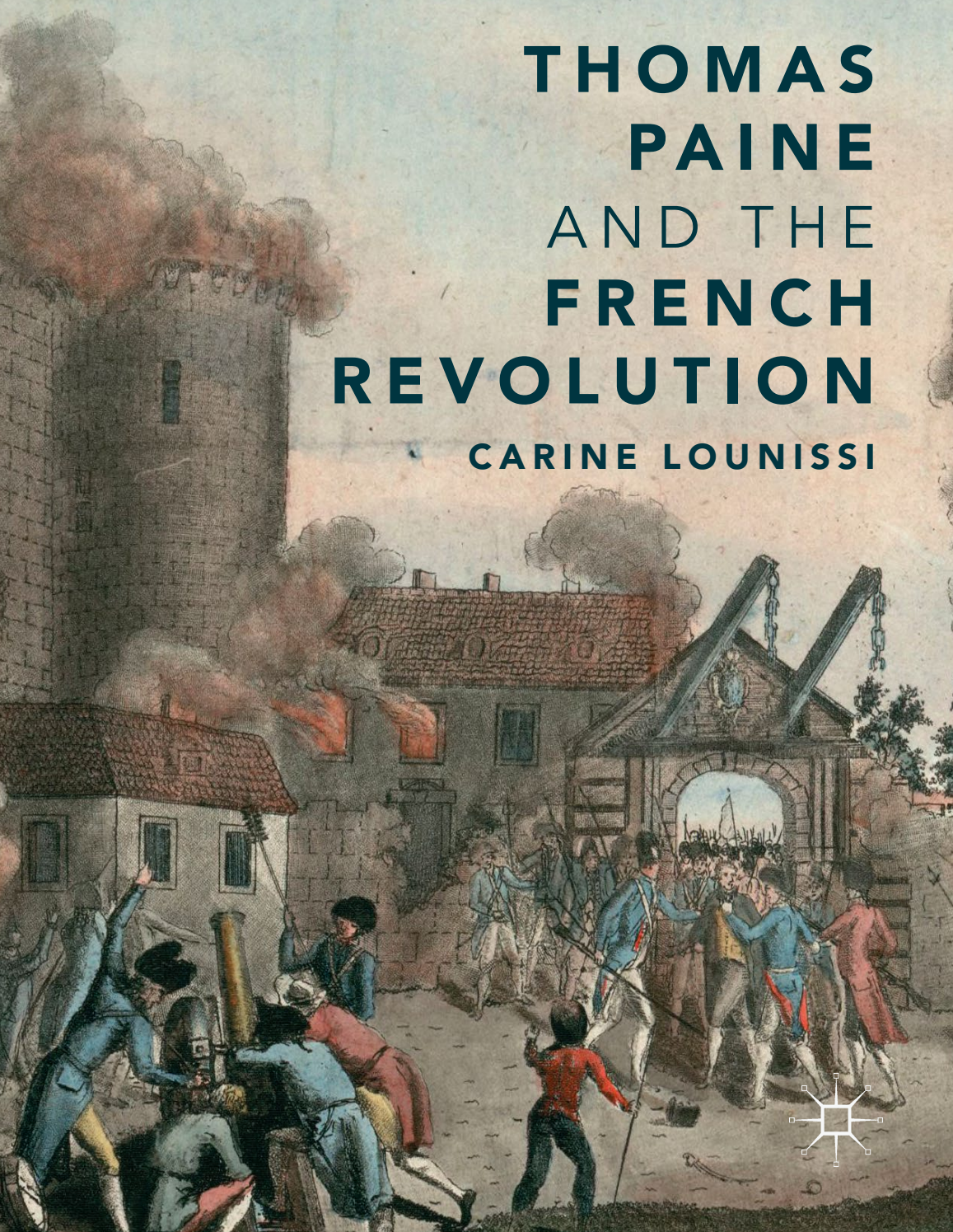


THOMAS PAINE AND THE FRENCH REVOLUTION

CARINE LOUNISSI



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To A. and G.

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CHAPTER 1

Introduction

Thomas Paine is the most emblematic transatlantic revolutionary of the end of the eighteenth century and yet his life as a revolutionary activist or agent is exceptional if only because he is perhaps the only Anglo-American who took an active part in the two great Revolutions of his time. Born in England in 1737, where he had been an obscure lower-class artisan, teacher and officer of excise, he achieved fame with the publication of a groundbreaking pamphlet in the American colonies in 1776, which is his political date of birth. He then supported the morale of the Continental Army of citizen-soldiers and of the American people with his *American Crisis* series. He took part in the political and economic debates that emerged during the Constitution-making process, especially in Pennsylvania. By the time he left the United States in 1787, he had become a republican writer and an agent of a new kind of political revolution that he helped shape. He arrived in Europe on the eve of the French Revolution and soon saw 1789 as the second stage in a world revolution that was to sweep European monarchies away, as he optimistically said in *Rights of Man*. He was elected to the French Convention in 1792, in whose major debates (the trial of Louis XVI and the writing of a new Constitution) he was active before being jailed at Robespierre's request. After his release he went on publicly discussing French republican institutions and supported the Directoire's policy until the 18 Brumaire coup in 1799, after which he looked for a way to go back to the United States. Paine's writings during his French decade did not reach the same scale in terms of diffusion among a popular readership as

did *Common Sense* or *Rights of Man*, but his network of contacts among French revolutionaries and intellectuals ensured publicity for his views. When Paine travelled back to Jefferson's United States, the political cards had been thoroughly reshuffled since 1787, and he felt that the American Revolution was threatened at State level. He assumed again his *Common Sense* role to remind Federalists of what he thought was the genuine character of 1776. The standard narrative is then that Paine had an inglorious end and died in 1809, alone and forgotten by the country to which he had contributed some of its sense of national unity.

Therefore, Paine had at least four lives, in addition to his numerous after-lives, since there are the first English Paine (1737–1774), the first American Paine (1774–1787), the European Paine (1787–1802), or the second English Paine and the French Paine, and eventually the second American Paine (1802–1809). What has been studied until now is mainly the first American Paine and the second English Paine. Not much is known of the first English Paine and the French Paine needs to be pictured in a full-length portrait. In addition to defending the Revolution of 1789 in the first part of *Rights of Man*, the events in France between the abolition of monarchy and the establishment of the Consulat forced him to raise issues that are at the core of a republican regime and which go far beyond the usual observation according to which the second part of *Rights of Man* supposedly contradicts what Paine had until then written on the minimal role of a good government. This also implies that one should avoid either merely fitting the French Paine into the already existing Paine narratives constructed by historiography, or exaggerating his role in the French Revolution.

1 DECONSTRUCTING AND RECONSTRUCTING PAINE

The image of Paine, who has been until recently mainly reduced to a polemicist and an agitator, has changed. Since Gregory Claeys's landmark study in the 1980s, books on the theoretical aspects of his works have been published which have demonstrated that Paine was more than a pamphleteer and that he was also a political thinker who developed his own system of thought.¹ In this regard Paine's writings can be seen as 'texts of political intervention' in which political philosophy is applied to the 'uses of the forum'.² Paine did not write merely for uneducated and lower-class readers. If, at a surface level, most of Paine's contentions are easy to understand or made as easy as possible to follow for a popular

reader, their meaning for an educated reader from a higher-class intellectual or political circle could be interpreted very differently. For them Paine's handling and interpretation of what were classics of political thought and science (such as Blackstone, Locke, Sidney, Trenchard and Gordon, and others) could not be but obvious. Writing for these two addressees may be seen as Paine's tour de force.

Given this double original intent, the contexts in which he wrote and/or published his views on specific subjects are all the more central to understand the content of his writings. This need to focus on the contexts in the history of ideas is essential, as the Cambridge school has shown; and contextualization, in its various meanings, has become a quite standard approach to Paine's works at least since Eric Foner's book.³ As Mark Philp recently said, 'Paine's intellectual position is a changing one' and has gone through an evolving trajectory which is not predetermined but has developed with 'experiences, intellectual exchanges, conceptual reworking, reactions to others, the reading and re-reading of events'.⁴ Yet it does not mean that there are only multiple Paines and that there is no theoretical backbone in his writings. Seth Cotlar, who has made a major contribution to Paine studies by showing the pervading influence of his 'democratic republicanism' in the Early American Republic, sees him as 'a socially embedded thinker whose effectiveness derived not from the emblematic and consistency of his thought but from his ability to shift his ground as the world changed around him'.⁵ However, as he suggests, viewing Paine only as 'a writer with a unique ability to speak the minds of his contemporaries' fails to embrace the complexity of Paine as a subject for historiography, all the more so as in most of the debates in which he took part, he instead presented radical analyses that did not match this supposed common-sense opinion but rather went against what the majorities held, based on what we know or deduce from the available materials.

My contention in my previous studies on Paine has been that there is a thread of republican thought in his writings that grew and evolved with the various critical moments of the revolutionary era in which he lived and to which he responded in various forms (pamphlets, speeches, newspaper articles, but also private letters and memos). Paine can be described as an *in situ* or *in medias res publica* thinker. Not only did he offer critical practical solutions to concrete problems he identified and to political crises he witnessed and lived through, but he also renewed the concepts of political theory and of political language that were used

at the time as tools to understand and remedy these situations. In many ways Paine challenged the received interpretation of political concepts. This does not mean that the whole of his republican theory is fully consistent, though. Conversely, these inconsistencies should not lead us to overlook the consistent part of his contributions to the political discussions of his time.

The representation of Paine as a major cosmopolitan republican and transatlantic revolutionary of the end of the eighteenth century has remained,⁶ but, quite paradoxically, Paine's several careers in the United States, in Great Britain and in France still tend to be dealt with in separate books or studies, whereas they should be studied not as distinct careers but as an evolutionary trajectory.⁷ Paine students now usually admit that his French moment is central to understand his writings, but no comprehensive study of Paine's French decade has been published. Yannick Bosc has focused on Paine's positions when the republic of the Year III was set up, and has shown how his defence of a republican scheme that did not match those of the Thermidorians can be used to open up new avenues in the historiography of the French Revolution.⁸ Following in the footsteps of this trailblazing study, I began looking into Paine's involvement in the French Revolution from his return to Europe in 1787 to his journey back to the United States. My book on Paine's political thought, published in French in 2012 and based on my Ph.D. research, tried to establish to what extent the three Paines (British, American and French) are closely connected and should be reappraised as the products of the historiographies of each of these countries (Great Britain, the United States and France). Starting from this previous research, I realized that a more historical approach was needed to fully understand how Paine interacted with French revolutionaries and how his opinions were received by them, which has led me to revise most of my previous conclusions.

Until then and even until now still, and except for Yannick Bosc's writings, Paine had or has not been given much attention in the historiography of the French Revolution even if he is mentioned in passing in many historical studies. On the whole he has often been merely considered as an outsider or as a foreigner in the French Revolution. Back then in the 1790s Paine was already reduced to such a status, even by some of his own French friends or allies when he did not fit in with their views of the Revolution, and somehow this status has outlived Paine. Yet his role cannot be reduced to a marginal participation. He stepped in at key

moments of the Revolution and of the public debates going on in France or more precisely in Paris. Saying that Paine was never ‘in phase with’ the French Revolution does not really make sense either.⁹ To a certain extent, such a claim could also be made about Paine and the American Revolution because Paine advocated more democratic ideas in 1776 than many other American ‘patriots’ and Founders.

Yet assessing his contributions to the discussions that took place during the various stages of the French republican experiments of the 1790s means going beyond the vision of Paine as a cosmopolitan polemicist who expressed ‘minority’ and out-of-touch views, which stands in sharp contrast with the conclusion that he spoke the minds of his contemporaries and also that his theoretical positions were informed by the contexts in which he wrote. It also implies that one should question the idea that he was manipulated by his French friends and contacts either because he did not master the French language well enough or because he was too ignorant of the subtleties of French politics and of French society. Such a view tends often to be taken for granted by the English-speaking scholars who have not studied the whole of Paine’s career in France, and it often underpins the quite hasty conclusion that Paine did not understand what happened in France at the time of the Revolution,¹⁰ which is somewhat inconsistent with the postulate that the French Revolution was instrumental in the evolution of his political tenets. However, the marginal, short-sighted French Paine is in part a construct, and such an assumption has not been sufficiently explored by scholarship. The lack of material to precisely document some of Paine’s major connections and publications in France to a great extent accounts for the invention of a Paine who fits in either American, British or French scholars’ or historians’ vision of the period and/or of Paine.

These several views of Paine need to be challenged. Yet this book is not, hopefully, a rehabilitation or a reconstruction of another mythical Paine, if only because, beyond historiographical debates, his experience and experiments in France raised essential questions for republican regimes, questions which he did not necessarily answer and are still relevant today. Paine had already worked out solid elements for a republican theory when he travelled back to Europe. What he subsequently witnessed and lived through in Great Britain and France was an opportunity to see whether his main republican tenets were universal and could apply there. Whereas he defended the universality of his system until 1792, which was a peak of optimism in his life as a political writer, he

then had to face situations which forced him to adapt or revise some of his previous positions on the transfer of sovereignty from the monarch to the people.

Two questions that are closely related should be addressed here: how events in France led Paine to come to terms with problems of sovereignty and legitimacy in a republican regime; and how Paine's agency in the French Revolution can be reappraised. The methodology of this book is to a substantial extent centred on political ideas and on how they interacted with events; or, rather, how individuals used them at given moments and how events or the context may explain or help one understand evolutions and changes in theories. It can therefore be considered as belonging to the history of ideas or to intellectual history, but with a more historical approach than in my previous study of Paine's political thought as special attention is given here to materials documenting Paine's interactions and connections with French revolutionaries. They shed new light on Paine's multiple roles as a writer, thinker, Conventionnel, lobbyist, propagandist and diplomat.

2 PAINE'S FIRST REPUBLICAN THEORY (1776–1787)

When Paine came back to Europe in 1787 as the crisis of French institutions was taking a new turn, the usual story goes that his American experience had transformed the former officer of excise who had travelled to the American colonies at a time when the conflict with the mother-country became critical into a successful political writer who would make a major contribution to this imperial crisis by helping turn it into a revolution. The American or Americanized Paine started to develop a republican theory which evolved in one decade from the embryo statements in *Common Sense* (1776) toward a more complex understanding of a democratic republic in *Dissertations on Government* (1786). What Paine's republican ideas were when he came back to Europe, which was soon to prove a testing ground for them, needs to be explained.

Although he started to outline the basis of his republican theory in 1776, *Common Sense* is still mainly analysed as a propaganda text in favour of independence and its theoretical content is often overlooked. Paine's second major text published in 1776 is an almost unknown writing dug out by A. O. Aldridge, *Four Letters on Interesting Subjects*, which is partly a reply to John Adams's *Thoughts on Government*. In *Common Sense*, Paine established that direct and then representative

democracy was the natural political regime; that is, the type of political organization which would be set up in a state of natural society which looked like the situation of the first settlers in America. The only legitimate government was a representative republic and monarchy was based on usurpation. He showed that the theory of natural rights was incompatible with the British Constitution, which was a way of concluding the polemic that had been going on for the preceding decade and during which the potential primacy of universal natural rights over the particular rights of British subjects seems to have surfaced more clearly in writings by American ‘patriots’. Paine also suggested that a written constitution for ‘the United Colonies’ or a ‘continental charter’ should be prepared, which he defined as the embodiment of the political contract.¹¹ He then turned to questions of institutional organization in *Four Letters*, which is an important writing that bridges *Common Sense* and his subsequent works. He clearly distinguished government and constitution and entrenched the modern meaning of the latter word. The purpose of a written constitution was to describe the kind of contract through which some natural rights were exchanged.¹²

What next led Paine to elaborate his system further were the debates on the Pennsylvania Constitution in 1777, during which he opposed Benjamin Rush, who used the penname ‘Ludlow’.¹³ Contrary the belief held at the time, especially in Europe, Paine was not the author of the Constitution of Pennsylvania of 1776, even if the text of the Constitution contained provisions that Paine had defended in his writings of 1776, such as a unicameral legislature, a quasi-universal suffrage for men, annual elections and a Council of Censors, which Paine had called ‘a Provincial Jury’ in *Four Letters*.¹⁴ In his ‘Candid and Critical Remarks on a Letter Signed Ludlow’, Paine instead focused on the general question of the declaration of rights and on how it was related to the Constitution proper, but did not discuss the specific case of Pennsylvania at length. He addressed it during the following years in a series of four articles published in *The Pennsylvania Packet* to criticize the proposal to organize a new Convention which had been made by the State assembly on 28 November 1778.¹⁵ In the first article of this series Paine presented the fundamental principles on which the political contract and the constitution should be based. He insisted on the importance of political participation and excluded from universal (male) suffrage two categories, criminals and servants,¹⁶ which was quite commonplace then. This series of articles can also be read as an answer to Benjamin Rush and his

Observations on the Government of Pennsylvania in which his ‘Ludlow’ letter had been included. When Paine declared in his first article of 1778 ‘we are a people upon experiments’,¹⁷ he gainsaid Rush’s view of the Pennsylvania Constitution as being contrary to the ‘ancient habits and customs of the people’ because it was a dangerous ‘innovation’ which put into practice haphazard ‘experiments’.¹⁸ Rather, Paine gave a positive connotation to the notion of ‘innovation’¹⁹ and he refuted the arguments of those who feared this novelty. It was to some extent the same kind of issues at stake as those of the Burke-Paine debate of the 1790s.

The last landmark writing Paine published before he crossed the Atlantic again was *Dissertations on Government*. This writing, which appeared in 1786, has been mostly neglected by scholars. Yet it is a central text in which Paine defined his vision of the republican contract. He confirmed in even more explicit terms than in *Common Sense* the Spinozist link he made between democracy and the political contract: ‘In republics [...] the sovereign power [...] remains where nature placed it—in the people’.²⁰ Paine sought to distinguish between republic and tyranny. He defined the horizontal contract (which he opposed to the vertical contract between king and people) on which the republican regime should be based. He viewed it as precisely the opposite of the tyrannical anti-contract since the republican contract first and foremost appeared as a compact through which all individuals agreed to relinquish the temptation to encroach on the rights of others; or, as Paine said, ‘the assuming right of breaking and violating their engagements [...] or defrauding imposing or tyrannizing upon each other’.²¹ So, the political contract is a moral one and this underpins Paine’s essential assertion of an inherent correlation between a fair contract and republican institutions. Despotism or tyranny, which he equated with monarchy, was therefore excluded from the realm of political legitimacy. This republican contract also meant that not only did governors give up any unjust way of exercising their power but also that the governed did the same, which implied that the majority rule could be problematic.

The second reason why *Dissertations on Government* is central in Paine’s political work is that he analysed the flaws of the unicameral legislature of Pennsylvania, which he had defended in 1776. The reaction of the assembly to the Charter of the Bank of North America showed Paine the potential danger of a unique assembly. This led him to conclude that this form of legislature could exercise its functions for the common good only if partisanship did not dominate debates.²² If this necessary

requirement was not met, the unique assembly would act as ‘a single person, and subject to the haste, rashness and passion of individual sovereignty’, which was a way of implicitly admitting that John Adams was right.²³ So, Paine began to think about the problem of representation as not solving all the questions raised by the establishment of a republican regime. As Anti-federalists would do in the years to come, he suggested that there should be a close relationship if not an identity between voters and their representatives.²⁴ It shows that Paine was fully aware of the potential defects of the republican regime.²⁵ He assumed that a kind of virtue was an essential component of such a regime for the governed as well as for governors.

This writing was published one year before Paine left the United States to travel back to Europe. By then Paine had become at the same time a republican and a democrat. His theory of the republican regime was well developed when he landed in France in May 1787 and the main points of his republican theory were that:

- Political legitimacy and sovereignty come only from the people as a whole.
- Representative democracy is the most natural regime.
- Hereditary monarchy is a monstrous regime which perpetuates a violent usurpation.
- The people cannot voluntarily choose a monarchical regime because they know their own interests.
- A legitimate government can only be based on an equality of the rights of all men, which it should protect.
- Only a fair political contract can found such a legitimate power and this contract means renouncing the tyrannizing of one’s fellow men.
- The guarantee against arbitrary power is to be found in the existence of a well-defined and written constitutional framework rather than in a system of checks and balances.
- Political participation is essential in a republic, and representatives should be frequently renewed.

3 PAINE’S REPUBLICAN THEORY AND PRACTICE OF LANGUAGE

Paine’s first American decade turned him into a political thinker and into a pamphleteer. Rather than denying that he was a thinker because he was a pamphleteer and so rather than opposing these two sides of Paine,

it may be more relevant to contend that they are inherently connected through Paine's understanding of the role of language in politics. Even before he began to formulate the idea explicitly, his publications relied on the notion that a popular public sphere is essential for a republican regime. Paine can be credited with having created 'a mass reading public conscious for the first time of its right to participate in politics',²⁶ an interpretation which has recently been further developed by Seth Cotlar in the context of the United States.²⁷ In contrast to previous studies of Paine's use of language, I have attempted to show its implications in terms of political theory. This new approach to the centrality of language in Paine's career needs to be recalled here if only because his contributions through writings and speeches were his main means of action.²⁸

As early as his famous pamphlet of 1776, Paine used the several meanings of 'common sense' to persuade Americans of the need to declare independence. Paine wished to teach people how to think freely.²⁹ Such a method was based on common sense as a faculty and on common-sense sayings. Paine asked his reader to 'divest himself of prejudice and presupposition and suffer his reason and his feelings to determine for themselves'.³⁰ His addressee was therefore the common man who is open-minded and who is neither 'interested', 'weak', 'prejudiced' nor too biased in favour of 'the European world'.³¹ Such a reflection should be made by individuals and discussed collectively. In *Necessity of Taxation*, published in 1782 in the United States, he explained: 'the furnishing ourselves with right ideas, and the accustoming ourselves to right habits of thinking, have a powerful effect in strengthening and cementing the mind of the country and freeing it from the danger of partial or mistaken notions'.³² He thus defined a form of civic virtue that would use individual and collective common sense as its main instrument.

When he came back to Europe, he went on promoting the creation of this universal public sphere.³³ In *Rights of Man*, he appealed to 'reason and common interest' rather than to common sense.³⁴ Whether he meant distinct faculties or seats of reflection when referring to reason or common sense is not clear, but the people's use of their thinking faculty is what generates genuine revolutions and ensures the viability of these revolutions. As he stated in the letter he sent to the authors of *Le Républicain*, the short-lived journal he published in France with Condorcet after the Varennes episode in June and July 1791, a political revolution cannot be effective 'before the sense of a nation is sufficiently enlightened, and before men have entered into a free communication with each other of their natural thoughts'.³⁵

Although Paine did not say how, it is likely that this implied both newspapers and pamphlets published at affordable prices and oral debates taking place in clubs, coffee houses and salons. Language as the medium of debate and thought is therefore essential in the political process of deliberation and participation.

Such a public sphere of debate is to Paine the basis of the republican regime whereas monarchy manipulates language to invent the fiction of its legitimacy and precludes open discussion. Monarchy is founded on a usurpation of logos, on a confiscation of reason and of reasonable ways of expressing ideas and of dealing with politics and government. Paine's deconstruction of the language used by monarchy was an essential part of his work and of his political theory. It started with *Common Sense* and remained a constant feature of his writings. At the time of the French Revolution, he focused on the word 'monarchy' itself and began to assert that this signifier was the symptom of the illegitimacy of the regime.³⁶ In *Rights of Man*, he continued this 'linguistic regicide'³⁷ and explained that the 'Crown' was not a metonymy, as one of his opponents objected,³⁸ but a 'metaphor'. This metaphor was a transfer of words through which 'sceptre' was substituted for 'sword', 'assumptions' became 'prerogatives' and 'monarch' replaced 'robber': 'monarchy' and its vocabulary were palimpsests. 'Nobility' could be the result of the modified pronunciation of 'no-ability'. He viewed the words handled by hereditary governments as equivalents of 'Bastille[s]' which should be stormed.³⁹

Language is therefore a major component of Paine's republicanism and can even be seen as the keystone of his republican theory. The *res publica* is first and foremost a space open for debate. The political form which would naturally appear in a state of nature is a 'parliament', a place where people talk and discuss the main affairs of the community. Deliberation and participation are inherent to political legitimacy. It implies a degree of rationality which Paine thought everyone could attain.

4 PAINE'S SECOND EUROPEAN LIFE BEFORE *RIGHTS OF MAN* (1787–1791)

Paine came back to Europe in the spring of 1787, at the end of May, not primarily for political reasons but to promote his iron bridge.⁴⁰ The political and financial crisis in France was going through a new turn with the dissolution of the *Assemblée des Notables* and the first call made by

Lafayette to convene the States General. Even if the promotion of his invention was at first his main concern, he soon renewed his interest in politics. He published *Prospects on the Rubicon* in the autumn of 1787, in which he advocated a rapprochement between Great Britain and France. In this text, which was written soon after he arrived in France, he commented on the recent events by remarking that ‘the people of France are beginning to think for themselves’.⁴¹ During the summer of 1787, the Parliament of Paris opposed Loménie de Brienne’s policy and was exiled to Troyes on 14 August. Philip Foner suggests that *Prospects* was commissioned by Brienne, Condorcet and Lafayette. Yet no evidence underlies this claim, and the letter Paine sent to the Abbé Morellet, in which he announced the publication of this writing, tends to suggest that it was Paine’s own initiative.⁴² Paine looked forward to the political change that he described as the alliance of ‘the majesty of the nation with the majesty of the sovereign’. Significant political reforms or revolutions should come only from below: only ‘the people’ could decide on the opportunity of a revolution. He described France as going through ‘disorder’ potentially verging on a ‘chaos’ which could become creative. He viewed it as a stage in what he called the ‘great chain of circumstances’, a phrase he would use again in the first part of *Rights of Man* to present his account of the Revolution of 1789. Paine considered that ‘the provincial assemblies’ which had been created on 22 June 1787, were ‘a fuller representation of the people than the Parliaments of England are’, whereas these assemblies were not really open to other categories than the already governing elite.⁴³ Therefore, France was about to cross the Rubicon and Paine’s title might also be understood in this way even if French reforms were not then his major concern.

Paine also kept an eye on what was going on across the Atlantic, and he followed the debate on the ratification of the Federal Constitution of 1787 from Europe. He regularly met Jefferson and English-speaking French intellectuals to discuss both events in France and in the United States. He started a correspondence with Jefferson which he would later use as a source of information when he wrote the first part of *Rights of Man*. Benjamin Franklin’s introductory letters with which Paine arrived in France were instrumental in helping Paine grow a network in France after 1787 since, thanks to them, he met Condorcet, Morellet, La Rochefoucauld d’Enville and the Comte d’Estaing.⁴⁴ The fight of the American Insurgents and the American Revolution had become a major topic of interest after 1778 among intellectual and political liberal middle-class and aristocratic circles,

and the number of writings in French dealing with America rocketed in the 1780s. In addition to being celebrated for the publication of *Common Sense*, Paine was known through the several translations of his *Letter to the Abbe Raynal* (published in 1783), which were widely read and discussed,⁴⁵ including by Brissot, Condorcet and Mirabeau. They had constructed their own views of the United States and of Paine by the time they met him.

This ‘sustained engagement with an intellectual community in London and in Paris’⁴⁶ may well be a key background for the writings Paine published in Europe from 1791 onward and for their reception in elite circles. Even if he did not publish anything between September 1787 and March 1791 (or at least if there is no extant published writing by him during those years), Paine seems to have written several pieces that made up the material for the publication of the first part of *Rights of Man*. As Lafayette’s testimony in January 1790 suggests,⁴⁷ Paine started to write a book for George Washington in which he recounted the events that had taken place in France. A. O. Aldridge and R. R. Fennessy believe that it is the genotext of *Rights of Man*, which is indeed dedicated to George Washington.⁴⁸ Moreover, Gouverneur Morris said, in his entry for 5 January 1790, that Paine sent him a text in which he compared the finances of France and of England,⁴⁹ a topic that Paine addressed in the letter he sent to Burke ten days later and that he dealt with in the ‘Miscellaneous Chapter’ of the first volume of *Rights of Man*.⁵⁰ Therefore, Paine’s writing appears to have been the result of several other projects, including a history or a narrative of the first years of the French Revolution, as *Common Sense* seems to have been also at first an account of the imperial crisis.⁵¹

5 RIGHTS OF MAN

Paine’s first substantial contribution on the French Revolution was the first part of *Rights of Man*. The Burke-Paine polemic was the major debate of the 1790s and has remained a seminal debate to understand our political modernity. A few words about the theoretical aspect of the debate may be useful. Neither Paine nor Burke systematically refuted the ideas of the other and both manipulated the other’s texts to make their own cases, although Paine boasted he had won this verbal fight.⁵² Paine chose to focus on what he viewed as Burke’s essential premise; that is, precedent and authority as sources of legitimacy. Paine defended what may be described as a neo-Lockean theory against Burke’s neo-Filmerian

one.⁵³ What is potentially the major difference between Paine and Burke is how they conceived of time. Paine had a transformative conception of it whereas Burke had a repetitive vision of it. It is on an evolutionary dimension of time that Paine based his conclusion that monarchy was archaic and fixed whereas republican institutions were adapted to modern times.

To answer Burke, Paine offered his own version of the political contract, which is for the greater part based on what he had developed since 1776.⁵⁴ He focused on the definition of key words of the new political vocabulary: 'constitution' and 'convention'. Again, Paine took up arguments he had presented in previous writings. He had helped transform the notion of 'constitution' in the context of the American Revolution.⁵⁵ As early as *Four Letters*, published in the spring of 1776, he had distinguished 'constitution' and 'government' and asserted that 'all constitutions should be contained in some written charter'.⁵⁶ He had then concluded that 'all countries have some form of government, but few, or perhaps none, have truly a constitution'.⁵⁷ In 1792, he went on denouncing 'a government, or [...] what is called in England is, or has been, called a constitution'.⁵⁸ He also repeated that the Constitution limited government action⁵⁹ because it is a set of fixed rules that preclude arbitrary power and guarantee the freedom of the individual.⁶⁰ Similarly, the meaning of 'convention' had been altered in the context of the American Revolution, and Paine had contributed to this change as early as 1776 in *Common Sense* and his 'Forester' letters.⁶¹

The contention that there was no real debate between Paine and Burke has essentially been defended in anti-Painite or pro-Burkean studies, but has also found its way in some more impartial approaches to this controversy.⁶² This tends to take at face value Burke's claim that he would 'not in the smallest degree attempt to refute' Paine's views, and that he excluded all logic of demonstration when he said that he wrote 'not in the way of argument, but narratively', which was an answer to a remark by Paine that his own writing was both a 'narrative' and an 'argument'.⁶³ Yet although Burke dealt with Paine in a contemptuous way, his *Appeal* may be read as an 'indirect answer' to Paine.⁶⁴ On the question of monarchy he used general statements whose target is obvious.⁶⁵ He defended a conception of revolutionary action opposite to Paine's as he thought that the individual who held power rather than the institution itself should be changed in case a regime became unfair or tyrannical. Whereas Paine equated reform and revolution, Burke went on pitting

these two notions against each other and he even went as far as to say that the word ‘revolution’ was a kind of barbarism, in all senses of the word.⁶⁶ He also expanded on his criticism of the somewhat Lockean idea according to which the people kept its sovereignty permanently even after the establishment of a government⁶⁷ as he wished to demonstrate that once society was dissolved, the people became an unorganized multitude again. Human will or sovereignty might have been at the origin of ‘civil society’, but then this right of sovereignty disappeared once this society was organized and therefore the will for revolution could be no other than an ‘arbitrary will’.⁶⁸

In the preface of the second volume of *Rights of Man*, Paine laid the stress on Burke’s refusal to enter the discussion, which Paine qualified as a ‘controversy’. Paine’s passage on the necessity to tell the dissolution of society apart from the dissolution of government is a rejoinder to Burke’s paragraphs in *An Appeal* on the concomitant creation of the people as an entity and of the government. The phrase ‘voluntary will’⁶⁹ cannot be explained if not understood as a response to Burke’s denunciation of the ‘arbitrary will’⁷⁰ of the people. More generally Paine opposed to Burke his own conception of how will, power and the right of the people could be related,⁷¹ but on the issue of majority and unanimity he responded to Burke only in his *Letter Addressed to the Addressers*.⁷² Paine attacked Burke more directly than the latter did. Paine denounced ‘old Whigs’ as ‘childish thinkers’,⁷³ a way of describing them that was in keeping with his vision of hereditary monarchy as infantilizing whereas Burke in his *Appeal* had lashed out at the ‘childish futility’⁷⁴ of French revolutionaries. In Chapter 3, Paine explicitly affirmed he intended to answer Sieyès and not Burke, but one paragraph of the chapter deals with Burke’s defence of monarchy, which gave Paine the opportunity to repeat some of his usual objections against it as an idolatrous and dehumanizing regime.

