Citizen Paine

The ill-starred flight of the French royal family on 21 June 1791 found Paine in Paris, where he had gone to supervise the translation into French of the first volume of Rights of Man. When Louis XVI was captured at Varennes and brought back to Paris on 25 June, Paine, as a spectator, was mistaken for an aristocrat and threatened with hanging. The reason was that he had failed to adorn himself with a revolutionary cockade. An English-speaking Frenchman identified and rescued him.

Though he was more than ever a cipher, Louis was not immediately divested of his kingship. There were influential Frenchmen, including the Abbé Sieyès, and at that date, even Robespierre, who thought that the new French Constitution should retain the institution of monarchy, however limited its powers. Paine did not oppose them so long as Louis appeared willing to co-operate with the National Assembly, but after Louis, by his attempted escape, had shown himself not to be sincere, Paine felt it to be his duty to convert France also to Republicanism. He founded a Republican Club, which, according to Moncure Conway,1 contained only four other members, the philosopher Condorcet, no longer using his title of Marquis, Achille Duchâtelet, and possibly also Brissot and the journalist Nicolas Bonneville. The society started a journal Le Républicain but only one number appeared. It contained a letter by Paine in which he made his customary point that monarchy and hereditary succession cannot be reconciled with the principles of elective representation and the rights of man.

Paine returned to England in response to an invitation to attend a

Life of Thomas Paine, vol. I, p. 311.

celebration, at the White Bear Inn in Piccadilly, of the second anniversary of the fall of the Bastille. In fact Paine thought it prudent to absent himself and the landlord of the White Bear also came to think it prudent not to admit the celebrants. At a meeting which did take place at the Thatched House Tavern on 20 August, under the chairmanship of John Horne Tooke, the company subscribed to a manifesto, written by Paine, in which he congratulated the French on their revolution, and outlined some of the reforms that he was to advocate in the second volume of Rights of Man.

We have seen that Paine dedicated the first volume of Rights of Man to George Washington and on 22 July sent him a present of fifty copies, with a letter in which he expatiated on the success which the book had enjoyed, especially in Ireland. Washington took nine months to reply to Paine, giving the duties of his office as a reason for the delay, and acknowledging in a postscript a gift of twelve copies of the second volume. The tone of Washington's letter is cordial but Conway suggests that part of the reason for the delay may have been Washington's desire at that time to remain on good terms with the British government and his fear that it may have objected to Paine's book.

In fact, the British government gave no sign of showing any interest in the first volume of Paine's Rights of Man. Neither political party had any great affection for Burke, and the occasion for repelling Paine's attacks on hereditary monarchy was hardly opportune, when George III had recently been found insane. Paine lived quietly in London at the home of his young friend Thomas Rickman, conversed with his radical acquaintances, and busied himself with the composition of the second volume.

He always wrote quickly and the book was delivered to Chapman, its prospective printer, by 1 February 1792. Chapman, however, considered the book too dangerous to publish, and it was once again Jordan who brought it out on 17 February. On this occasion, however, Pitt, who had no personal hostility to Paine, but was not in favour of a British revolution, even if he was in the best position to lead it, decided that the second volume of Rights of Man was too subversive to be ignored. In May, the government took out a summons against both Jordan and Paine on the basis of a Royal Proclamation against seditious writings. Jordan pleaded guilty and was allowed to drop out of the case when Paine took sole responsibility for the book. The letters which he wrote at the time to Sir Archibald Macdonald, the Attorney-General, to Henry Dundas, the Secretary for the Home Department, and to Lord

Onslow, the Lord Lieutenant of the County of Surrey, who had organized a meeting to manifest approval of the Royal Proclamation, show that he believed himself to be legally entitled to publish arguments in favour of improving the British Constitution and that he was not afraid of standing trial for his opinions. He appeared in court on 8 June 1792 and was disappointed when his trial was postponed until December.

The trouble was that Paine misjudged the strength of the British government's determination to silence and discredit him. He had some reason for feeling secure. His portrait had just been painted by George Romney. Some 200,000 copies of the combined Rights of Man had been sold, yielding Paine a profit of more than a thousand pounds, which he characteristically donated to the Society for Constitutional Information. How could proposals, so plainly designed for their advantage, fail to appeal to the mass of the British people?

A very fair question, but one that Pitt was also capable of posing, and Pitt had power. Paine's works were burned in the market place of Exeter. His person was burned in effigy at Staines, Leeds, Camberwell, Bristol, Chelmsford and probably elsewhere. It is unlikely that these popular demonstrations were altogether spontaneous. They did, however, tend to show that Paine's assumption that England was ripe for revolution, on the French model, was over optimistic.

How far he had overrated his security soon became clear. On 12 September he made a fiery speech at a meeting of a society of the 'Friends of Liberty'. On the following evening, he was about to leave a friend's house, where he had been regaling the company with an account of this speech, when William Blake, who alone of the guests had the intelligence to see that Paine had put himself into imminent danger, said to him 'You must not go home, or you are a dead man,' His earnestness convinced Paine, who at once set out for Dover, accompanied by a Mr Frost, who somehow knew which was the safest route for them to take, and by Achille Audibert, who had come to London to persuade Paine to accept an invitation from the department of the Pas-de-Calais to be its representative in the Convention. The party had some trouble with a customs officer at Dover but Paine overawed him by showing him letters which he had received from various eminent persons, including George Washington. The order to arrest Paine reached Dover just twenty minutes after the departure of the ship which was carrying him to France.

There was no doubt that the French would welcome him. He was, in fact, one of the nineteen foreigners on whom the French Assembly had

conferred the title of French citizen. The others included Priestley, Bentham and Wilberforce, and the American statesmen, Washington, Hamilton and Madison. These favours were bestowed in the month of August 1792, during which the French Revolution took a decisive turn.

The events of August can be traced back to the rash declaration of war by the French Assembly on 20 April 1792 against Austria and Prussia. The enemy under the command of the Duke of Brunswick was confident of victory and underrated both the military skill and the loyalty to their new government of the French army. He did not invade France until the end of July and though he captured the fortress of Longwy on 23 August and Verdun on 2 September he was defeated in an artillery battle at Valmy on 20 September and retired to the frontier.

