Liberty consists in such acts of volition as are not injurious to others."

But the article of the Constitution, on which I have observed, breaks down this barrier. It enables the liberty of one part of society to destroy the freedom of the other.

Having thus pointed out the inconsistency of this article to the Declaration of Rights, I shall proceed to comment on that of the same article which makes a direct contribution a necessary qualification to the right of citizenship.

A modern refinement on the object of public revenue has divided the taxes, or contributions, into two classes, the direct and the indirect, without being able to define precisely the distinction or difference between them, because the effect of both is the same.

Those are designated indirect taxes which fall upon the consumers of certain articles on which the tax is imposed because, the tax being included in the price, the consumer pays it without taking notice of it.

The same observation is applicable to the territorial tax. The land proprietors, in order to reimburse themselves, will rack-rent their tenants: the farmer, of course, will transfer the obligation to the miller by enhancing the price of grain; the miller to the baker by increasing the price of flour; and the baker to the consumer by raising the price of bread. The territorial tax, therefore, though called direct, is, in its consequences, indirect.

To this tax the land proprietor contributes only in proportion to the quantity of bread and other provisions that are consumed in his own family. The deficit is furnished by the great mass of the community, which comprehends every individual of the nation.

From the logical distinction between the direct and indirect taxation some emolument may result, I allow, to auditors of public accounts, etc., but to the people at large I deny that such a distinction (which by the by is without a difference) can be productive of any practical benefit. It ought not, therefore, to be admitted as a principle in the Constitution.

Besides this objection the provision in question does not affect to define, secure, or establish the right of citizenship. It consigns to the caprice or discretion of the legislature the power of pronouncing who shall, or shall not, exercise the functions of a citizen; and this may be done effectually, either by the imposition of a direct or indirect tax, according to the selfish views of the legislators, or by the mode of collecting the taxes so imposed.

Neither a tenant who occupies an extensive farm, nor a merchant or manufacturer who may have embarked a large capital in their respective pursuits, can ever, according to this system, attain the preemption of a citizen.

On the other hand, any upstart, who has, by succession or management, got possession of a few acres of land or a miserable tenement, may exultingly exercise the functions of a citizen, although perhaps neither possesses a hundredth part of the worth or property of a simple mechanic, nor contributes in any proportion to the exigencies of the state.

The contempt in which the old Government held mercantile pursuits, and the obloquy that attached on merchants and manufacturers, contributed not a little to its embarrassments and its eventual subversion; and, strange to tell, though the mischiefs arising from this mode of conduct are so obvious, yet an article is proposed for your adoption which has a manifest tendency to restore a defect inherent in the monarchy.

I shall now proceed to the second article of the same title, with which I shall conclude my remarks.

The second article says, "Every French soldier, who shall have served one or more campaigns in the cause of liberty, is deemed a citizen of the Republic, without any respect or reference to other qualifications."

It would seem that in this article the Committee were desirous of extricating themselves from a dilemma into which they had been plunged by the preceding article. When men depart from an established principle they are compelled to resort to trick and subterfuge, always shifting their means to preserve the unity of their objects; and as it rarely happens that the first expedient makes amends for the prostitution of principle they must call in aid a second, of a more flagrant nature, to supply the deficiency of the former.

In this manner legislators go on accumulating error upon error, and artifice upon artifice, until the mass becomes so bulky and incongruous, and their embarrassment so desperate, that they are compelled, as their last expedient, to resort to the very principle they had violated. The Committee were precisely in this predicament when they framed this article; and to me, I confess, their conduct appears specious rather than efficacious.

It was not for himself alone, but for his family, that the French citizen, at the dawn of the Revolution (for then indeed every man was considered a citizen), marched soldier-like to the frontiers, and repelled a foreign invasion. He had it not in his contemplation, that he should enjoy liberty for the residue of his earthly career, and by his own act preclude his offspring from that inestimable blessing. No! He wished to leave it as an inheritance to his children, and that they might hand it down to their latest posterity.

If a Frenchman, who united in his person the character of a soldier and a citizen, was now to return from the army to his peaceful habitation, he must address his small family in this manner: "Sorry I am, that I cannot leave to you a small portion of what I have acquired by exposing my person to the ferocity of our enemies and defeating their machinations. I have established the Republic, and, painful the reflection, all the laurels which I have won in the field are blasted, and all the privileges to which my exertions have entitled me extend not beyond the period of my own existence!" Thus the measure that has been adopted by way of subterfuge falls short of what the framers of it speculated upon; for in conciliating the affections of the soldier, they have subjected the father to the most pungent sensations, by obliging him to adopt a generation of slaves.

Citizens, a great deal has been urged respecting insurrections. I am confident that no man has a greater abhorrence of them than myself, and I am sorry that any insinuations should have been thrown out upon me as a promoter of violence of any kind. The whole tenor of my life and conversation gives the lie to those calumnies, and proves me to be a friend to order, truth and justice.

I hope you will attribute this effusion of my sentiments to my anxiety for the honor and success of the Revolution. I have no interest distinct from that which has a tendency to meliorate the situation of mankind. The Revolution, as far as it respects myself, has been productive of more loss and persecution than it is possible for me to describe or for you to indemnify. But with respect to the subject under consideration, I could not refrain from declaring my sentiments.

In my opinion, if you subvert the basis of the Revolution, if you dispense with principles, and substitute expedients, you will extinguish that enthusiasm and energy which have hitherto been the life and soul of the Revolution; and you will substitute in its place nothing but a cold indifference and self-interest, which will again degenerate into intrigue, cunning and effeminacy.

But to discard all considerations of a personal and subordinate nature, it is essential to the well-being of the Republic that the practical or organic part of the Constitution should correspond with its principles; and as this does not appear to be the case in the plan that has been presented to you, it is absolutely necessary that it should be submitted to the revision of a committee, who should be instructed to compare it with the Declaration of Rights in order to ascertain the difference between the two, and to make such alterations as shall render them perfectly consistent and compatible with each other.