What might have led one of Paine’s biographers to conclude, in a hasty way perhaps, that ‘to continue the debate with Burke was no major part of Paine’s purpose’⁷⁵ is also Paine’s own version of the story of the debate which consisted in asserting that Burke’s writings had only been pre-texts on which he could rely to present his own theory, a view Burke seemed to share as he said in a letter in 1795 that Paine could have published *Rights of Man* without his *Reflections*.⁷⁶ To a great extent, in *Rights of Man*, Paine went on exploring avenues of reflection he had opened up in his previous writings. His definition of revolution had not changed since his *Letter to the Abbé Raynal*, in which he had equated

reform and revolution and separated individuals and the offices they held. He introduced a distinction between 'passive' and 'active' revolutions, which he then dropped, and he enlarged on his own conception of the two bodies of the king when he denounced the fusion between the biological and political dimensions, an analysis which then served as a basis for his theory of representative government. The definition of the republican regime which he provided in both parts of *Rights of Man* had not evolved significantly since 1786 and his *Dissertations on Government*. Paine specified how democracy and republic were to be connected through the notion of representation. Except for the further exploration of how society and government were related, and for the potential interference of government in the economic and social spheres, when the whole of Paine's writings is taken into account, it seems that Burke's works led Paine to offer instead a synthesis of ideas mostly grown out in an American context adapted for a European readership.

In addition to the well-known theoretical aspect of the Burke-Paine debate, the first part of *Rights of Man* contains a narrative part which has mostly been neglected until now although it complements the theoretical part of the writing. Paine wished to demonstrate to his popular readership, especially in his native country, how revolutions were made possible without a completely chaotic transition. He felt that using a European example and not merely the American Revolution, which was sometimes perceived as taking place in a context that was faraway and totally different from Europe, would be efficient to convince the common British people of the feasible nature of a political change. Therefore, he presented what he thought were the main steps of the Revolution from 1787 to 1789 and he more specifically focused on the Storming of the Bastille and on the October Days. Whereas all critics of Burke at the time gainsaid the latter's version of the Fall of the Bastille and of the October Days, Paine was the only one who offered a detailed narrative of these two events.

These pages of *Rights of Man* have been ignored by scholars, except for Steven Blakemore, who has offered a literary analysis to them.⁷⁷ Nevertheless, Paine's political narrative of the Revolution needs to be reappraised. My first approach to this narrative was to check whether it could be considered as a reliable history of the events. However, what appears more clearly now is how this version of the story of the Revolution of 1789 served political and theoretical purposes. The theoretical and narrative parts of the book are interwoven in the text fabric,

and my contention is that it was intentional on Paine's part. He chose to follow the order of Burke's *Reflections* because it made it possible to have 'narrative' and 'argument' intertwined. Paine's purpose was to prove that a revolution by the people against one of the most powerful monarchies in Europe had been possible, and that one in England was not unrealistic. The Revolution of 1789 appeared as a European testing ground for his republican theory, which had already been applied in the United States.

That *Rights of Man* was one of the major publications of the 1790s and was widely read has now become an almost commonplace view of the book.⁷⁸ It was in England that its impact and circulation were the greatest. They were less significant in the United States where its publication was embedded in another controversy that was going on then between proto-Federalists and Jeffersonians.⁷⁹ In France, it is usually taken for granted that the book was read, known and celebrated,⁸⁰ but its reception has not been looked into enough, perhaps quite simply because the French readership, whether popular or more educated, was not Paine's primary addressee. The content of Paine's book was in reality not much discussed then in France in published reviews, articles or books, but the symbolic dimension of his writing made him even more famous than he had been thanks to the American Revolution and to his *Letter to the Abbé Raynal*. The Burke-Paine debate was on the whole seen as foreign and as internal to British politics to a greater extent than the exchange on the American Revolution between a French, well-known and well-established philosopher, Raynal, and a prominent American republican 'Patriot', Paine. This may also confirm the fact that Paine was perceived in 1791 as a foreigner writing on French politics, which began to change with the Varennes episode.

6 PAINE'S CONTRIBUTION TO THE FRENCH REVOLUTION

A few months after the publication of the first part of *Rights of Man*, Paine shifted from the position of an observer of the French Revolution to that of an active participant or agent in the events, a French career which will be divided here into at least three phases.

The first one lasted from June 1791 to December 1793 and corresponds to France's first republican debates and experiments. Paine took part in the unsuccessful post-Varennes initiatives to promote a transition toward a republican regime. This was the moment when his connections and collaborations with French agents of the Revolution

appear to have grown to an unprecedented extent, although his association with this republican fringe has been questioned. In the Parisian intellectual and political circles it widened Paine's influence and notoriety. Paine then travelled back and forth on both sides of the Channel until 13 September 1792, when he landed in Calais to take his seat in the French Convention where he had been freshly elected. His intermittent presence in France in 1791–1792 means that he might have failed to witness the major changes that took place in political circles there and so to have taken stock of them. This could go quite a way to explain some of his later positions, even more than his sporadic stay in France in 1789 that some critics of *Rights of Man* have stressed. After monarchy was abolished in August 1792, he was involved in the debates on the King's trial and sentence. He was also appointed a member of the first committee of constitution. During this phase, Paine became close to 'Girondin' figures, which has led some scholars to consider he defended 'Girondin' positions during this period.⁸¹ This construction of a 'Girondin' Paine is nonetheless open to question. This retrospective *trompe l'oeil* may be partly accounted for by the lack of extant correspondence from Paine to some of his close French associates, such as Condorcet or Brissot, and of the latter with Paine.

The year 1793 was a turning point in Paine's French decade, but also maybe in his career as a political thinker and activist. The significance of this pivotal year will be emphasized here more than in my previous study of the subject. First, Paine's participation in the committee which wrote the first version of the Constitution of the Year I should be looked into. Yet missing material is a major stumbling block in this regard and has led the few scholars who have studied this moment of Paine's career to make assumptions about his intellectual exchanges with Condorcet that rely on no evidence beyond a few papers and published writings. Whereas Philip Foner chose to include the plan of the Declaration of Rights of the first committee of constitution of 1793 in his edition of Paine's *Complete Writings*, there is no proof that Paine was the author of it. To a far greater degree than in Pennsylvania during the 1780s, Paine also witnessed in 1793 decisions made by a legislative power which did not conform to what he thought was right in general and to what he believed was right regarding the role of the legislature in particular. Even before the Terror, he was faced with a conflict of legitimacy when the Convention voted on the need for primary assemblies to ratify or not the

death sentence of Louis XVI in January 1793. With hindsight it can be said that it was the beginning of a period in which revolution and republican principles proved incompatible, a contradiction with which Paine had to come to terms.

Paine was jailed at the end of 1793, in December and the next phase in his French decade started then. He notably shared his cell with a man called Jullien with whom he made autodafes of writings against Robespierre in the fireplace of their cell. He was released from prison in November 1794. From then until August 1795 when the Constitution of the Year III was adopted by the Convention, he played an active role in the debate on the future Constitution and was one of the few to oppose the limitation of the franchise, although his appeals had no weight on the final vote of the Constitution by the Thermidorian Convention, a crucial moment for both Paine and the French Revolution as Yannick Bosc has shown.⁸² Yet even if it contradicted some of Paine's founding republican principles, once the Directoire was set up, he rallied it, hoping it would later reform the access to the franchise. Thus, the period from August 1795 to the 18 Brumaire coup appears as perhaps the most strange or unexpected of Paine's French moment. He endorsed the position of rather conservative republicans whose liberalism meant defending private property as a keystone of the system. Even if he called for social reforms in *Agrarian Justice*, published in the spring 1797, he acted as a propagandist for the Directoire, not merely on questions of foreign affairs, since he publicly approved of its moves against right-wing and left-wing protests or contestations in France, especially the 18 Fructidor coup in September 1797. Paine can be described as a downright propagandist of the French republican regime. How to understand this turn is essential. It was a pragmatic decision to save the French republican revolution and to support the regime in a European context of war. Paine even viewed the French Directorial regime as the right instrument to spread republicanism to Great Britain through plans for military invasion. He saw the Directoire as a republican stronghold in a monarchical Europe he loathed, even though this republican model was far from perfect. It also corresponded to a moment when he expressed his estrangement from the US presidential model for personal but also for political reasons. The second half of the 1790s and especially John Adams's presidency was the time when the Democratic-Republican opposition solidified, and Paine was involved in this process. The French Revolution was instrumentalized by the Federalists, who denounced the

American Jacobins at the end of the 1790s as corrupted by foreign ideas in the context of the Quasi-War and of the *Alien and Sedition Acts*. Seth Cotlar has recently pictured Paine's America as dominated by a contest between Painite democrats and their opponents. The second half of the 1790s was therefore to Paine a moment when he felt his republican system nearly came to be completely questioned on both sides of the Atlantic, even if he chose to support a French regime which potentially matched his republican theory less than that of the United States. Paine acted as a kind of representative of Jeffersonian positions in France and played an informal diplomatic role even and all the more so as the XYZ Affair and the Quasi-War were damaging Franco-American relations.

Bonaparte's rise to power and the Consulat opened the last phase of Paine's French career. No material has been found to show what his reaction to the 18 Brumaire coup was at the time of the event. His alleged view on it has been mostly inferred from his later comments on the Consulat. As Paine endorsed the 18 Fructidor coup, it is not clear what his position on Bonaparte's coup was then. Paine's last years in France, which he left in the autumn of 1802, have been overlooked or have often been seen as a mere period of transition. Yet even if Paine reduced his activities and his publications, he still had contacts with the Consulat and tried to play the role of an unofficial adviser on foreign and domestic policy. His later public view of Bonaparte and then of Napoleon was somewhat ambivalent. Even if he detested the autocratic nature of the regime, which put an end to the French republican experiment, he nonetheless preferred this French usurper to the British hereditary monarchs.

Paine's French period led him to adjustments in his positions and challenged some of his previous ideas, especially after the mid-1790s. The events in France and the evolution of republican institutions and policy raised the issue of the constitutional framework as a sufficient check against arbitrary power, but it also raised the question of minority vs majority in a republican regime and of how protests could be dealt with. More generally it obliged Paine to decide how violence should be handled by a republican government which could claim a potentially legitimate monopoly of violence against divergent opinions which it said jeopardized the very existence of the republic at a given time. How legitimacy, sovereignty, participation and freedom could combine in a republican regime dramatically tossed Paine's theoretical boat to an extent unknown to him before he crossed the Atlantic again.

7 SOURCES AND MATERIALS

Like all studies dealing with the past, mine is limited by available written sources and first of all by the availability of Paine's writings during this period. A number of them are not included in collected works and have been published separately or are published in works by others. Some of his texts and opinions are extant only in French translations with no original manuscript in English. So, there is a Paine in French or whose words have been potentially interpreted or adapted by French translators, which should be taken into account when studying these documents. The French National Archives and other French libraries hold many documents and letters by or concerning Paine. Many of them have been unearthed by Conway and Aldridge, although they did not systematically analyse these materials from an historical viewpoint. In addition, their interpretations have subsequently been taken up by Paine biographers and not examined further, which I have attempted to rectify here.

Some texts by Paine have been lost altogether or not found yet such as his plan for the Constitution of 1793. Sources are also missing concerning major collaborations between Paine and French circles, such as the edition of *Le Républicain* with Condorcet, the precise content of the exchanges among the members of the first 1793 constitutional committee or Paine's admission at the end of the 1790s to the Constitutional Circle for whose activities there is no record either. It means that this study cannot answer all the questions raised by Paine's French period, but it intends at the very least to raise these questions in different ways from those used until now to deal with Paine and the French Revolution.

8 LIST OF PAINE'S WRITINGS PUBLISHED OR WRITTEN DURING HIS FRENCH DECADE (EXCLUDING LETTERS)

* Texts for which no original manuscript or version in English other than a retranslation of the French one is available to this day.

1791:

Rights of Man (Part I) (February/March).

'Avis aux français' [translated in Philip Foner's edition as 'A Republican Manifesto' and in Moncure D. Conway's edition as 'the Republican Proclamation', a phrase he borrowed from Dumont. It was reprinted in the first issue of *Le républicain* and then quoted in Paine's second speech about Louis XVI on 7 January 1793].*

‘To the Abbé Sieyès’ (July).

Address and Declaration (at a select meeting of the friends of universal peace, 20 August 1791).

1792:

Rights of Man (Part II) (February).

‘Réponse à quatre questions’ [published in May, June and July 1792 in *La Chronique du mois*].*

Address to the People of France (September).

‘Essai anti-monarchique à l’usage des nouveaux républicains’ [published in October 1792 in *La Feuille villageoise* on 11 October 1792 and then reprinted in Brissot’s *Le Patriote français* on 20 October with the title ‘Essai anti-monarchique à l’usage des nouveaux républicains tiré de la Feuille villageoise’].*

‘Opinion de Thomas Paine concernant le jugement de Louis XVI’ [20 November 1792].*

Paine’s proposal for a bill of indictment of Louis XVI read by Saint Just at the Convention on 6 December 1792.*

Letter Addressed to the Addressers on the Late Proclamation (autumn).

1793:

Paine’s speech about Louis XVI, 7 January. [Transmitted to the Convention’s secretary on 7 January, but read only on 19 January]. In 1793, an incomplete version of this speech without the addition that appears in the French version, was published in London by James Ridgway as *Reasons for Wishing to Preserve the Life of Louis Capet. As Delivered to the National Convention*. [I could not unravel whether it is based on Paine’s original manuscript or if it is a translation of the already translated French version.]*

‘Speech about Louis XVI’ read on 19 January 1793.*

Déclaration des droits de l’homme et du citoyen [published in 1793 in Paris as an individual writing with Paine’s name on the cover and wrongly attributed to Paine].*

‘A Citizen of America to the Citizens of Europe’ (July).

‘Observations on the Situation of the Powers Joined Against France’ (autumn).

An Answer to the Declaration of the King of England, Respecting his Motives for Carrying on the Present War, and his Conduct Towards France [the second year of the French republic] with the French translation: *Réponse a la déclaration du roi d’Angleterre. Relativement à ses motifs pour continuer la guerre actuelle et à sa conduite envers la France*, traduite de l’anglais (November).

‘Observations on the Commerce between the United States of America and France’ (lost).

1794:

The Age of Reason (Part I) (February).

1795:

‘Observations sur la partie de la Constitution de 1793 (présentée par l’ancien Comité de Salut public) qui concerne la formation et les pouvoirs du conseil exécutif’ (traduction de François Lanthenas) [Bernard Vincent, ‘Cinq inédits de Thomas Paine’, *Revue française d’études américaines*, 1989, no. 40, pp. 226–230].*

‘Speech on the Constitution Plan’ (7 July 1795) [The English version of this speech is presented as a translation of the French it seems: *Dissertation of first principles of government. To which is added, the genuine speech, translated, and delivered at the tribune of the French Convention, July 7, 1795* (Philadelphia): Paris and London—printed. Philadelphia: reprinted by Ormrod & Conrad, at Franklin’s Head, no. 41, Chesnut-Street, November 20, 1795, pp. 36–41].*

‘Observations on Jay’s Treaty’ (July).

Dissertation on First Principles of Government (July).

The Age of Reason (Part II) (autumn).

1796:

The Decline and Fall of the English System of Finance (April).

1797:

A Letter to George Washington (February).

Agrarian Justice (April).

Letter from Thomas Paine to Camille Jordan, of the council of five hundred: Occasioned by his report on the priests, public worship; and the bells. [*Lettre de Thomas Paine sur les cultes.* Paris: librairie du Cercle social, 1797].

Lettre de Thomas Paine au peuple français, sur la journée du 18 Fructidor. Paris: Librairie du Cercle social, an VI, 39 pages [in English: *Letter to the people of France, and the French armies, on the event of the 18th Fructidor—September 4—and its consequences.* New York: Reprinted at the Argus-office, 1798]. The American edition was published in October and the French one in November.

‘Sur les négociations de Lille’, *Le Bien informé*, no. 1, 17 Fructidor an V (3 September 1797), p. 3.*

No title, *Le Bien informé*, no. 20, 1er Vendémiaire an VI (22 September 1797), p. 2.*

‘Aux rédacteurs du Bien Informé’, *Le Bien informé*, no. 25, 6 Vendémiaire an VI (27 September 1797), p. 2.*

No title, *Le Bien informé*, no. 59, 10 Brumaire an VI (31 October 1797), p. 2.*

‘Sur la descente en Angleterre’, *Le Bien informé*, no. 103, 24 Frimaire an VI (14 December 1797), pp. 2–3.*

‘Descente en Angleterre, no. 1^{er}. Moyens d’obtenir dix millions pour construire mille ou plus de mille chaloupes canonnières’, *Le Bien informé*, no. 104, 25 Frimaire an VI (15 December 1797), pp. 2–3.*

‘Observations on the Construction and Operation of Navies with a Plan for an Invasion of England and the Final Overthrow of the English Government’, [Alfred Owen Aldridge, ‘Thomas Paine’s Plan for a Descent on England’, *William and Mary Quarterly*, 1957, vol. 14, pp. 79–84].

1798:

Thomas Paine au Conseil des Cinq-cents, séance du 9 pluviôse an VI. Paris: Imprimerie nationale, an VI, 3 pages.*

‘Thomas Paine au Directoire exécutif’, *Le Bien informé*, no. 405, 6 Brumaire an VII (27 October 1798), p. 4.*

1800:

Plan for Encouraging Internal Prosperity (July).

Memorandum on a peace with England addressed to Bonaparte (October).

Du Jacobinisme des Anglais sur les mers et des moyens d’en triompher, adressée aux nations neutres par un neutre (Paris: Imprimerie du Cercle social, an VIII).

1801:

‘De la république américaine’, *Le citoyen français*, 6 Vendémiaire an X (28 September 1801), p. 4.*

Compact maritime

NOTES

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3. Eric Foner, ‘Thomas Paine’s Republic: Radical Ideology and Social Change’, in Alfred Young, ed., *Explorations in the History of American Radicalism. The American Revolution* (DeKalb: Northern Illinois University Press, 1976), 189; Eric Foner, *Tom Paine and Revolutionary America* (New York: Oxford University Press, 1976).
4. Mark Philp, ‘Revolutionaries in Paris: Paine, Jefferson and Democracy’, in Simon P. Newman and Peter Onuf, ed., *Paine and Jefferson in the Age of Revolution* (Charlottesville: University of Virginia Press, 2013), 151–152.
5. Seth Cotlar, *Tom Paine’s America. The Rise and Fall of Transatlantic Radicalism in the Early American Republic* (Charlottesville: University of Virginia Press, 2011), 287.
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- Editions Créaphis, 1990); Ian Dyck, ed., *Citizen of the World: Essays on Thomas Paine* (New York: Saint Martin's Press, 1988); John Remsburg, *Thomas Paine, the Apostle of Religious and Political Liberty* (Boston: J. P. Mendrum, 1880); Jack Fruchtman, *Thomas Paine: Apostle of Freedom* (New York: Four Walls Eight Windows, 1994) and *Thomas Paine and the Religion of Nature* (Baltimore: J. Hopkins University Press, 1993); Bernard Vincent, ed., *Thomas Paine ou la république sans frontières* (Nancy: Presses Universitaires de Nancy, 1993); 'Le républicain de l'univers' in François Furet et Mona Ozouf, ed., *Le Siècle de l'avènement républicain* (Paris: Gallimard, 1993), 101–126; Hildegard Hawthorne, *His Country Was the World: A Life of Thomas Paine* (New York: Longman).
7. Gary Berton and Marc Belissa, ed., Introduction to 'Tom Paine, A Transatlantic Republican Between Two Revolutions', *Journal of Early American History* 6 (2016), 106.
 8. Yannick Bosc, *La Terreur des droits de l'homme. Le républicanisme de Thomas Paine et le moment Thermidorien* (Paris: Kimé, 2016). Bosc's first study of the subject dates back to 2000: Yannick Bosc, *Le conflit des libertés. Thomas Paine et le débat sur la Constitution de l'an III* (Ph.D. diss., Université d'Aix-Marseille, 2000). He has published many articles on Paine in the context of the French Revolution, among which: Yannick Bosc, 'Paine et Robespierre: propriété, vertu et révolution', in Jean-Pierre Jessenne, ed., *Robespierre: de la nation artésienne à la République et aux nations* (Villeneuve-d'Ascq: Centre d'histoire de la région du Nord et de l'Europe de l'Ouest, 1994), 245–251; 'Thomas Paine: révolutionner l'état de civilisation. 1776–1802', in Raymonde Monnier, ed., *Révoltes et révolutions en Europe (Russie comprise) et aux Amériques de 1773 à 1802* (Paris: Ellipses, 2004), 121–146. 'Le conflit des conceptions de la république et de la liberté: Thomas Paine contre Boissy d'Anglas', in Marc Belissa, Yannick Bosc, and Florence Gauthier, ed., *Républicanismes et droits naturels à l'époque moderne. Des humanistes aux révolutions des droits de l'homme et du citoyen* (Paris: Kimé, 2009), 101–115; 'Paine et Condorcet pour refonder la solidarité?', *Mouvements* 64 (2010), 130–135. 'Liberté et propriété. Sur l'économie politique et le républicanisme de Condorcet', *Annales Historiques de la Révolution française*, 366 (2011), 53–82.
 9. Vincent, 'Le républicain de l'univers', 125.
 10. Thomas Munck, 'The Troubled Reception of Thomas Paine in France, Germany, the Netherlands and Scandinavia', in Simon P. Newman and Peter Onuf, ed., *Paine and Jefferson*, 165; Philipp Ziesche, 'Thomas Paine and Benjamin Franklin's French Circle', in Simon P. Newman and Peter Onuf, ed., *Paine and Jefferson*, 132.
 11. Thomas Paine, *Rights of Man, Common Sense and Other Political Writings*, ed. Mark Philp (Oxford: Oxford University Press, 1995), 33 and 43.

12. '[I]ndividuals by agreeing to erect forms of government [...] must give up some part of their liberty for that purpose; and it is the particular business of a constitution to make out *how much* they shall give up', Thomas Paine, *Common Sense and Other Writings*, ed. Gordon S. Wood (New York: The Modern Library, 2003), 75.
13. Alfred Owen Aldridge, *Thomas Paine's American Ideology* (Newark: University of Delaware Press, 1984), 257.
14. Paine, *Common Sense and Other Writings*, 80.
15. Gordon S. Wood, *The Creation of the American Republic* (Chapel Hill: University of North Carolina Press, 1969), 444.
16. Thomas Paine, *The Complete Writings of Thomas Paine*, ed. Philip S. Foner (New York: The Citadel Press, 1945), II, 287.
17. 'We are a people upon experiments', Paine, *Complete Writings*, II, 281.
18. Benjamin Rush, *The Selected Writings of Benjamin Rush*, ed. Dagobert D. Runes (New York: Philosophical Library, 1947), Letter I, 55 and Letter III, 77. A. O. Aldridge rather understood this argument by Paine as an echo of Benjamin Franklin (Aldridge, *Thomas Paine's American Ideology*, 258).
19. Jack P. Greene, 'Paine, America and the "Modernization" of Political Consciousness', *Political Science Quarterly* 93 (1978), 90–91.
20. Paine, *Complete Writings*, II, 373.
21. '[T]he assuming right of breaking and violating their engagements [...] or defrauding, imposing or tyrannizing upon each other', Paine, *Complete Writings*, II, 375.
22. Paine, *Complete Writings*, II, 409.
23. It was also a concession to the point of view of the critics of the 1776 Constitution of Pennsylvania. See Wood, *The Creation of the American Republic*, 437–438 and 442–443.
24. '[A] select number of persons, periodically chosen by the people, who act as representatives in behalf of the whole, and who are supposed to enact the same laws and to pursue the same line of administration, as the people would do were they all assembled together', Paine, *Complete Writings*, II, 372.
25. Contrary to what some scholars have asserted, P. F. Nursey-Bray, 'Thomas Paine and the Concept of Alienation', *Political Studies* 16 (1968), 239.
26. Claeys, *Thomas Paine: Social and Political Thought*, 3.
27. Cotlar, *Tom Paine's America*, 2011.
28. Olivia Smith, *The Politics of Language, 1791–1819* (Oxford: Clarendon Press, 1984); Steven Blakemore, *Intertextual War, Edmund Burke and the French Revolution in the Writings of Mary Wollstonecraft, Thomas Paine, and James Mackintosh* (London: Associated University Presses, 1997) and *Crisis in Representation: Thomas Paine, Mary Wollstonecraft, Helen Maria Williams, and the Rewriting of the French Revolution*

- (London: Associated University Presses, 1997); Jane Hodson, *Language and Revolution in Burke, Wollstonecraft, Paine, and Godwin* (Aldershot: Ashgate, 2007); John Turner, 'Burke, Paine, and the Nature of Language', *The Yearbook of English Studies* 19 (1989), 36–53; Lounissi, *La Pensée politique de Paine*, 302–320 and 'Thomas Paine's Democratic Linguistic Radicalism: A Political Philosophy of Language?', in Laurent Curelly, Nigel Smith, ed., *Radical Voices and Radical Ways: Articulating and Disseminating Radicalism in 17th- and 18th-century Britain* (Manchester: Manchester University Press, 2016), 60–79.
29. Sophia Rosenfeld, 'Thomas Paine's Common Sense and Ours', *William and Mary Quarterly* 55 (2008), 633–668.
 30. Paine, *Rights of Man*, 19.
 31. Paine, *Rights of Man*, 25.
 32. Thomas Paine, *Collected Writings*, ed. Eric Foner (New York: Literary Classics of the United States, 1995), 310.
 33. This parallel between Paine's idea and Habermas's should be handled with caution, especially as the latter's concept concerns 'civil' but also 'bourgeois' society, which, if understood in terms of social class, could not apply to Paine's vision as he wished to extend that sphere to everyone, including the lowest classes of people. Jurgen Habermas, *The Structural Transformation of the Public Sphere*, trans. Thomas Burger (Cambridge: Massachusetts Institute of Technology, 1991), 64.
 34. Paine, *Rights of Man*, 318.
 35. Paine, *Collected Writings*, 378.
 36. '[T]he very word *monarchy* signifies, in its primary meaning, the despotic rule of one individual, though that individual be a madman, a tyrant or a hypocrite', Paine, *Complete Writings*, II, 1316.
 37. Blakemore, *Intertextual War*, 117.
 38. *The Republican Refuted*, in Gregory Claeys, ed., *Political Writings of the 1790s* (London: Pickering, 1995), V, 339.
 39. Paine, *Rights of Man*, 121, 131, 132, 158, 175, 220, 257 and 401.
 40. Alfred Owen Aldridge, *Man of Reason. The Life of Thomas Paine* (Philadelphia: Lippincott, 1959), 111.
 41. Paine, *Complete Writings*, II, 623.
 42. Bernard Vincent, 'Cinq inédits de Thomas Paine', *Revue française d'études américaines* 40 (1989), 217. On 11 August 1787, Paine wrote a letter to a man he described as the secretary of Loménie de Brienne, to whom he then referred in the preface of the first part of *Rights of Man*. The addressee of that letter was probably the Abbé Morellet, whom Paine could have mistaken for Brienne's secretary. Paine said he 'found, that his sentiments and my own perfectly agreed with respect to the madness of war' (Paine, *Rights of Man*, 87). See also Paine's letter of 11 August,

- 1788: 'I wrote to the abbé Morellet [...], knowing that he was in the confidence of the Archbishop of Toulouse' (Lounissi, *La Pensée politique*, Appendix 1, 767). Paine viewed monarchy as the main stumbling block on the way to a reconciliation between the peoples of France and Great Britain. He commented on the strength of popular prejudices existing in England against France, and proposed that the literary and political elites of Great Britain should write in favour of cosmopolitanism.
43. Paine, *Complete Writings*, II, 634.
 44. Ziesche, 'Thomas Paine and Benjamin Franklin's French Circle, 124. Paine already knew Chastellux.
 45. Carine Lounissi, 'French writers on the American Revolution in the early 1780s: a republican moment?', in Maria O'Malley and Denys Van Renen, ed., *Globalizing the American Revolution* (Charlottesville: University of Virginia Press, forthcoming).
 46. Seth Cotlar, 'Conclusion', in Newman and Onuf, ed., *Paine and Jefferson*, 287.
 47. "Common Sense" écrit pour vous une brochure où vous verrez une partie de mes aventures. Le résultat sera, j'espère, heureux pour ma patrie et pour l'humanité', Gilbert du Mottier, marquis de La Fayette, *Mémoires, correspondances et manuscrits du général La Fayette* (Paris: H. Fournier aîné, 1837–1838), II, 440.
 48. Alfred O. Aldridge, 'The Rights of Man de Thomas Paine: symbole du siècle des Lumières et leur influence en France', Pierre Francastel, ed., *Utopies et institutions au XVIII^e siècle: le pragmatisme des Lumières* (Paris: Mouton et Cie, 1963), 161; R. R. Fennessy, *Burke, Paine and the Rights of Man, a Difference of Political Opinion* (La Haye: M. Nijhoff, 1963), 160.
 49. Gouverneur Morris, *A Diary of the French Revolution*. ed. Beatrix Cary Davenport (London: George G. Harrap, 1939), I, 358.
 50. James T. Boulton, 'An Unpublished Letter from Paine to Burke', *Durham University Journal* 63 (1951), 51 and 53–54; Paine, *Rights of Man*, 183–187.
 51. In *American Crisis III*, Paine said that *Common Sense* was originally 'a history of the present transactions' commissioned by B. Franklin (Paine, *Complete Writings*, I, 88).
 52. 'Mr. Burke, finding himself defeated, and not being able to make any answer to the "*Rights of Man*", has been one of the promoters of the prosecution.' 'The principles and arguments contained in the work in question, "*Rights of Man*", have stood, and they now stand, and I believe will ever stand, unrefuted', Paine, *Complete Writings*, II, 445.
 53. 'Burke has set up a sort of political Adam, in whom all posterity are bound for ever', Paine, *Rights of Man*, 94.