In the meantime, however, the news that the enemy forces were approaching Longwy aroused both fear and anger in the working population of Paris. On 10 August, encouraged by the Jacobins, they overthrew the municipal government of Paris and set up a new revolutionary commune at the Hôtel de Ville. The Tuileries was stormed and the King and his family took refuge with the Assembly, which immediately capitulated. It handed the King over as a prisoner to the Commune and called for elections to a National Convention for the purpose of revising the constitution.

The elections took some weeks to be carried out and in the meantime there occurred the first manifestation of the Terror, on a large scale, the so-called September massacres. Throughout the five days from 2 September to 7 September eleven hundred persons, imprisoned in Paris on suspicion, were put to death. More than two hundred of them were priests. The Church had already suffered from the confiscation of its lands which were designated as security for the paper notes which the government issued in increasing quantities, the so-called assignats.

The property qualification which had previously been in force was abandoned for elections to the Convention in favour of universal male suffrage. Even so, only one tenth of the number of possible electors exercised their right to vote. Of the 749 deputies whom the Convention contained, 285 had been members of one or other of the previous assemblies. Not more than two hundred were extreme revolutionaries, but they prevailed over the more numerous Moderates, who were more lax in their attendance. The only foreigner to be elected, besides Paine, was the Prussian, 'Anacharsis' Clootz. Paine was chosen for the departments of Oise, Puy-de-Dôme and the Somme but he remained

faithful to the Pas-de-Calais, receiving an ovation when his ship docked at Calais, followed by an official ceremony, in which his election was confirmed. He reached Paris on 19 September, two days before Louis XVI was officially deposed.

In spite of the frequency of Paine's visits to Paris, it would appear that he neither spoke nor even understood the French language, with the result that the letters and speeches which he addressed to the Convention were couched in English and rendered into French by a translator or interpreter. This did not prevent the Convention from including Paine in a committee appointed in October to draft the new constitution. The other members of the committee were Sieyès, Brissot, Pétion, Vergniaud, Gensonné, Danton, Barère and Condorcet. We shall see that the work of this committee was nullified by the turn of events. Of all its members, only Sieyès adroitly, Paine, as we shall see, more narrowly, and Barère, who succeeded Robespierre as head of the ferocious Committee of Public Safety, survived the Terror.

The first question of importance to occupy the Convention, after Paine's election to it, was whether Louis XVI should be put on trial. Paine was of the opinion that he should be tried, and defended it in a letter which he wrote to the President of the Convention in November 1792. His main argument was that the trial would reveal the depth of the conspiracy on the part of 'the despots of Europe' to make war on France and the extent to which Louis participated in it.

After Louis had been tried and found guilty, the Convention had to decide what penalty he should suffer. A strong party, led by Marat, was in favour of his being put to death. Paine firmly opposed this motion. Addressing the Convention on 15 January 1793, he argued that while Louis's trial had helped to prove that the monarchical system was abominable, Louis himself was not a bad man; had he not had the misfortune to inherit the Crown he would have made a respectable citizen; that he deserved some credit for the help that France had given America in its revolt from England; that the French Assembly was itself to blame for not forcing him to abdicate after his flight to Varennes; that so long as he was alive his brothers would not put themselves at the head of a band of exiles who might become a more serious threat under a more active leadership; and finally, that Robespierre himself had made an eloquent speech in the Constituent Assembly in favour of the abolition of the death penalty in France. In the case of 'Louis Capet', Paine proposed that the sentence of banishment be pronounced against him and his family, to take effect at the end of the war. Until that time he should be kept in prison.

Notwithstanding Paine's protest, for which he gained over three hundred supporters in the Convention, Marat's party prevailed, by a fairly narrow majority, when the vote was taken on 18 January. On the following day, Paine again spoke, pleading that the King's execution at least be delayed until the question could be reconsidered by the Assembly which would be chosen after the acceptance of the Constitution which the National Convention had been elected to frame. His principal argument was that the news of the King's execution would make a bad impression upon the United States of America, which was at that moment France's only ally. He again failed to carry the Convention with him, with Marat first accusing the interpreter, quite unjustly, of mistranslating Paine's speech, and then asserting that Paine was opposing the King's execution only because he was a Quaker. Robespierre, without disavowing his objections to capital punishment, sided with Marat, on the ground that, since it had remained a lawful penalty, the King deserved to suffer it, and on 21 January 1793 Louis XVI was guillotined. '

Meanwhile Paine had been tried in his absence before a special jury at the Court of the King's Bench, Guildhall, on 18 December 1792, the charge being that of seditious libel. He had further provoked the government by having Rights of Man reprinted in cheap editions and by publishing Letter Addressed to the Addressors on the Late Proclamation, a pamphlet in which he defended his opinions against those who had chosen or had been induced to proclaim their support for the Royal Proclamation and on which the charge against him was based. Once again the popular sale of Rights of Man contrasted with the ubiquity with which Paine was burned in effigy. Though he was courageously defended by his chief counsel, Thomas Erskine, who made a powerful appeal to the English tradition of free thought and speech, there was never any doubt about the verdict. The jury found Paine guilty, and he was sentenced by the Judge, Lord Kenyon, to become an outlaw. He never again attempted to set foot on English soil.

Paine's conviction was followed in England by a campaign against his abettors. Printers who had brought out editions of Rights of Man or Letter Addressed to the Addressors, or both, were imprisoned, for periods varying from three months to four years, and fined from twenty to two hundred pounds. According to Conway, upon whose work I am now relying, a Mr Fische Palmer was sentenced to seven years' transportation for distributing Paine's works and a Mr Thomas Muir to fourteen years' transportation for advising people to read them. So far was Paine himself from responding in kind that when British citizens got into

trouble with the authorities in Paris he consistently came to their rescue.

The text of the Constitution which the committee to which Paine had been appointed was engaged in drafting was prefaced by a Declaration of Rights, said to be the work of Paine and Condorcet. It contained thirty-two clauses, beginning with the statement that 'the natural rights of man, civil and political, are liberty, equality, security, property, social protection and resistance to oppression'. Liberty is defined, in the familiar way, as 'the right to do whatever is not contrary to the rights of others', and its preservation is said to depend on 'submission to the Law, which is the expression of the general will'. Equality is said to consist 'in the enjoyment by everyone of the same rights', security in 'the protection accorded by society to every citizen for the preservation of his person, property and rights', and the right of property is 'every man's being master in the disposal, at his will, of his goods, capital, income and industry'. Several clauses are devoted to the Law, which is required to be equal for all, not retroactive, and wholly authoritative. Freedom of thought, freedom of speech, unrestricted freedom of the press, freedom in the exercise of religion, freedom to engage in any kind of 'labour commerce or culture', freedom to compete for 'all public positions, employments and functions' are all upheld. What is forbidden is for a man to sell himself, as opposed to his services and his time: 'his person is not an alienable property'. All members of society are equally in need of education and society owes it to them to provide it. There have to be taxes, but only 'for the general welfare and to meet public needs', and all citizens have the right to join in assessing them either personally or through their representatives.

