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Editors' Introduction to Volume 3, Part 1

THE PERIOD COVERED by the first part of volume 3 spans from December 1793 (when Paine completed *The Age of Reason*, Part I,[1] just before he was jailed as a "suspect," "born in England," in the Luxembourg Prison) to his return to America in October 1802.

These nine years can be divided into three periods. During the first phase, from December 1793 to October 1795, Paine was imprisoned (until November 1794) and then released during what historians call the Thermidorean Convention or the Thermidorean Reaction, which took place after the execution of Robespierre's followers on 10 Thermidor year II (28 July 1794). The second phase was that of the Directory (from 26 October 1795 to 9 November 1799), in which Paine resumed his political activity and writings. The third began with Bonaparte's Brumaire coup (9 November 1799) and ended with Paine's departure for America in September 1802.

In the first period, Paine was imprisoned and feared for his life, not so much because he could be sent to the Tribunal Révolutionnaire and guillotined but because he was seriously ill. The Luxembourg Prison was a *hôtel particulier*, serving as a jail mostly for "persons of quality." Life inside the prison was comparatively less harsh than in other Parisian prisons. Prisoners could walk around inside the building and could converse, write, and receive letters. The guards were quite lenient. From December 1793 to May 1794, Paine could therefore continue to correspond and write, but

1. The text of what is here referred to as Part II was technically called "Part the Second," so (as with *Rights of Man*) the "Part" is not italicized here.

afterward the Committee of General Security restricted the right of correspondence for all suspects, and Paine fell seriously ill. In late August or early September 1794, after the execution of Robespierre and his supporters on 10 Thermidor, prisoners were gradually released from jails, first in small and then in greater numbers. But Paine stayed in prison, mostly because of the (in)action of the U.S. ambassador, Gouverneur Morris, who despised him. Most of Paine's time was then devoted to obtaining his release from jail with the assistance of the new U.S. ambassador, James Monroe, who had just arrived in Paris. Even with Monroe's support, however, it took more than four months to get Paine out of the Luxembourg Prison.

Paine was expelled from the National Convention as a "foreigner" after Bertrand Barère's proposal on 25 December 1793. In this session Bourdon (de l'Oise)[2] accused Paine, whose patriotism, he said, had been too much "praised." Bourdon remarked that Paine had not attended the Convention after "the Brissotins disappeared from the assembly," and that he was intriguing "with a former agent of the foreign affairs office" (probably Louis-Guillaume Otto). The next day, Thuriot[3] again denounced Paine as having made "every effort to raise pity [*in the Convention*] on the fate of the tyrant, and [*as*] always voting with men recognized as traitors to the country." The decree adopted excluded all individuals "born in a foreign country" from the "right to represent the French people" and called on their substitutes to replace them. Thus Barère, Bourdon de l'Oise, and Thuriot demanded and obtained Paine's exclusion from the Convention, not Robespierre.

On 27 December, an order from the Committee of General Security was issued to arrest Paine and search his papers.[4] This was done the next day at four in the morning, in the presence of his friend Achille Audibert.

2. François-Louis Bourdon de l'Oise (1758–1798) was a former member of the Paris parliament in the early 1780s. Elected to the Convention, he assisted in the 9 Thermidor conspiracy against Robespierre. A leader in the Thermidorean Reaction, he was later deported with the neo-royalists after the 18 Fructidor year V coup (4 September 1797) to French Guiana, where he died.

3. Jacques-Alexis Thuriot de la Roziere (1753–1829) was a lawyer who was present at the storming of the Bastille. Elected to the Assemblée Legislative in 1791, he belonged to the so-called Jacobin Club. In the Convention he was a Montagnard and close to Georges Danton During the "factions crisis" he defended the Indulgents but was not executed with them. He joined the conspiracy of Thermidor against Robespierre, preventing him from speaking as president of the Convention. When the Convention ended, Thuriot opposed the Thermidorean Reaction and had to hide until the general amnesty of 25 October 1795. He was clearly hostile to Paine but for unknown reasons. He spoke against the possible election of foreigners on 26 August 1792 and denounced Paine on 26 December.