54. Some of the phrases which he used are reminiscent of those employed by Burke, such as 'common stock', but Paine had used the phrase at least as early as 1778. Burke referred to 'the joint stock' of society. Edmund Burke, *Reflections on the Revolution in France* (1790), ed. Conor Cruise O'Brien (Penguin Classics, 1986), 150; Paine, *Rights of Man*, 119. In 1778, Paine had written: 'civil government [...] implies a surrender of something into a common stock', Paine, *Complete Writings*, II, 295. The economic imagery Paine employed to describe the contract can be found in his previous writings, such as the last issue of *American Crisis*: 'society grants him nothing. Every man is a proprietor in society and draws on the capital as a matter of right', Paine, *Rights of Man*, 76.
55. '[A] charter is to be understood as a bond of solemn obligation, which the whole enters into, to support the right of every separate part', Paine, *Rights of Man*, 43.
56. Paine, *Common Sense and Other Writings*, 72 and 74.
57. Paine, *Common Sense and Other Writings*, 75.
58. Paine, *Rights of Man*, 205.
59. Paine, *Rights of Man*, 75. He used the same phrase again in the second part and in *Dissertation on First Principles of Government*. Paine, *Rights of Man*, 254 and 408.
60. 'All countries have some form of government, but few, or perhaps none, have truly a constitution', Paine, *Common Sense and Other Writings*, 75; 'all constitutions should be contained in some written charter', Paine, *Common Sense and Other Writings*, 72; 'no constitution in that country which says to the legislative powers, "Thus far shalt thou go, and no farther"', Paine, *Common Sense and Other Writings*, 75. He repeated the same phrase in the second part of *Rights of Man* and in *Dissertation on First Principles of Government*. Paine, *Rights of Man*, 254 and 408.
61. Paine, *Rights of Man*, 33 and *Complete Writings*, II, 84–85.
62. Since R. R. Fennessy's suggestion in the 1970s that there was no real debate between Burke and Paine, but rather 'two appeals to English public opinion from two entirely different and totally irreconcilable points of view', this question has not really been explored. R. R. Fennessy contended that there was 'no exchange of arguments, reply, or counter-argument' between Burke and Paine. This conclusion was then taken up again by Francis Canavan, who went as far as to say that 'it never really took place'. R. R. Fennessy, whose book is anti-Painite, has claimed that Paine 'did not bother to read *Reflections* carefully before beginning'. As a result, he contended that 'what Paine 'refuted' was a mere travesty of Burke's position'. Fennessy's conclusion that Paine rather wanted to spread his propaganda in England than to answer Burke, as he had done in 1776 with *Common Sense*, is based on Paine's retrospective

- remark in November 1802 on the similarity of purpose of his two writings in November 1802 and said that their goals were similar. Yet even more impartial scholars have maintained that Paine did not really 'succeed in taking Burke's ideas seriously', which explains why 'the direct refutation of Burke's argument takes up the smallest part of the work'. Fennessy. *Burke, Paine and the Rights of Man*, vii, 162, 163–164; Francis Canavan, 'The Burke-Paine Controversy' *Political Science Reviewer* 6 (1976), 389; Patrick Thierry, 'De la Révolution américaine à la Révolution française: Paine, Burke et les Droits de l'homme', *Critique* 43 (1987), 476; R. R. Fennessy. *Burke, Paine and the Rights of Man, A Difference of Political Opinion*, *op. cit.*, Paine, *Complete Writings*, II, 910; Pierre Manent. 'Paine' in François Chatelet, Olivier Duhamel and Evelyne Pisier, ed., *Dictionnaire des œuvres politiques* (1986) (Paris: Presses Universitaires de France, 2001), 853.
63. Paine, *Rights of Man*. 126 and 166. Edmund Burke, *Appel des whigs modernes aux whigs anciens* (1791), ed. and trans. Norbert Col (Rennes: Presses Universitaires de Rennes, 1996), 126 and 138 (Bilingual edition).
 64. Burke, *Appel*, 250.
 65. '[N]o man can be a friend to a tempered monarchy who bears a decided hatred to monarchy itself' and 'they, who have raked in all history for the faults of kings, and who have aggravated every fault they have found', Burke, *Appel*, 74.
 66. Burke, *Appel*, 41 and 74. '[W]ithout attempting to define, what can never be defined, the case of a revolution in government', Burke, *Appel*, 40.
 67. Burke, *Appel*, 84.
 68. Burke, *Appel*, 142, 148, 168 and 173, '[T]he pretended *Rights of Man* [...] cannot be the rights of the people', 172.
 69. Paine, *Rights of Man*, 318.
 70. Burke, *Appel*, 168.
 71. '[T]here [...] is no power, but the voluntary will of the people that has a right to act in any matter respecting a general reform', Paine, *Rights of Man*, 318.
 72. Paine, *Rights of Man*, 380.
 73. 'childish thinkers and half-way politicians', Paine, *Rights of Man*, 204.
 74. Burke, *Appel*, 32.
 75. Frank Smith, *Thomas Paine: Liberator* (New York: F. A. Stokes, 1938), 156–157.
 76. '[I]t has been my intention for the five years in Europe to offer an address to the people of England on the subject of government, if the opportunity presented itself before I returned to America. Mr. Burke has thrown it in my way and I thank him', Paine, *Rights of Man*, 325. Paine retrospectively repeated this contention in a letter he sent to Jefferson in

- 1800, in which he did not hesitate to say that ‘this is the motive that induced me to answer him, otherwise I should have gone on without taking any notice of him’, Paine, *Complete Writings*, II, 1412. Edmund Burke, *Further Reflections on the Revolution in France*, ed. Daniel E. Ritchie (Indianapolis: Liberty Fund, 1992), 261–262.
77. J. C. D. Clark’s claim that Paine is not the author of the narrative part of *Rights of Man* is not based on any serious evidence and thus cannot be considered as valid. The alleged stylistic rupture in the text does not stand and might, if there indeed is one, easily be explained by the fact that Paine heavily relied on Jefferson’s letters and oral testimonies by Lafayette and others. J. C. D. Clark, *Thomas Paine: Britain, America and France in the Age of Enlightenment* (Oxford: Oxford University Press, 2018), 241–242.
 78. Claeys, *Thomas Paine: Social and Political Thought*, 1.
 79. Lounissi, *La Pensée politique de Paine*, 566–577.
 80. Munck, ‘The Troubled Reception’, in Newman and Onuf, ed., *Paine and Jefferson*, 172.
 81. Alison Patrick, *The Men of the French First Republic: Political Alignments in the National Convention of 1792* (Baltimore: John Hopkins, 1972), 344; John Sydenham, *The Girondins*, London: The University of London, Athlone Press, 1961), 225; William Doyle, ‘Thomas Paine and the Girondins’, in William Doyle, *Officers, Nobles and Revolutionaries. Essays on Eighteenth-Century France* (London: The Hambledon Press, 1995), 216–217.
 82. Bosc, *La Terreur des droits de l’homme*.

The Revolution of 1789 in *Rights of Man*: Republican or Democratic Revolution?

In Price's *Discourse*, the French Revolution was only a secondary topic, at least explicitly. Price mentioned 'those revolutions in which every friend to mankind is now exulting'¹ and in the last paragraphs he alluded to the recent events in France, but the purpose of this writing was not to reflect on the meaning of the French Revolution itself. Price tackled issues of the political history of Great Britain, even if it appeared as linked to the future of Europe. What Burke questioned was Price's interpretation of the Glorious Revolution and the similarity Price seemed to suggest between 1689 and 1789. To refute these two ideas, Burke addressed the connection between constitution and revolution, and the theoretical foundations necessary to understand these two notions through the concepts of rights, contract and political legitimacy. It was on this basis that he grounded his own analysis of the French Revolution. Therefore, Burke was led to enlarge on an issue which was not the main question raised by Price, and he repeated some of the positions he had expressed eight months before in his 'Speech on the Army Estimates'. Burke ignited the debate and defined its three main topics: the meaning of the Glorious Revolution, the theory of rights, and the French Revolution. Between November 1790 and February/March 1791, the controversy was a Price-Burke debate in which 'radical' and 'conservative' writers took part. When *Rights of Man* was published, a second phase started as a third polarity was added to the other two, which extended the scope of the debate.² For many readers and participants in the debate, the controversy henceforth became a Burke-Paine

debate, even if, after 1792, the latter withdrew from it and was involved in the French Revolution.

Quite paradoxically, to the modern reader at least, whereas 1789 was what triggered the debate through Price's interpretation of its meaning for Britain and Europe, the way the French Revolution itself was dealt with in the debate has been to some extent neglected, especially in studies on *Rights of Man*. The main reason may be that the French Revolution as such was not then considered by participants in the debate as a major topic, at least explicitly. In *Thoughts on Government*, George Rous explained that he did not wish 'to enter minutely on the French Revolution'.³ Capel Lofft thought that it was better to 'leave to the friends of liberty in that country [...] the more full and circumstantial explanation of the state of France, previous to the Revolution [...] and the present state of the people and the government'.⁴ John Scott even concluded about Burke's *Reflections*, 'had it been merely confined to the affairs of France, I should not have troubled you with a single observation'.⁵ Few answers to Burke addressed the latter's vision of it in an in-depth manner, except for Paine, James Mackintosh, Thomas Christie, and also to a lesser extent Catharine Macaulay. Mackintosh's book can even be considered as a response to Paine's handling of 1789 both with regard to content and form.⁶ Yet all of them shared Burke's assumption that the French Revolution was a radical break with the past made possible thanks to the philosophy of natural rights.

NOTES

1. Richard Price, *Political Writings* (Cambridge: Cambridge University Press, 1991), 182.
2. See James T. Boulton, *The Language of Politics in the Age of Wilkes and Burke* (1963) (Westport: Greenwood Press, 1975), 265–271.
3. Gregory Claeys, ed., *Political Writings of the 1790s* (London: Pickering, 1995), II, 28.
4. Claeys, ed., *Political Writings of the 1790s*, II, 298.
5. Claeys, ed., *Political Writings of the 1790s*, II, 156.
6. His 'purpose [...] was] not to narrate the events but to seize their spirit and to mark their influence on the political progress from which the Revolution was to arise', James Mackintosh, *Vindiciae Gallicae* (London: G. G. J. & J. Robinson, 1791), 39. Thomas Paine, *Rights of Man, Common Sense and Other Political Writings*, ed. Mark Philp (Oxford: Oxford University Press, 1995), 148 and 166.



CHAPTER 2

Debating the Legitimacy of the French Revolution

Paine viewed *Reflections* as a mixture of ‘silence’ and ‘excess’ on this issue, and he concluded that Burke did ‘not understand the French Revolution’.¹ This starting point meant that Paine chose not to systematically examine each of Burke’s statements on the events in France. He instead offered his own version of them. Paine’s reply is thus made up of ‘argument’ and ‘narrative’.² He tends to deal with events chronologically as he wants to highlight what he calls ‘the chain of circumstances’ of the Revolution.³ Whereas at first sight it may be said that this strategy potentially undermined the efficiency of Paine’s response on that subject, since Burke’s approach is a rather analytic reasoning punctuated by dramatized scenes of carnage, for Paine to stand on the ground of what he considered as ‘facts’ was a way of hampering further objections which would have meant looking into events from an historical or historiographical viewpoint and making research on these events.

This narrative format is also accounted for by Paine’s pedagogic intention for the common (English)man. Paine targeted an English readership whereas Burke allegedly intended his own book for French (educated) readers. As Burke said in his *Appeal*, his *Reflections* were supposed ‘to convey to a foreign people not his own ideas but the prevalent opinions and sentiments of a nation, renowned for wisdom’.⁴ Still in his *Appeal*, Burke explained he first and foremost wished to demonstrate that 1689 and 1789 could not be compared, a conclusion underpinned, he claimed, ‘by arguments which he thought could not be refuted, and by documents he was sure could not be denied’,⁵ which was

an indirect answer to Paine's use of 'facts'. Burke reaffirmed his belief in the evil character of the French Revolution and repeated that it was illegitimate since the Ancien Regime was not a tyranny, a vision which he said was shared both by the French elite and people.⁶ He still considered that the few 'abuses' of this regime had served as a pretext to overthrow monarchy.⁷ He then focused on the contradictions he saw in the new Constitution.⁸ So, Burke instead took up again and summarized the arguments of his *Reflections*. In the second part of *Rights of Man*, the French Revolution is barely mentioned. Paine did not respond to what Burke said on it in his *Appeal*. He referred to 'two' books published by Burke, who in reality published three in 1791 (*An Appeal, A Letter to a Member of the National Assembly* and *Thoughts on French Affairs*.) It is in the *Letter* (written before the publication of the first part of *Rights of Man*) that Burke supposedly prophesied the tragic fate of Louis XVI. In *Thoughts*, he commented on the King's failed escape and assessed what he viewed as the critical economic and political situation of France, which led him to draw the same conclusion as Paine: 'no counter-revolution is to be expected in France from internal cause solely'.⁹

Therefore, their respective analyses of the French Revolution mainly appear in *Reflections* and in the first part of *Rights of Man*. They discussed the origins of the Revolution of 1789 as lying in the Ancien Regime under three headings: the nature of the French political regime before the Revolution of 1789, the handling of economic matters by the French governments of the second half of the 1770s and the 1780s, and the influence of the philosophes. The Revolution proper was considered through the role of the French monarchy and aristocracy in 1789 and through the Constitution of 1791 that was then being discussed in the Constituante.

1 THE ORIGINS OF THE REVOLUTION OF 1789 AND THE ANCIEN REGIME

1.1 *The Crisis of the Hereditary Political and Social System*

One of Burke's central theses was that the French Revolution was not legitimate given that the French monarchy was not tyrannical. It was 'a despotism more in appearance than in reality', albeit he admitted that it 'was still full of abuses'.¹⁰ Therefore, Burke reproached those whom he called 'the advocates for this revolution' with 'exaggerating the vices

of their ancient government'.¹¹ Those who responded to Burke tended to refute this vision and exposed the regime's despotic character.¹² Paine seemed at first to have shared Burke's point of view in *Rights of Man* Part I. He especially extolled the King's 'natural moderation' and described his rule as a 'casual discontinuance of the practice of despotism'. He even presented Louis XVI as 'very different from the general class called by that name, [...] a man of good heart',¹³ a vision shared by many critics as well as supporters of the Revolution in Great Britain.¹⁴ Yet whereas Paine conceded this point, it concerned only the King as an individual. This did not, at least from Paine's viewpoint, undermine his assault on monarchy as synonymous with despotism. Paine's analysis still revolved around the major distinction between the man and the office: the principle presiding over the French monarchy had remained the same in Louis XVI's France.¹⁵ The whole system was flawed, and Paine described it as a many-headed hydra which stifled all levels of French society.¹⁶ This organic development of tyranny made it impossible to reform the system since it pervaded both political institutions ('the monarchy' and 'the Parliaments') and religious ones ('the church').

To answer Burke's statement about the French aristocracy having 'no considerable share in the oppression of the people',¹⁷ Paine distinguished a form of 'feudal despotism operating locally and the ministerial despotism operating everywhere'. Burke grounded this conclusion in his historical interpretation of the way the French aristocracy had evolved. He took stock of the fact that by the 1780s it had lost its prerogatives to the benefit of royal civil servants,¹⁸ especially the collection of taxes. Paine, on the other hand, refuted Burke's contention on 'oppression', but ignored the basis of it. Paine's explanation of the pervading nature of 'despotism' in France remains vague compared to Burke's reference to the *Fermiers Généraux*. Paine's and Burke's diagnoses of the illnesses of the French Ancien Régime were at variance, but the temptation to consider that Burke's approach was more valid than Paine's should be resisted, especially in the wake of the legacy of Tocqueville's interpretation of the origins of the French Revolution in 1856. Both Paine's and Burke's views of the state of French institutions were ideological and based on their theoretical premises, which prevented Paine from probing the historical role of the French aristocracy and which prevented Burke from understanding why aristocracy came to be excluded from the new paradigm that emerged after 4 August and the suppression of privileges.

Whereas Paine had tried to outline a more long-term (even if quite vague) view of the French monarchy, he did not offer any historical interpretation of the role of the French aristocracy. Except for a remark on its origins as ‘a military order for the purpose of supporting military government’,¹⁹ he rather focused on aristocracy as a general category without discussing its specific features in the French context. It was Mackintosh who would do so when he concurred with Burke in believing that there had been a decline of the French *noblesse* since the Middle Ages, but to serve a different conclusion since it explained the concentration of all powers in the hands of the French monarch.²⁰ Paine refuted the legitimacy of all kinds of aristocracy based on heredity and on its worst form, primogeniture. Aristocrats were similar in England and in France, as his comparison of French aristocrats with the ‘Barons’ in 1215 shows.²¹ The only difference Paine saw between them was that the French aristocracy did not have a legislative power, as Lafayette had told Paine who quoted him here.²² Burke also relied on what he understood as the British model of aristocracy when diagnosing an antagonism in France between the middle class or bourgeoisie and the aristocracy, a factor which he considered as central in the causes of 1789.²³ In *Rights of Man*, Paine did not address this economic aspect, but he mentioned this issue later in another context (that of 1795) in his speech on the Constitution of the Year III to defend his conception of a fair republican regime based on an equality of rights and not on artificial categories relying on exclusive privileges granted by wealth. Paine then remarked to what extent the exclusion of commerce in the aristocratic model of the Ancien Regime had damaged it.²⁴ He seemed then to agree with Burke, even if, in Paine’s speech, it served the need to reassert the principles of 1789 and even more of 1792 after the Terror.

At the same moment, in 1795, Burke also revised what he had said five years before about the reforms by the last ministers of the King which were intended to modernize the French political and economic system. In *Reflections*, he thought that they had gone too far and had opened the door to the Trojan horse of revolution.²⁵ In *Thoughts and Details on Scarcity* he stated that the provincial assemblies might after all have been a suitable way of reforming French institutions.²⁶ In the first part of *Rights of Man*, Paine explained that these reforms, especially Turgot’s, had not been radical enough, although he did not say to what extent precisely.²⁷ Both Paine and Burke disagreed as to the role that the financial predicament of France had played in the Revolution. Burke

denied it was an essential factor whereas Paine, like other opponents of Burke,²⁸ declared that it was ‘the circumstance which the nation laid hold of to bring forward a revolution’.²⁹ Paine did not look into the financial crisis, though. His purpose was to show to his English common readers that bankruptcy was one of the ways and means of revolution. In the ‘Miscellaneous Chapter’, he made this clear when he claimed that ‘the French Nation [...] endeavoured to render the late Government insolvent, for the purpose of taking the government into its own hands’.³⁰ He presented this as an example that could be followed in Britain if people stopped paying their taxes, a suggestion he had made to Burke in the letter he sent him one month before the latter’s speech on the army estimates.³¹

Both Paine and Burke nonetheless tried to underpin their claims by quoting the same sources (the figures provided by Necker and Calonne) without really being informed enough to be able to assess them. Burke relied on Necker’s book *De l’administration des finances de la France* (1784) and trusted the estimations of the latter, whom he viewed as an ‘able financier’.³² Yet in order to demonstrate the overestimation of the cost of the French court, he also used Calonne’s work *L’état de la France*, published in 1790, in which Calonne criticized Necker.³³ It seems that Paine relied on Necker’s *Compte rendu* of 1781 (whose figures are not reliable and which was biased against Calonne) to assert that the deficit was under control in 1781, but then rose to an unprecedented extent after Necker’s dismissal.³⁴ In the ‘Miscellaneous Chapter’, he commented on Burke’s use of Necker’s figures and said that Burke had distorted them.³⁵ Paine considered Calonne’s ministry as ‘extravagant’ and blamed him for the unbalance of the French budget.³⁶ He understood the latter’s strategy when he convened the Assemblée des Notables as a way to bypass the opposition of the Parliaments, and even interpreted this move as ‘the first practical step towards the revolution’.³⁷ The idea that Calonne’s ministry was a turning point in the tensions of the 1780s was also defended by two of Burke’s foes who investigated this question, Thomas Christie and James Mackintosh.³⁸

Yet whereas Paine relied on Necker’s figures, he did not really reflect on the latter’s role in the events that led to the Revolution. He tended to view his administration favourably as he blamed the deficit on his successors. Beyond the way Calonne’s and Necker’s managements were appraised by Paine, which was what I discussed in my initial research, it is perhaps more central to underline that Paine’s position may be

unexpected as Turgot's reforms clearly came closer to Paine's ideas, especially Turgot's defence of free trade and his abolition of some parts of the feudal system. Necker, on the other hand, was opposed to the freedom of commerce and he advocated the control of the prices of wheat by the government, an idea that Paine did not support as such, even in Pennsylvania in the 1780s. One obvious reason for Paine's representation of Necker may have been the fact that he was the Minister of Finances (*Contrôleur des Finances*) from June 1777 to May 1781 during the crucial period of the War of Independence, and found money to pay for the cost of France's involvement in the conflict, although Paine did not allude to this. This does not mean that Paine systematically had, in *Rights of Man*, a favourable view of all the members of the French government who played a part in the alliance with the United States after 1778 since he made, for instance, disparaging comments on Vergennes.³⁹

1.2 *Paine's Narrative of the Circulation of Ideas in Ancien Régime France*

Most supporters and critics of the French Revolution tended to believe that Enlightenment thinkers had had a decisive influence on 1789. They either repeated Burke's condemnation of Voltaire, Rousseau and Helvetius⁴⁰ or, like Price, praised their writings.⁴¹ That potentially subversive writings were factors of revolts or revolutions was often taken for granted in England by conservative authors who took part in the controversy. They considered the influence of such publications as essential in the beginning of the French Revolution and feared the same would happen in their country with Paine's book. The author of *A Defence of the Constitution of England* stated that 'numerous pamphlets on the *Rights of Man*' were published in France before the Revolution and that this contributed to the events of 1789.⁴² Remarks on the role of the diffusion of ideas critical of established governments as applied to the French case were obviously made with the situation of Great Britain in mind as *Rights of Man* was considered as 'the most audacious libel that ever was published' or even as 'one of the most dangerous publications that ever appeared on any subject'.⁴³ The precedent that was usually quoted to illustrate how *Rights of Man* could threaten the British monarchy was the role of *Common Sense* in the American colonies of 1776.⁴⁴ Yet one of the remedies to what Burke called in *An Appeal* 'the disgusting symptoms of a frightful distemper'⁴⁵ of the body politic was precisely the good sense of the English people.⁴⁶

Paine rather thought that the Enlightenment had provided French readers (whom, exactly, is not specified) with new ideas that had encouraged a form of vigilance and whose circulation undermined the credit of the Ancien Regime. He listed Montesquieu, Voltaire, Rousseau, Raynal and the physiocrats as the most influential. The former President of the Parliament of Bordeaux was said by Paine to have implicitly defended ideas in keeping with the French Revolution, but ‘under a veil’. Paine would later, in 1797, explicitly claim that Montesquieu was a republican who had been forced to conceal his real opinions. He did neither in 1791 nor in 1797 underpin this by quotes. Paine’s miniature portrait of Voltaire was more qualified as his talent for ‘satire’ and criticism were praised whereas the cynicism on which it relied prevented him from being a genuine republican. Rousseau and Raynal appeared as more radical and philanthropic thinkers but not as reformers who tried to put their ideas into practice. Eventually, physiocrats were said to be politically active in the improvement of French institutions, but were criticized for their failure to sufficiently question monarchy. This may go some way to explain why Paine did not endorse Turgot’s reforms and instead turned Necker into a more active reformer than Turgot in his narrative.

The diffusion of republican ideas in France also included those of the American Revolution, and Paine suggested that they played a part in the origins of 1789. It was an indirect (or more indirect than in other anti-Burkean writings) way of answering Burke’s contention that 1776 and 1789 were completely different. Even before the first part of *Rights of Man*, Paine wrote, in a letter to George Washington in May 1790, that ‘the principles of America opened the Bastille’.⁴⁷ These principles had been the metaphorical key to the French prison, while the real key had been entrusted with Paine. The go-betweens he designated were the French soldiers who had fought alongside the American Patriots against the British during the War of Independence and ‘who [...] were eventually placed in the school of Freedom, and learned the practice as well as the principle by heart’.⁴⁸ Paine shared this vision with Jefferson who wrote about it in January 1789.⁴⁹ He could well have discussed it with him in Paris. The idea that 1776 and 1789 were closely connected was quite common in replies to Burke.⁵⁰ David Williams made the same comment as Paine, believing that French soldiers had been instrumental in spreading progressive ideas since they ‘returned from America fully charged with electric fire’,⁵¹ a hint at Franklin’s experiments and at his political role. Paine and Williams had known each other since 1788, as

Williams informed Brissot in a letter, and may have shared their views on this.⁵² It means that Paine's position was common to a group of American and English intellectuals connected through French contacts.

A major nexus of these networks was Franklin's home in Passy, and Paine singled him out as a broker in revolutions. Franklin's diplomatic mission to France 'should be taken into the chain of circumstances'. Yet Paine referred to his intellectual influence more than to his political activities since he chose to describe him 'as a philosopher'. He insisted on the scale of his network of connections, which he called 'his circle of society in France' and was 'universal'. It was Franklin who helped Paine be introduced in those circles. Franklin had a hand in the publication of La Rochefoucauld's French translation of *American Constitutions*.⁵³ Although Paine did not reveal this in *Rights of Man*, he alluded to La Rochefoucauld's book after two paragraphs on Franklin's relationships with Vergennes and on Franklin's intellectual networking. Informed (French, American and British) readers who were part of these circles in France could not fail to understand what Paine meant here. To the common Englishman this passage showed that Vergennes, an aristocrat who was hostile to republican ideas according to Paine, could be swayed into letting books dealing with republican principles circulate in a monarchy. Paine turned the story into one of the force of 'public opinion' over aristocratic and monarchical government. It confirmed his (invented) narrative of a French 'nation' supporting American Patriots for ideological reasons, as opposed to 'the French ministry' which had more geostrategic motives. What the 'nation' designated here was indeed rather the aristocratic circles Paine knew in Paris, but again this distortion was only visible to informed readers.

Paine also alluded to what he called 'the publication of those events in France [which] necessarily connected themselves with the principles which produced them'.⁵⁴ It was a reference to the numerous printed materials which were published in France or in French at the time of the American War of Independence, especially after 1778. These included: essays such as Raynal's *Révolution de l'Amérique*, to which Paine had responded in 1783, Condorcet's *Influence de la Révolution américaine en Europe* (1786) or Brissot's *De la France et des Etats-Unis* (1787); newspapers such as Benjamin Franklin's *Affaires de l'Angleterre et de l'Amérique*, which was supported by Vergennes, and numerous historical accounts which were more or less reliable.⁵⁵ However, Paine did not go as far to say that the American Revolution had triggered off the French

one. He instead argued that 1776 had made new political principles and practices known in Europe and that only an ‘opportunity’ was needed to apply them there. He compared the American Constitutions to a political ‘grammar’⁵⁶ that both Franklin and Lafayette had taught and learnt.⁵⁷ Yet he did not conclude that the American Revolution had exemplified some theories of the French Enlightenment, in contrast to Jefferson who said, in a letter to Price in January 1789, that the War of Independence had played a greater role in France than French thinkers in promoting natural rights.⁵⁸

Paine tended to believe that the mere fact of discussing political matters from a theoretical standpoint had been the starting point of ‘a spirit of political enquiry’ which ‘began to diffuse itself through the nation’. Paine tended to generalize the spreading of ideas in France to ‘readers of every class’,⁵⁹ even if the word ‘class’ was closer in meaning to ‘category’ than to ‘social class’. Other answers to Burke went even further when saying, like Thomas Christie, that ‘these writers were in every man’s hands’,⁶⁰ whereas James Mackintosh was aware of the limits of such a diffusion of writings as he stressed that ‘the great works in which discoveries are contained cannot be read by the people’.⁶¹ Therefore, Paine’s viewpoint was neither the most nor the least nuanced regarding the role of the Enlightenment in the Revolution. It was part of his performative approach to the creation of a public sphere reaching as many people as possible as a preliminary to revolution. In the first part of *Rights of Man*, Paine stated that only a ‘new order of thoughts’ could prepare a ‘new order of things’. The political revolution seemed to be the result of ‘a mental revolution’⁶² which also meant, as the etymology of revolution suggests, tracing the origins of governments or going back to their origins. Nevertheless, Paine did not suggest that the ‘spirit of Liberty’ was the only factor of revolutionary action. He did not make a direct causal link between ideas and revolution since he added that ‘man cannot, properly speaking, make circumstances for his purpose, but he always has it in his power to improve them when they occur’.⁶³ This was in reality a way of assenting to Burke’s version of this idea in his *Reflections*, according to which ‘wisdom cannot create materials’.⁶⁴ Both agreed that there was no direct connection between history and philosophy, but for different reasons.

In *Prospects on the Rubicon*, published in 1787, Paine had already said that ‘a very extraordinary change [...] was] working itself in the minds of the people’ in France. He then deduced that this evolution

possibly meant new relationships between the governed and the governors, without going further. In the same writing, he suggested that a potential reform or revolution should start from the bottom up, which both legitimized the revolution and ensured its perennial character. He expressed this advice rather as a warning: ‘the desire must originate with, and proceed from the mass of the people and when the impression becomes universal, and not before’. In 1787, Paine believed that France had entered a new phase of its history and that this ‘chaos’ would lead to a new political ‘creation’, an image he used again in the first part of *Rights of Man*.⁶⁵ Such views regarding the role of public or popular opinion were the basis of Paine’s political thought and writings.⁶⁶ In the introduction to *Common Sense*, he explained that an illegitimate political regime contained the gene of its own death in its DNA as the abuse and tyranny it uses tends to lead the governed to enquire into the legitimacy of the government and can result in a revolt that could then turn into a revolution.⁶⁷ There seemed to be a kind of inevitable mechanism that ended with the overthrow of tyrannical regimes (although it did not work in England, a failure which Paine never really understood). Such a view might come from Raynal, who had asserted, in his very influential *Histoire des deux Indes*, that the ‘feeling’ of being oppressed was what led the governed to look into the source of this oppression, which they might identify as a political cause.⁶⁸ However, Paine’s approach to this issue should be distinguished from that of other British or American ‘radicals’ such as Joseph Priestley or Joel Barlow, who saw the diffusion of philosophy or of ideas as secondary in the origins of republican revolutions.⁶⁹ This may lead one to reappraise the quite usual view of Paine as a promoter of popular revolution as a non-reader encouraging the non-reading of his own readers, a character which he himself paradoxically contributed to create when repeating he did not read.

2 THE REVOLUTION OF 1789

2.1 *The Monarch and Aristocrats in 1789: An Open-Minded Political Elite vs Promoters of Despotism?*

In his account of the way the crisis of political institutions was solved in 1789, Paine distinguished between those who were in favour of changes and those who resisted them. His approach was quite personal as individuals appeared in his cast of the revolutionary drama. His views of

individual actors differed from the theoretical considerations they were supposed to embody, but Paine did not see this as a contradiction since he portrayed individuals either as struggling against a system or as struggling to maintain it.

Louis XVI's role in Paine's revolutionary drama is not very clear-cut. Paine presented the French King as 'the friend of the nation'⁷⁰ to answer what Paine said was Burke's blindness to the character of the anti-monarchical and anti-aristocratic revolution in France. When Paine chronicled the stages of the crisis which led to the Revolution of 1789, he mentioned the *lit de justice* of 6 August 1787, but without commenting on its arbitrary character, forgetting also that of 8 May 1788. Then he introduced the decision to convene the States General by the French King on 19 November 1787 during a *séance royale*, described as a mere 'meeting with the Parliament', and said it was done 'in a manner that appeared to proceed from him, as if unconsulted upon with the cabinet or the ministry'. Although it implied that the latter was playing a role, it was neither criticized nor approved by Paine. Louis XVI was then shown as a supporter of the merging of the three orders, but Paine added that Louis XVI was countered by the conservative aristocracy. He presented the French King as the victim of his advisors (as George III had been said to be by American colonists until 1776) as Louis XVI had 'since then declared himself deceived into their measures'. Moreover, Paine's narrative went on to say that the King's refusal to fully grant the one-man-one-vote principle 'was made against the advice of M. Neckar'. This sentence is somewhat ambiguous and could mean that Neckar was a more radical reformer than he really was. Louis XVI's role in the events that led to the beginning of the Revolution was not explained by Paine in a precise way. He mentioned the French monarch's quite ambivalent and wavering positions from 1788 to 1789, but without explicitly commenting on the possibly contradictory character of his decisions.⁷¹ On 1 May 1790, Paine wrote to George Washington that Louis XVI 'pride[d] himself on being at the head of the Revolution', which tends to prove that Paine was aware of the King's ambivalent role.⁷²

Whereas Paine rejected what he called 'the despotism' of Louis XIV, in the 1770s and 1780s the 'despots' were not Louis XVI, but the conservative aristocrats plotting against 'the nation' and the National Assembly, who, by order of appearance in Paine's drama, were Vergennes, de Broglie, Brienne and Artois. They were opposed to somewhat 'liberal' aristocrats such as Lafayette, La Rochefoucauld,

Luxembourg and De Noailles. These individual cases told a story quite different from Paine's general condemnation of aristocracy from a theoretical viewpoint. Even if he denounced the duplicity of 'the aristocracy' in the States General until the establishment of the National Assembly, he distinguished 'the patriotic' aristocrats from the others, 'the majority of the aristocracy' whom he also called 'the mal-contents'. Paine made a distinction between French open-minded and conservative nobles, which he nonetheless did not explicitly present as such. This view of exceptions in French aristocratic circles tended to contradict the general comments he made on the strategy of French 'aristocracy' as whole and as a category not different from all other hereditary aristocracies.⁷³ It also stands in sharp contrast to Paine's understanding of the unnatural and illegitimate character of hereditary nobility. Titles such as 'Count and Duke' are repeatedly ridiculed in *Rights of Man* Part I, but Paine referred to the 'Marquis de Lafayette' and to the 'Duke de la Rochefoucauld' (d'Enville) in positive terms⁷⁴ without seeing, or closing his eyes to the potential discrepancy between his theoretical and personal views of French aristocracy.