Finally, the social guarantee of the rights of man is said to rest on the national sovereignty, which is 'one, indivisible, imprescriptible and inalienable', and since 'all heredity in offices is absurd and tyrannical' the Constitution itself is always subject to the right of the people to reform and alter it.

I do not know how much Condorcet contributed to the drafting of this document but in almost everything that I have described or quoted one seems to hear the voice of Paine. There would appear to be nothing in it which contravened the principles for which the French Revolution had so far been understood to stand, but Robespierre objected to it on the unexpected ground that it failed to mention 'The Supreme Being',

Writings of Thomas Paine, vol. III, pp. 128ff.

which he thereupon identified with Nature. He also complained that it allowed too much scope for commerce.

Whatever Robespierre's reverence for the Supreme Being, as he conceived it, what may have been his principal motive for attacking Paine's and Condorcet's Declaration of Rights, and the constitutional proposals, to which it was the preamble, was the fact that these proposals represented the views of the Girondins, so called because many of them came from the department of the Gironde, as opposed to the members of the Mountain, so called from the position which they occupied in the meeting place of the Convention, who followed the lead of Robespierre and Marat. The Girondins tended to be middle-class, relatively prosperous, and relatively free from the domination of the common people in Paris. The Montagnards, on the other hand, defended the interests and expressed the aspirations of the Parisian working class. They largely overlapped with the Jacobins, who owed their name to their membership of a club which met in a former Dominican convent, said to be Jacobin because the original home of the Dominicans in Paris was in the Rue Saint-Jacques.

The Constitution, drafted chiefly by Condorcet, was presented to the Convention in February 1793 but discussion of it was deferred until April and never in fact took place. The reason for this lay not so much in the machinations of the Montagnards as in the fact that a crisis had again arisen in the affairs of France. There had been royalist insurrections in the provinces, most seriously in the Vendée, and the country was at war with England, Holland, Spain, Austria and Prussia. After being forced to evacuate Belgium, General Dumouriez, the commander of the French northern army, deserted to the enemy and attempted to lead his army towards Paris, with the intention of restoring the monarchy. The bulk of his army, however, refused to follow him, owing mainly to the vigilance of General Hoche, and Dumouriez took refuge with the Austrians.

Paine refers to this episode in a letter written on 20 April to Thomas Jefferson, who had returned to America as Secretary of State for Foreign Affairs. Paine has not yet heard of Dumouriez's failure, but does not express anxiety about the fate of Paris, since he believes that the enemy powers are not acting in concert and that the worst that they will do is re-establish the Constitution of 1791, in which the King was a figure-head, rather than restore 'the old Monarchy'. At the same time he confesses to his disappointment over the course that the Revolution is taking. 'Had this revolution been conducted consistently with its principles, there was once a good prospect of extending liberty through

the greatest part of Europe: but I now relinquish that hope.' In consequence, he proposes to return home. 'I shall await the event of the proposed Constitution, and then take my final leave of Europe.' In fact he remained in France for another eight and a half years.

Conway, in his life of Paine, confuses the abortive Paine—Condorcet Constitution with a Montagnard Constitution, drafted by Hérault de Séchelles, and approved by the Convention towards the end of June. The main differences between them were that whereas the former advocated the strengthening of the Executive Council by having it directly elected and made independent of the Assembly, whose members were to be chosen indirectly in two stages, the Montagnard Constitution proposed that ministers were to be subordinate to the National Assembly, to which elections were to be conducted on the basis of universal male suffrage with the requirement of an absolute majority. Only the choice of candidates for the Administration was to be left to the Electoral Colleges. In addition, it was proposed that a right to a livelihood be guaranteed for everyone, that there should be popular education, and that any declaration of war should be subjected to a referendum.

This liberal constitution was approved by an immense majority of the nearly two million voters who exercised their right to ratify it, but it never came into operation. The reason for this was that power had already passed into the hands of the Jacobin Committees, especially the Committee of Public Safety, dominated by Danton, Barère and the financial expert, Cambon. It was this Committee and its successor, appointed in July to put down revolts in the provinces, together with the Committees of General Defence and General Security, backed by the Revolutionary Tribunal, that were responsible for the growth of the Reign of Terror during 1793. The figures are not impressive by modern standards. According to one of the popular histories of the French Revolution, written by Albert Mathiez and published in 1922, the trials in Paris between 6 August and 1 October resulted in twenty-nine death sentences, nine sentences of deportation and twenty-four acquittals, there being also a hundred and thirty cases in which it was decided that there were no grounds for prosecution. Between 1 October and 1 January 1794, out of three hundred and five persons who were put on trial, one hundred and ninety-four were acquitted, twenty-four sentenced to deportation or imprisonment, and no more than one hundred and seventy-seven condemned to death. It is, however, to be noted that these included Marie-Antoinette, Philippe-Egalité, the father of the future King Louis-Philippe, and, what was most important to Tom

Paine, twenty-one of the leading Girondins. Condorcet went into hiding but was recognized as an aristocrat by an innkeeper in a village called Bourg-la-Reine and died in its police station.

The repression in the provinces was more severe. M. Mathiez estimates that the rebellion in the Vendée claimed some six thousand victims, of whom about two thousand were put to death by drowning at Nantes, and that up to two thousand persons were executed in the suppression of a revolt in Lyons. Discontent throughout the country was mainly caused by a rise in the cost of living, in spite of a 'Maximum' imposed on the price of grain as early as 4 May 1793. Part of the trouble was that it was also imposed on wages.