4. See appendix 2, this ed., 1:233.

The commissaries examined Paine's papers in his room at White's Hotel. They concluded that there was nothing suspicious in them, and the papers were not confiscated. Paine was then escorted to Joel Barlow's home and finally to the house in Saint-Denis where he had been staying since April–May, where other papers were found and analyzed by the translator of the Committee of General Security. Paine was then transported to the Luxembourg Prison. It seems that Paine was able to take at least some of his papers with him. Officially, Paine was detained neither as a "foreigner" nor as an "Englishman" under the decree of 10 October 1793. This decree did not apply to him while he was in the Convention. In the order of the Committee of General Security, Paine's arrest was presented as a "measure for general security" and not as a consequence of the decree of 10 October. Paine was therefore a "suspect" detained by order of the Committee of General Security, but no charges were made against him. (His file in the archives of the Committee of General Security is nearly empty).

A few weeks later, on 20 January, Joel Barlow and seventeen other Americans presented a petition to the Convention calling for Paine's release. The chairman of the session and member of the Committee of General Security, Marc-Guillaume-Alexis Vadier, explained to them that, being born in England, Paine was subject to the security measures recommended by revolutionary laws. He added that if Paine had indeed been an apostle of freedom, he did not understand the French Revolution, which he saw only through the prism of his "false friends." The petition was sent to the two committees, and it was rejected.

Despite their mutual contempt, Paine asked Gouverneur Morris to intervene in his favor and to reclaim him as an American citizen. Morris informed Thomas Jefferson (who had already resigned from his position as secretary of state) that Paine was detained, and he sent an unconvincing letter to Minister of Foreign Affairs François-Louis Deforgues, in which Morris stated that Paine had been born in England and was made a French citizen in August 1792. Morris did not reclaim Paine as an American citizen. Deforgues replied on 19 February that because Paine had been made a French citizen, he was subject to French law. Morris was thus instrumental in keeping Paine in custody. He even lied to Jefferson, in a letter on 6 March, saying that he had reclaimed Paine as an American citizen. (But Jefferson did not receive the letter). Jefferson's successor, Edmund Randolph, informed President George Washington of Paine's situation.[5]

5. See General Introduction, this ed., 1:167. To George Washington from Edmund Randolph, 25 June 1794, *Founders Online*, National Archives, https://founders.archives.gov

However, Washington, if he indeed understood the situation, did not move, and left Congress in the dark about Paine's predicament. Paine remained in prison until 6 November 1794, long after Robespierre's execution.

After his release, Paine lived in Monroe's residence and began to recover from his illness. He was reintegrated as a representative in the Convention but did not attend sessions. He nevertheless managed to voice his strong criticism of the new constitution in the Assembly in July 1795. This speech was probably his most important one as a member of the Convention and had a major impact on the Assembly's decisions.[6] It can be considered as seminal for understanding the issues at stake during the Thermidorean period of the French Revolution.[7]

The new Constitution of Year III was to replace the constitution adopted by the Convention on 24 June 1793 and swayed by the Montagnards (the ideological left of the Convention). The constitution of 1793 was based on universal male suffrage and allowed citizens to have the final say in the approval of bills: if, in a majority of departments, one-tenth of the voters opposed a bill, it would not pass (art. 59). The 1793 Declaration of the Rights of Man and of the Citizen, which was the preamble to this constitution, recognized for the first time the right to subsistence and to work, as well as the right to insurrection "when the government violates the rights of the people" (art. 35). The constitution was passed by the Convention and adopted by a popular referendum (on 4 August 1793), but its implementation was deferred until the war was over. At the end of 1794, when the French territory was liberated from the invading armies of almost all the powers of Europe (Austria, England, Prussia, Spain, etc.), the question of implementing the constitution of 1793 arose again. But by then the whole political context had changed. The right wing now dominated the Convention and denounced the 1793 constitution as too democratic. On 23 June 1795, François Antoine Boissy d'Anglas, acting on behalf of the commission working on the constitution, justified the repeal of the 1793 constitution and presented a new constitutional plan instead.[8] To legitimize this legislative "coup," Boissy d'Anglas presented the 1793

/documents/Washington/05-16-02-0218. Original source: *The Papers of George Washington*, Presidential Series, 21 vols., (University of Virginia Press, 2011, 1987–2020), 16:277–78.