Paine's narrative of 'liberal' aristocrats shows that, to some extent, he (consciously or not) concurred with Burke, who had affirmed that reading the instructions given by their electors to the representatives of the *noblesse* in the States General revealed that this category was willing to abandon its tax exemptions,⁷⁵ from which Burke deduced that there existed a consensus in pre-revolutionary France about the reforms that needed to be implemented and thus that the Ancien Regime would have died on its own.⁷⁶ Such is neither Paine's view nor that of other authors who replied to Burke, even if some of them, like James Mackintosh and Charles Pigott, admitted that the French nobles had agreed to give up some of their privileges.⁷⁷ The standard contention of Burke's opponents in the debate was that the French aristocracy provoked its own downfall.⁷⁸ Paine's dual treatment of aristocracy and aristocrats like Lafayette might also have been an indirect answer to Burke's criticism of the aristocratic salons and to the fact that 'they' supposedly 'countenanced too much that licentious philosophy which has helped to bring on their ruin',⁷⁹ though it tends not to be fully coherent with Burke's conclusion that the nobility accepted compromises on their privileges.

Paine's circles in Paris were those of the Americanophile aristocrats. His extant letters reveal a slightly different network from that which might be deduced from Franklin's letters of introduction insofar as Paine

did not seem to have close connections with all of Franklin's addressees afterwards. For example, Chastellux had met Paine on 14 December 1780 with Lafayette and Laurens. He revealed that Paine had written to him since their first encounter and wished to enter into a regular correspondence with him, but no letter either by Paine to Chastellux or by Chastellux to Paine has yet been found.⁸⁰ Chastellux's *Voyages*, in which he recounted his meeting with Paine, was first published in 1786, not long before Paine landed in France, and a second one appeared in 1788, while Paine was already in Europe. Chastellux's comments on Paine seem quite ambiguous. They tended to confirm or establish Paine's reputation as a disorderly writer who was rejected by the established political elite and was not a serious thinker but more of a utopian who devised plans which were not to be put into practice. Yet he also praised Paine's independent spirit and his freedom of thought. No evidence documents how Paine received this commentary. Then, how Chastellux might have influenced his French readers positively or negatively about Paine is perhaps even more intriguing. Writings by French Americanophiles in which more favourable or more downrightly enthusiastic comments were made about Paine were also published at the time when Paine arrived in France. In *De la France et des Etats-Unis*, published in 1787 shortly before Paine's landing, Brissot praised the *Letter to the Abbé Raynal* and said that Paine's answer to the author of the *Histoire philosophique* was right.⁸¹ Paine's *Letter to Raynal* was also mentioned by Chastellux.⁸² Paine's choice in 1782 to answer Raynal, a then prominent French philosophe, had virtually connected him with French circles or rather paved the way for an intellectual network in France, even it was not Paine's primary intent. In addition to Franklin's letters of introduction, the *Letter to the Abbé Raynal* opened the doors of Parisian salons to Paine and was discussed perhaps to a greater extent in France than *Common Sense* (which, although translated into French much later, was mentioned in many books in French dealing with the American Revolution in the 1780s, by Raynal to begin with).⁸³

As a result, in the context of French politics, it could be tempting to conclude that Paine endorsed Lafayette's viewpoint. His aristocratic background is briefly alluded to through 'the means of enjoying' the kind of life Paine imagined was that of French nobles at the time, one of 'sensual pleasure'. Yet the word 'aristocrat' is never applied to Lafayette, who was turned by Paine into the symbol of a counter-Burkean republican chivalry. Americans who travelled to Paris and who wrote on the French

Revolution (in different ways) seem to have shared a quite common mythological vision of what France was like in the Ancien Regime. What Paine said on Marie-Antoinette 'who gave the cause of America a fashion at the French court' confirmed this as well as his remarks on 'the gaiety of [Louis XIV's] court', 'the weakness', 'effeminacy' and 'lethargy' of France under his successor.⁸⁴ American observers of the French Revolution like Jefferson, on whose information Paine explicitly relied, Paine himself and Gouverneur Morris tended to share a stereotyped vision of French libertinage, even if they had different perceptions and understandings of French events. They criticized the French aristocratic society from a quite 'republican' standpoint if one considers a Pocockian or Machiavellian view of 'virtue', a kind of *virtù* which Paine ascribed both to George Washington in the dedication of the book and to Lafayette in his hagiographic vignette of the hero of the War of Independence.⁸⁵ These criticisms were the same as those voiced by many French Americanophiles who published writings on the American Revolution during the 1780s.⁸⁶

Rights of Man I can indeed be considered as a nexus where the views of French Americanophiles and American Francophiles met. Paine himself constructed his book as such when he mentioned Americans who played a role in these networks like Benjamin Franklin and Thomas Jefferson, and also French sources who were among Americanophile figures, such as Lafayette and La Rochefoucauld. Paine pitted the point of view of the latter against the authorities quoted by Burke, such as Lally-Tollendal, a conservative aristocrat by Paine's standards.⁸⁷ Then, to what extent the first part of *Rights of Man* reflected the viewpoints of Jefferson, Lafayette and others needs to be looked into in greater depth, especially before concluding Paine did repeat their opinions uncritically.

Paine's major source of information seems to have been direct or oral testimonies such as that of Lafayette,⁸⁸ whose role in the events he tended to exaggerate, especially in the Assemblée des Notables.⁸⁹ In addition, Paine needed a republican symbol of what he wished 1789 to appear in the first part of *Rights of Man*. A man from an aristocratic background who promoted a form of equality made him the perfect choice for a kind of French Robin Hood, even if Paine did not have a positive opinion of this mythical character in *Rights of Man*. Such a hero was needed if one follows Paine's own recommendation in his *Letter to the Abbé Raynal* on the way history should be written. Paine's view was of course biased by the role Lafayette had played in the American War of Independence and by Lafayette's close relationship with George Washington. In March

1790, Paine wrote from Paris to an unidentified correspondent, that ‘our friend, the Marquis [de Lafayette] is like his patron and master, General Washington, acting a great part’⁹⁰ in the Revolution. Washington himself considered Lafayette to have played a central role then.⁹¹ In 1789 William Short even told Paine in a letter that ‘the whole revolution depends on him; [...] he himself must make it or that it will fail’.⁹² Americans then generally gave a lot of credit to Lafayette, and Paine only shared this opinion.

Yet Paine did not hesitate, it seems, to mention selectively the role some of these liberal aristocrats had played in 1789. For example, the Duke of Luxembourg is listed among them, but when he wrote *Rights of Man*, Paine was informed that Luxembourg had turned his back to the Revolution in contrast to what his moves against the Cour plénière had shown. So, Paine knew that Luxembourg no longer shared Lafayette’s, De Noailles’s and d’Enville’s viewpoint. In a letter of June 1790 Paine reported that Le Portier, who was part of the circles of the latter two, told him during a dinner at La Luzerne’s (the then French Ambassador in London) that the Duke of Luxembourg, who had been an émigré in London since July 1789, was an ‘outrageous aristocrat’ who might threaten the French Revolution.⁹³ Luxembourg was therefore part of the first waves of French émigration that Paine humorously described in the first part of *Rights of Man* at the end of his account for 1787–1789. Although he must have been aware of Luxembourg’s position, Paine apparently chose to omit this detail when he referred to the Cour plénière.

In the whole book, Paine insisted on the extent of his network of contacts in France. He presented himself as personally acquainted with the essential agents or observers of the Revolution. He also offered a first-hand (although not very accurate) testimony when he mentioned his presence on 17 August 1787 in the Luxembourg palace when Louis XVI’s brother, Artois, was insulted by people standing outside the entrance of the Cour des Aides which Paine erroneously thought was ‘the Parliament of Paris’, a mistake which may be accounted for by the fact that both this court of fiscal justice and the Parliament were in the Conciergerie du Palais or Palais de la Cité. Paine revealed he witnessed Artois’s rebuff as he ‘was then standing in one of the apartments through which [Artois] had to pass’. Paine told his readers that Artois was verbally assaulted by ‘a crowd’ (whose make-up he did not specify) before he entered the Court to deliver his speech although it seems that this incident happened when he left the Court.⁹⁴

As was recently remarked by Mark Philp, these networks are instrumental in order to shed light on both the writing and reception of *Rights of Man*. It is all the more so since Paine portrayed himself in the book as an informed author who had such a network. The way his several kinds of readers were likely to react or to understand this portrait of the author as a transatlantic intellectual or writer was of course different. What popular or uneducated lower-class readers were to make of this is not easy to determine. Such allusions to the partisanship, coteries, salons and think tanks of France in the 1780s would be lost on them, whereas more informed readers would have had to decipher Paine's allusions and meanings. The common Englishman probably retained the lesson which Paine wished to teach them in this 'narrative' part of the book, which consisted in the feasibility of a legitimate revolution against the principles of monarchy, even if the institution itself had not been abolished yet.

2.2 *The Constitution of 1791: Paine as a One-Time Monarchist?*

Paine wished to show that 1789 was a 'republican' revolution since it changed the foundation of government, which then became 'the common interests of society and the common *Rights of Man*'. He equated the American and French 'republican system[s]' in the conclusion of the book. He saw the French Revolution as a revolution against 'monarchical sovereignty' and as a process through which 'sovereignty itself is restored to its natural and original place, the Nation'. He presented it as a revolution against the principle of 'hereditary succession', which was replaced by 'election and representation' which 'is generally known by the name of republic'. What Paine said earlier in the book sounds problematic if one considers the parliamentary monarchy that was set up after 1789 in France by the Constituante. As Paine himself asked, 'if monarchy is a useless thing, why keep it anywhere?'⁹⁵ However, even if the French monarchy had not been abolished, it seems that Paine thought that the French monarchical principle had been undermined by the assertion of the equality of rights and the 'republican' or democratic sovereignty as the basis of the French government, as if the French monarchy had been emptied out. How Paine defined monarchy and pitted it against republic explains his not calling for the monarchy's abolition since the monarchical principle had already been abolished according to him. Yet the hereditary succession had not been suppressed by the Constituante. In a letter to Jefferson in February 1789, Paine mentioned

‘an internal alliance [between the King and the people] in France’,⁹⁶ but he made this comment before the great changes that were to take place a few months later. His aim was also to compare France to England in this regard. The year 1789 was to be an ‘Anno Mundi or an Anno Domini’. To his correspondents in 1789 and in 1790, when he was beginning to write the several manuscripts which he collected as *Rights of Man*, Paine repeatedly stated that the French Revolution was a genuine and ‘complete’ revolution. He said so to Burke in January 1790, even if ‘the Constitution’ was only ‘in a fair prospect of being so’; and to George Washington a few months later, adding that the Revolution was ‘triumphant’.⁹⁷

What further complicates the issue is Paine’s capacity to handle propaganda techniques toward the French government, which he did in his *Letter to the Abbe Raynal*, potentially here in the first part of *Rights of Man* and later in his writing defending the Eighteenth Fructidor. In each case, we need to determine whether his position was only dictated by the specific context in which Paine wrote or whether it was a full endorsement of a regime which did not match Paine’s theoretical views. When Paine answered Raynal in 1782 about the meaning of the American Revolution he refrained from attacking the French monarchy for obvious diplomatic reasons as the negotiations of the Peace Treaty between the protagonists of the American War of Independence were in full swing. He did not however have the same scruples regarding his native country as he openly incited the British people to revolt against the monarchy to follow in the footsteps of their former American brethren.⁹⁸ In the first part of *Rights of Man*, he adopted a similar viewpoint since he did not condemn the choice of keeping a monarchical regime in France in the new French Constitution that was being written at the time.

Paine’s conciliatory attitude toward the French monarchy until Varennes has been variously interpreted by scholars. John Pocock has suggested that Paine supported monarchy despite his harsh criticism of the regime, and that he endorsed the concept of the ‘patriot king’.⁹⁹ John Keane has contended that Paine shared with Mirabeau the belief in a ‘republican monarch’ for France.¹⁰⁰ George Spater went as far as to conclude that Paine was not a dogmatic republican and could accept that a monarchy could ‘effect’ the ‘happiness’ of the people, to paraphrase the Declaration of Independence.¹⁰¹ Gary Kates went even further when he argued that in the first volume of *Rights of Man*, ‘the central distinction [...] is not between aristocracy and democracy or

between monarchy and republic but between absolute monarchy and constitutional monarchy'.¹⁰² However, such analyses tend to underestimate the importance of the theoretical part of the work and to minimize the polemical context.

What may be called the blind spot of the initial part of *Rights of Man* can precisely be accounted for by this context. Paine's attitude toward the French monarchy can be compared to his silence on the contradiction between Article VI of the Declaration of 1789 and the suffrage based on property qualifications that appeared in the Constitution of 1791. In contrast to other supporters of the French Revolution who took part in the debate in Britain, he chose not to underline what others viewed as flaws in the new system. One of his main purposes was to compare the new French system and the British Constitution. The latter appeared arbitrary whereas France had done away with despotism. His intention in the first part of *Rights of Man* was to defend the French system even if it meant avoiding problematic issues. If one considers the popular British readership that Paine was targeting, this lack of criticism can be easily explained by his wish to show how a successful revolution which had clearly led to a rejection of the hereditary principle of political and social domination could take place without leading to chaos. The kind of hybrid system which was to be set up in 1791 matched what the reformed British monarchy could be. The theoretical outlook of the Revolution of 1789 corresponded to what Paine viewed as a legitimate revolution.

If one then tries to elucidate the same issue when taking the educated readers as Paine's other potential addressees, the interpretation of this silence is more complex. French, American and English educated readers were likely to construe Paine's arguments in a different way according to their own political contexts and partisanship. In France, there was no talk of an abolition of monarchy in the spring of 1791, even by future radicals such as Robespierre who would not support this abolition during the Varennes crisis, following the King's failed escape a few months later in June 1791, during which a handful of 'republicans' called for a reform of the executive power, including Paine, Condorcet, Brissot and Robert. Paine's commitment to republican government then confirms the thesis of a manipulation in the first part of *Rights of Man*. In England, none of Burke's opponents criticized the monarchical part of the French system. Neither did Burke who in his *Letter to a Member of the National Assembly*

had stressed the contradiction there was in maintaining the King on the throne and in reducing his power to what he viewed as a symbolic function. In the United States, I did not find any discussion of this in the articles I found which discussed the content of *Rights of Man*.¹⁰³

Burke also pointed out what he saw as the inconsistency between the universal equality of rights proclaimed in the Declaration of 1789 and the restricted franchise, as he said that only landowners could vote. The restriction on the franchise was at the same time not acceptable to him either if the principles of the Declaration were taken as the criteria or if an appropriate link between property and political participation was to be maintained since the restriction was then not sufficient. Paine did not respond to Burke on the first essential point. He only addressed the second issue, by comparing the French and British systems to conclude that the French system was a breakthrough in terms of voting participation. This statement is not a real answer to Burke's analysis on the connection between property and the franchise that Paine would later strongly condemn in his attack on the plan of the Constitution of the Year III. The polemical context again goes quite a way to explain Paine's strategy in this regard.¹⁰⁴ Given Paine's commitment to a quasi-universal suffrage until then, such a rhetoric does not mean that he then supported a right to vote based on ownership. Some opponents of Paine did reply to Burke that the restriction on the franchise was the same in France and in Britain.¹⁰⁵

The only answer to Paine in which I found an extensive comment on Paine's rather feeble response is John Quincy Adams's. In his eighth 'Publicola' article, Adams explained that the new French system had failed to establish a close link between representatives and electors because of the two-tiered electoral system which restricted eligibility. He accused Paine of having omitted this question and contended that Paine had done so not 'intentionally' but instead by mistake. Adams defended a greater access to the right to vote which might have been more expected in *Rights of Man*.¹⁰⁶ Paine ignored this attack and did not answer him in the second part. Other answers to Burke indeed tackled this issue in a more open way. James Mackintosh was embarrassed by Burke's remark on this discrepancy, whose validity he admitted, and only said that the restricted suffrage could be reformed in the future. Catharine Macaulay defended this restriction by arguing that it did not rely on property but on work. Capel Lofft, in contrast, agreed with Burke that this restriction was not selecting enough.¹⁰⁷

On the whole, Paine did not systematically deal with the reformed French political system, which was an important topic in the great British controversy.¹⁰⁸ It takes up one-third of Burke's *Reflections*, but only 20 pages out of 110 in the edition of the first part of *Rights of Man* I used here. Paine instead focused on the British political system and he handled the French regime as a touchstone for this criticism. He did not address all the aspects of the new French Constitution. For example, he left out the reorganization of the French territory into districts or départements, which he had mentioned in his letter to Burke in January 1790.¹⁰⁹ He overlooked the reform of the French judiciary system, which was studied by other Burke's opponents,¹¹⁰ and that of the French army, although he mentioned the right and power to declare war. He addressed the issue of the French legislature only briefly and more superficially than in other answers to Burke. Paine defended a unicameral system and the choice of an elected rather than hereditary assembly. Burke and the Burkean writers of the controversy rejected this unique legislative assembly as contrary to the principle of checks and balances of the British and American Constitutions. Generally anti-Burkean authors supported unicameralism, with a few exceptions,¹¹¹ which they presented either as adapted to the current situation of France which was still in a period of transition and whose institutions could still evolve¹¹² or as the ideal political form.¹¹³ Paine justified the separation of the executive and the legislature (even if he did not recognize the executive as a distinct power), which was established by the decree of 7 November 1789. This organization of powers corrected one of the major flaws of the British Constitution and would prevent corruption from contaminating institutions as was the case in Great Britain.¹¹⁴ Other opponents to Burke were somewhat divided on this question.¹¹⁵

Whereas Burke developed, at great length, the issue of the sale of the clergy's property in the *Reflections*, Paine only devoted one paragraph to this question in his assessment of the French finances.¹¹⁶ Paine considered this sale as legitimate given that this property was the product of indulgences paid by people whose source of wealth was doubtful and because the Church had used them for its own profit. He also added a few lines about the dime.¹¹⁷ He might have made the choice not to mention this issue in detail because other answers to Burke were quite precise on the subject.¹¹⁸ Paine instead focused on the more general questions of the relations between Church and State and on the issue of toleration.

He defended religious freedom and condemned toleration as another form of intolerance. In the second edition of his *Remarks on the Letters of the Right Hon. Edmund Burke*, published during the summer 1791, Capel Lofft commented on Paine's contention and answered that 'toleration' should be understood in a more extended acceptance.¹¹⁹ Paine had argued that neither temporal nor spiritual authorities should interfere in the relationship between Man and God. He criticized Article X of the French Declaration of Rights of 1789 which limited freedom of worship in the name of 'the public order established by law'. It is his only criticism of the new French system in the first part of *Rights of Man*. As in the First Amendment to the Federal Constitution, which was proposed by James Madison and was being discussed then, freedom of worship should be complete as a consequence of the only transcendent vertical compact that Paine acknowledged: that between Man and his Maker, which superseded all other political horizontal contracts.¹²⁰

The various discussions on the origins and results of the changes that happened in France ultimately served to answer the question of the legitimacy of the Revolution. Both supporters and critics of 1789 and/or of Paine and/or Burke agreed on the fact that the Ancien Regime needed to be reformed, but they differed as to the scale of these reforms and on whether it was necessary to revise the system entirely. James Mackintosh stressed that the Ancien Regime was dead by the end of the 1780s and that a new foundation was unavoidable with old or new materials.¹²¹ Burke rejected the tabula rasa and concluded that the National Assembly was not legitimate because it had gone beyond the recommendations made by its constituents,¹²² a contention that Paine (voluntarily, one may assume) overlooked. Other answers to Burke did so relying on popular sovereignty as legitimizing the Assembly,¹²³ which might partly account for Paine's silence on this issue. However, Paine refuted what he thought was a more fundamental idea. Burke understood the need to destroy and rebuild the political edifice as a lack of political realism and as an 'inability to wrestle with difficulty'.¹²⁴ Burke was otherwise at a loss to understand why the States General of 1789 did not follow the legal prescriptions of those of 1614. In contrast, Paine wished to demonstrate that this change of framework was rather the result of pragmatism and of a capacity to adapt to circumstances.¹²⁵ Consequently he took up and turned Burke's argument the other way round: monarchical governments were archaic and were not adapted to the political situation of Europe.¹²⁶

Paine, Burke and other participants in this great controversy wrote ideological accounts of the Revolution of 1789. They were all incomplete and sometimes inaccurate. In Paine's case, his wish to address a multiple readership (educated and uneducated) may explain some of what may be perceived as blanks and blind spots. His wish to offer a readable account of so complex an event (of which neither he nor Burke nor any other debaters grasped all the factors and issues that are still discussed by present-day historians)¹²⁷ notably led him to simplify his text and to write a narrative that confirmed his own conceptions of what a revolution should be.

NOTES

1. Paine, *Rights of Man*, 101 and 144.
2. Paine, *Rights of Man*, 166.
3. Paine, *Rights of Man*, 146.
4. Edmund Burke, *Appel des whigs modernes aux whigs anciens* (1791), trans. and ed. Norbert Col (Rennes: Presses Universitaires de Rennes, 1996), 20.
5. Burke, *Appel*, 26.
6. Burke, *Appel*, 69–70.
7. Burke, *Appel*, 74.
8. '[T]he Assembly had directly violated not only every sound principle of government, but every one, without exception, of their own false or futile maxims; and indeed every rule they had pretended to lay down for their own direction', Burke, *Appel*, 32.
9. Edmund Burke, *Further Reflections on the Revolution in France*, ed. Daniel E. Ritchie (Indianapolis: Liberty Fund, 1992), 43–44 and 236.
10. Edmund Burke, *Reflections on the Revolution in France* (1790), ed. Conor Cruise O'Brien (Penguin: Classics, 1986), 231 and 230. These remarks led a French scholar to argue that Burke had come very close to Tocqueville's interpretation of the origins of the French Revolution. Norbert Col, *Burke, le contrat social et les révolutions* (Rennes: Presses Universitaires de Rennes, 2001), 81. In reality, Mary Wollstonecraft was perhaps even closer to this idea: 'Most of the happy revolutions that have taken place in the world have happened when weak princes held the reins they could not manage', Mary Wollstonecraft, *A Vindication of the Rights of Men with A Vindication of the Rights of Woman and Hints* (1790 and 1792) (Cambridge: Cambridge University Press, 1995), 54.
11. Burke, *Reflections*, 240.

12. Claeys, ed., *Political Writings of the 1790s*, I, 63, 68, 73 and 96; II, 48, 108, 122, 127 and 197–198. For example, Joseph Towers said that ‘there are governments in the world much more despotic than the late government of France, because it ‘had received some mitigation. Yet the French monarchy remained corrupted. Its situation justified the revolution as Locke had shown in *The Second Treatise*’, Claeys, ed., *Political Writings of the 1790s*, I, 101 and 114.
13. Paine, *Rights of Man*, 98 and 157.
14. For supporters of the Revolution, see, for example, *Strictures on the Letter of the Right Hon. Edmund Burke*: ‘a better intentioned man doth not exist than Louis the Sixteenth’, Claeys, ed., *Political Writings of the 1790s*, II, 195–196 and Thomas Christie, *Letters on the Revolution of France* (London: J. Johnson, 1791) Letter 5, 204. For opponents, see, for instance, F. Hervey who depicted Louis XVI as ‘a benevolent disinterested king’, Claeys, ed., *Political Writings of the 1790s*, V, 69. See also Claeys, ed., *Political Writings of the 1790s*, V, 43, 128 and 327.
15. ‘[T]he despotic principles of the government were the same in both reigns, though the dispositions of the men were as remote as tyranny and benevolence’, Paine, *Rights of Man*, 99.
16. Paine, *Rights of Man*, 98.
17. Burke, *Reflections*, 244.
18. Col, *Burke, le contrat et les révolutions*, 66 and 74–75. Su-Hsien Yang, *The Debate on the French Revolution: Edmund Burke and his Critics* (PhD diss., University of Edinburgh, 1990), 56.
19. Paine, *Rights of Man*, 133.
20. Mackintosh, *Vindiciae Gallicae*, 18–19.
21. Paine, *Rights of Man*, 157.
22. Paine, *Rights of Man*, 134.
23. Burke, *Reflections*, 244–245.
24. ‘[T]he obloquy in which the old Government held mercantile pursuits, and the obloquy that had attached on merchants and manufacturers, contributed not a little to its embarrassments and its eventual subversion’, Thomas Paine, *The Complete Writings of Thomas Paine*, ed. Philip S. Foner (New York: The Citadel Press, 1945), II, 592.
25. ‘[R]ather too much countenance was given to the spirit of innovation’, Burke, *Reflections*, 237.
26. Although he added: ‘as far I can approve of any novelty’, Edmund Burke, *The Portable Edmund Burke*, ed. Isaac Kramnick (New York: Penguin Books, 1999), 212.
27. Paine, *Rights of Man*, 145. Turgot was generally praised by the supporters of the Revolution. James Mackintosh, for instance, considered him as brilliant. Mackintosh, *Vindiciae Gallicae*, 22.

28. Like other opponents of Burke: John Scott, George Rous and Catharine Macaulay. *Political Writings of the 1790s*, ed. Claeys, II, 179 and 9; I, 143.
29. Paine, *Rights of Man*, 147.
30. Paine, *Rights of Man*, 187.
31. James T. Boulton, 'An Unpublished Letter from Paine to Burke', *Durham University Journal* 63 (1951), 51.
32. Burke, *Reflections*, 234. In *Thoughts on French Affairs*, Burke stressed that Necker was too concerned with his own fame. Burke, *Further Reflections*, 240.
33. Burke, *Reflections*, 237.
34. Paine, *Rights of Man*, 147.
35. Paine, *Rights of Man*, 183.
36. Paine, *Rights of Man*, 147. Calonne's book was also used against Paine in answers to the first part of *Rights of Man*. Claeys, ed., *Political Writings of the 1790s*, V, 86.
37. Paine, *Rights of Man*, 148. It has since then been confirmed by twentieth-century historians of the French Revolution: François Furet, *La Révolution française. De Turgot à Napoléon (1770–1814)* (Paris: Hachette, 1988), 81. Jacques Godechot, *La Prise de la Bastille* (1965) (Paris: Gallimard, 1989), 168.
38. Christie, *Letters*, 66–67. Mackintosh, *Vindiciae Gallicae*, 26.
39. Paine, *Rights of Man*, 146–147.
40. Burke, *Reflections*, 181, 185, 211 and 213–214.
41. Price, *Political Writings*, 182.
42. Claeys, ed., *Political Writings of the 1790s*, V, 2.
43. Claeys, ed., *Political Writings of the 1790s*, V, 721; VI, 380.
44. Claeys, ed., *Political Writings of the 1790s*, V, 371; VI, 40.
45. Burke, *Appel*, 186 and 188.
46. By Brooke Boothby or by the more conservative author of *A Letter to Mr. Pain, on His Late Publication*. Claeys, ed., *Political Writings of the 1790s*, VI, 168 and 182.
47. Paine, *Complete Writings*, II, 1303.
48. Paine, *Rights of Man*, 146.
49. Thomas Jefferson, *Writings*, ed. de Merrill D. Peterson (New York: Literary Classics of the United States, 1984), 936.
50. Joseph Priestley stated that 1789 'sprung from' 1776. Joseph Priestley, *Letters to the Right Hon. Edmund Burke Occasioned by His Reflections on the Revolution in France*, 2nd edn. (Birmingham: J. Johnson, 1791), iv. Benjamin Bousfield stressed that 'the seeds of French liberty were sown in the forests of America', Claeys, ed., *Political Writings of the 1790s*, II, 115. Charles Pigott thought that the two Revolutions were based

- on the same principles. Claeys, ed., *Political Writings of the 1790s*, II, 123. Even in some of Paine's answers, this connection was made, such as *Defence of the Constitutions of England*. Claeys, ed., *Political Writings of the 1790s*, V, 2.
51. Claeys, ed., *Political Writings of the 1790s*, III, 61.
 52. AN 446AP/6 dossier 2.
 53. Elise Marienstras and Naomi Wulf, 'French Translations and Reception of the Declaration of Independence', *The Journal of American History* 85 (1999), 1304–1305.
 54. Paine, *Rights of Man*, 146.
 55. Carine Lounissi, 'French Writers on the American Revolution in the Early 1780s: A Republican Moment?', in *Globalizing the American Revolution*, ed. Maria O'Malley and Denys Van Renen (Charlottesville: University of Virginia Press, forthcoming).
 56. Paine, *Rights of Man*, 147.
 57. Paine, *Rights of Man*, 146–147.
 58. Jefferson, *Writings*, 936.
 59. Paine, *Rights of Man*, 146.
 60. Christie, *Letters*, Letter II, 62.
 61. Mackintosh, *Vindiciae Gallicae*, 123.
 62. Paine, *Rights of Man*, 144.
 63. Paine, *Rights of Man*, 147.
 64. Burke, *Reflections*, 267.
 65. Paine, *Complete Writings*, II, 634.
 66. 'Thomas Paine's Democratic Linguistic Radicalism: A Political Philosophy of Language?', in *Radical Voices and Radical Ways: Articulating and Disseminating Radicalism in seventeenth- and eighteenth-Century Britain*, ed. Laurent Currelly, Nigel Smith (Manchester: Manchester University Press, 2016), 61–65.
 67. Paine, *Rights of Man*, 3.
 68. Guillaume-Thomas Raynal, *Histoire philosophique et politique des établissements et du commerce des Européens dans les deux Indes* (1770) (Neuchâtel et Genève: chez les libraires associés, 1787), VIII, book 17, Chapters 4 and 27.
 69. Priestley affirmed that the sensation of being unhappy under a government was the mainspring of people's revolts or revolutions in favour of political changes. Priestley, *Letters*, 7–8. Barlow, Paine's friend, said that the people did not need to read books to overthrow illegitimate governments, and that members of the intellectual elite were rarely the main agents of revolutions. Joel Barlow, *The Works of Joel Barlow* (Gainesville: Scholars' Facsimiles and Reprints, 1970), II, 107. John Quincy Adams, who wrote a rather anti-Paine answer to *Rights of Man*, agreed with this

- idea, but for different reasons. John Q. Adams, *An Answer to Paine's 'Rights of Man'* (London: J. Stockdale, 1793), Letter IV, 24.
70. Paine, *Rights of Man*, 97.
 71. Paine, *Rights of Man*, 151, 152 and 157; '[T]his declaration of the king was made against the advice of M. Neckar (*sic*)', Paine, *Rights of Man*, 158. Mackintosh was more explicit when he said that Louis XVI was a 'feeble prince, whose public character varied with every fluctuation in his cabinet', Mackintosh, *Vindiciae Gallicae*, 45.
 72. Paine, *Complete Writings*, II, 1303.
 73. For Paine's reference to conservative aristocrats, see Paine, *Rights of Man*, 97, 103, 146, 151 and 158. For Paine's distinction between open-minded and reactionary aristocrats, see Paine, *Rights of Man*, 156 and 158. Retrospectively, it is quite surprising that Paine did not allude to Sieyès and in particular to the *Essai sur les privilèges* which contained arguments very close to Paine's. He did refer to him either when dealing with the transformation of the representation of the Tiers-Etat into a National Assembly. Paine, *Rights of Man*, 156. In his *Autobiography*, Jefferson compared the role of *Qu'est-ce que le Tiers-Etat?* to that of *Common Sense*. Jefferson, *Writings*, 83.
 74. Paine, *Rights of Man*, 147 and 153.
 75. Burke, *Reflections*, 241.
 76. This idea might again be reminiscent of Tocqueville. Yet the latter, who criticized Burke, believed that the French Revolution was part of this natural evolution (Alexis de Tocqueville, *L'Ancien régime et la Révolution* (Paris: Éditions Gallimard, 1985), 81), whereas Burke considered it as a violent euthanasia that went against the natural course of history.
 77. Mackintosh, Claeys, ed., *Political Writings of the 1790s*, I, 281. Charles Pigott, Claeys, ed., *Political Writings of the 1790s*, II, 126. They thus agreed with Burke's supporters who all stressed the aristocracy's goodwill. See Frederick Hervey in *A New Friend on an Old Subject*. Claeys, ed., *Political Writings of the 1790s*, V, 68 and the anonymous author of *Rights upon Rights*. Claeys, ed., *Political Writings of the 1790s*, V, 108.
 78. Christie, *Letters*, Letter 2, 115. Brooke Boothby said that, in contrast to the Barons of 1215, 'these patricians, by making their choice to stand or fall with their arbitrary privileges, and the arbitrary power of the crown, necessitated their own destruction', *Political Writings of the 1790s*, ed. Claeys, VI, 236–237.
 79. Burke, *Reflections*, 244.
 80. François Jean de Chastellux, *Voyages de M. le Marquis de Chastellux dans l'Amérique septentrionale dans les années 1780, 1781 et 1782*. 2nd edn. (Paris: Prault, 1788), I, 263–264. No letter has been found in Paine's surviving unpublished or published papers. The papers of the Marquis

de Chastellux do not contain any letter from Paine or from Chastellux to Paine either. I would like to thank Iris de Rode for providing me with this piece of information which is part of her pioneering work for her Ph.D. dissertation based on Chastellux's letters and papers in the family castle.