The Terror consisted not merely in the actual number of victims but in the suspense under which almost everybody lived. It was sustained by the passage on 17 September of the so-called 'Law of the Suspects'. As Mr Mathiez quotes it the law was this:

The following persons shall be reputed to be suspects:

- those who by their conduct or connexions, their conversations or writings, have shown themselves partisans of tyranny or federalism,¹ and enemies of liberty;
- 2. those who cannot give satisfaction . . . with regard to their means of subsistence and the discharge of their civic duties;
- 3. those who have been refused certificates of good citizenship;
- 4. public officials suspended or dismissed from their posts by the National Convention or its commissaries and not reinstated;
- 5. such former nobles, together with their families and agents, as have not consistently maintained their attachment to the Revolution;
- 6. those who emigrated during the period between July 1st 1789 and March 30th 1792 even if they have returned to France...

It is not surprising that power thenceforward passed increasingly into the hands of the Jacobin committees or that the number of arrests and executions, especially in Paris, multiplied throughout 1794.

¹ Opposition throughout the country to the centralization of power in Paris.

As early as 6 April 1793, the date of the formation of the first Committee of Public Safety, Paine foresaw that something of this sort would happen. Writing then to Danton, who could read English, he said that he was 'exceedingly disturbed at the distractions, jealousies, discontents that reign among us, and which, if they continue, will bring ruin and disgrace on the Republic'. It is not only the intervention of foreign powers, and 'the intrigues of aristocracy and priestcraft' but also the mismanagement of the internal affairs of France that have deprived him of his hope of seeing the accomplishment of European liberty. Henceforward France must keep out of foreign wars and look only to herself. An immediate danger is that of a rupture between Paris and the provincial departments. Citing the precedent of America, and the construction of Washington as its capital, Paine advises Danton to have the residence of the Convention sited at a distance from Paris. He warns Danton also against allowing the central government to fix the price of provisions. If there is any such fixing to be done, it should be left to the municipalities. If the orders go out from Paris, the result will be that the country people will refuse to bring their provisions to market. Here Paine displays exceptional prescience. He also warns Danton against the increase in prices caused by the multiplication of assignats and goes on to deplore 'the spirit of denunciation that now prevails', referring especially to the threats directed against his friends, the Girondins.

Paine adds that he has written a letter to Marat over the question of putting Louis XVI to death and he was suspected, unjustly, by Marat of having a hand in Marat's being brought by the Girondins to trial before the Revolutionary Tribunal on the charges of incitement to murder and pillage and planning the dissolution of the Convention, a trial in which he was triumphantly acquitted in April. Thereafter he and Paine appear to have been on neutral terms until Marat's murder by Charlotte Corday on 13 July removed what might have been the principal obstacle to the short-lived supremacy of Robespierre.

Paine always suspected Robespierre of being personally hostile to him, but it seems to have been rather on general principles that Robespierre on 7 June 1793 persuaded the Convention to pass a law which exposed foreigners as such to imprisonment, if their countries were at war with France. In any case Paine and Clootz, qua members of the Convention, were held to be exempt. A greater danger to Paine resulted from the spy scare at the end of July, causing Barère to propose on 5 August that all English subjects who had come to France since 14 July 1789 be expelled, and Cambon to strengthen the proposal by the

rider that all suspect foreigners be put under arrest. Strictly speaking, neither of these measures applied to Paine, but perhaps as the result of his failure to learn French, it tended to be forgotten that he was technically a French citizen. In fact, we shall see that he himself later found it necessary to maintain that his French citizenship was no more than honorary.

Paine continued to go to meetings of the Convention during the summer but he was a lonely figure there and seldom spoke. After the trial and execution of the Girondins in the last week of October 1793 he ceased to attend altogether. In any case the Convention was losing its importance. The Law of Revolutionary Government, which was passed on 4 December, transferred all power to the Parisian committees.

In the circumstances, it is surprising that Paine made no attempt to leave Paris, especially as he had been denounced in the Convention on 3 October by the arch-terrorist, Amar, for supporting the Girondin Brissot in the attempt to spare the life of Louis XVI. Perhaps he feared that if he tried to return to America the vessel on which he sailed would be waylaid by a British ship, but this would not have applied to an escape to Switzerland, which he could have arranged. He resided in Paris successively at the Philadelphia House, No. 7 Passage des Petits Pères, and at No. 63 Faubourg St Denis, a mansion with a large garden formerly belonging to Madame de Pompadour. While he was living at the Philadelphia House, he completed the first part of his book The Age of Reason, on which Conway believes that Paine started working as early as 1791. Conway also produces evidence that a version of this part was translated into French by Paine's friend, François Lanthenas, and submitted in March 1793 to a close associate of Robespierre's, Couthon, who forbade its publication. Paine himself in his preface to the second part of the book stated that he finished the first part just six hours before his arrest on 28 December and contrived on his way to prison to persuade his captors to allow him to call on his friend Joel Barlow, to whom he entrusted the manuscript. Barlow, an American former clergyman, who had been awarded French citizenship not long after Paine, was able to have the book printed in Paris. I shall be commenting on both parts in my next chapter.

Barlow was one of the small circle of friends, mostly English and American, but also including the Frenchmen Brissot and Nicolas Bonneville, with whom Paine spent his time conversing at his house in the Faubourg St Denis. Paine was always addicted to brandy and was often depicted by his enemies as being a drunkard. He himself confessed to his friend Thomas Rickman that 'borne down by public and private affliction, he had been driven to excesses in Paris'. Rickman, however, who came over to stay with him in the summer of 1793, gives an idyllic account of Paine's way of life:

He usually rose about seven. After breakfast he usually stayed an hour or two in the garden, where he one morning pointed out the kind of spider whose web furnished him with the first idea of his constructing his iron bridge; a fine model of which, in mahogany, is preserved in Paris. The little happy circle who lived with him will ever remember those days with delight: with these select friends he would talk of his boyish days, play at chess, whist, piquet, or cribbage, and enliven the moments by many interesting anecdotes: with these he would play at marbles, scotch hops, battledores, etc, on the broad and fine gravel walk at the upper end of his garden, and then retire to his boudoir, where he was up to his knees in letters and papers of various descriptions. Here he remained till dinner time; and unless he visited Brissot's family, or some particular friend, in the evening, which was his frequent custom, he joined again the society of his favourites and fellow-boarders, with whom his conversation was often witty and cheerful, always acute and improving, but never frivolous. Incorrupt, straightforward and sincere, he pursued his political course in France, as everywhere else, let the government or clamour or faction of the day be what it might, with firmness, with clearness, and without a shadow of turning.1