6. See *Discours de Thomas Paine à la Convention*, this vol., 103.

7. On Paine's involvement in the 1795 debate on the constitution, see Yannick Bosc, *La terreur des droits de l'homme: Le républicanisme de Thomas Paine et le moment thermidorien* (Kimé, 2016).

8. Boissy d'Anglas's speech of 5 Messidor year III (23 June 1795), *Gazette nationale; ou, Le moniteur universel*, reprint, 25:90.

constitution as the product of the "tyrant" Robespierre and the so-called system of Terror.[9]

Raising the specter of the Terror enabled the adoption of a new constitution that restricted access to citizenship, awarding the title of citizen only to taxpayers and giving property owners control over elections.

Most of the remaining members of the Convention held the view that society was set up to guarantee property, which implied that only property owners were fit to govern. It was on this basis that the Directory was established. Paine denounced this choice in his *Dissertation on First Principles of Government* (23 June 1795; see this vol., 79) and was the sole opponent of the project who dared to speak out at the Convention (7 July 1795). He denounced the new constitution as contrary to liberty because it ran counter to the principles of the Declaration of Rights. This judgment was all the more significant given Paine's fame as a victim of the so-called Terror. The representatives in the Convention who had tried in vain to prevent him from speaking then launched a press campaign against him in order to discredit his ideas.

The constitution was adopted on 22 August 1795, and the Directory took office on 26 October 1795.[10]

By organizing systematic repression against the former Montagnards and silencing the "anarchic" people, the Thermidorean Convention was able to replace the democratic constitution of 1793 with an "aristocratic" one that placed politics in the hands of property owners. But by doing so, the Thermidoreans had to face the royalist opposition, which they had helped to resurrect and encourage when it served their interests. The Thermidorean Convention opened up a space into which monarchists of all denominations rushed, from those who favored an aristocratic republic to those who wanted to restore the ancien régime. The royalist peril was particularly strong in the Parisian insurrection of 13 Vendémiaire year IV

9. *Gazette nationale*, 25:91. "Terror" as a system, written with a capital *T* by historians, was invented by the Thermidoreans a month after Robespierre's execution in order to justify his elimination and make him bear the responsibility for the repression. Boissy d'Anglas explained that the Convention should therefore get rid of the constitution of 1793, presented as the "odious" work of the "Terrorists." The constitution of 1793, said Boissy d'Anglas, was Terror institutionalized, a "Terror" that he associated not only with repression and the guillotine but also with the "anarchy" that Robespierre favored in order to establish his "tyranny." According to Boissy d'Anglas, the constitution of 1793 instituted the "Terror" in order to "organize anarchy," and was designed to ensure that the law was weak and that power fell to the "idle" and the "turbulent."

10. The regime took its name from the fact that the executive power was in the hands of five directors chosen by the assemblies (the Council of Five Hundred and the Council of Ancients).

(5 October 1795), at the end of the Thermidorean Convention. To counter this royalist upsurge, the nascent Directory was forced to turn to its left and seek allies. Laws that had been used to castigate "terrorists" were repealed, and those who had been imprisoned were released. The word *terrorist* was banned from official speeches. It was replaced by paraphrases evoking "misguided patriots who thought they were serving their homeland," but when the left became too powerful, it was muzzled once again.

Paine wrote *Agrarian Justice* in the early days of the Directory, in a context that was more favorable to democratic ideas. He deepened his reflections on property, in the name of which part of the population was excluded from its political rights. He then proposed a universal and unconditional allowance to guarantee the right to political and material existence for all citizens. This was for him the raison d'être of a republic, and the working out of a key problem—servitude—from 1776: acquiring the vote without a sufficient means of economic independence was inadequate. Although he reaffirmed his criticism of the constitution of 1795, Paine did not oppose the regime. He was even one of its supporters against royalists and those on the left who did not recognize the constitution, such as Gracchus Babeuf. In his *Letter to the People of France*, he supported the coup of 18 Fructidor year V (4 September 1797), which canceled the elections' results that had given a majority to the royalists and threatened to destroy the republic. For Paine, even an imperfect republic was always preferable to a monarchy. He also enlarged on his criticism of established and revealed religions. After the success of *The Age of Reason*, Part I, in England and America, he published *The Age of Reason*, Part II, in answer to the numerous orthodox responses Part I had received. His deism was once more proclaimed and defended against the clergy's attacks, like that of Richard Watson, bishop of Llandaff, in 1796.