81. 'La réponse de M. Payne à M. l'abbé Raynal a donné la juste mesure de l'écrit de ce dernier', Jacques-Pierre Brissot de Warville, Etienne Clavière, *De la France et des Etats-Unis, ou de l'importance de la révolution d'Amérique pour le bonheur de la France* (Paris: Editions du CTHS, 1996), ix. The dedication to the American Congress is dated March 20 and the introduction April 1, 1787. Brissot announced the publication of the book to David Williams in a letter written on 20 May 1787, six days before Paine landed in France. Claude Perroud, ed., *J.-P. Brissot, correspondance et papiers* (Paris: Picard, 1912), lettre no. LX, III, 140–141.
82. Chastellux, *Voyages*, I, 260.
83. Guillaume-Thomas Raynal, *Révolution de l'Amérique* (Londres, 1781), 75; Joseph Mandrillon, *Le Spectateur américain, ou Remarques générales sur l'Amérique septentrionale et sur la république des Treize-Etats-Unis, suivi de Recherches philosophiques sur la découverte du Nouveau-Monde*, Seconde édition (Amsterdam: Flon, 1785), 140. Another French author even mentioned the Silas Deane case and Paine's writings on it: Pierre-Charpentier de Longchamps, *Histoire impartiale des événements militaires et politiques de la dernière guerre, dans les quatre parties du monde* (Paris: Vve Duchesne, 1785), II, 25.
84. Paine, *Rights of Man*, 145–146.
85. Paine, *Rights of Man*, 96.
86. Michel-René Hilliard d'Auberteuil, *Essais historiques et politiques sur les Anglo-Américains* (Bruxelles: l'auteur, 1782), I, 72, 274–275 and 278; II, 97, 138, 142, 151 and 152. Mandrillon, *Le Spectateur américain*, 129. Antoine-Marie Cerisier, *Le Destin de l'Amérique ou Dialogues pittoresques, dans lesquels on développe la cause des événements actuels, la politique & les intérêts des puissances de l'Europe, relativement à cette guerre, & les suites qu'elle devrait avoir pour le bonheur de l'humanité* (London, 1780), 68.
87. Paine, *Rights of Man*, 115.
88. Paine, *Rights of Man*, 104 and 113. In his diary, Gouverneur Morris stated that Paine went to see Lafayette in November and December 1790. Louis Gottschalk and Margaret Maddox, *Lafayette in the French Revolution* (Chicago: The University of Chicago Press, 1973), II, 113. It is one of the few entries in his diary in which Morris did not make a derogatory comment on Paine, whom he considered as an intruding visitor who either asked him for money or bothered him with details on his iron bridge.

89. See Mark Philp's endnote, Paine, *Rights of Man*, 461.
90. Paine, *Complete Writings*, II, 1285.
91. Letter to Catharine Macauley, January 1790. Jean-Pierre Dormois and Simon Newman, ed., *Vue d'Amérique: la Révolution française jugée par les Américains* (Paris: Editions France-Empire, 1989), 73.
92. Gottschalk and Maddox, *Lafayette in the French Revolution*, II, 447.
93. Paine, *Complete Writings*, II, 1310.
94. Paine, *Rights of Man*, 151–152.
95. Paine, *Rights of Man*, 120, 140, 190, 194, 195.
96. Paine, *Complete Writings*, II, 1282.
97. Boulton, 'An Unpublished Letter', 51. Paine, *Complete Writings*, II, 1304.
98. Paine, *Complete Writings*, II, 255.
99. John G. A. Pocock, *Virtue, Commerce and History* (Cambridge: Cambridge University Press, 1985), 84.
100. John Keane, *Tom Paine: A Political Life* (London: Bloomsbury, 1995), 284.
101. Ian Dyck, ed., *Citizen of the World: Essays on Thomas Paine* (New York: Saint Martin's Press, 1988), 44.
102. Gary Kates, 'From Liberalism to Radicalism: Tom Paine's *Rights of Man*', in *The American Enlightenment*, ed. Frank Shuffelton (Rochester: University of Rochester Press, 1993), 329.
103. Carine Lounissi, *La Pensée politique de Thomas Paine en contexte. Théorie et pratique* (Paris: Champion, 2012), 572–577.
104. Michel Fuchs, 'Philosophie politique et droits de l'Homme chez Burke et Paine', *XVII–XVIII*, 27 (1988), 56.
105. Mackintosh, *Vindiciae Gallicae*, 224–226. Claeys, ed., *Political Writings of the 1790s*, I, 147; II, 301; V, 14 and 389.
106. Benjamin Franklin Bache, *General Advertiser*, no. 251, 20 July 1791. 'every pecuniary qualification [...] is an additional restriction upon the natural democracy'.
107. Claeys, ed., *Political Writings of the 1790s*, II, 301.
108. Discussed were the laws and decrees passed between August 1789 and March 1791. The first French Constitution of the revolutionary period was completed in September 1791. Only did Thomas Christie include an Appendix to his *Letters* in which he gathered the texts of the main laws passed until January 1791 and which he used to offer a summary of the French institutions. The fact that the Constitution-making process was still going on in France when Burke published his *Reflections* in November 1790 was often invoked against him. Claeys, ed., *Political Writings of the 1790s*, II, 128 and 188.
109. Boulton, 'An Unpublished Letter', 54.

110. Claeys, ed., *Political Writings of the 1790s*, I, 69 and 143 (paper money), II, 302 (judiciary system), I, 142 (reform of jurisprudence) and p. 146 (*départements*).
111. See Capel Lofft, *Political Writings of the 1790s*, ed. Claeys, II, 298.
112. Christie, *Letters*, Letter 2, 105–106. Priestley, *Letters*, Letter II, 10–11.
113. Claeys, ed., *Political Writings of the 1790s*, I, 135. Mackintosh, *Vindiciae Gallicae*, 263–266.
114. Paine, *Rights of Man*, 127.
115. According to George Rous, the two branches of the French government encroached too much on one another. Claeys, ed., *Political Writings of the 1790s*, II, 8. James Mackintosh rather supported the overlapping of the legislature and the executive. Mackintosh, *Vindiciae Gallicae*, 270.
116. Paine, *Rights of Man*, 188–189.
117. Paine, *Rights of Man*, 136.
118. Wollstonecraft, *Vindication of the Rights of Men*, 52. Claeys, ed., *Political Writings of the 1790s*, II, 234; I, 68 and 103; II, 23. Priestley, *Letters*, 118. Mackintosh, *Vindiciae Gallicae*, 89. Claeys, ed., *Political Writings of the 1790s*, I, 140; II, 299; V, 81–88 and 231; II, 289.
119. Claeys, ed., *Political Writings of the 1790s*, II, 289.
120. Paine, *Rights of Man*, 164.
121. Mackintosh, *Vindiciae Gallicae*, 59–60.
122. Burke, *Reflections*, 175–176.
123. Priestley, *Letters*, 5–6. Claeys, ed., *Political Writings of the 1790s*, II, 6; I, 139. Christie, *Letters*, 91 and 96–97.
124. Burke, *Reflections*, 279.
125. Burke, *Reflections*, 155.
126. Paine, *Rights of Man*, 127 and 196.
127. As R. R. Fennessy said, R. R. Fennessy, *Burke, Paine and the Rights of Man, a Difference of Political Opinion* (La Haye: M. Nijhoff, 1963), 157 and 165.



Narrating the French Revolution

In the last of his speeches on Louis XVI in 1793, Paine said that he intended to write a history of the French Revolution once he was back in the United States. Thomas Clio Rickman contended that Paine lost his notes when he was imprisoned in the Luxembourg and that this explained why he never carried out this project. As an admirer of Paine, Rickman concluded that his would have been ‘the best, most candid and philosophical account of these times’ and that these notes ‘contained the history of the French Revolution and were no doubt a most correct, discriminating and enlightened detail of the events of that important era’.¹ He even claimed that Edward Gibbon had tried to get hold of Paine’s papers when he came to France, which I have not been able to confirm.

Yet Paine was clearly not an historian, even by the standards of eighteenth-century historiography.² He used history as a polemicist and, as Edward Larkin has remarked, he really focused on the details of events only when they were related to his political principles,³ which does not mean that Paine’s knowledge of history was as deficient as his opponents claimed it was in order to discredit him.⁴ They indeed often denounced what they viewed as his manipulation of history. Both George Chalmers, one of Paine’s first (anti-Paine) biographers and John Quincy Adams, a more moderate and thoughtful opponent, said that Paine was used to ‘the practice of accommodating the facts of history to his political purposes’.⁵ Paine never wrote the history either of the American⁶ or of the French Revolution, but he commented on books dealing with the events of both Revolutions: Raynal’s *Révolution de l’Amérique*, and then Burke’s *Reflections*.

In one case, Paine wished to correct the flawed understanding a French author had of the American Revolution, whom he would then praise as a thinker of the French Enlightenment in *Rights of Man*; and in the other case, his purpose was to analyse why a British author was wrong about the French Revolution. Both *Letter to the Abbé Raynal* and *Rights of Man* I are made up of philosophical or theoretical passages, and of more historical ones. Paine denounced the same defects in method and style in both writings, arguing that Raynal and Burke wrote under the influence of their feelings and not of reason.

Paine's way of presenting events in *Rights of Man* matched some of the rules of historiography he had previously defined in his answer to Raynal. His epistemological reflection on historical truth was quite brief in that essay, though, and not very far-reaching, but he outlined a method and insisted on the importance of chronological accuracy.⁷ In contrast to Raynal's alleged 'cold' and 'careless' way of writing, Paine recommended that history should be entertaining and he preferred to use the register of fiction and narrative, from which historiography had started to be separated, to describe the appropriate style of an historian.⁸ Sensation or sentiment was necessary for reason or common sense to exert its faculty and he applied this method when telling the events of the first years of the French Revolution. For instance, his story of the Fall of the Bastille is quite sensationalist since he said it 'was to be the prize or prison of the assailants' and dramatized the two sides as embodying 'freedom' vs 'slavery' in an unequal fight between a numerous trained 'army' and courageous 'unarmed' people or 'citizens'. To increase the dramatic tension, he even remarked that 'all was mystery and hazard'.⁹ Paine used the word 'narrative' several times to refer to his own account¹⁰ while repeatedly attacking the fictional nature of Burke's descriptions, which he said pertained to poetry, drama, tale and painting.¹¹ As Steven Blakemore has rightly stressed, Paine himself tended to tell the events in a rather theatrical way.¹² Whereas he ridiculed Burke's 'horrid paintings', he resorted to the same device when saying 'the mind can hardly picture to itself a more tremendous scene' and 'imagination would fail in describing to itself the appearance of such a procession'.¹³ The main individual characters in Paine's revolutionary drama are Franklin, Lafayette, the King and the Queen, Necker, Calonne, La Rochefoucauld, Brienne, Vergennes and de Broglie, whereas Turgot and Sieyès are secondary characters. Groups or collective agents

that appear are the Parliaments, the Court, the ministry, 'the mal-contentes', the National Assembly and the people.

Like other critics of Burke, Paine reproached him for not having presented the major stages of the French Revolution. He relied on the fact that Burke 'gives no account of its commencement or its progress' to make the case for the need to 'trace out the growth of the French Revolution, and mark the circumstances that have contributed to it',¹⁴ which Paine did through a chronological narrative of the events that contains some errors of chronology and of facts. They may be accounted for by the sources Paine used, especially the known ones: Jefferson and Lafayette. What may also explain some of these inaccuracies is the fact that between May 1787 and September 1792 he travelled back and forth across the Channel and was not in France when essential stages of the Revolution took place. He arrived in France on 26 May 1787 and witnessed the reaction of the Paris Parliament to Calonne's proposals and the transfer of this Parliament to Troyes on 14 August.¹⁵ He then went to England until December and came back to Paris at the end of the month.¹⁶ The following year Paine was in London at least in February and in September.¹⁷ He heard of the Lamoignon plan from there. He commented on the events that took place in August in a letter he sent to Jefferson on 9 September.¹⁸ However, he was not in Paris on 14 July.¹⁹ He then wrote to Jefferson in September 1789 about how various categories of people in England reacted to the events in France.²⁰ He was also away from France when the October Days happened, but according to Gouverneur Morris's diary he was in Paris on 27 November. The date when he travelled back to France is unknown, but it was after 16 October since he wrote a letter on that day to George Washington in which he told him he intended to go back to France.²¹ He seems to have stayed there until the spring 1790. On 1 May he wrote to George Washington about 'the final and complete success of the French Revolution', and on 4 June he confirmed to William Short that he 'never had any doubt on the final success of the French finances'.²² On 16 May he explained in another letter that 'with respect to the French Revolution, everything is going on right'.²³ On 24 June, he referred to the debates of 19 June in the French National Assembly, probably because they were fraught with symbolic meaning, since they concerned the 'pulling down [of] the odious figures at the Place de Victoire and the suppression or extinctions of Nicknames [titles]'.²⁴ The exact source of this account is not specified, though. When he was in England, Paine

read newspapers whose content was not always reliable. He could also have read books such as *The History of the Bastille or Historical and Critical Memoirs of the General Revolution in France*, published in 1790.

The inaccuracies of Paine's account of the Revolution of 1789 are revealing in some respects. The sources he used are of course significant, but what may be an even more efficient key to the deciphering of these pages of *Rights of Man* are Paine's multiple addressees. Paine's purpose was to show to both educated and uneducated readers to what extent 1789 was a genuine revolution which matched his views on a legitimate revolution. 'The small, densely printed cheap editions', to use Greg Claeys's phrase, of the first part of *Rights of Man* did include Paine's narrative passages, which shows their importance.²⁵ There are two kinds of narratives in the first part of *Rights of Man*: one in which Paine viewed the revolution as 'a chain of circumstances' from 1787 to 1789 and one in which Paine focused on what he thought were key moments: the Storming of the Bastille and the October Days. In the first kind of narrative almost no reference is made to the people and to their participation in events, whereas the common people are dramatized in the second type of narrative as agents of revolution. Paine's sources may account for this, but another possible ground is worth exploring if one assumes that this difference was a deliberate strategy. The first type of narrative may have been chiefly addressed to Paine's educated readership (Burke, his followers in the debate, but also British radicals and prominent Americans), whereas the second one may have been primarily intended for the uneducated and/or uninformed people in Britain. Or, conversely, the elite narrative could have been intended for popular readers who might gather that reforms at government levels were possible whereas the narrative of the people's revolution could have targeted elite or educated readers who might then revise their potential judgement on lower classes and have their fear of anarchy assuaged; assuaged in part because men of the elite like Lafayette were committed to limiting violence and trying to find a compromise, as was the case during the October Days told in *Rights of Man*, or because there was a natural moderation in people, except for mobs, as the Storming of the Bastille told by Paine showed.

1 THE STORY OF THE 'REPUBLICAN' REVOLUTION AT ELITE LEVEL

Paine began his account of the events of the Revolution in 1787, a year which is often viewed as a turning point by present-day historians. He described the first *Assemblée des Notables*, making some minor mistakes in dates and figures.²⁶ He then summed up the events that followed: the *lit de justice* before the Paris Parliament on 6 August, the Parliament's transfer to Troyes, its return in Paris and finally the promise made by the King to convey the States General during the royal session of 29 November. These references remained more descriptive than analytical, in contrast to his treatment of the events of 1788. He mentioned the failed reform proposed by Lamoignon in May 1788, which he saw as a key reform since 'it was a sort of new form of government, that insensibly served to put the old one out of sight, and to unhinge it from the superstitious authority of antiquity'.²⁷ From our standpoint, this assessment is exaggerated as Turgot's reforms were more radical and more significant than Lamoignon's. The *cour plénière* was not the first attempt at reforming the French government and administration, as Paine seemed to imply. As he did not look back beyond 1781 here, he overlooked Turgot's reforms. Yet he had mentioned them four years before in 1787 in *Prospects on the Rubicon*, underlining their central character as he considered they established a real representative system.²⁸

Paine then mentioned the opposition of the Parliaments to Lamoignon's reform, which was supposed to suppress them, albeit he did not specify this central point. He then recounted the arrest of the aristocratic delegates from Brittany on 15 July, although he did refer to them only as 'persons'. He idealized the role of the French Parliaments which he credited with a will to resist which he tended to present as a counterweight to monarchy, whereas they had taken up such a posture only recently.²⁹ Montesquieu's presentation as the President of the Parliament of Bordeaux and as a republican in disguise confirms this. Paine's praise of 'the intrepid spirit of the old Parliaments of France' and his comparison between them and the British Parliament were overstated³⁰ and seem to have been influenced by the American precedent as he insisted on the connection between taxation and representation. He viewed the States General as an equivalent of the Continental Congress. His treatment of the episode of the resistance of Parliaments was rather dramatic as he turned it into a sign that 'the spirit of the Nation was not to be overcome'.³¹ Such comments pertained to

Paine's strategy, which consisted in presenting the Revolution as a people's revolution, even if he did not offer a precise vision of the French lower-class people taking part in events here, but instead saw them as a vague, almost allegorical entity whom he called 'the Nation' under the influence of the French revolutionary lexicon.

He then alluded to the failure of this reform in one sentence but did not explain either how it ended or why it failed. The reform was rejected by the King on 8 August and the States General were convened for the following year. On 25 August, Loménie de Brienne resigned and Louis XVI recalled Necker. Paine expounded these events but did not date them, which means that he did not himself apply one of the essential rules of history-writing which he had defined in his answer to Raynal. The second Assemblée des Notables, which took place from 6 November to 11 December, was not dated either. Paine had a favourable view of Necker's wish to change the form of the 1614 precedent whose purpose, according to Paine, was to satisfy everyone, the government and the people.³²

Paine again used 'the sense of the Nation' as an essential agent in the circumstances. He opposed it to 'the aristocracy', 'the high-paid clergy' and 'the Court'. 'The Nation' is not defined but again takes on a mythological turn in Paine's narrative of the anti-hereditary revolution. 'The sense of the Nation' was indeed then expressed in the *cahiers de doléances*, but Paine did omit them, as Fennessy remarked.³³ Yet with no evidence to document the reasons for this omission, its interpretation cannot really be revealing. Such an allegorical handling of the story is also visible in his emphasis on the symbolic dimension of the elections to the States General of March 1789 in which 'the candidates were not men, but principles'.³⁴ It can be understood as Paine's wish to provide his several types of readers with a narrative that made the French Revolution appear as a rational process and as a particular moment when the usual rules of politics and partisanship did not apply. Paine explained that the vote took place in a peaceful manner, which is an inaccurate picture since a number of violent incidents happened in Paris as well as in other regions of France in March and April 1789.

Paine then made several mistakes in the chronology of the States General. He inverted the Pledge of the Jeu de Paume and the *séance royale*, which he incorrectly called a '*lit de justice*'. He also mixed up the moment when the other two orders joined the Tiers-Etat as he said

it happened on 17 June and not on 24 and 25 June. It does not seem to impact his view of the Revolution, though, as it does not introduce any fundamental contradiction in his presentation. The reason why Paine made this flawed chronological account is more significant. It seems that Paine relied on the information provided by Jefferson, who was the minister plenipotentiary of the United States in France. In 1788 and 1789 Jefferson sent eight letters to Paine in which he told him the events that were taking place in Paris.³⁵ In the first part of *Rights of Man*, Paine quoted a sentence on de Broglie coming from the letter Jefferson had sent him on 11 July 1789, although Paine did not reveal the source but only said that Burke would know its author.³⁶ Jefferson's letters of 19 May and 11 July account for Paine's chronological confusion about June 1789.³⁷ Paine used Jefferson's assessment of the situation in his letter of May 19.³⁸ However, Paine seems to have mixed up this passage from the letter of 19 May with what Jefferson said in his letter of 11 July about the consequences of the decision of the delegates from the Tiers-Etat to proclaim themselves a National Assembly.³⁹ This may explain why Paine mistook what happened on 19 June for the events of 25 June. Jefferson's letter of 11 July also accounts for the fact that Paine inverted the *séance royale* and the Pledge of the Jeu de Paume. Jefferson mentioned the *séance royale* of 23 June, the Pledge of 20 June, the moment when about 40 delegates from the nobility joined the Tiers-Etat on 25 June, and what the remainder of the delegates did so on 27 June following Louis XVI's recommendation, but without specifying the dates when these various events took place. Paine reproduced the order in which they were listed.

The fact that Paine heavily relied on Jefferson's letters as a source of information is confirmed by perhaps less significant but existing common points and phrases between Jefferson's letters and Paine's *Rights of Man* I. For instance, Paine stated the rules for the States General in terms close to Jefferson's in his letter of 23 December 1788.⁴⁰ Similarly, in his letter of 17 March 1789, Jefferson said that 'elections [...] go on quietly and well', which was also Paine's view.⁴¹ On 19 May, Jefferson alluded to Lamoignon's suicide in a way that Paine may have copied.⁴² On 11 July, the future third president of the United States said he believed that Louis XVI had been manipulated regarding the troops gathered around Paris, an idea that Paine reproduced in 1791.⁴³ Eventually, Jefferson's comparison on 17 July of the days preceding the Fall of the Bastille to 'a [...] dangerous scene of war' may have inspired Paine.⁴⁴

Paine clearly endorsed Jefferson's comment in his letter of 11 July on the session of 23 June concerning the opposition between Necker and the Court on the King's address,⁴⁵ albeit this letter did not reflect the rather negative view Jefferson had of the Swiss banker. Paine might have deduced from Jefferson's testimony that Necker supported the National Assembly. On the whole, Paine was more lenient with Necker than other authors who answered Burke.⁴⁶ He seemed to turn Necker into the leader of the reformers when presenting the latter's opinion on the States General,⁴⁷ even if, as Paine specified, Necker instead decided to convene a second *Assemblée des Notables*. Paine had already praised Necker's role and competence in French affairs in his private correspondence. In a letter sent to William Short on 4 June 1790, he referred to Necker's report to the National Assembly saying that 'his statement ha[d] given [Paine] infinite pleasure'⁴⁸ and expressed his optimism on the French economy.

In his narrative of the 'crisis', as he called it, Paine did not mention the King's reform programme of 23 June. The *Serment du Jeu de Paume* is also only partly transcribed by Paine, who paraphrased the end of it and voluntarily left out the part which defined the aim of the National Assembly as 'maintaining the genuine principles of the monarchy'. Paine recounted the key moment between 17 June and 16 July in terms of 'plot', 'conspiracy' and 'attempt at a counter-revolution'. He pictured the opposition between, first, Louis XVI's brother (Artois), the Court and 'the mal-contentes'; secondly, the ministry (Necker); and thirdly, the National Assembly. The rumour of an 'aristocratic conspiracy' had indeed spread to Paris. Mirabeau had denounced the threat of a counter-revolution before the National Assembly. The Fall of the Bastille, about which Paine had already given details earlier in the book, is only briefly mentioned with no reference this time to the ordinary people who had taken part in the event. Paine instead focused on the conflict between 'the Court' and 'the National Assembly', which he implicitly compared to the opposition between the American Patriots and British troops and loyalists during the War of Independence. The emigration of Artois and his followers is then described in a quite humorous way.⁴⁹

Paine's narrative ended with the Declaration of August 1789. He included a translation of it followed by a brief comment. This translation is the same as that included by Price in the Appendix to his *Discourse*, and Paine's criticism of Article X is close to Price's.⁵⁰ The events that

happened in the meantime were described earlier, after the passage on the Fall of the Bastille: the lynching of Berthier and Foulon, on 22 July, but which is not dated by Paine,⁵¹ and the night of 4 August, which he had mentioned when dealing with the October Days. Paine was aware of the symbolic and real significance of this event, since he explained that it ‘contained the foundation principles on which the constitution was to be erected’,⁵² but he did not present it as a watershed when the kind of social and political system he abhorred was abolished.

2 THE PEOPLE’S REVOLUTION: THE STORMING OF THE BASTILLE AND THE OCTOBER DAYS

Two events more specifically embodied the kind of popular and yet rational revolution, in which violence was limited, that Paine wished to promote: the Storming of the Bastille and the October Days. They were dealt with in what can be considered as a section of *Rights of Man* as Paine’s accounts of these two events follow each other. They are addressed in-between Paine’s definition of the French Revolution as a revolution against the system and not against individuals and the passage in which he criticized Burke’s conception of the social contract. Such a layout is not the result of a casual way of writing. The seemingly disconnected aspect of the text was a deliberate and thought-out choice which consisted in interweaving the theoretical with the historical parts of the book.

Burke’s opponents in the controversy were critical of the latter’s way of presenting these two events. Many of them more generally deplored the lack of reliable information about recent events in France.⁵³ Those who were blamed for such distortions were either French émigrés⁵⁴ or the British press. Paine himself, in his letter to Burke of January 1790, informed him that ‘almost everything related in the English papers as happening in Paris [was] either untrue or misrepresented’.⁵⁵ In August of the same year, George Washington complained, in a letter to Rochambeau, that British newspapers were unreliable and Jefferson, even earlier, in a letter he sent to Paine on 14 October 1789 from London, deplored that he had ‘no news but what is given under that name in the English papers’.⁵⁶ However, Paine did not, like Thomas Christie, draw up a list of the relevant written and published sources that should be used instead.⁵⁷ Paine insisted on his knowledge through exclusive

personal information and connections. He rejected Burke's authorities, such as Lally Tollendal, for instance,⁵⁸ and opposed his own network of authoritative sources as evidence for his version of events, thus launching into a contest for authoritativeness though Paine had earlier denied the legitimacy of such a practice in politics and in writing.

Burke depicted the October Days in hyperbolic terms which turned revolutionary action on the part of the people into the expression of primitive anthropophagous violence. Such exaggerated descriptions were taken up and repeated in answers to Paine.⁵⁹ The French Revolution was more generally perceived by its critics as a return to the state of nature, which to them meant savagery,⁶⁰ whereas Paine believed that such barbarous practices originated in hereditary regimes and that a genuine revolution would mean a restoration of civilization. Those who replied to Burke, including Paine, did not deny the violence that had broken out during the Revolution, but stressed that it was inevitable and limited in scope.⁶¹ Paine did not idealize the French revolutionary crowd, like Thomas Christie, for example, who said that it had been guided only by 'principles' or like Joel Barlow who argued that the Revolution was the 'work of argument and rational conviction and not of the sword'.⁶² Paine compared 1789 to other moments of English history, the Battle of Culloden and the Gordon Riots, to suggest a scale in the degree of violence.⁶³ Whereas Burke described Versailles in hyperbolic terms as 'swimming in blood [...] and strewed with scattered limbs and mutilated carcasses',⁶⁴ Paine stated that there only 'two or three' victims.⁶⁵ He questioned Burke's version on the fate of the King and Queen and insisted that their lives were not directly threatened.⁶⁶ Most answers to Burke stressed the fact that the latter's account was exaggerated and was not based on reliable information.⁶⁷

In his narrative of the Fall of the Bastille, Paine stressed the fact that more people were killed than soldiers. In order to revise the idea that French mobs had executed numerous people he mentioned that there were only two lynchings (on 14 and 22 July) about which he did not overlook gruesome details such as 'heads [...] struck upon pikes and carried about the city'.⁶⁸ However, he ascribed this violence to the Ancien Régime as many other supporters of the Revolution did.⁶⁹ Yet this means neither that Paine viewed these violent actions as alien to the Revolution, nor that he agreed with Burke on mobs.⁷⁰ No evidence in *Rights of Man* really underpins such a conclusion. Paine instead accused Burke of having mistaken mobs for the whole French people⁷¹ and of

having misunderstood the role of the National Assembly which had not encouraged such violent actions.⁷² Paine did not always express positive opinions on the common people, but he kept those remarks for private correspondence. In his letter to Jefferson of February 1789 he thus emphasized that ‘the people’ of England were ‘fools’ ‘with respect to political matters’ because they supported Pitt’s move at the time of George III’s fit, a choice or a passivity which Paine judged was contrary to their own interests that ‘they have not sense enough to see’.⁷³ He could also prove somewhat patronizing when in January 1793 he wrote to a former supporter of his ideas that ‘more is to be obtained by cherishing the rising spirit of the people than by subduing it’.⁷⁴ However, no trace of this is to be seen in the first part of *Rights of Man*.

Paine took what he called Burke’s ‘silence’⁷⁵ on the Fall of the Bastille as the starting point of his narrative, which he addressed in two separate parts: a first account of the events was made after his discussion of Burke’s interpretation of 1789 compared to 1689; and a shorter passage at the end of his presentation of the main stages of the Revolution added elements which did not appear in the preceding narrative. Moreover, the reaction of the National Assembly to the presence of the French troops near Paris was told only at the end of the chronicle of the Revolution between 1787 and 1789, as well as the ‘three successive deputations to the King, on the day, and up to the evening on which the Bastille was taken, to inform and confer with him on the state of affairs’.⁷⁶ The King’s visit to Bailly on 17 July is mistakenly mentioned at the end of Paine’s story of the October Days.⁷⁷ It meant that the reader had to patch up these three passages to have a complete view of the event.