Apart from Paine's connection with the fate of Louis XVI, it is not at all clear what his political activity was during the fifteen months that he remained at liberty. There is no evidence that he had anything to say about the final abolition of feudal rights without compensation, which was decreed on 13 July 1793, the decree against hoarding, which was made a capital crime on 26 July, the introduction of military conscription on 23 August, or the change in the autumn to the Revolutionary Calendar, renaming the twelve months of the year, making them each consist of thirty days with five intercalary days and six in leap year. He must surely have approved of the abolition of feudal rights, disliked the terroristic implications of making hoarding a capital offence, and most probably had ambivalent feelings about the introduction of conscription, his commitment to liberty of conscience

¹ Quoted in Conway, Life of Thomas Paine, vol. II, pp. 67-8.

conflicting with his perception that only the creation of a citizen army could protect France from her many foreign enemies and so preserve the increase in liberty which he still believed that the Revolution had brought to France. This view receives some support from the fact that as late as 20 October 1793, after the fall of the Gironde, the elevation of the Committee of Public Safety, the passing of the Law of Suspects, and the execution of Marie-Antoinette, he still does not repudiate the French Revolution or wish that the measures of which he disapproves be frustrated by military defeat. Writing to Jefferson on that date he says that he sees no prospect either 'that France can carry revolution into Europe on the one hand or that the combined powers can conquer France on the other hand'. Believing that each side wishes for peace, though neither will ask for it, he expresses the hope that Congress will send Commissioners, including Jefferson himself, to negotiate a truce. There is, however, no evidence that he seriously expected this hope to be fulfilled.

Meanwhile Washington, entering on his second term as President of the United States, was inclined to repent of his alliance with France and anxious to improve his relations with Great Britain. In this policy he was strongly abetted by Gouverneur Morris, the American Ambassador in Paris, and it is to the machinations of Gouverneur Morris that Conway plausibly attributes the chief cause of Paine's arrest. Whether or not Gouverneur Morris was a confirmed Royalist, as Conway asserts, he undoubtedly had a stronger sympathy for Britain than for revolutionary France, and he also harboured a personal dislike and jealousy of Paine. There had been various incidents which fostered his jealousy, such as the fact that a number of American sea-captains, who had been detained at Bordeaux in order to prevent their goods reaching England, owed their liberation to Paine and not to him, and the fact that Paine was the first to be informed of the appointment of Genêt as French Ambassador to the United States. As it happened, this appointment turned to Morris's advantage, since Genêt was soon dismissed because he was held to have meddled improperly in the question whether Spaniards should be expelled from the region of the Mississippi, a project of some of the leading citizens of Kentucky, which had been admitted to the Union on 1 June 1702, and Morris was able to fasten the responsibility for Genêt's blunder upon Paine.

Paine never knew that Gouverneur Morris was intriguing against him and was inclined to lay the blame on the Committee of Public

Writings of Thomas Paine, vol. III, p. 134.

Safety, which since 27 July 1793 had included Robespierre. The case against Robespierre rests on a single sentence discovered in one of his notebooks after his death: 'Call for a decree, accusing Thomas Paine, in the interest of America as much as that of France.' This leaves no doubt that Robespierre was a party to Paine's arrest, but the reference to the interest of America suggests that he had been duped by Morris. He and Paine were, indeed, political opponents but there is no evidence that he bore Paine any special animosity or even that he thought him a dangerous ally of the Girondins. Admittedly, taking my lead from Conway, I am disposed to think that this is another instance of an enduring tendency to malign Robespierre. Robespierre, though inflexible in his commitment to the Revolution, was not the arch-terrorist that he is popularly taken to have been. 'He tried to save Danton and Camille Desmoulins, and did save seventy-three deputies whose deaths the potentates of the Committee of Public Safety had planned." It was not his addiction to Terror but the alarming increase in his personal authority that caused the events of the '9th Thermidor', the abolition by the Convention of the Paris commune and the denunciation of Robespierre, Saint-Just and Couthon, on 27 July 1794, resulting in their execution on the following day, and the reorganization of the Committee of Public Safety three days later, after 115 of their supporters had been subjected to the guillotine.

By this time Paine had been in the Luxembourg prison for seven months. We have not yet fully explained how he came to be there. The two reasons appear to have been his involvement with the Girondins and the suspicion of his being a British citizen and consequently an enemy alien. It was the absence of any doubt on the second point that caused the inclusion of the Prussian 'Anacharsis' Clootz, Paine's fellow foreigner in the Convention, in the group of Girondins who were sent to the guillotine. Though Paine had stronger claims to being considered an American or even a French citizen than to being attached, despite its having made him an outlaw, to the country of his birth, he was denounced on Christmas Day by the terrorist Bourdon de l'Oise for absenting himself from the Convention since Brissot and his followers had ceased to be members of it and, more mysteriously, for having 'intrigued with a former agent of the Bureau of Foreign Affairs'. The agent was identified by Paine as a M. Otto, the French Foreign Minister's secretary, who acted as interpreter when Paine replied to some questions of Barère's about the abortive Constitution which

Life of Thomas Paine, vol. II, pp. 78-9.

Paine had helped to draft, the possibility of obtaining supplies from America and the utility of sending Commissioners there. After Paine had been denounced it was moved by Bentabole, a member of the Committee of General Security, that foreigners be excluded from every public office during the war, and Paine was arrested and imprisoned on 28 December.

The news of Paine's arrest provoked Major Jackson of Philadelphia and seventeen other Americans, residing in Paris, to send a letter to the Convention, referring to Paine as their countryman, recollecting the services which he had rendered to America, praising him as an apostle of liberty, asking for his release and offering to take him back to his and their country, while standing surety for his good conduct for the short time that he would remain in France. They described themselves, and by implication Paine also, as friends and allies of the French Republic.

This petition was buried in the files of the Committees of Public Safety and General Security. It did, however, draw an answer from Vadier, the President of the Convention. Without disputing the assertion that Paine had served the cause of the American Revolution, Vadier remarked that Paine had not understood the revolution which had regenerated France. More significantly, he referred to Paine as a native of England and consequently subject to the measures of security prescribed by France's revolutionary laws.

