A Dissertation approaching to completeness on the new Constitution of France would, in fact, be a vast system of political science. It would include a developement of the principles that regulate every portion of Government. So immense an attempt is little suited to our present limits. But some remarks on the prominent features of the French system are exacted by the nature of our vindication. They will consist chiefly of a defence of their grand THEORETIC PRINCIPLE, and their most important PRACTICAL INSTITUTION.

The principle of theory which has actuated the Legislators of France has been, that the object of all legitimate Government is the assertion and protection of the NATURAL RIGHTS OF MAN. They cannot indeed be absolved of some deviations from the path prescribed by this great principle; few indeed compared with those of any other body of whom history has preserved any record; but too many for their own glory, and for the happiness of the human race.218 This principle, however, is the basis of their edifice, and if it be false, the structure must fall to the ground. Against this principle, therefore, Mr. Burke has, with great judgment, directed his attack. Appeals to natural right are, according

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218 In May 1791 the National Assembly granted ‘active’ citizen status to free blacks with free parents and the necessary property, but to JM’s frustration, avoided the issue of slavery. In France the abolitionist movement revolved around the Société des Amis des Noirs, founded in 1788 by Brissot, Clavière, and with the close collaboration of Mirabeau. Faced with a fait accompli in Santo Domingo, France in 1794 became the first great power to abolish colonial slavery. This achievement was undone by Napoleon in 1802, and the final abolition of colonial slavery by France came in 1848.
to him, inconsistent and preposterous. A complete abdication and surrender of all natural right is made by man in entering into Society, and the only rights which he retains are CREATED by the compact which holds together the society of which he is a member. This doctrine he most explicitly asserts. – “The moment,” says he, “you abate any thing from the full rights of men each to govern himself, and suffer any artificial positive limitation on those rights, from that moment the whole organization of society becomes a consideration of convenience.” Burke, p. 89. “How can any man claim under the conventions of civil society rights which do not so much as suppose its existence – Rights which are absolutely repugnant to it?” Ibid. p. 88. To the same purpose is his whole reasoning from p. 86 to p. 92. To examine this doctrine, therefore, is of fundamental importance. To this effect it is not necessary to enter on any elaborate research into the metaphysical principles of politics and ethics. A full discussion of the subject would indeed demand such an investigation. The origin of natural rights must have been illustrated, and even their existence proved against some theorists. But such an enquiry would have been inconsistent with the nature of a publication addressed to popular conviction. We are besides absolved from the necessity of it in a controversy with Mr. Burke, who himself recognizes them in the most ample form.

Granting their existence, the discussion is short. The only criterion by which we can estimate the portion of natural right surrendered by man on entering into society, is the object of the surrender. If more is claimed than that exacts, it becomes not an object, but a pretext. Now the object for which a man resigns any portion of his natural sovereignty over his own actions is, that he may be protected from the abuse of the same dominion in other men. No greater sacrifice is therefore necessary than is prescribed by this object, the resignation of powers that in their exercise might be injurious to another. Nothing, therefore, can be more fallacious, than to pretend that we are precluded in

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219 **JM footnote:** ‘It might, perhaps, not be difficult to prove, that far from a surrender, there is not even a diminution of the natural rights of man by their entrance into Society. The existence of some union with greater or less permanence and perfection of public force for public protection (the essence of Government) might be demonstrated to be coeval, and co-extended with man. All theories therefore, which suppose the actual existence of any state antecedent to the social, might be convicted of futility and falsehood.’