The fact that these mid-July Days are pictured separately from those of October shows not only the explicit need Paine felt to correct Burke’s ‘supposed facts’ and tendency to ‘confound things, persons and principles’, but also his intent to establish that the people’s handling of their sovereignty was the product of ‘a revolution generated in the contemplation of the rights of man, and distinguishing from the beginning between persons and principles’. Such a demonstration was fairly easy when it came to telling how the elites disagreed and fought over the reforms of institutions, but proved problematic when the ordinary and anonymous people stepped in onto the stage. Paine’s struggle with this rational side of the popular revolution is clear when he justified the people’s actions, which he said targeted ‘principles and not persons’ as ‘the meditated objects of destruction’. The vision of victims not ‘intentionally

singled out' was pitted by Paine against 'the plans' of 'the ministry' and the presentation of the National Assembly as 'the devoted victims of this plot' and of 'the destruction meditated against them'. The people's actions in July 1789 were explained by Raynal's 'sense of oppressions' thesis, which Paine did not foreground when it came to the spirit of inquiry and to determine what he called the 'sense of the nation'. 'Philosophy' was said to be useless here as reason had given way to feelings and 'enthusiasm', a factor Paine would go on defending in 1795 with Lanthenas against the majority of Thermidorian republicans. Burke's own 'reflections' were implicitly equated with the 'meditation' and 'plotting' of aristocrats and mal-contented when Paine remarked that Burke's book was 'cherished through a space of ten months'.⁷⁸

The notion of intention or what the people intended to do appeared as a major issue. The assassination of an old man by Lambesc's troops was the beginning of the series of events that was to lead to the Fall of the Bastille. Paine mentioned it as such but he again made a minor chronological mistake since German soldiers were assaulted by a mob before this assassination took place.⁷⁹ Then Paine accounted for the choice to attack the prison by the disclosure of Flesselles's letter, which led the people to believe that it was necessary to get hold of the Bastille as soon as possible before new troops arrived there.⁸⁰ The second reason he mentioned was the fact that troops were stationed at the gate of the capital. However, the main ground he saw for targeting the Ancien Regime jail was the defence of the National Assembly in addition to the need to destroy a symbol of tyranny.⁸¹ He presented the raid on the Invalides to get arms as a thought-out move since the decision to go to the Bastille was mentioned just before. He more generally viewed this storming as intentional and as a deliberate strategy in the political contest between supporters and opponents of reforms.⁸² Even if using the touchstone of recent historiography to analyse Paine's narrative may only be partly relevant to understanding the kind of story Paine told, it is worth remarking that present-day historians have gainsaid the idea that the Bastille was assailed to follow a plan and have established that the Invalides was raided only to get weapons but not with the Bastille in view.⁸³ This kind of idealization was nonetheless to be found in contemporary accounts of the events in French newspapers. In the *Révolutions de Paris*, which Paine quoted from in relation to the October Days, Loustalot painted a romanticized picture of the event and insisted on its symbolic dimension. However, even if he said that the Bastille was a key

position in the potential conflict with soldiers, he explained that the initial intention of the assailants was only to ask the governor of the fortress for more arms.⁸⁴ It was the symbolism of 14 July on which Paine focused; and even beyond his own vision of it as emblematic, the fact that Paine credited participants in the event with being aware of this symbolic dimension is even more significant.⁸⁵

Paine presented the Bastille episode as a reaction to a 'plot' against the Revolution, which he also qualified as an 'attempt at a counter-revolution'⁸⁶ on the part of some aristocrats whose quixotic escape is told at the end of his summary for 1787–1789.⁸⁷ The idea that the event was provoked by a 'plot' was the official version of the committee of investigation published in August 1789.⁸⁸ However the people and the pro-Revolution elite differed as to the kind of intrigue that jeopardized the Revolution. In the minds of those who went before the Hotel de Ville, what seemed to prevail was the supposed will to confiscate food, as well as the fear of a military attack on Paris, and not the plot against the National Assembly contrary to what Paine suggested.⁸⁹ The political dimension was essential although not meaning the same thing for all agents of the Revolution at that moment. Paine focused on the political stakes and left out the economic factor which modern historians have shown played a role in the event.⁹⁰ Whereas Paine dwelt on the financial question, he referred to neither the economic crisis of the 1780s nor the disastrous crops of 1788. Yet as this economic crisis was ascribed to plotters and therefore was said to have political reasons, Paine's emphasis on the political origins of the events seems retrospectively relevant. As Mary Wollstonecraft rightly understood in her history of the French Revolution, published in 1794, rumours were more significant than incidents or facts for the popular crowd.⁹¹ Other answers to Burke did take the political as well as the economic factors into account.⁹² Information on the aristocratic plot to organize a food shortage circulated in printed sources at the time. It was clearly mentioned in French, English and American newspaper accounts. The first issue of the *Révolutions de Paris* explicitly referred to this suspicion of a conspiracy to deprive people of bread.⁹³ Even if the story of the Fall of the Bastille in the *Révolutions de Paris* was not reliable by our own standards, it was taken up by many foreign newspapers.⁹⁴ Therefore, Paine's silence on this economic question and even more significantly on the nature of the aristocratic famine plot is problematic. Yet whether it reflects Paine's lack of knowledge, despite the availability of printed

sources, or whether it was a choice he made, which might also have been informed by his oral or private sources, is not easy to determine.

Paine was more cautious when it came to presenting the original intent of the Versailles mob.⁹⁵ He stated that the people wished to retaliate after the soldiers stationed there trampled on the *cocarde*.⁹⁶ Yet beyond this specific event, Paine contended that what was at stake then was the new French Constitution. French newspapers indeed made such a claim in the preceding days. Paine tried to clarify what he called 'the expedition to Versailles' by distinguishing the divided elite and the common people: on the one hand, the ministry, the Court, the Garde du Corps, the King and Queen, Lafayette, 'the enemies of the revolution' versus the 'friends of the revolution'; and on the other hand, the Parisians, 'the Paris militia' and 'a very numerous body of women and men in the disguise of women', also described as a 'phalanx of men and women'. Paine carefully avoided calling them a 'mob', whereas he used that word to describe those who took part in the lynching of Foulon and Berthier and had used it in a letter to William Short from London on 1 June 1790 in which he suggested that 'those mobs' (although it is not clear whether he merely quoted Short's words) in the Faubourg Saint Antoine in February 1790 and in Versailles in October 1789 might have been paid by the English Court.⁹⁷

The goals each of the participants in the October Days wished to achieve were said by Paine to be political. Yet this riot also had economic grounds since women marched on Versailles to ask for bread. Paine again overlooked the economic question and did not mention the delegation of women who were received by the King.⁹⁸ As he did in his narrative of the Storming of the Bastille, he restricted the object of the aristocratic plot to the political question and to the fate of the Revolution. He once more omitted the fact that the intrigue concerned the scarcity of bread, which was in the people's minds organized by the aristocracy. In his letter to Burke of January 1790, he had alluded to this but to exonerate Philippe Egalité.⁹⁹ Paine's lack of attention to the socioeconomic dimension of the events of July and October 1789 has been stressed by scholars.¹⁰⁰ Their contentions should be qualified though as the major flaw in Paine's presentation is not so much this silence as his partial or incomplete understanding of the representation of the conspiracy, since the food shortage was ascribed not to the weather conditions but to the Court. There was then a political interpretation of an economic problem, and that is what Paine missed or did not mention.¹⁰¹

What could provide some evidence that Paine potentially omitted this aspect of the question on purpose is that he referred his readers to a more detailed account, that of the *Révolutions de Paris*, in which economic factors appeared, even if they were presented as secondary compared to political issues. Lafayette, whom Paine mentions as another major source,¹⁰² could have emphasized the political dimension of the event in the discussions he had with Paine. Yet Lafayette knew about the way ordinary people explained the bread shortage and must have mentioned it, as must have the other French aristocrats Paine met in salons or dinners in Paris and London, which according to his surviving correspondence then included Lafayette, de Corny (who was close to Lafayette and Jefferson), La Rochefoucauld d'Enville,¹⁰³ Condorcet, La Luzerne (the French ambassador in Great Britain at that time) and Le Portier, who knew De Noailles well¹⁰⁴ and with whom he discussed 'the consequences of the 14th of July'.¹⁰⁵ In the published version of his memoirs, Lafayette quoted the catchword of the Parisians who shouted 'du pain!' and then 'à Versailles!'. Even if it was a retrospective account, it may be assumed that Lafayette told Paine about this economic side of the event. The narrative presented in these memoirs also refers to the 'enemies of the Revolution', to the plot by 'the aristocracy' and to the people's violence due to Ancien Regime judicial practices. All these points are made by Paine. Yet this summary written on the basis of Lafayette's papers, alluded to an attempt at manipulating the common people to attack the National Assembly by convincing them that it could easily resolve the bread shortage in Paris, a version of the plot which is ignored by Paine.

These memoirs can of course only partially make up for more precise sources, such as letters, but they reflect Lafayette's viewpoint on the events, even if he explicitly wrote these pages to defend his reputation.¹⁰⁶ So far, no correspondence between Paine and Lafayette has been found. There is no letter by or to Paine in Lafayette's papers. The only extant item is a letter written by Lafayette's wife, Adrienne, to Paine in November 1794, rejoicing at Paine's release from the Luxembourg prison.¹⁰⁷ Yet they undoubtedly exchanged letters given their close contacts at the time Paine wrote *Rights of Man*. In Paine's surviving letters between February 1789 and July 1791, Lafayette is often quoted.¹⁰⁸ References to the hero of the War of Independence seem to end after 21 July 1791, a few days after the Champs de Mars incident, which greatly contributed to discredit Lafayette in France, even if Paine did

not share this negative opinion as his dedication of the second part of *Rights of Man* proves. In several of his letters, Paine mentioned his intention to 'write to [his] dear friend, the Marquis de Lafayette' (on 16 April 1790) or complained, quite bitterly, that Lafayette did not answer him (on 22 June 1790), which could also mean that he might not have been as close to Lafayette as he said he was and as historians and biographers have assumed.¹⁰⁹ This potential estrangement could also be surmised from the lack of letters in Lafayette's papers. They might have been lost or they might have been destroyed by Lafayette. In this letter, Paine also entrusted William Short with a manuscript which he wished to have translated into French and which he wanted Short to 'take [...] to M. de la Fayette and closet yourself for half an hour with him and read and talk over the contents'.¹¹⁰ Whether it is the manuscript that Lafayette mentioned in a letter to George Washington in January 1790 or whether it is the comparison between French and English financial situations that he sent to Gouverneur Morris is not clear, but Paine's comment on it being improper 'as an English production' might suggest it is rather the narrative of Lafayette's feats in 1789.

It seems that Paine deliberately chose to write a political history of 1789. He appears to have been aware of economic issues as shown by a letter he sent to Jefferson in February 1789 since he stated the need 'to raise the condition of the people, or of that order known in France by the Tiers Etat'.¹¹¹ Furthermore, he concluded his letter to Short in January 1790 by a reference to an increase of the exports of grain by the United States which he ascribed to the American Revolution and therefore could be an additional argument 'to promote the principle of Revolution'.¹¹² If one considers his main addressees in *Rights of Man*, the common people in Britain, the state of French finances was more likely to provide his readers with lessons on the situation of the British Treasury and on the existence of conditions favourable to a revolution than the economic crisis and the shortage of bread.

Both the October Days and the Storming of the Bastille were presented in *Rights of Man* as part of the struggle against what Paine described as the counter-revolution. He viewed both events as salutary reactions on the part of common people to defend the Revolution. Participants are therefore portrayed as vigilantes of the Revolution. However, what Paine's narrative proved was that their agency seems to consist more in defending the reforms of the political elite involved than in initiating these changes, which could have undermined Paine's very

purpose. It may have been an indirect way of legitimizing the principle of representation since the National Assembly appeared as the central source of reform and of sovereignty in Paine's narrative. His defence of the Assembly as a constituting one (although he does not use that term) could underpin this since he presented it, in the pages following his story of the popular episodes of the Revolution, as 'the personal social compact' and as 'the delegates of the nation in its original character'.¹¹³ Paine's dramatization of the role of the people vis-à-vis the National Assembly tends to confirm that 1789 was then to him a revolution of or for sovereignty and not merely a revolution against monarchy or aristocracy. Therefore, Paine saw it as a republican revolution and not really as a democratic one, 'democracy' not being better treated than 'monarchy' or 'aristocracy' by him in the first part of *Rights of Man*, even if he explained his rejection of it only in the second part.

3 CONCLUSION

The 'narrative' part of Paine's answer to Burke should be studied in relation to the theoretical part of his book. Paine's rationale was devised to illustrate his republican principles and the kind of political revolution he envisioned as legitimate and that he hoped to see in his native country. He did not offer an in-depth analysis of the origins of the Revolution. His account differs from James Mackintosh's understanding of the Revolution, which in some respects was more far-reaching than Paine's; or, rather, Mackintosh's approach differed from Paine and can be partly considered as an answer or at least as a reaction to Paine's version of the Revolution in *Rights of Man*.¹¹⁴ Paine's chronicle of the Revolution of 1789 may indeed be considered as simplified to some extent. The popular readership needed to understand that a political revolution was possible even in an old monarchical country like France, and the educated readership might understand the advantage there was in trusting the common people or lower classes. Although at times inaccurate, this narrative may be seen as central to Paine's revolutionary rhetoric.

Even if Paine's lack of criticism toward maintaining the monarchical executive can be explained by this strategy, the discrepancy between his comments on the French regime and his theoretical passages is not fully resolved. The contention that Paine's first part of *Rights of Man* mirrored Lafayette's viewpoint is therefore tempting. What has led Kates in particular to such a conclusion are: Paine's supposed endorsement of

the *marc d'argent* (which is the erroneous way Kates understands Paine's silence about the electoral qualification); his criticism of the lynching of Berthier and Foulon; and his presentation of the October Days in which he supposedly exaggerated the role of Lafayette.¹¹⁵ However, it is not enough to demonstrate that Paine's writing merely reflected Lafayette's viewpoint, although Lafayette was one of Paine's major sources on the events he mentions in the first part of *Rights of Man*. A different light could also be shed on Paine as a follower of open-minded aristocrats when one considers, if Darnton who relied on Mazzei is right,¹¹⁶ the tensions which already existed in 1788 first between the Lafayette-La Rochefoucauld d'Enville and the Condorcet circles, and second, between Brissot and Condorcet, which would mean that Paine missed these oppositions between his arrival in Europe and the publication of *Rights of Man*.

How the narrative part of the book was discussed in England and France should also be taken into account. Debates in England, in lower- or upper-class circles, seem to have focused on the theoretical part and to have overlooked the narrative one.¹¹⁷ Very few authors or reviewers examined Paine's precise narrative. Francis Eyre was one of the few who debated the accuracy of Paine's factual account.¹¹⁸ In the critical reviews of the first part of *Rights of Man* published in England, either no assessment at all was made of his version or it was quickly dealt with and considered as reliable.¹¹⁹ Yet the editor of an early collection of texts of the controversy published in 1793 said it was Paine's 'very able narrative' which was the most appreciated passage of his writing.¹²⁰ Even those who did not share Paine's political ideas paid tribute to what they felt was a 'very animated description'.¹²¹ Their strategy consisted in undermining the credibility of Paine as a political thinker and in emphasizing his talent as a fiction writer or as a popular writer, even if some denied him both abilities.¹²²

In France it seems that the book was read by the elite and not by the common people. Only one review written in France suggested that some of the facts mentioned by Paine were not that accurate, but without further details.¹²³ This anonymous review of Soulès' s translation was published in a journal notably edited by Condorcet and whose purpose was the diffusion of knowledge and of extracts from various books. The review was not favourable to Paine, although its author, potentially Balestrier de Canilhac, affected not to take sides with either Burke or Paine. Yet the former's political and pragmatic wisdom based on

experience was extolled whereas the latter's method was said to be that of 'a mere philosopher' whose 'rigorous' reasoning was based on 'natural law'. Paine's book is instead reduced to its polemical dimension. The content of this review is all the more unexpected given Condorcet's editorship of the volume and Paine's already close connections with him. The way the publication of this review was arranged between Condorcet and Balestrier is not known. The next book reviewed in the same issue was Brissot's *Nouveaux Voyages dans les Etats de l'Amérique*. The review was quite biased in favour of Brissot and contained extracts from the writing. Its tone contrasts with that of Paine's *Rights of Man*. The standard narrative on Paine's close connection with Condorcet may therefore need to be reappraised, at least in terms of chronology. It has also been recently argued that *Rights of Man* was the product of Paine's relationships with 'Brissotins', an assertion which does not stand the test for Part I, and, as we shall see, is also problematic when it comes to Part II.¹²⁴

Paine's Franco-American circles (of French people who were Americanophiles and of Americans who were Francophiles) in Paris and in London meant that a part of the intelligentsia who read Paine's *Rights of Man* either in English or in French knew about his connections with people like Lafayette, La Rochefoucauld d'Enville, Condorcet, Philippe Egalité and maybe Beaumarchais.¹²⁵ The dramatization of these connections in the first part of *Rights of Man* is a central point in his strategy against Burke. The translation of the first part of *Rights of Man* was published in France a month-and-a-half before the failed escape of the French King through Varennes.¹²⁶ This context may partially account for the lack of attention given to Paine's interpretation of the events of the Revolution of 1789 in French newspapers and journals then since debates in the aftermath of this attempt at leaving France engrossed the French political elite. To a certain extent, the Varennes episode quickly made the narrative of the first part of *Rights of Man* out-of-date. Even if the abolition of monarchy was not seriously debated in the Constituante, what happened at Varennes questioned Paine's vision of a benevolent King who had accepted (even if unwillingly, as Paine emphasized), the principles of the Revolution.

Yet in July 1791, Sieyès paid homage to Paine's book, which, he said, was 'universally known'. Sieyès thanked him as 'a foreigner' who had defended the 'cause' of the French Revolution.¹²⁷ The French historian Jules Michelet retrospectively confirmed in a quite romantic fashion Paine's

reputation and influence in the salons during the summer of 1791.¹²⁸ As Sieyès's words show, Paine was still seen as having an external viewpoint on the Revolution. Yet his collaboration with Condorcet may have been a turning point. After August 1792, when he was granted French citizenship, and after September of the same year, when he was elected to the Convention, he would no longer be a mere guest star (sometimes as an English one and sometimes as an American one, depending on the international context and on French foreign policy) in the Revolution, even if he went on being considered as such at convenient moments by various French participants in the events.

NOTES

1. Thomas Clio Rickman, *The Life of Thomas Paine* (London: Thomas Rickman, 1819), 137.
2. Chantal Grell, *L'histoire entre érudition et philosophie: étude sur la connaissance historique à l'âge des Lumières* (Paris: Presses Universitaires de France, 1993), 38.
3. Edward Larkin, *Thomas Paine and the Literature of Revolution* (New York: Cambridge University Press, 2005), 97.
4. Paine had read David Hume, Tobias Smollett, Rapin de Thoyras, Edward Gibbon, George Buchanan and William Robertson. Caroline Robbins provided a first list of the history books that Paine could have read, but it is incomplete. Caroline Robbins, 'The Lifelong Education of Thomas Paine', *Proceedings of the American Philosophical Society* 127 (1983), 136–137.
5. John Q. Adams, *An Answer to Paine's 'Rights of Man'* (London: J. Stockdale, 1793), 39; Francis Oldys (George Chalmers), *The Life of Thomas Paine* (1791), 121.
6. In 1783, Paine worked out a plan to do so which he set forward before the American Congress: 'to give the present revolution its full foundation and extent in the world, it seems necessary there should be three histories—one that should state fully all the leading principles, policy and facts of the revolution, so as not only to inform posterity but to confirm them in the true principles of freedom and civil government; a second being rather an abstract of the first cast into an easy and graceful language to be used as a standing school-book, and a third for Europe and the world', Thomas Paine, *The Complete Writings of Thomas Paine*, ed. Philip S. Foner (New York: The Citadel Press, 1945), II, 1240.
7. '[T]o be right is the first wish of philosophy, and the first principle of history', which was an allusion to the title of Raynal's *Histoire*

- philosophique*; ‘the *time when* constitutes the essence of the fact’ and ‘to unite time with circumstance is a material nicety in history; the want of which [...] occasions a total separation between causes and consequences’, Paine, *Complete Writings*, II, 215, 216 and 231.
8. ‘[S]ufficient scope given to the imagination to enable it to create in the mind a sight of the persons, characters and circumstances of the subject: for without these the judgment would feel little or no excitement to office’, Paine, *Complete Writings*, II, 223. Paine also used comparisons with fiction when commenting on the way theoretical elements should be presented: ‘Principle [...] will ever tell its own tale, and tell it the same way. But where this is not the case, every page must be watched, recollected and compared like an invented story’, Paine, *Complete Writings*, II, 245.
 9. Thomas Paine, *Rights of Man, Common Sense and Other Political Writings*, ed. Mark Philp (Oxford: Oxford University Press, 1995), 102, 104 and 107.
 10. Paine, *Rights of Man*, 148 and 166.
 11. Paine, *Rights of Man*, 100 and 110.
 12. Steven Blakemore, *Crisis in Representation: Thomas Paine, Mary Wollstonecraft, Helen Maria Williams, and the Rewriting of the French Revolution* (London: Associated University Presses, 1997), 48.
 13. Paine, *Rights of Man*, 102 and 106.
 14. Paine, *Rights of Man*, 144.
 15. See Paine’s Letter sent from Paris on August 15, Paine, *Complete Writings*, II, 1264.
 16. See Paine’s Letter sent from Paris on December 29, Paine, *Complete Writings*, II, 1266.
 17. Paine, *Complete Writings*, II, 1267 and 1270.
 18. ‘[T]he assembling of the States General, and the reappointment of Mr. Neckar, made considerable impression here’, Paine, *Complete Writings*, II, 1270.
 19. Paine, *Complete Writings*, II, 1293–1294. The date mentioned in square brackets by Philip Foner is confirmed by Jefferson’s answer of 23 July 1789. Thomas Jefferson, *The Papers of Thomas Jefferson*, ed. Julian P. Boyd (Princeton: Princeton University Press, 1950), 15 and 302.
 20. ‘The people of this country [...] so far I can collect say that France is a much freer country than England. The press, the Bishops etc., say that the National Assembly has gone too far. There is yet in this country considerable remains of the feudal system which people did not see before the revolution in France placed it before their eyes’, Paine, *Complete Writings*, II, 1296.

21. Alfred Owen Aldridge, *Man of Reason. The Life of Thomas Paine* (Philadelphia: Lippincott, 1959), 125.
22. Paine, *Complete Writings*, II, 1303 and 1308.
23. Paine, *Complete Writings*, II, 1285. Philip Foner dated the letter to 1789, whereas it is more likely to have been written in 1790 since Paine referred to the key of the Bastille and to the French Constitution in the making. In addition, he explained that he returned from France to London five weeks before, which corresponds to the period after 16 March 1790 when he was still in Paris.
24. Paine, *Complete Writings*, II, 1312.
25. Gregory Claeys, *Thomas Paine: Social and Political Thought* (Boston: Unwin Hyman, 1989), 120; Thomas Paine, *Rights of Man: Being an Answer to Mr. Burke's Attack on the French Revolution. By Thomas Paine, Secretary for Foreign Affairs to Congress in the American War, and Author of the Works Intituled Common Sense, a Letter to the Abbe Raynal, &c. Part I* (Printed for H.D. Symonds, Paternoster-Row, 1792); Thomas Paine, *Rights of Man: Being an Answer to Mr. Burke's Attack on the French Revolution. Part I. By T. Paine, [...][...]* (Printed for J. Parsons, 1792).
26. He said that the first assembly of the kind had taken place in 1617, whereas it had happened in 1627, and the number of delegates who attended that of 1787 was 144 and not 140.
27. Paine, *Rights of Man*, 154.
28. '[A] full, or rather a fuller representation of the people than that of the Parliaments of England', Paine, *Complete Writings*, II, 634.
29. 'The Parliament received [...] very coolly and with their usual determination not to register the taxes', Paine, *Rights of Man*, 152; See Jean Lessay, *Thomas Paine: professeur de révolutions, député du Pas-de-Calais* (Paris: Perrin, 1987), 117.
30. '[H]ad the French Parliament been as ready to register edicts for new taxes, as an English Parliament [...], there had been no derangement in the finances, nor yet any revolution', Paine, *Rights of Man*, 148.
31. Paine, *Rights of Man*, 148.
32. Concerning the States General of 1614, Paine read and quoted *L'Intrigue du Cabinet* published in 1780 by Louis Pierre Anquetil. Paine, *Rights of Man*, 155. I could not find any translation in English of this writing. Either Paine had the passage translated or he found it in a newspaper in English. A second edition was published in French in 1788.
33. R. R. Fennessy, *Burke, Paine and the Rights of Man, a Difference of Political Opinion* (La Haye: M. Nijhoff, 1963), 165.
34. Paine, *Rights of Man*, 155.

35. In his letter of 11 July 1789, Jefferson added: 'Mr. Paradise is the bearer of this letter. He can supply those details which would be too lengthy to write', Jefferson, *Papers*, 15 and 269. Jefferson had met the Paradises in 1786 in London and John Paradise was in Paris on the eve of the Revolution. On John Paradise, see Gleb Struve, 'John Paradise: Friend of Doctor Johnson, American Citizen and Russian "Agent". An Episode in Anglo-Russian Relations', *The Virginia Magazine of History and Biography* 57 (1949), 357. What Paradise told Paine was not recorded.
36. Paine, *Rights of Man*, 103. Paine had quoted an extract from Jefferson's letter in the letter he sent to Burke in January 1790. James T. Boulton, 'An Unpublished Letter from Paine to Burke', *Durham University Journal* 63 (1951), 52.
37. Paine, *Rights of Man*, 464. The role of Jefferson's letters has already been emphasized by some students of Paine, but not in great detail. David Hawke, *Paine* (New York and London: W. W. Norton, 1992), 196–198.
38. In which he said that there was 'a good majority of the clergy (consisting of the curés) disposed to side with the tiers etat, and in the chamber of the Noblesse, there are only 54 in that sentiment', which is strongly reminiscent of what Paine would write in *Rights of Man*: 'a majority of the clergy, chiefly of the parish priests joined the nation; and forty-five from the other chamber joined in like manner', Jefferson, *Papers*, 15 and 136; Paine, *Rights of Man*, 157.
39. '[A] majority of the clergy determined to accept their invitation and joined them', Jefferson, *Papers*, 15 and 267.
40. '[T]he Parliaments have taken up the subject', Jefferson, *Papers*, 14, 374. '[T]he subject was then taken up by the Parliament', Paine, *Rights of Man*, 155.
41. Jefferson, *Papers*, 14 and 671. '[O]rderly was the election conducted [...]', Paine, *Rights of Man*, 156.
42. 'M. de Lamoignon [...] has shot himself', Jefferson, *Papers*, 15 and 137. Paine, *Rights of Man*, 152.
43. Jefferson, *Papers*, 15 and 267; Paine, *Rights of Man*, 160.
44. Jefferson, *Papers*, 15 and 279; Paine, *Rights of Man*, 160.
45. Paine, *Rights of Man*, 158.
46. James Mackintosh viewed Necker as 'probably upright, not illiberal, but narrow, pusillanimous [...] possessed not [...] those enlarged and original views, which adapt themselves to new combinations of circumstances', Mackintosh, *Vindiciae Gallicae*, 30. David Williams regretted that Necker's policy did not promote a 'free constitution'. Claeys, ed., *Political Writings of the 1790s*, III, 66. Gouverneur Morris and Jefferson did not praise Necker either. Gouverneur Morris, *A Diary of the French*

- Revolution*, I, 21. Charles D. Hazen, *Contemporary American Opinion of the French Revolution* (Baltimore: Johns Hopkins Press, 1897), 45.
47. '[I]t could not well escape the sagacity of M. Neckar that the mode of 1614 would answer neither the purpose of the then government, nor of the nation', Paine, *Rights of Man*, 154.
 48. Paine, *Complete Writings*, II, 1308.
 49. Paine, *Rights of Man*, 156–161.
 50. Paine, *Rights of Man*, 162–164; Richard Price, *A Discourse on the Love of Our Country* (London: Printed by George Stafford, for T. Cadell, 1789), Appendix, 5–10.
 51. Paine, *Rights of Man*, 108.
 52. Paine, *Rights of Man*, 111.
 53. Benjamin Bousfield remarked, soon after the publication of *Rights of Man*, that 'the information with regard to France is unauthenticated and erroneous; the descriptions, exaggerated beyond all reality', Claeys, ed., *Political Writings of the 1790s*, II, 94. The editor of a collection of extracts of the debate deplored: 'I am at a loss to decide because I hear such violent and contradictory reports [...]. In reality the opportunities for information are too scanty and its channels too impure', *A Comparative Display of the Different Opinions of the Most Distinguished British Writers on the Subject of the French Revolution* (London: J. Debrett, 1793), II, 573.
 54. Claeys, ed., *Political Writings of the 1790s*, II, 110.
 55. Boulton, 'An Unpublished Letter', 53.
 56. Jefferson, *Papers*, 15 and 522. Jean-Pierre Dormois and Simon Newman, ed., *Vue d'Amérique: la Révolution française jugée par les Américains* (Paris: Editions France-Empire, 1989), 82. Blakemore suggests that the issue of 13 October 1789 was used by Burke, Steven Blakemore, ed., *Burke and the French Revolution: Bicentennial Essays* (Athens: The University of Georgia Press, 1992), 81–82. Beatrice Hyslop has shown that the accounts of the October Days were erroneous, and overstated the violence of the events (Beatrice Fry Hyslop, 'The American Press and the French Revolution of 1789', *Proceedings of the American Philosophical Society* 104 (1960), 72).
 57. The *Journal de Paris*, *Le Moniteur*, the *Mercure de France*, the *Point du jour*, the *Courrier de Provence* in addition to the records of the debates and decrees of the National Assembly. Christie, *Letters*, 145.
 58. Paine, *Rights of Man*, 115.
 59. Frederick Hervey in *A New Friend on an Old Subject*, in *Rights upon Rights* or Peter Alexander in *Strictures on the Character and Principles of*

- Thomas Paine. Claeys, ed., *Political Writings of the 1790s*, V, 69–70 and 109; VI, 141.
60. Edmund Burke, *Reflections on the Revolution in France* (1790), ed. Conor Cruise O'Brien (Penguin Classics, 1986), 171–174. '[T]he people of that country have uncivilized themselves to all intents and purposes [...] the ferocity of the Indian, in the modern republican, assumes the softer appellation of courage', Claeys, ed., *Political Writings of the 1790s*, V, 401.
 61. Paine stated that 'when the French Revolution is compared with the revolutions of other countries, the astonishment will be that it is marked with so few sacrifices', Paine, *Rights of Man*, 100–101. See the anonymous author of *Strictures on the Letter of the Rt. Hon. Edmund Burke* (1791), Benjamin Bousfield, Charles Stanhope or the author of *Short Observations on the Right Honorable Edmund Burke's Reflections* (1790): 'Not Two Thousand Have Proved the Victims of a Revolution Which Has Broken the Fetters of Twenty-Five Millions'. Claeys, ed., *Political Writings of the 1790s*, II, 104 and 231; I, 4 and 62.
 62. Christie, *Letters*, 126; Barlow, *Works*, II, 94 and 280–281.
 63. Paine, *Rights of Man*, 101 and 104. In his answer to Paine, John Quincy Adams understood this comparison as an implicit call to violence in Great Britain. John Quincy Adams, *An Answer to Paine's Rights of Man*, 28. Paine described the mobs of the 1780 riots and some of those of 1789 as the victims of a corrupted political power. Paine, *Rights of Man*, 109 and 217. The author of *Short Observations on the Right Honorable Edmund Burke's Reflections* and Benjamin Bousfield clearly defended the October Days as different from the 1780 riots. Claeys, ed., *Political Writings of the 1790s*, I, 65; II, 104.
 64. Burke, *Reflections*, 164.
 65. Paine, *Rights of Man*, 114. However, in *Strictures on the Letter of the Right Hon. Edmund Burke*, the author used the same register as Burke after having criticized his version: 'the populace in their fury pursued them into the very apartments whither they had retreated sparing none, and cutting down every man they met', Claeys, ed., *Political Writings of the 1790s*, II, 232.
 66. '[N]ot the Queen only [...] but every person in the palace was awakened and alarmed'; 'the King and Queen were in public at the balcony, and neither of them concealed for safety's sake'. Paine, *Rights of Man*, 114.
 67. Joseph Towers stated: 'I do not know that any authentic information has been transmitted to this country of any severe sufferings of the queen', Claeys, ed., *Political Writings of the 1790s*, I, 98. The author of *Short Observations on the Right Hon. Edmund Burke's Reflections* relied on the Chabroud report to prove that Burke had invented this detail.