We are left with a suspicion that if Gouverneur Morris had taken a stronger stand on Paine's American citizenship he could have obtained his release from prison: but this he was content not to do. Conway has unearthed an exchange of disingenuous letters between Morris and the French Foreign Minister Deforgues, in which each of them ends by describing Paine as a French citizen, thereby justifying his liability to suffer under French law, but oddly overlooking the fact that one of the grounds for his arrest was that he was an enemy alien. Not only that but Morris wrote a long letter to Jefferson in March 1794 saying, truly so far as it goes, that he had asked for Paine's release as an American citizen, but that the French authorities insisted on detaining him on the score of his friendship with Brissot as well as other crimes which Morris did not specify, unless the drunkenness which he attributed to Paine was counted among them. In this way he prevented the American government from acting independently on Paine's behalf.

Believing, as he then did, that Robespierre was chiefly responsible for his arrest, Paine sent an appeal to the Convention on 7 August, ten days after Robespierre's fall. Most of the other prisoners in the Luxembourg who had been sent there on Robespierre's orders had already been released and Paine could not understand why he was still detained. He refers in the first paragraph of his letter 'to the very dangerous illness I have suffered in the prison of the Luxembourg': the second ends with the characteristic exclamation 'Ah, my friends, eight months loss of liberty seems almost a life-time to a man who has been, as I have been, the unceasing defender of Liberty for twenty years'. Having gone on to denounce Robespierre, he points out that when he left the United States in 1787 he promised his friends that he would be returning the following year, that it was the hope of seeing a revolution happily established in France and extended to other countries that kept him away for 'more than seven years', that such action on his part entitled him to something better than imprisonment, and finally that so far from being a foreigner, in the sense that would make him liable to arrest, he had been invited into France by a decree of the National Assembly and remained a citizen of the United States. This letter was intercepted by Paine's enemies who remained on the Committee of Public Safety and never reached the Convention. If it had, I think it probable that Paine would have been released.

How narrowly did he escape the guillotine? Writing in 1796 he attributed his survival to the violent fever from which he suffered in the summer of 1794. The prison doctor, Marhaski, who was favourably disposed towards him, may have protected him. It may have been assumed that he was anyhow on the point of death. In his old age, he supplied Rickman and others with a more romantic version of his escape. It is worth quoting, even if it does not irresistibly command belief:

One hundred and sixty eight persons were taken out of the Luxembourg in one night, and a hundred and sixty of them guillotined next day, of which I knew that I was to be one; and the manner I escaped that fate is curious, and has all the appearance of accident. The room in which I lodged was on the ground floor, and one of a long range of rooms under a gallery, and the door of it opened outward and flat against the wall; so that when it was open the inside of the door appeared outward, and the contrary when it was shut. I had three comrades, fellow prisoners with me, Joseph Vanhuile of Bruges, since president of the municipality of that town, Michael and Robbins Bastini of Louvain. When persons by scores and by hundreds were to be taken out of the prison for the guillotine it was

¹ Writings of Thomas Paine, vol. III, p. 147.

always done in the night, and those who performed that office had a private mark or signal by which they knew what rooms to go to, and what number to take. We, as I have said, were four, and the door of our room was marked, unobserved by us, with that number in chalk: but it happened if happening is the proper word, that the mark was put on when the door was open and flat against the wall, and thereby came on the inside when we shut it at night; and the destroying angel passed by it.¹

As the weeks passed after Robespierre's downfall and Paine remained in prison, he was at last moved to suspect Gouverneur Morris. Having learned that James Monroe, subsequently President of the United States from 1817 to 1825, had arrived in Paris to replace Morris, Paine sent him a letter in which he enclosed a copy of the letter which he had sent to the Convention and went on to describe Morris as 'my inveterate enemy'. Believing, rightly, that Monroe was well disposed towards him, he expected to be released within a few days, but this did not happen. Increasingly bewildered, he wrote a long 'memorial' to James Monroe on 10 September and a series of letters throughout October, reiterating the arguments in favour of his release and suggesting to Monroe the means by which he could effect it. The reasons for the delay were first that Morris contrived to let a month pass before making it known to the French that he had been recalled and allowing Monroe to present his credentials and secondly that Monroe hesitated to intervene on Paine's behalf without some authorization from his government. On 2 November 1794 he received a letter from Edmund Randolph, who had replaced Thomas Jefferson as Secretary of State for Foreign Affairs, instructing him to protect any American citizen who was innocent of the offence with which he was charged, chose to regard this as applying to Tom Paine, wrote at once to the Committee of General Security, and in two days' time obtained Paine's release.

By that time Paine was exceedingly ill, half-frozen, half-starving, and with an abscess in his side. It was only through the care of Mr and Mrs Monroe, who took him into their house, that he survived. They gave him a room to himself and it was in his confinement there not as a prisoner but as an invalid that he wrote the second part of *The Age of Reason*. He completed it in time for a pirated edition of the whole work to be published in October 1795.

Life of Thomas Paine, vol. II, pp. 131-2.

At one time it was believed in England that Paine had been guillotined and it was while he was living with the Monroes, in whose house he remained for eighteen months, that he had the pleasure of reading a pamphlet which purported to report the speech that he had made upon the scaffold. Its first sentence contained the words 'I am determined to speak the Truth in these my last moments altho' I have written nothing but lies all my life'. The date assigned to Paine's execution was I September 1794. It is extraordinary how much the English government continued to dread the influence of Paine's liberal ideas.

It was otherwise in France, even though the excesses of Robespierre and the Parisian committees had brought about a conservative reaction. The surviving Girondins were re-admitted to the Convention on 8 December 1794, but Paine was treated as a special case, receiving his invitation on the previous day in a speech delivered by Thibaudeau:

It yet remains for the Convention to perform an act of justice. I call for the re-admission of one of the most zealous defenders of liberty – Thomas Paine. I speak for a man who has brought honour to our time by his energetic defence of human rights, and the glorious part that he played in the American Revolution. Decreed a naturalized Frenchman by the legislative Assembly, he was nominated by the people. It was only by an intrigue that he was driven out of the Convention, on the pretext of a decree which debarred foreigners from representing the people of France. There were only two foreigners in the Convention: one is dead and I speak not of him but of Thomas Paine, who made a powerful contribution to the establishment of liberty in a country which is allied with the French Republic. I demand that his membership of the Convention be restored to him.¹

Conway accuses Thibaudeau of self-contradiction, on the ground that he describes Paine as a naturalized Frenchman in one sentence and as a foreigner in the next. It seems to me, however, that the 'pretext' to which Thibaudeau refers may have been understood by him as that of counting Paine as a foreigner when he was not. This reading becomes more plausible when it is remembered that the foreigners in question were enemy aliens and that Paine was deemed to be a British citizen. His own view of his citizenship, as we have seen, was that it was neither British nor French but American, presumably

Life of Thomas Paine, vol. II, p. 153.

from the time that the American Declaration of Independence made this possible for him. He consistently maintained, at least after his arrest, that the decree which made him eligible for membership of the Convention fell short of naturalizing him but entitled him to regard himself as an honorary French citizen. His motives may have been both his attachment to America and the belief that his being no more than an honorary French citizen made him less vulnerable to Robespierre.