Paine still wanted to leave Europe and return to America, but the ongoing war between the French Republic and Great Britain made it too dangerous to risk crossing the Atlantic. He thus stayed in France and continued to write and to give advice to his acquaintances in the new French government, although he played no official political role. He also acted as a go-between for English, Irish, and American friends of France and the ministers of the Directory. Paine left Monroe's residence in 1796, just before he published his highly controversial *Letter to Washington*, and lived for some time with his friends the Bonnevilles. In September 1797, Nicolas Bonneville created a newspaper titled *Le Bien informé*, to which Thomas Paine occasionally contributed, mostly on matters regarding war with England, Ireland, and America.

Paine supported France against Austria and England, who were still at war with the French Republic. He also criticized the policy of the Federalist government in America. Despite his reserves about the regime of the Directory, Paine still sided with the French Republic against all its enemies. He believed that a French defeat would have destroyed the cause of the Rights of Man all over the world. A great part of Paine's activity and writings under the Directory and the Consulate was therefore devoted to the war with Great Britain. Paine was enthusiastic about the possibility of a French "descent" in England or in Ireland, coupled with an Irish insurrection to provoke a British revolution. He acted and wrote to achieve that goal. In 1796 he published *The Decline and Fall of the English System of Finance* (this vol., 217) to show that the British banking and funding system of the national debt was near collapsing. The same year, he elaborated a plan of invading England (*Observations on the Construction and Operations of Navies*, this vol., 244) in which he advised the Directory to build a fleet of small gunboats to transport French troops across the Channel. He was apparently heard, since the Directory launched such a program a year later. The project was abandoned in favor of an expedition in Egypt, but Paine tried to promote a French descent in Britain until he left Europe. In September 1797 he wrote articles in Nicolas Bonneville's *Le Bien informé* to warn the French during the unsuccessful negotiations of peace in Lille between Charles Delacroix, the French minister for foreign affairs, and James Harris, future 1st Earl of Malmesbury, the British envoy. Paine also closely followed events in Ireland. He supported the 1798 insurrection and, after it failed, defended his friends who had escaped the brutal English response to it.

At the beginning of the Consulate period in 1800, Paine backed France's attempts to build an unarmed league of neutrals against English maritime domination, which he called a "Jacobinism of the English, on the seas."[11] He wrote several texts relating to the question of the maritime law of nations and ways of protecting liberty of navigation.

Paine did not neglect American politics either. His *Letter to Washington* (1796) was aimed at the American public, but he also wrote letters and secret notes for the Directory as well as public articles in *Le Bien informé* to criticize Washington's and Adams's administrations, and what he saw as the betrayal of the cause of France and liberty by the American government after the signing of Jay's Treaty with Great Britain in 1794–95. Paine advised the Directory not to acknowledge the nomination of Charles

11. This vol., 486.

Cotesworth Pinckney to replace James Monroe as the U.S. ambassador in Paris, and he defended Monroe when he was accused by the Federalists of having neglected U.S. interests while in France. Paine was clearly on the French side during what was called later the XYZ Affair, which provoked the end of the Franco-American alliance in 1798. Paine was regarded as a traitor by the Federalists, and as a hero by the Democratic-Republicans in the United States.

After Bonaparte's Brumaire coup in November 1799, Paine—who was close to the so-called French républicains-démocrates (that is, the "left" opposed to Bonaparte)—became probably more critical of the way France was being governed under the Consulate, though he prudently abstained from writing about Bonaparte's regime. He still published a few articles, mostly on matters regarding naval war and neutrality, but his production diminished as he, like his friends the Bonnevilles, was under police surveillance. The signing of the Peace of Amiens between France and England (and Jefferson's invitation to return to America) allowed Paine to prepare his return. He left France, still a friend of the French Revolution, but a very disappointed one. For Paine, the French Revolution had failed as a promise of liberation for all humankind. The United States remained the only free country in the world where he could continue his republican crusade.