- Claeys, ed., *Political Writings of the 1790s*, I, 65. Others used testimonies presented during the trial that was held at the Châtelet to say that it was not possible to decide in favour of Burke's version: *A Comparative Display*, II, 275. Mackintosh, *Vindiciae*, 185.
68. Paine, *Rights of Man*, 108.
 69. Catharine Macaulay in Claeys, ed., *Political Writings of the 1790s*, I, 65. See also, II, 104.
 70. Gary Kates, 'From Liberalism to Radicalism: Tom Paine's *Rights of Man*', in Frank Shuffelton, ed., *The American Enlightenment* (Rochester: University of Rochester Press, 1993), 327.
 71. Paine, *Rights of Man*, 109.
 72. '[I]t is to the honour of the National Assembly and to the city of Paris that [...] they have been able by the influence of example and exhortation to restrain so much', Paine, *Rights of Man*, 110.
 73. Paine, *Complete Writings*, II, 1282–1283.
 74. Paine, *Complete Writings*, II, 1327.
 75. Paine, *Rights of Man*, 102.
 76. Paine, *Rights of Man*, 160–161.
 77. Paine mentioned this visit in his letter to Burke. Boulton, 'An Unpublished Letter', 52. Mark Philp tends to think that this confusion is 'possible' (Paine, *Rights of Man*, 454), whereas it is very likely a mistake.
 78. Paine, *Rights of Man*, 99, 101, 102, 107, 108 and 114.
 79. Jacques Godechot, *La Prise de la Bastille* (1965) (Paris: Gallimard, 1989), 297. It was mentioned in the *Révolutions de Paris* (Paris: Froullé, 1789), 2; Godechot, *La Prise de la Bastille*, 2 and 296. This was also established in *A Comparative Display*, I, 225.
 80. Paine, *Rights of Man*, 106.
 81. '[T]he prison to which the ministry was dooming the National Assembly, in addition to being the high altar and castle of despotism, became the proper object to begin with', Paine, *Rights of Man*, 107.
 82. Paine, *Rights of Man*, 107.
 83. François Furet, *La Révolution française. De Turgot à Napoléon (1770–1814)* (Paris: Hachette, 1988), 120; Godechot, *La Prise de la Bastille*, 339.
 84. Loustalot evoked 'hundreds of citizens enlightened by the torch of philosophy, armed with the sacred rights of peoples, of reason and of humanity' ('légions de citoyens, éclairés par le flambeau de la saine philosophie, armée des droits sacrés des peuples, de la raison et de l'humanité') who thought of the Bastille to 'ask its governor for firearms' ('demander des armes au gouverneur') and because of 'the necessity to get hold of such a formidable fortress' ('la nécessité de s'assurer

- d'une forteresse aussi redoutable'), *Révolutions de Paris*, 4. See also de Courtive, *Révolutions de Paris, ou récit exact de ce qui s'est passé dans la capitale, et particulièrement de la prise de la Bastille, depuis le 11 juillet 1789, jusqu'au 23 du même mois* (1789), 13.
85. 'The downfall of it included the idea of the downfall of Despotism', Paine, *Rights of Man*, 102.
 86. Paine, *Rights of Man*, 107 and 160.
 87. '[T]hey had to start from their desks and run. Some set off in one disguise, and some in another [...] their anxiety now was to outride the news lest they should be stopt', Paine, *Rights of Man*, 161.
 88. Godechot, *La Prise de la Bastille*, 416. The only writing among the corpus I read which examined Paine's account of the events of July and October 1789 is *A Letter to a Friend on the Late Revolution in France*, published in June 1791 by Francis Eyre. He used the plot motif in a way converse to Paine. Regarding 14 July, Eyre contended that attributing the presence of troops near Paris to the plot against the Revolution was debatable and was influenced by what Eyre called the 'popular party' p. 7. What he means by this is not clear though. It seems to show a rather negative view of what he thought were the most radical revolutionaries advocated. Francis Eyre, *A Letter to a Friend on the Late Revolution in France* (London: 1791), 7–14.
 89. '[L]es Parisiens ne tentèrent pas de courir à son secours: si la journée du 14 la sauva, ce fut par ricochet', Georges Lefebvre, *Quatre-vingt-neuf* (Paris: Editions sociales, 1970), 127.
 90. Godechot, *La Prise de la Bastille*, 416; Furet, *La Révolution française*, 119; Michel Vovelle. *La chute de la monarchie (1787–1792)* (Paris: Editions du Seuil, 1972), 122.
 91. Mary Wollstonecraft, *The Works of Mary Wollstonecraft*, ed. Marilyn Butler and Janet Todd (London: Pickering, 1989), VI, 93.
 92. In *Thoughts on the Commencement of a New Parliament*, published before *Rights of Man*, Joseph Towers said that '[...] violence was increased by the scarcity of corn which then prevailed', Claeys, ed., *Political Writings of the 1790s*, I, 97.
 93. *Révolutions de Paris*, 5.
 94. Hyslop, 'The American Press and the French Revolution of 1789', 68. Godechot, *La Prise de la Bastille*, 331.
 95. '[I]t still remains enveloped in all that kind of mystery which ever accompanies events produced more from a concurrence of awkward circumstances than from fixed design', Paine, *Rights of Man*, 111.
 96. Paine, *Rights of Man*, 112.
 97. Paine, *Complete Writings*, II, 1306.

98. Albert Mathiez, *La Révolution française* (Paris: Armand Colin, 1959), 77; Lefebvre, *Quatre-vingt-neuf*, 220.
99. 'I believe the Duke knows as much as of this business as anybody knows', Boulton, 'An Unpublished Letter', 53. Eyre endorsed the theory of a conspiracy headed by Philippe d'Orleans according to which he had artificially confiscated wheat and reproached Paine with having failed to take this into account. Yet Paine mentioned the 'investigations taht have been made into this intricate affairs', which is an allusion to Chabroud's report which had concluded that the Orleans plot was undefendable.
100. 'Paine makes no attempt to justify or explain the revolution in terms of the actual social and economic situation', Fennessy, *Burke, Paine and the Rights of Man*, 165; Blakemore, *Crisis in Representation*, 50.
101. Very few answers to Burke dwellt on the detail of the events of October 1789. In *Strictures on the Letter of the Right Hon. Edmund*, the anonymous author offers a one-page 'narrative' of them, but he does not mention the economic factor. He rather viewed it as an action to defuse a 'plot' which aimed at carrying the King away from the capital. Claeys, ed., *Political Writings of the 1790s*, II, 231–232. In *Short Observations* (1790) the October Days are compared to the Gordon Riots, the latter being due to religion and the former to hunger. Claeys, ed., *Political Writings of the 1790s*, I, 65.
102. Paine, *Rights of Man*, 113.
103. R. Galliani, 'Le Duc de La Rochefoucault et Thomas Paine', *Annales Historiques de la Révolution française* 52 (1980), 425–436.
104. Paine, *Complete Writings*, II, 1284, 1302 and 1310.
105. Philip Foner categorized the letter as sent to an anonymous correspondent. Yet what Paine wrote about Sir Geroqe Staunton with whom he had a talk on letters between Burke and a 'gentleman at Paris' leaves no real doubt about Paine's addressee here: 'he asked me if it was not to Mr. Christie and spoke of you in very handsome terms', Paine, *Complete Writings*, II, 1301.
106. Gilbert Du Motier, marquis de La Fayette, *Mémoires, correspondance et manuscrits du général La Fayette*, ed. François de Corcelle and Georges Louis Gilbert Washington du Motier, marquis de Lafayette (Paris: H. Fournier aîné, 1837–1838), II, 262, 280, 297 and 329–349.
107. Reel # 5 of the *Fonds Lafayette* in AN.
108. Paine, *Complete Writings*, II, 1284, 1285, 1302, 1303, 1304, 1306, 1309, 1310 and 1319. See also Paine's Letter to La Rochefoucault d'Enville, Bernard Vincent, 'Cinq inédits de Thomas Paine', *Revue française d'études américaines* 40 (1989), 223.

109. Bernard Vincent, *Thomas Paine ou la religion de la liberté* (Paris: Aubier, 1987), 174.
110. Paine, *Complete Writings*, II, 1309.
111. Paine, *Complete Writings*, II, 1282.
112. Paine, *Complete Writings*, II, 1310.
113. Paine, *Rights of Man*, 124.
114. Mackintosh's account (who explicitly avoided the term 'narrative') is more precise in many respects. For example, he devoted a longer passage to the first Assemblée des Notables and he explained Calonne's plans ('he proposed [...] the equalization of impost, the abolition of the pecuniary exemptions of the nobility and clergy', Mackintosh, *Vindiciae*, 24). He was also aware of the ambivalent role of the old Parliaments as he commented on 'the usurpation of some share in the sovereignty by the Parliament of Paris', which he described as 'a narrow aristocracy of lawyers who had bought their places', Mackintosh, *Vindiciae*, 32. In addition, he mentioned the troubles that took place elsewhere than in Paris, in the Vizille Assembly for instance. Mackintosh presented the events of June 1789 in a more accurate way, despite his account ending three days before 14 July. He viewed the days of June as crucial since 'the discussion commences whether that body ought to have reestablished and reformed the government *which events had subverted*', Mackintosh, *Vindiciae*, 59 (Mackintosh's emphasis).
115. Kates, 'From Liberalism to Radicalism', 324.
116. Robert Darnton, 'Condorcet et l'américanomanie en France au 18e siècle', in Jean-François Baillon, trans. *Pour les Lumières: défense, illustration, méthode* (Pessac: Presses universitaires de Bordeaux, 2002), 48–49. I used this French translation of Darnton's essay 'Condorcet and the Craze for America in France' in *Franklin and Condorcet: Two Portraits from the American Philosophical Society* (Philadelphia: American Philosophical Society, 1997), 27–39.
117. Claeys, *Thomas Paine: Social and Political Thought*, 121–123.
118. In addition, he attacked Lafayette's role in these events and reproached him with having arrived too late to prevent them from taking place. He then confirmed Burke's version of the Queen's near escape: Eyre, *A Letter to a Friend on the Late Revolution*, 51. Eyre questioned Paine's version of the Versailles riot as he claimed that the Garde du Corps had never worn any *cocardde* and he gainsaid the idea set forward by Paine that the rumour of the King's potential flight had been circulating since the 5th.
119. *The Monthly Review or Literary Journal*, London, May 1791, Article XVI, 81–93. '[I]ts information bears its authority upon the face of it, and almost convinces by the weight of its internal evidence' and Paine

- is even compared to Tacitus, *The Analytical Review*, London, March 1791, Article XVII, 312–320.
120. *A Comparative Display*, II, 598.
 121. '[E]very reader must feel himself interested in the very animated description he has given us of the late Revolution, and of the state of Paris at that period; but when he enters into the regions of constitution and finance, he seems to wander out of his depth', *Considerations on Mr. Paine's Pamphlet on the Rights of Man*, in Claeys, ed., *Political Writings of the 1790s*, V, 92.
 122. '[H]is unfair statement of the French troubles, in language harsh, forcible and incorrect, like his theme, [which] is a fitter object for the Literary Reviewers' censure', Charles Harrington Elliot, in Claeys, ed., *Political Writings of the 1790s*, V, 327.
 123. 'M. Paine indique les causes et nous donne le précis historique de la révolution française. Ce précis est fort bien fait à bien des égards, mais quand on a été le témoin des événements que l'auteur raconte, on ne peut se dissimuler que des préjugés ou des informations peu exactes, plutôt que la mauvaise foi, dont on n'oserait le taxer, ne l'aient mis dans le cas de présenter certains faits sous un jour qui nuit beaucoup à leur vérité', Marie Jean Antoine Nicolas de Caritat, marquis de Condorcet. Isaac René Guy Le Chapelier, *Bibliothèque de l'homme public* (Paris: Buisson, 1790–1792), 9 and 248. On the whole it seems that Burke's *Reflections* was more often reviewed than Paine's *Rights of Man* I. Aldridge, "The *Rights of Man* de Thomas Paine", 285. Whereas Burke's *Reflections* was seen in an unfavourable light, Paine's answer was not extolled for all that. See for example, *Réimpression de l'Ancien Moniteur : depuis la réunion des Etats-Généraux jusqu'au Consulat (mai 1789-novembre 1799)* (Paris: au Bureau central, 1840–1843), VI, 549, 565, 617–618 and VIII, 332.
 124. Antonino de Francesco, 'Au-delà de la Terreur: mouvements démocratiques et masses populaires dans la France du Directoire', in Jean-Clément Martin, ed., *La Révolution à l'œuvre: Perspectives actuelles dans l'histoire de la Révolution française* (Paris: Presses Universitaires de Rennes, 2005), <http://books.openedition.org/pur/16034>.
 125. Paine, *Rights of Man*, 130.
 126. Raymonde Monnier, *Républicanisme, patriotisme et Révolution française* (Paris: l'Harmattan, 2005), 22.
 127. '[Q]uel est le patriote français qui n'a pas déjà, du fond de son âme, remercié cet étranger d'avoir fortifié notre cause de la toute puissance de sa raison et de sa réputation!', Marcel Dorigny, ed., *Aux Origines de la République: 1789–1792* (Paris: EDHIS, 1991), V, 2 of text # 13.

128. Michelet wrote about Paine's glorious reputation. He enjoyed 'authority and fashion' and 'sat enthroned in *salons*', a quite paradoxical phrase to describe Paine. The French historian also emphasized that he was the centre of attention of both 'eminent men' and of 'the most beautiful women', Jules Michelet. *Histoire de la Révolution française (1847–1853)* (Paris: Robert Laffont, 1979), I, 534.

Paine and the Creation of the French Republic (May 1791–December 1793)

Paine began to be actively involved in the French Revolution in June 1791. Lafayette had considered him as a potential adviser for the judiciary reform in January 1790, but was dissuaded to do so by Gouverneur Morris.¹ Paine's first public contribution can be traced to his so-called 'Republican Proclamation' of 1 July 1791 in which he called for the abolition of monarchy. If Paine wilfully played down his real more radical views on the French monarchy in the first part of *Rights of Man* as evidence tends to prove, he did not change his mind overnight in the spring 1791 about the parliamentary monarchy set up by the Revolution of 1789. It is therefore not very likely that Varennes converted Paine to French republicanism as it has been assumed it did convert Condorcet. In contrast, if one concludes that Paine was a real supporter of the reformed French monarchy, proof needs to be found in Paine's letters or papers or in those of his contacts of the possible change that could have taken place between mid-February and mid-June 1791. I could not trace any, except perhaps for his 'Answer to Four Questions' written between May and June 1791. However, eight months after his call for getting rid of monarchy in France, in February 1792, in the second part of *Rights of Man*, he compared the French and American Revolutions and concluded that 'having no foreign enemy to contend with, the [French] revolution was complete in power the moment it appeared'.² He did not then plead more for the abolition of monarchy than in the first part, which confirms the polemical strategy of Part I and of Part II in this regard.

Yet in September 1792, he hailed the abolition of monarchy as a logical step in the Revolution and blamed the National Assembly for having maintained the King on the throne.³ Even if Paine took part in the marginal movement (at least according to historiography) which voiced such a criticism right after Varennes, his involvement in French politics really started in the autumn of 1792 when he settled in France. As a representative in the Convention, he took part in the debate on the future fate of Louis XVI and was appointed a member of the first committee of constitution which made its project public early in 1793 and was soon thwarted by Montagnards. After 2 June and until his arrest in December 1793, Paine's political activities have been less documented. Even if they were reduced, they did not stop altogether. Paine even published a writing in which he still praised the French Revolution as his Girondin friends had been executed.

As significant as his commitment to the French republican cause after June 1791 is the fact that he was away from France and stayed in England from 11 July 1791 to 13 September 1792⁴; or, in other words, the fact that he left France right in the middle of the Varennes crisis and came back a few days before the republic was officially proclaimed. He may consequently have lacked first-hand knowledge of what went on in France during this crucial year. This absence, which has not really been discussed either by historians or biographers, may explain Paine's sometimes awkward position in France after 1792. In addition, from the moment of his return and even earlier in 1792, historiography has constructed a 'Girondin' Paine who adopted the viewpoint of his associates Brissot, Condorcet, Bonneville and others. However, this 'Girondin' Paine should be reappraised because: first, Paine's awareness and understanding of what was going on in Parisian circles should be based on evidence and not on conjectures relying on a documentary vacuum; and second, the notion that there was a 'Girondin' faction or circle is problematic and is still debated by historians.

NOTES

1. Peter Burley, *Witness to the Revolution: American and British Commentators in France, 1788–94* (London: Weidenfeld and Nicolson, 1989), 105.
2. Thomas Paine, *Rights of Man, Common Sense and Other Political Writings*, ed. Mark Philp (Oxford: Oxford University Press, 1995), 317–318.
3. Thomas Paine, *The Complete Writings of Thomas Paine*, ed. Philip S. Foner (New York: The Citadel Press, 1945), II, 540.
4. Alfred Owen Aldridge, *Man of Reason. The Life of Thomas Paine* (Philadelphia: Lippincott, 1959), 151 and 171.



CHAPTER 4

Paine and the Abolition of the French Monarchy

Varennes retrospectively appears as a turning point of the French Revolution, even if it did not then change the course of the Constituante which voted to keep Louis XVI on the throne. Yet Paine was with a handful of other republicans among those who understood the significance of this event, which the majority of the Assembly tried to minimize.¹ One of Paine's abilities was indeed to sense the critical moments of the Revolutions he witnessed, and he felt that 20 June was one of these. He then took part in the writing of a journal, intending to seize this opportunity to discuss the potential abolition of hereditary monarchy. When he came back to France in September 1792, this anti-monarchical revolution had been achieved and Paine's contribution to the work ahead was wished for by several electoral assemblies which, except for that of the Pas de Calais, unanimously expressed their full admiration for Paine as a republican writer and thinker, despite his dedication in the second part of *Rights of Man* to Lafayette who had by then fallen into disgrace in almost all French political circles.

1 VARENNES AND *LE RÉPUBLICAIN*

Before the King's flight on 20 June 1791 and his arrest at Varennes, the actors and/or agents of the Revolution who were in favour of the establishment of a republican regime or rather of a regime without an hereditary monarch seem to have been very few in France. This anti-monarchical republicanism has been said to have been almost

non-existent in 1789 and to have been defended by only a handful of revolutionaries and authors between the autumn of 1790 and the summer of 1791.² This may be another explanation for Paine's caution on the subject of the abolition of monarchy in *Rights of Man*. The events of 20 June gave a new impetus to the republican idea in France, even if those who expressed their support for it still made up a small minority.³ What Sieyès said in the open letter to Paine he published on 16 July of the same year could evidence this view, provided it was not a manipulation.⁴ On 21 June, François Robert, who was a staunch anti-monarchical writer in favour of universal suffrage and who had published *Le Republicanisme adapté à la France* in 1790, a second edition of which appeared in the summer of 1791, submitted a petition to the Constituante in which he pleaded in favour of a republican regime.⁵ Bonneville's newspaper, *La Bouche de Fer*, called for a republic on 23 June and did so again in the issues of the following days.⁶

In addition, several translations in French of Paine's writings were published in 1791. The translation of *Common Sense* by Labaume does not seem to have attracted much attention, even if it may be considered as part of the campaign in favour of republicanism. I could not find materials to decide whether this translation was arranged between Labaume and Paine. It is known though, through Manon Roland, that Labaume, who would then come close to the Cercle social, collaborated with Lanthenas to translate the second part of *Rights of Man*.⁷ The translation of the first part by François Soulès, which appeared in May, was used by Brissot in his *Patriote français*. On 26 June 1791 he included extracts of it which argued against heredity as a source of political legitimacy.⁸ Camille Desmoulins did the same in *Révolutions de France et de Brabant*.⁹ In a letter he sent to Bancal on 14 April 1791, Lanthenas explained that he had met Brissot to discuss the translation of the first part of *Rights of Man*. Lanthenas explained that both he and Brissot wished to have Paine's writing published because the prestige of Paine as a foreigner would not fail to lead those he called 'monarchists of good faith' to question their views on hereditary monarchy and to discuss the need to restrict the King's prerogatives in the future Constitution of 1791 or even to suppress monarchy altogether.¹⁰ This letter clearly evidences that the publication of the translation of *Rights of Man* was part of an early anti-monarchical campaign and that, even before Varennes, at least Brissot and Lanthenas resented the kind of parliamentary monarchy that the Constituante wished to set up.

Before the turning point of 20 June, Paine also criticized the monarchical part of the Constitution of 1791 still in the making then, although in a toned-down way. He did so in ‘answers to four questions’ that he began before Varennes and completed after the King’s attempted flight, as Paine himself explained at the end of his reply to the fourth question. An undated note in Brissot’s papers in the French National Archives reveals that the questions were sent to Paine in May 1791 while Paine was at Versailles. This note also commented on the partisan context and on the choice not to reveal who those asked these questions were.¹¹ These ‘answers’ were published only one year later in May, June and July 1792, but because they were written both before and after Varennes they make up a kind of missing link between the first part of *Rights of Man* and Paine’s ‘Proclamation’ of 1 July, 1791. In his ‘answer’ to the second question (written before Varennes), Paine reproached the Constituante with wishing to maintain monarchy, and he hoped that ‘the French’ would not ‘be as impervious to common sense as the English ha[d] been’ in this regard, although he did not explicitly advise them to abolish monarchy. He had just explained that the genuine executive power was the judiciary and not the power of the monarch. It clearly proves that Paine wished the monarchical institution to be suppressed even before Varennes. Then in his answer to the fourth question, in the paragraphs preceding his remark on Varennes and on the moment when he had started to write these pages, he suggested that the Constitution of 1791 should be revised in seven years to follow the provision contained in the Constitution of Pennsylvania of 1776. Paine adduced the example of the war-making power and of the need to adapt it to a future European situation in which revolutions would have undermined the monarchical principle and established more peaceful relations among countries. He then commented on how Varennes had opened new avenues of thought and would lead everyone, including French people, to conclude that they should get rid of monarchy. Paine interpreted Varennes as the starting point of a mental revolution, hoping that it opened the eyes of the people enough for them to cross the Rubicon and enter the kingdom of reason. Yet he did not explicitly say that Louis XVI should be overthrown.¹²

He made the same points on 1 July in his alleged ‘Republican proclamation’ that was translated and signed by Achille du Chastellet as Paine himself revealed in his second speech during Louis XVI’s trial.¹³ This broadsheet was then stuck on the walls of Paris and on the gate of the

National Assembly. How this action was arranged exactly is not known for lack of sources until now. In contrast to Robert's petition, Paine and his collaborators might have hoped that a poster would force the issue on the members of the Constituante. In this text, Paine presented his usual arguments against hereditary monarchy. He stressed the harmful uselessness and the outrageous cost of a political function held by an individual whose sole merit had been to bother to be born and which did not warrant his competence. He explained that the French King's betrayal had brought about a new era, which he would later call 'the age of reason', and which meant the end of the blind trust the people had in the language of those who held power. The fact that the King's departure had resulted in neither trouble nor chaos proved that the monarchical regime was not necessary.¹⁴ Paine expressed his belief that Louis XVI's desertion was a point of no possible return to monarchy since the contract between the King and his subjects had been broken. Paine did not use the word 'contract' but referred to this relationship in terms of 'mutual obligations which may have existed between us'. The King's attempt at fleeing thus undermined this 'original contract' (between monarchs and subjects), whose legitimacy and very existence Paine had always denied.¹⁵

Yet whereas Paine clearly showed his hostility toward monarchy, he did not explicitly recommend the establishment of a republican regime in this poster. The English title is the only sign of such a proposal. In his edition of Paine's writings, Conway apparently borrowed Dumont's title for the document.¹⁶ In the speech during the debates on Louis XVI's trial in which Paine mentioned this 'Proclamation', he did not give a specific title to it.¹⁷ This title may well have been a misnomer or at best a misleading or ambiguous heading. It is an anti-monarchical document but even if this poster shed a brighter light on the need to replace the monarchical regime with a republican one, it did so only implicitly. As a result, the significance of the 'republican' character of this text should not be overestimated.

How did the Constituante react? In her book on the Varennes episode, Mona Ozouf said that the French representatives were terror-stricken.¹⁸ The records of the Assembly at least show a momentary confusion. On the day when the poster was displayed on its doors, Malouet asked the Assembly to interrupt the discussion on criminal law. He was a staunch supporter of a constitutional monarchy. No wonder then that he qualified the notice as 'seditious' and that he demanded that

its authors be arrested.¹⁹ Pétion de Villeneuve, who was quite close to the 'Girondin' circle, took the floor both to suggest the reading of the text and to reaffirm the freedom of the press. Chabroud, who supported the French monarchy but who was upset by the flight of the King, said that the broadsheet should not be given too much importance by the Assembly since it did not deserve a serious consideration. He hoped that it would go unheeded. He even added that 'it is obvious that the paradoxes which are contrary to common sense are bound to disappear naturally'.²⁰ The reference to common sense may easily be interpreted as a possible reference to Paine, but to do so implies that Chabroud knew who had written the text, which is not sure. He concluded by saying that indifference was the best way of dealing with the notice as, according to his testimony, which is obviously not reliable, all those who had read it 'had shrugged it away'.²¹ Following Chabroud's short speech, Le Bois Desguays reminded the representatives of the need to defend the freedom of expression. Only did Le Chapelier, who was quite close to the Jacobins, discuss the content of the placard. He condemned the republican regime, but also asserted the right to express dissimilar opinions,²² all the more so as, given the opposition of 'almost all citizens' to such a regime, the French monarchy was not imperilled.²³ Le Bois Desguays again insisted on the need not to censor the notice. No one defended the republican form of government during this short discussion, which ended with a return to the scheduled agenda that had been repeatedly asked by the other members of the Assembly as most of them thought that its examination only postponed the completion of the Constitution.

Therefore, Paine and Du Châtelet's poster raised tentative questions on the freedom of expression in the Assembly, but not on the abolition of monarchy. It had no impact at all on the work of the Constituante. A possible republican regime was never seriously envisioned by its members even in the following weeks. Manon Roland commented on this reaction in a letter to Bancal on 1 July 1791 and condemned the attitude of the Assembly, as well as that of the Jacobins, while praising the Cordeliers.²⁴ As early as 25 June, Alexandre de Beauharnais, the Speaker of the Assembly, clearly stated that it did not intend to alter the political regime of the country.

Two days after his 'Proclamation', on 3 July, Paine defended a non-monarchical regime through a medium that could potentially reach an audience more open to the republican issue. With Condorcet and others he launched what proved to be a short-lived newspaper entitled

Le Républicain. Only four issues of it were published on 3, 10, 16 and 23 July. Manon Roland, in her memoirs written during the Terror while she was in jail and which were published for the first time in 1795, provides us with information about the circumstances in which the newspaper was created. She reported that on 20 June, Robespierre and Brissot met in Pétion's house. She attended the meeting and she revealed that the project to found a newspaper to make the case for a republic emerged during this conversation. Pétion and Brissot argued 'that the King's flight was his doom and that this opportunity should be seized' and more precisely 'that public opinion should be prepared for a republic'.²⁵ Robespierre railed against this suggestion according to her testimony. Among the initiators of the plan, she listed Dumont (who later withdrew from it), du Chastellet, Condorcet and Brissot, but not Paine, whom she may have included in the 'etc.' following the latter names. Such an omission is not unexpected as she was not a great admirer of Paine.²⁶ It is this extract from her memoirs which is generally the main or only source quoted by historians and biographers, whereas in the letter she sent to Bancal on 1 July 1791 she ascribed a central role to Paine both in the republican society and in the newspaper that was to be published as its organ, saying that Paine was 'at the head' of both.²⁷ This should lead us to reassess the part Paine played in the birth, publication, content and diffusion of this newspaper, even if not many sources documenting the collaboration among the protagonists of this episode have been found yet. On 10 July, Paine was preparing to leave France and cross the Channel.²⁸ He had accepted the invitation he had received from the Revolution Society to attend the celebration of 14 July, which he nonetheless missed because of his bad health.²⁹ His departure in such a critical context may seem unexpected, and Aldridge deduced from Paine's trip to England that he did not play a major role in *Le Républicain*,³⁰ but this piece of evidence alone seems too flimsy in itself to go as far as to say that Paine did not really take part in the writing and editing of this newspaper.

Deductions from the articles published in *Le Républicain* itself or from the few letters and papers provide clues about his editing role, but they should be handled with caution. Three writings by Paine were published in *Le Républicain*. In the first issue, his so-called 'Proclamation' was reprinted³¹ anonymously³² as well as a 'Letter by Thomas Paine, author of Common Sense, of Rights of Man, etc. to the authors of *Le Républicain*'³³ and in the third issue, his 8 July letter to Sieyès was published.³⁴ The available sources suggest that Paine's anti-monarchical

criticism and conception of a representative democracy or republic were shared by what may be termed a proto-‘Girondin’ network. On the day when the first issue of *Le Républicain* was published, Bancal delivered a speech before the Société des Amis de la Constitution de Clermont-Ferrand. He both indicted monarchy and praised the republican regime. The first approach led him to insist on the selfishness, greed and cruelty of monarchs, flaws he viewed as sins. He added that monarchs considered their subjects as cattle. All evils in European countries were the consequences of the incompetence and malevolence of kings. Bancal’s tone was uncompromising. He equated the monarchical regime to a ‘worm that eats out free government’ and that should be ‘squashed’.³⁵ This anti-monarchical plea is strongly reminiscent of Paine’s in *Common Sense*,³⁶ which can itself be traced back to Thomas Gordon and John Trenchard.³⁷ Bancal was a friend of Paine and often mentioned him in his other writings. As Paine had done in his ‘Proclamation’, Bancal underscored that French citizens had already stopped venerating their monarchy and that it was desacralized.³⁸ The Declaration of 1789 had struck the first blow and the King’s flight had completed the process. Like Paine, Bancal said that by trying to run away, the King had abdicated and therefore that a convention should be elected to set up a less costly and ‘more simple’ government, representative democracy or republic,³⁹ which should be distinguished from direct democracy. The only model he regarded as acceptable was that of the United States.

In the issues of 5 and 6 July of his *Patriote français*, Brissot discussed the acceptance of the word ‘republic’. Like Bancal and Paine, he said that it was a representative regime and that the existing model of it was the American republic. He likewise explained that monarchy depended only on ‘chance’, a factor which could not produce a competent government.⁴⁰ According to him, what happened in 1789 had undermined the monarchical principle in practice and the King’s attempted flight had confirmed this revolution legally. He shared Paine’s opinion that this change had taken place ‘without any interruption in the action of society’.⁴¹ Brissot did not argue in favour of the abolition of monarchy, though, but instead proposed that a council be elected to advise Louis XVI’s successor. On 10 July, when the second issue of the newspaper was published, Brissot made the case before the Jacobins for the King’s trial even before the debate about the King’s liability started in the Assembly on 13 July, a question that Paine had brushed aside as secondary in his broadsheet of 1 July.⁴²

According to Patrice Gueniffey, two conceptions of republicanism were opposed during the Varennes crisis: one based on direct democracy, defended by Robert and the Cordeliers; and the other, advocated by Condorcet, Brissot and Paine, equating a republic to a representative system with the United States as a reference.⁴³ Paine and Condorcet clearly understood the word 'republic' as 'representative government', as the subtitle of *Le Républicain* indicated. Eric Gojosso has refuted that it was a manoeuvre to save the King and alarm public opinion or that it was merely a way of supporting Lafayette or again that its authors intended to prevent the establishment of 'a social democracy'.⁴⁴ Another French historian, Jean-Clément Martin, has also more recently emphasized the major role Paine and Condorcet played as spearheads of this marginal republican movement.⁴⁵

The aims of the newspaper as defined in the first issue consisted in defending republicanism against 'libels' and in denouncing the 'uselessness, the vices and the abuses of royalty'.⁴⁶ It turns out that its editors and contributors devoted many more pages to the latter topic than to the former one. Paine had his share in this anti-monarchical project through his so-called 'Proclamation' (printed in the first issue) and his answer to Sieyès's article of 6 July. In the latter article, Paine wished, in the name of those who advocated a republic, to take up the gauntlet thrown down by the author of *Qu'est-ce que le Tiers-Etat?* Paine's reply was a quite short piece of writing in which he repeated what were by then his favourite arguments against monarchy. It was presented as a costly regime which introduces a fundamental unbalance between the executive and the legislature, as a regime that goes against reason since it brings incompetent, depraved and underage individuals to the throne, and as a regime that is intrinsically violent. His only rather sketchy defence of the republican government relied on the one hand, on a negative argument, insofar as he rejected all former regimes supposedly of the kind; and, on the other hand, on a positive argument, inasmuch as he defined it with two touchstone criteria: the representative system and the rights of man.⁴⁷

Sieyès answered Paine in *Le Moniteur*, a much more mainstream and widely read journal than the *Républicain* and which notably reported the debates in the Assembly. In his article published on 16 July when the King was suspended until his acceptance of the new Constitution, Sieyès held that representation was not specifically republican, but could exist in any other regime, including a monarchy. This was not Paine's theoretical stand, even if he had failed in *Rights of Man* to criticize the King's part in the

constitutional system created by the Revolution of 1789. Like Paine, Sieyès used etymology to oppose monarchy and ‘polyarchism’. Sieyès argued that what set apart the supporters of each regime was only the arrangement of institutions and powers. Monarchy was therefore compatible with the *res publica* and with the Declaration of the Rights of Man (which is in reality the implicit position that surfaced in *Rights of Man* because of Paine’s lack of criticism against the French monarchy then). Whereas Sieyès condemned heredity as an ‘absurd’ way of transmitting power, he did not consider elections to be the best source of legitimacy as they provoked political and social unrest,⁴⁸ which is a fundamental divergence with Paine. However, what may have persuaded biographers that the difference between Paine and Sieyès was ‘superficial’ is the latter’s flexibility regarding what the best political regime was. Sieyès was one of the main architects of the Constitution of 1791, and his draft would be read to the Assembly on 5 August. He thought that the writing of this Constitution should go on without any alteration in the executive. It is this practical consideration that may partly explain his reluctance to consider the abolition of monarchy at that time. He did not however rule out the election of a new convention in the future to discuss the ‘place of the monarch’ in the Constitution.⁴⁹

In his letter to Sieyès, Paine set the maximum length of this controversy at no longer than ‘fifty pages’. In his reply, Sieyès said that defining the terms and notions at stake was essential, but ‘only if the discussion [...] took place’,⁵⁰ which anticipated the conclusion of his text in which he stated that he did not have enough time to enter into it and that debating under the pressure of events harmed political thought, a potential criticism addressed to Paine. The latter answered him only in 1792 in the second part of *Rights of Man*. In Chapter 3, he refuted Sieyès’s contention that the hereditary and representative principles were compatible. Paine grounded his argument on the latter’s own words, which he quoted and translated into English. Sieyès had admitted that the hereditary transmission of power was ‘as much an attainment upon principle as an outrage upon society’,⁵¹ but he favoured such a way of passing power on as elective monarchies had been plagued by even worst troubles. Paine viewed this as a contradictory statement. He answered that historically Sieyès’s comparison between the two forms of monarchy did not stand as Paine’s own conception of the history of France, England and Holland proved. Monarchy, especially if hereditary, was based on ‘superstition’ and consisted in setting up an ‘idol’. Here Paine explicitly targeted Sieyès as well as Burke and perhaps the latter more than the former.