The next amends made to Paine by the French, on 3 January 1795, took the form of his being placed first on the list of those to whom the Committee of Public Instruction awarded pensions for services to literature. Chénier, who spoke for the Committee, referred to Paine as 'this philosopher, who opposed the arms of Common Sense to the sword of Tyranny, the Rights of Man to the Machiavellism of English politicians; and who, by two immortal works, has deserved well of the human race, and consecrated liberty in two worlds'. Paine was pleased by this description of him, but refused the pension even though he needed the money.

Not long after the rehabilitation of Paine, the Convention passed a decree the purpose of which was to give some practical effect to the Treaty of Friendship and Commerce which still subsisted between France and the United States. No doubt there had been a leakage of the steps that George Washington was taking to link the United States more closely with England. I shall be commenting presently on Paine's bitter reaction to this move. When Monroe learned of the decree, he wrote to the Committee of Public Safety, suggesting that a copy should be taken to America 'by some particularly confidential hand', and that the most suitable person to send on this errand would be Thomas Paine. He would travel immediately from Bordeaux on an American ship, and his departure would be kept a secret to avoid British interception.

In reply the Committee welcomed Monroe's approval of the decree but rejected the employment which he had devised for Paine on the ground that 'the position he holds will not permit him to accept it'. Since Paine held no official position beyond his membership of the Convention, it is not clear why the Committee objected to Monroe's proposal. Perhaps they suspected that Paine would not be well received by Washington: perhaps they believed, most probably rightly, that if he went to America he would see no point in returning to France, and still valued his presence in Paris on account of his friendship with the

¹ ibid., p. 154.

American Minister, if for no other reason. They were able to retain him so long as they wished, because he needed a passport from the Convention in order to leave France.

The Reign of Terror had discredited the Constitution of the Montagnards and in 1795 a committee of eleven persons, not actually including the agile Abbé Sieyès but not unresponsive to his influence, was appointed to draft a new Constitution. Their report was presented on 23 June by Boissy d'Anglas, and their proposals finally accepted on 22 August. Thibaudeau who was also on the committee declared that its purpose was to find 'a middle way between royalty and demagogy', and what this middle way consisted in was the exaltation of property. French soldiers who had 'served one or more campaigns in the cause of liberty' were allowed to be citizens but otherwise citizenship was restricted to men over twenty-one years old, born in France, resident there for a year and paying direct tax. The sting lay in the last clause for only owners of property paid direct tax. The implication was made brutally clear in a September number of the Gazette de France:

In all ordered associations, society is composed solely of property owners. The others are only proletarians who, ranked in the class of supernumerary citizens, wait for the moment which allows them to acquire property.

In fact the new Constitution was even less democratic than this would suggest, for not all citizens were qualified to vote. To be an elector one had to be over twenty-five years old and to possess an income equivalent to the proceeds of two hundred days' work. The Legislators whom these electors chose were distributed among ten Assemblies. Legislation was to be proposed by a Council of Five Hundred, whose members had to be at least thirty years old, and its proposals were to be accepted or rejected by a Council of Elders, consisting of two hundred and fifty persons over the age of forty, who were required to be either married men or widowers. Since it was feared that the elections might yield a royalist majority, it was stipulated that at least two thirds of those elected should have been members of the previous Convention. It was then to be left to these bodies to elect an executive consisting of five persons, the so-called Directory. One third of the members of the councils and one of the directors were to retire in 1707, the councillors being re-eligible, but the director not for a period of five years. Presumably, the idea was that the executive should not become too powerful. Thereafter elections on the same principles were to take place annually.

The first members of the Directory were elected and took office on 26 October 1795. To mark the fulfilment and underline the implications of the new Constitution the Place de la Révolution in Paris was renamed the Place de la Concorde. The original choices of the legislature were Sieyès, Barras, Reubell, La Révellière and Letourneur, but Sieyès prudently declined to serve and was replaced by Carnot, not an ardent Republican but a scientist and a brilliant military organizer, who more than anyone else was responsible for the early victories of the French revolutionary armies. In April 1797 the colourless Letourneur was replaced, in the royalist interest, by the Marquis de Barthélemy. The Directory was, however, dominated by the Republican triumvirate of Barras, Reubell and La Révellière, with Barras, the patron of Napoleon Bonaparte, and a lover of Josephine, in the leading role.

Thomas Paine was far from disapproving of the Directory or of the Constitution which gave it power. On the contrary in a pamphlet in which he defended the 'Coup d'état of the 18th Fructidor', alternatively the 4th September 1797, when Barras and his associates called in the army to defeat a conspiracy, arising out of the election of Royalists to the legislative assemblies, and to procure the banishment, among many others, of Carnot and Barthélemy, Paine declared that 'A better organized constitution has never yet been devised by human wisdom.'

Even so, he did not give it his entire approbation. The one great fault that he found with it was that it deprived those without property not only of the right to vote but even of their citizenship. In the speech which he made to the Convention on 7 July 1795, on his first appearance there since his imprisonment, he argued, unanswerably, that this was inconsistent with the three first articles of the Declaration of Rights, on which the French Revolution originally depended. More particularly, he showed that the distinction between the payment of direct and indirect taxes on which so much had been made to turn was merely superficial:

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.³

¹ Writings of Thomas Paine, vol. III, p. 345.

² See above p. 85.

³ Conway, ibid., pp. 281-2.

Paine had no difficulty in showing that the line drawn between direct and indirect taxpayers was similarly loose in its application to merchants and manufacturers, so that it did not even serve as an accurate measure of wealth.

