

Rights of Man Posted on [April 10, 2012](http://familybusinessconsultinggroup.com/) <http://familybusinessconsultinggroup.com/>

David Lansky

I have been reading “Rights of Man” published in 1791 by Thomas Paine, one of the fathers of the American Revolution. This monograph was published as a commentary on events leading up to the French Revolution and the governance of nations. I find it fascinating to consider the relevance of these writings to our work on *governance of family enterprises*. While there are many interesting parallels, I focus on a few below, with Paine’s words in italics.

Principally, Rights of Man opposes the idea of hereditary government — the belief that dictatorial government is necessary, because of man’s corrupt, essential nature. Paine wrote:

Every age and generation must be as free to act for itself in all cases as the age and generations which preceded it. The vanity and presumption of governing beyond the grave is the most ridiculous and insolent of all tyrannies....

Need we say more about the challenge that founders face when they consider passing a business or family wealth to the next generation? You can’t govern from the grave.

Every generation is, and must be, competent to all the purposes which its occasions require.....

And yet it should be emphasized that generations who wish to assume governing responsibility must be competent (educated, informed, engaged) to that task.

The fact, therefore, must be that the individuals, themselves, each, in his own personal and sovereign right, entered into a compact with each other to produce a government: and this is the only mode in which governments have a right to arise, and the only principle on which they have a right to exist....

Legitimate systems of governance evolve from a conscious and intentional decision to freely associate. Some of the most flawed systems of family governance that I have observed are composed of family members who do not believe they have a choice – or do not own the choice they made – to be a part of the system.

The circumstances of the world are continually changing, and the opinions of men change also; and as government is for the living, and not for the dead, it is the living only that has any right in it. That which may be thought right and found convenient in one age may be thought wrong and found inconvenient in another. In such cases, who is to decide, the living or the dead...?

Whatever system of governance is implemented, it should be understood that policies and expectations are dynamic and evolving and should change over time to accommodate a family’s changing circumstances.

It requires but a very small glance of thought to perceive that although laws made in one generation often continue in force through succeeding generations, yet they continue to derive their force from the consent of the living....

It is incumbent upon governed parties to revisit and renew their agreements. Choice in successive generations that is revisited and renewed helps to ensure legitimacy of a system of governance and can help sustain the system over time.