Even if it had so served, he would have taken exception to it, since his principal contention was that when it came to citizenship or the right to vote, there should not be any sort of property qualification. In a pamphlet entitled First Principles of Government which he published early in July 1795, in the hope of influencing the National Convention, he restated his belief that there were in the end only two principles of government, the hereditary and the representative, and relied on his familiar arguments in favour of the representative principle. He then went on to say that we should not trouble to inquire into its origin or its justification. It originates in the natural right of man. 'It appertains to him in right of his existence, and his person is the title deed." As will have been noted, this is rather a simplification of his earlier views. He now puts forward the dubious argument that since 'it is impossible to discover any origin of rights otherwise than in the origin of man, it consequently follows, that rights appertain to man in right of his existence only, and must therefore be equal to every man'. Curiously enough, the more obvious deduction which could no longer have occurred to Paine, that natural rights are a fiction, leads to the same conclusion: for zero is equal to itself.

This does not invalidate the point that Paine is principally concerned to make. He states it as follows:

The true and only true basis of representative government is equality of Rights. Every man has a right to one vote, and no more, in the choice of representatives. The rich have no more right to exclude the poor from the right of voting, or of electing and being elected, than the poor have to exclude the rich; and whenever it is attempted, or proposed, on either side, it is a question of force and not of right. Who is he that would exclude another? That other has the right to exclude him.³

Put less rhetorically, the conclusion is that neither has the right. This is the kernel of Paine's pamphlet. He makes the obvious point that wealth or the lack of it is 'no proof of moral character' and

Writings of Thomas Paine, vol. III, p. 265.

² ibid., p. 271.

³ ibid., p. 268.

advances the practical argument that a high property qualification which excludes the majority of the people from any share in government will provoke them to revolt. Unfortunately, subsequent history has shown this to be false. Paine ends by attributing 'the violences that have since desolated France, and injured the character of the revolution' to the failure of the Convention to establish the Constitution of 1793, and adds what ought to be but is not always, especially in contemporary Britain, recognized as a truism, namely that 'an avidity to punish is always dangerous to liberty'.

Neither this pamphlet nor the speech for which it was intended to provide a background had any influence upon the audience to which it was addressed. With the dissolution of the Convention of 1793, and its replacement by the Assemblies, which I have described, Paine's insistence that he was not a French but an American citizen debarred him from taking any further part in the government of France. Nor was he active in French politics behind the scenes. In a preface to the French translation of his pamphlet Agrarian Justice, which was published in 1797, he briefly condemned both the Socialist conspiracy of Babeuf and the royalist conspiracy which succeeded it, but neither the coup d'état of 22 Floréal, otherwise 11 May 1798, in which the Directory annulled ninety-eight elections where the return of rightwing candidates displeased them, nor the coup d'état of 18-19 Brumaire, that is, 9-10 November 1799, which abolished the Directory and brought Bonaparte to power as First Consul, abetted by the irrepressible Abbé Sieyès, evoked even a pamphlet from Paine. When Bonaparte returned to France, after his campaign in Italy, he is reputed to have flattered Paine by telling him that a statue of gold ought to be erected to him in every city of the universe.2 Later he drew Paine into the plans that he appeared to be making for invading England, consulting him about the design of the ships which could be used to convey his troops. When Paine discovered that this threat to England had never been more than a feint to distract attention from Bonaparte's naval expedition against Egypt, he felt that he had been personally ill-used, but he did not relinquish his belief that Bonaparte's army was fighting in the cause of liberty, and he was able to share his friend Jefferson's admiration for the First Consul's educational and legal reforms. The transformation of General Bonaparte into the Emperor Napoleon I can hardly have pleased him but there is no record of his protesting against it in print.

ibid., p. 277.

² See A. O. Aldridge, Man of Reason (Lippincott, 1959), p. 267.

In so far as Paine wrote anything of importance in the years t was still to remain in France, it referred to English affairs. already listed the social reforms which he advocated in Agrarian 1 costing them with the same care as he had shown in the second Rights of Man. The guiding principle of this work was that 'the ea its natural uncultivated state . . . was the common property human race'.2 A work which aroused greater interest was a pan entitled The Decline and Fall of the English System of Finance, which published in April 1796. It supported his old objections to the inin the circulation of paper money with the argument that it br down the value of gold and silver. If this had not happened in En so quickly as in America and France it was because of the El funding system, whereby the capital of the National Debt was ret by the Bank of England. Nevertheless Paine predicted that the rises in taxation resulting from the need to pay for the wars in v England was repeatedly engaged would soon have their inflatic effect; and he was justified in so far as the Bank of England suspe the exchange of its notes for gold in 1797. Nevertheless in evalu-Paine's attack on paper money, we need to remember the fact, wh have already mentioned,3 that the purchasing power of the pounc fallen only in the ratio of 1.39 to 1 between 1791 and 1939 and tha only in the past fifty years that the country has suffered from runa inflation.

Paine's pamphlet was widely read in France and translated many other European languages. Richard Carlile, in his Life of Pawhich came out in 1819, gives William Cobbett as his authorit stating that Paine assigned the profits which it brought him to the of the prisoners who were held in Newgate for debt.

When he left the Monroes Paine went to stay with his old friend journalist Nicolas Bonneville and his family. The Monroes themse having been recalled, returned to America in the spring of 1797 Paine intended to accompany them but got no further than Le H because, as he wrote to Jefferson, 'there were British frigates cruisis sight'. He wrote regularly to Jefferson, who became the third Presi of the United States in 1803, succeeding John Adams whom I distrusted as a potential despot, as well as a friend to England rathan France. By this time Paine was probably supporting Bonnevilles, since Nicolas Bonneville had been sent to prison in

¹ See above p. 107.

² Writings of Thomas Paine, p. 329.

³ See above p. 102.

for describing Bonaparte as 'a Cromwell' and though soon released had had his journal suppressed. Paine's wish to return to America was supported by Jefferson and at last in 1802 the short-lived peace of Amiens made it safe for him to undertake the voyage. He set sail from Le Havre on 1 September, with the faithful Thomas Rickman speeding him on his way, and landed at Baltimore on 30 October.

After fifteen years' absence he may well have expected to receive a warm welcome from the citizens of the Republic which he had done so much to bring into existence. If so, he failed to take account of the fact that in the meantime he had published *The Age of Reason*.