On 1 March 1796 in R  al's *Journal des Patriotes de 89*, Lakanal claimed that this aborted debate between Paine and Siey  s was a stratagem devised by Condorcet and the latter two to manipulate public opinion and make people side with republicanism. Lakanal was by then a former one-time Montagnard who had collaborated with Condorcet in the Comit   d'instruction publique. He was still close to Siey  s when he wrote this statement in the post-Thermidorian context. *Le Journal des Patriotes* supported the Constitution of 1795 and the Directoire.⁵² Fearing a return to the Terror, it condemned Babeuf's conspiracy and shared common views with Louvet's *Sentinelle*,⁵³ in which Paine was associated with Robespierre, as will be explained further down. Therefore, this supposed testimony should be handled cautiously. Lakanal wished to defend Siey  s against an allusion made in a preceding issue of *Le Journal des Patriotes* on 23 February to the latter's defence of monarchy in his article of 16 July 1791. Lakanal's letter intended to present Siey  s as a genuine republican. Paine and Condorcet were only used as authorities guaranteeing Siey  s's republicanism in a propaganda writing.⁵⁴ Yet this version is taken for granted by Elisabeth and Robert Badinter's Condorcet.⁵⁵ They quoted a letter written by Du Chastellet on 11 July 1791 in which he said that Siey  s feared to be exposed as a republican, which could have been fatal, and which explained why he had 'to shelter behind equivocation'.⁵⁶ Aldridge, who contended that Paine and Siey  s shared quite similar views,⁵⁷ remarked that Paine and Siey  s remained good friends afterward and were still on good terms a decade later.⁵⁸ In the first volume of his *M  moires*, Morellet included the texts written by Paine and Siey  s during this short discussion. He then commented on them, from a retrospective distorting vantage point: 'one thing [...] could make us believe that Siey  s was lying, the vote he cast for the King's sentence' since he voted in favour of his execution.⁵⁹

In contrast to those testimonies and analyses, French historians, such as Jean-Denis Bredin in his biography of Siey  s, have questioned this interpretation.⁶⁰ Similarly, Mona Ozouf has refuted the theory of a manipulation and emphasized that it was unlikely as Siey  s merely intended to defend the constitutional plan that was about to be completed then.⁶¹ The theory of a fake debate relies on biased statements, and no evidence either in Siey  s's or in Paine's writings or letters corroborates such a version of the story. In an edition of Siey  s's manuscripts published in 1999, a fragment has surfaced in which Siey  s wrote preparatory notes for what he calls his 'disputation with Payne'. Siey  s insisted on the need for encouraging 'emulation' and a respect for governors on the part of the governed,

a requirement which to him could not be met in the kind of republican regime Paine defended. Later, in 1795, Sieyès commented on the notion of equality and on how representation could be severed from democracy in a republic, and he wondered why Paine ‘had neglected the challenge’ which Sieyès said he ‘took up quite frankly’.⁶² These manuscript notes tend to provide evidence that this controversy was not arranged. In addition, a recently found manuscript letter from Condorcet to Sieyès dating back to July 1791 appears to further substantiate the conclusion that the controversy was not purely artificial, since Condorcet opened the letter with a reference to Sieyès’s debate with Paine which Condorcet said may enable him to know Sieyès’s real ‘views on the Constitution’. Condorcet then developed his own conception of monarchy and of the executive power about which Condorcet politely said he disagreed somewhat with Sieyès.⁶³

Only in his letter to the authors of *Le Républicain* (Condorcet, Lanthenas and Bonneville), in which he used his prestige as an American republican and as the author of *Common Sense*, did Paine offer a more detailed reflection on the republican form. He refuted the widely accepted idea (at least until the American Revolution and the ratification of the Federal Constitution of 1787) that a republic could be viable only in a geographically limited country on the converse ground that only representation could ensure the adequate circulation of knowledge that made it possible to administer the government to the benefit of the governed,⁶⁴ an idea he had already suggested in *Dissertations on Government* in 1786.⁶⁵ He then repeated the same conclusion in the second part of *Rights of Man* in which he carried his reasoning further as, following in the footsteps of James Madison in *The Federalist*, he concluded that a representative democracy was ‘preferable to simple democracy even in small territories’⁶⁶ thanks to what he described as its inherent flexibility.⁶⁷ In his letter of 1791, he used the etymology of the word ‘republic’ to argue that its government was ‘solely concerned about the res-publica, namely, the interests of the state’,⁶⁸ an idea he had already defended it in his 1786 *Dissertations on Government*. This invalidates Kates’s assumption that Paine had borrowed this etymological definition from the issue of Bonneville’s *Bouche de fer* of 25 June 1791.⁶⁹ Paine said that the ‘French Constitution’ should ‘be rendered conformable to the Declaration of Rights’, since hereditary monarchy and republican institutions were incompatible, which contradicted what he had asserted in the first part of *Rights of Man* or rather clarified his views and confirmed the polemical and circumstantial character of his argument in the book.

However, in his open letter to the editors of *Le Républicain*, Paine did not complete his theoretical reflection with practical considerations. He did not say how the present monarch was to be replaced by a new executive, as Condorcet did some time afterward, but only made it clear that keeping the principle of hereditary succession was a ‘mistake’ and the result of ‘a timid prudence’ that could be characteristic of the beginning of a revolutionary process. What he viewed as a genuine revolution could be accomplished only when what he called ‘the sense of a nation’ was ‘enlightened’. This implied a circulation of ideas and a freedom of expression that was an essential feature of Paine’s republicanism. The existence of such a public sphere in which habits of debating and the use of a forum were established was the basis for the publication of *Le Républicain*. The first issue had thus defined precisely the aims of the newspaper; that is, ‘enlightening the minds of the people’. The content of the articles that appeared in the issues of this journal testifies to a wish to provide (educated) readers with a forum to discuss the evolution of the French political system. Condorcet, Brissot and Paine were aware that the French *députés* in the Constituante did not favour a republican regime. So, they chose public debate both as a rhetorical and philosophical strategy to defend the republican regime.⁷⁰ As Jacques Guilhaumou has shown, those whom he describes as ‘brissotins-girondins’ used appeals to the public and ‘pedagogy’ rather than a confrontation with the monarch and his supporters.⁷¹ Yet the history of the reception, distribution and diffusion of *Le Républicain* still needs to be written to fully assess its role and the kind of audience it reached.

In the meantime, another way of understanding Paine’s contributions to this journal is to study them as part of the set of writings which were published in it. In the first issue, Paine’s so-called ‘Proclamation’ appeared alongside an address ‘to foreigners about the French Revolution’ and was signed ‘Truth’ (*La Vérité*). This article may be seen as a complement to the content of the ‘Proclamation’, since it expounded a theory of the republican regime at the basis of which there should be the firm guarantee of natural rights and of equality to enable people to exercise other rights. The principle of popular sovereignty was presented as the only legitimate source of political power and of the constitution-making process. In the second and third issues (published on 10 and 16 July), a writing entitled ‘Observations sur le mémoire laissé par le roi, en fuyant, adressé à l’Assemblée nationale’ expressed a hostile view both of the present King and of monarchy as a political system.

Louis XVI was denounced as a foe of the Revolution. His betrayal was somewhat sarcastically said to be due either to a defective intelligence or to a lack of talent for intrigue. According to its author, the King's attempt to escape had undermined his credibility and had alienated the support of the people. This new situation obliged the people to choose between 'the King and the law' in the Constitution of 1791.⁷² Then the text turned into an anti-monarchical argument that in many respects mirrored Paine's. The Varennes episode meant the end of the era of political childhood, and the author proclaimed, in a somewhat optimistic way, that the governed 'wanted rattles no longer',⁷³ which echoed what Paine had stated in his notice of 1 July about the people having 'reached the age of reason'.⁷⁴ Hereditary monarchy appeared 'out of proportion with human nature'⁷⁵ and heredity did not mean competence. Moreover, monarchy was censured as too costly and as a dead weight on the budget of a government, in contrast to the republican regime in which public finances should theoretically be managed more reasonably. Paine's influence surfaces here in a fairly obvious way as these are his major lines of attack against monarchy. In the third issue, which was published on the day when the Assembly voted to maintain the King as a wheel of the political machine, Condorcet and/or his wife Sophie de Grouchy published a text in which satire was used to condemn the monarchical regime. In a rather Swift-like manner, it was modestly proposed that the King and the Court should be replaced by automata.⁷⁶

The speech Condorcet delivered on 12 July before the Cercle social, which was published then, but not in *Le Républicain*, was more specific about the reasons why it was the right moment for abolishing monarchy in France. He offered a rather systematic refutation of the merits of the monarchical regime. Firstly, he showed that it could no longer be seen as a protection against usurpation, especially on the part of aristocrats, because of the political and administrative reforms that had taken place in the preceding years. Secondly, he claimed that the abolition of aristocracy and the tax reform had created a greater equality among French citizens and therefore precluded the emergence of ambitious men and factions who wished to seize power. The third point he made was that there was no need for a monarchical executive which would serve as a check on the legislature's power since there already existed checks: the frequent election of representatives and the limitations entrenched in the Constitution which could not be modified at will, two key ideas of a republicanism he shared with Paine.

In the fourth issue of *Le Républicain*, published on 23 July, Condorcet delineated a plan for the establishment of an 'executive council' which, in its main features, already looked like that he later proposed in the name of the Comité de constitution in February 1793. This essay was at the same time directed against hereditary monarchy and toward the election of the governors by the governed. In a monarchical regime, the king had a limited function in the government, which mainly consisted in selecting ministers and extending his prerogative to the detriment of his subjects who had to pay for the luxury of his court.⁷⁷ Condorcet tackled the issue of the hereditary transmission of power from a general viewpoint, and resorted to the argument that competence as heredity was nothing else but 'chance'.⁷⁸ Again, this was a quite Paineite criticism of monarchy. Then, Condorcet focused on the case of France and underscored that the King was a traitor who had not kept his word. Heredity therefore was far from preventing disorder, but was on the contrary the source of it. Monarchy was once more exposed as an infantilizing regime. Condorcet used the same idea as that expressed in the 'Observations' and in Paine's so-called 'Proclamation': the people had 'discarded [...] the rattles of its overlong childhood'⁷⁹ and had stopped revering monarchs blindly. Condorcet's main argument in favour of the electoral mode is different from Paine's since Condorcet defended it as the necessity to trust the people's will, whereas Paine saw participation as inherent to political legitimacy.

Condorcet's remarks on the stability brought about by election and representation may be seen as an answer to Sieyès's open letter to Paine.⁸⁰ Yet another interpretation has been suggested by Eric Gojosso, who has concluded that Condorcet's article of 23 July was an alternative to Brissot's project.⁸¹ However, in the last issue of the journal, its editors instead chose to emphasize the convergent ideas between Condorcet and Brissot or instead to tone down the difference between their plans. It contained the text of Brissot's speech of 10 July, which made the case for an 'elective council' without providing practical details about it. This speech consisted of a more theoretical approach to the notion of republicanism. The word itself, Brissot argued, had been illegitimately distorted. Brissot then distinguished the republican and representative regime from ancient democracies, and concluded that 'republicans' were supporters of the Constitution that was then being completed since representation was one of its essential principles.⁸²

To further underpin this assertion, the editors of the journal closed the last issue with an extract from *La monarchie française* by Baumier, an anti-monarchical work published in May 1791. In the passage selected

by the editors, monarchy was defined as ‘the absolute power of one ruler.’⁸³ Whereas the French government was ‘monarchical’ and was the only monarchical part of it, the Constitution could be considered as ‘republican’ since it was written by the people, through its representatives, and for the people.⁸⁴ In his letter to the authors of the journal, Paine had set out the same idea. France could not be described as a monarchy, which he likened to despotism, and which was defined as ‘the despot rule of one individual’.⁸⁵ However, he did not go as far as to say that France was a republic.⁸⁶ Baumier’s book ended on an appeal to get rid of the King,⁸⁷ but this part of his writing was not included in the issue of *Le Républicain*. Its editorial team probably willingly chose to omit this more revolutionary or violent conclusion, perhaps considering it as known to informed readers.

That Brissot and Condorcet disagreed about what should be done with monarchy has been emphasized in recent historiography.⁸⁸ It could also be added that whereas Brissot and Condorcet shared Paine’s anti-monarchism and republicanism, emphasizing the centrality of representation, they all worked out different versions of republican institutions and of the role of participation in a republican regime. Condorcet’s and Paine’s republican views were indeed not fully in phase, since Paine insisted more on the need to ground the republican regime on the Declaration of Rights, whereas Condorcet rather focused on the form of the executive power. In his open letter to Sieyès, Paine explained: ‘by republicanism [...] I understand simply [...] a government founded upon the principles of the Declaration of Rights, principles to which several parts of the French Constitution arise in contradiction’, by which Paine meant monarchy, but also the restricted franchise. Paine addressed this remark to Sieyès rather than to Condorcet, which might have prevented Paine from exposing his divergence with the latter. In his letter to the authors of *Le Républicain*, Paine had argued that ‘only when the French Constitution conforms to the Declaration of Rights can France be justly entitled to be called a civic empire [...] based on the grand republican principles of elective representation and the *Rights of Man*’, but it was in a more diffuse language, at least sufficiently not too specific to leave its interpretation open and suggest the common ground on which those who wrote in this journal all stood.⁸⁹ Furthermore, Condorcet’s unpublished letter to Sieyès, already quoted above, reveals that even if Paine and Condorcet shared common ideas on the nonsense of monarchy, Condorcet saw monarchy as a ‘form

of government' and not as determining 'the nature of a constitution', whereas Paine thought monarchy was incompatible with a constitution, even if he agreed that monarchy was a form of government.⁹⁰

It seems that Bancal was the closest to Paine in this regard or at least Paine's sway on his own views seem more visible than in Brissot's or Condorcet's writings published then. Paine's role in the crisis of the summer 1791 should not be overstated, but it should not be underestimated either. Paine's republicanism and anti-monarchism were an important aspect of that 'republican moment', but it was Paine's anti-monarchical plea that was taken up by many of these 'republicans'. In other words, his anti-monarchism was more influential than his theory of republican government and representation. Yet, his participation in this publication enabled Paine to enlarge on the notion of republic, which he then explained in more depth in the second part of *Rights of Man*.

Le Républicain did not contribute more than Paine's broadsheet of 1 July to convince the representatives of the Constituante to debate the question of a complete change of government. Yet on 21 July, Paine, who was then in London, wrote to George Washington that France was on the eve of such a republican revolution.⁹¹ Paine believed that 'the people' were more republican 'than the National Assembly', which had five days before voted to keep the monarchical power in the Constitution (provided Louis XVI swore allegiance to the latter, which he did two months later), a decision of which Paine might not yet have heard.

2 FROM REPUBLICAN WRITER TO REPRESENTATIVE

Paine left France on 10 July 1791 and came back on 13 September 1792. Even if he took part in the minority movements asking for the abolition of monarchy in June and July 1791, he missed the events which led to it in the summer of the following year. His surviving correspondence for this period reveals that he was absorbed by English politics and the writing of the second part of *Rights of Man*, which did not explicitly take stock of the events that had happened in France after the publication of the first part.⁹² Even more important than the Varennes crisis in terms of partisanship or factions in France was an event that took place a few days after Paine left Paris. On 17 July 1791, on the Champ de Mars, Lafayette ordered the National Guard to open fire on demonstrators who supported the Cordeliers' petition in favour of the abolition of monarchy. After this massacre, Lafayette's position in France became critical.

Paine's departure on the eve of this watershed might have weighed more heavily than his leaving before the end of the Varennes crisis on his potential misunderstanding of French politics in 1791–1792 and after 1792 when he fled to England and settled in France.⁹³ In the spring and summer 1791, Paine had come closer to the Condorcet-Brissot circle which definitively broke with the Lafayette circle after the Champ de Mars. Condorcet, who had dedicated to Lafayette his essay entitled 'De l'influence de la Révolution américaine sur l'Europe' in 1786, and had praised him in his oration for Benjamin Franklin's death in 1790, put an end to his friendship with him after 17 July 1791. However, Paine kept some allegiance to the Lafayette circle as his dedication of the second part of *Rights of Man* to Lafayette himself shows.

The campaign against Lafayette in France, which was spearheaded by both Robespierre and Brissot, intensified in the spring of 1792 and culminated in August with Lafayette's indictment and escape. The publication of the translation of the second part of *Rights of Man* took place in such a context. No wonder, then, that in the first edition of Lanthenas's translation of this work, Paine's dedication was suppressed,⁹⁴ whereas it was kept in the other translation published by Buisson.⁹⁵ Lanthenas justified the expunging of the dedication in a preface in which he contended that Paine's friendship and bias in favour of Lafayette had led him to trust the latter too much, as others had done, a probable allusion to their common collaborators and friends, such as Condorcet and Brissot. The dedication also annoyed the reviewer of the second part of *Rights of Man* in *Le Moniteur*, who saw as ill-advised and reckless Paine's choice of Lafayette as his fellow traveller, for Paine might 'end the journey alone'.⁹⁶

Even if he had lost most of his credit in France, Lafayette was still clearly the hero of the War of Independence for Americans and would remain so even after the Restoration in the nineteenth century. This dedication was the continuation of the mythological republican motif Paine wished to promote among the popular readership in Great Britain. The second part of *Rights of Man* was indeed first and foremost intended for a British audience. Dedicating the book to a Frenchman who was perceived as 'moderate' and who tended to support a parliamentary monarchy⁹⁷ may be seen as a way for Paine to offer him as an acceptable model, even for the most sceptical readers. In his dedication, Paine commented on their disagreement by stating that 'the only point upon which [he] could ever discover that [they] differed was not as to principles of government, but as to time'.⁹⁸ This is offered as a cipher to the reader since

what it means precisely is open to various interpretations, even retrospectively. Does it refer to Paine's view of Lafayette's moderation as a first step toward a more radical regime without a monarch that Lafayette might have eventually endorsed? Does it suggest that Lafayette thought that French people were not yet ready for a purely republican regime, but that they could be in the future? Or does it suggest that Lafayette supported heredity as a legitimate way of transmitting power whereas Paine abhorred it? Without materials such as letters between them, it is not easy to conclude which of these hypotheses is valid.⁹⁹

Another puzzling question is how to interpret this public support for Lafayette in the French context, potentially against the very criticisms voiced by Paine's (proto-) 'Girondin' friends. Was Paine unaware of these tensions? Did he misunderstand them? Or did he choose to ignore them voluntarily? If he chose to ignore the anti-Lafayette crusade in France, does it mean that he wished to position himself as a neutral character in the context of French partisanship? Was it a way to bring his support to a friend in the middle of a storm he had to face, as Paine himself faced in England? On the other hand, if Paine was unaware of these divisions, it could mean that his contacts with Condorcet and Brissot in 1791–1792 were not as close as one may assume or as has been assumed until now. This supposed 'Girondin' moment in Paine's career in France may therefore have begun only in September or October 1792, even if Kates has contended that the second part of *Rights of Man* already reflected what he called a 'Girondin' perspective.¹⁰⁰ What may help unravel this issue is the exact moment when this dedication was written and included in the manuscript. Was it in the first draft or was it added later? The editing history of the book may be useful here, but is not easily written given the lack of sources.

It seems that the dedication annoyed Paine's (proto-) 'Girondin' friends more than the other major detractor of Lafayette, Robespierre. In June 1792, he denounced Lafayette's feats as narrated in the first part of *Rights of Man*, but not the dedication of the second part. He revised Paine's version of Lafayette's role in the National Assembly when the Declaration of the Rights of Man was written. In what proves to be a partisan and polemical piece, Robespierre minimized Lafayette's role and characterized him as an old man whose Declaration plan was not innovative.¹⁰¹ Robespierre instead targeted Lafayette and his influence on Paine rather than Paine himself. Although he gallicized Paine's name, which he deliberately misspelt 'Penne', he did not refute Paine's

view of the Revolution directly, which means that it is irrelevant to see in this any premise for Robespierre's supposed or real subsequent hostility to Paine.¹⁰²

At least one historian has contended that there was, after the end of the Varennes crisis, a divergence between, on the one hand, Condorcet and Brissot who gave their support to monarchy and, on the other, Paine who instead defended republican institutions.¹⁰³ Paine did not publish many writings between the summer of 1791 and the summer of 1792, except for the second part of *Rights of Man*, which went on selling the French Revolution to a British audience, and a series of articles entitled 'Answers to Four Questions' in the May, June and July 1792 issues of *Chronique du mois*. Paine's criticism about the French regime was toned down in the sequel to *Rights of Man*. It was mainly confined, first, to a remark about the oath to the Constitution, in which he wished to retain only the first term ('the nation') as the most important one and suppress the other two ('the law' and 'the King'),¹⁰⁴ whereas in the first part of *Rights of Man*, Paine had rather extolled this oath and understood it as the sign that the legislative power prevailed over the executive.¹⁰⁵ The second passage which expressed a critical viewpoint about the Constitution is a footnote in the last pages of the work. He referred to 'the opinion of the most enlightened characters in France [...] who see farther into events than others',¹⁰⁶ which may have been an allusion to his 'Girondin' associates who, he said, were convinced that only methods based on persuasion and debate could be appropriate. He thus made it clear that 'they wished not to appear to lead the nation faster than its own reason and interest dictated', which may be read as an appraisal of their actions during the summer 1791 with *Le Républicain*. He still hoped that when the time came, the King would be asked to leave office and would become an ordinary citizen enjoying the same rights as all French people, a position he would take up during the King's trial a few months later.

The publication of Paine's articles in the proto-Girondin organ, *La Chronique du mois*, shows that Paine still had contacts with his friends and collaborators in the Cercle social. The anti-monarchical content of these articles suggests that the editors of *La Chronique* may have shared Paine's ideas. Paine himself was the chief editor of the May 1792 issue and became a permanent member of the editorial board from that date onward. Paine's remarks, initially written on the eve of the Varennes crisis, were still valid in the summer 1792 when they were eventually published.

Why their publication was postponed that long is not known though for lack of materials. Paine's absence during a whole year might in reality be only one of the reasons why he would have adopted positions which displeased both Girondins and Montagnards after he came back to France on 13 September 1792. The 'Girondin' circle was a coalition of individuals who debated on major issues and did not agree on everything, as we shall see. However, Paine's dedication to Lafayette was not enough to alienate the support of future 'Girondin' revolutionaries who pushed through the Assembly the proposal to grant French citizenship to Paine.

The debate that took place in the Assembly on 24 August 1792 shows the reluctance, if not hostility of some future 'Montagnards', even if Marie-Joseph Chénier, who made this proposal in the first place, would then himself prove close to Montagnards. The petition he presented asked for the naturalization of several foreign republican writers who had defended the rights of man: Paine, Madison, Priestley, Horne-Tooke, Mackintosh and Wilberforce. M.-J. Chénier was the brother of André Chénier, who had actively collaborated with the French ambassador in London, La Luzerne, whom Paine met regularly in 1790 according to his letters. Several motives were adduced to underpin this request. It was first justified on the ground of the universal character of the French Revolution which was seen as the first stage in a general anti-monarchical revolution in Europe and even beyond. Then, this philanthropic perspective gave way to a more pragmatic one since the election by the people of these illustrious republicans was mentioned as an option to turn the Convention into 'a Congress of the whole world'. Lamourette, who supported Chénier's proposal, used the same combination of universal republicanism and electoral strategy since he saw these 'republicans' as potential candidates. Vergniaud, a future Girondin, also defended the proposal, but mentioned only the universal dimension of the French Revolution and did not refer to the upcoming elections. However, Lasource, Basire and Thuriot (who would later protest in the Convention against Paine's plea on 19 January 1793 to oppose the execution of Louis XVI) rejected it both as a dangerous precedent and as an imprudent measure since war could be declared on Great Britain. They also objected to it because of the need to check the 'private virtues' of these potential citizens, to quote Basire, who even disparaged Paine, Priestley and Madison as 'the aristocracy of half-talented writers'. Fauchet and Guadet, other Girondins-to-be, refuted these objections and Guadet, who made the longest reply, pointedly remarked that

not all future members of the Convention would be as upright as these foreigners.¹⁰⁷ Paine was granted French citizenship on 26 August, the day when primary assemblies were supposed to meet to designate electors who were to vote on 2 September.

French citizenship was necessary to be elected according to the electoral law passed in the days following the storming of the Tuileries.¹⁰⁸ In January 1794, Vadier, the then Speaker of the Convention, asserted that Paine's election had been organized by 'Girondins'. In a speech probably printed in January or February 1793, Guffroy, one of Paine's colleagues in the Convention as a representative for the same district, the Pas de Calais, who described himself as a *sans culotte* who had been prevented by the main factions of the Convention from delivering his speech on Louis XVI and who expressed his hatred of kings, aristocrats (such as Philippe Egalité) and Girondins such as Pétion and Brissot, denounced what he called 'a cabal in Calais' to have Paine elected. Guffroy and Paine are mentioned together in the minutes of the electoral assembly of the Pas de Calais as the two on which the third vote would take place, a competition Guffroy may have resented. Guffroy also claimed in his writing of 1793 that Pétion met Paine at the end of the Constituante during a trip he made to England.¹⁰⁹

The only electoral assembly in which Paine's election seems to have been controversial was indeed that of the Pas de Calais, Robespierre's former district for the States General and the Constituante. (Robespierre was also elected to represent the Pas de Calais in the Convention, but did not take this seat as he had already been elected in Paris.) This short polemic in the Assembly might explain Guffroy's claims. The minutes of the Assembly record that one member, whose name is not specified, first proposed Paine's election as 'an English philosopher' (and not as an American one) on 4 September, but this was objected to on the ground that such a suggestion could 'influence the opinion of the assembly' and it was not therefore discussed. It seems that the same elector or another one made this proposal again on the following day, this time justifying it by remarking that it could be a way of promoting the French Revolution in England and of reconciling the two nations. Two members (whose names are not mentioned either) replied that the choice of Paine, who was described again as 'an English philosopher', could be dangerous for political reasons, both relating to domestic and foreign policy. Paine was elected against Guffroy during the third vote. A letter was to be sent to Paine through Condorcet and another one to Paine directly in London.

Paine was also elected in three other Départements (Oise, Aisne and Puy de Dôme, which was also Bancal's district, which might explain Paine's election there) and he could have been in Picardie if he had not been elected elsewhere before.¹¹⁰ In Oise, Paine was elected as the ninth representative of the district, after Anacharsis Cloots had been elected as the sixth one. Paine's name was spelt in a strange way ('Peenn'), which shows that, at least, the secretary who wrote the minutes of the Assembly did not know him. On 5 September, Calon (who had himself been elected on the same day) announced before the National Assembly Paine's probable election by the electoral assembly of Oise, which was officially confirmed on the following day. Massieu, who headed the electoral committee in Oise, then asked the National Assembly to see to it that concrete measures were taken to inform Paine of his election and to facilitate his travel to France.¹¹¹ No discussion took place during the votes in the electoral assemblies of Oise, Aisne and Puy de Dôme, but Paine was apparently elected with great enthusiasm in Aisne where his election was hailed by 'lively applause' and 'ringing bells'. Paine received a letter from the electoral assembly of Pas de Calais and one from the speaker of the National Assembly about his election in Oise, but not those of the other two districts.¹¹² However, the laudatory letter (which was almost a paean) sent to him by the electoral assembly of the Puy de Dôme was published in *Le Moniteur* on 13 September, the day when Paine arrived in France.¹¹³ When Paine set foot there again on that day, he went through a kind of initiation rite both as a French citizen and as a French representative. He was conducted to the Hôtel de Calais and then to the Town Hall, where he was given the cockade and where he made a sort of pledge of allegiance in answer to the speech by the Mayor. Paine's popularity seems to be confirmed by the enthusiastic reactions of the people who attended this arrival. The symbolism of the ceremony is striking as Paine sat under 'the bust of Mirabeau, and the colours of France, England and America united'.¹¹⁴

Yet Paine had missed a crucial event which led to major political reshuffling and new alliances in France: 10 August 1792. The people of Paris and the Commune de Paris (which was created then) were supported by Robespierre and future 'Montagnards', whereas future 'Girondins' were both overtaken and overwhelmed first by the insurrection in the Tuileries and then by the September Massacres of detainees in French prisons. This would have heavy consequences for debates in the Convention, especially during the King's trial and those on the

republican constitution. Girondins' hostility toward the Commune de Paris, which was controlled by the Montagne, culminated in the establishment of the Commission des Douze on 18 May 1793 as the Girondins' last stand to resist their opponents in the Convention. No material proves that Paine was aware of these changes when he set foot in France again. He arrived in Paris on 16 September. Between that date and the inaugural session of the Convention during which he voted (with all Conventionnels) to abolish monarchy on 21 September, he must have been informed of the situation as he renewed close contacts with Brissot and Condorcet who clearly wished to remind all, and their opponents in particular (Robespierre and his allies in and outside the Convention), of their early commitment to republicanism one year before. Brissot and Condorcet reactivated the rhetoric of the republican moment of 1791 during what may be seen as a second republican moment. As Brissot had rightly sensed during the Varennes crisis, if what he called 'the complete course on republicanism' that *Le Républicain* offered did not serve then, it would be of use afterward.¹¹⁵ In September 1792, Condorcet published again three of his writings in a short collection entitled *Pièces extraites du recueil périodique intitulé in Le Républicain*. In addition to the Swiftian letter by a young mechanic and his plan for a new form of executive, he inserted the text of his speech entitled 'De la république ou un roi est-il nécessaire à la conservation de la liberté?', which he had delivered before the Cercle social on 12 July 1791.

It seems that less than one month after his return, Paine took part in the renewal of the post-Varennes republicanism he had helped shape. On 11 October 1792, on the day when the constitutional committee was appointed (including Paine), an article entitled 'Essai anti-monarchique à l'usage des nouveaux républicains' was published in the *Fenille villageoise*, a newspaper intended for common people in French villages and which had recently been taken over by Bonneville and the Cercle social at the request of the editors of this journal (which was more widely circulated than *Le Républicain*). It was then reprinted in Brissot's *Patriote français* on the 20 October, but was not signed in either journal. The end of the article refuted, in a similar but more summary way, the same arguments in favour of monarchy on which Condorcet had relied to build his own assault on the legitimacy of such a regime in the recently reprinted speech of July 1791. That Paine is the main author of it has been assumed until now and is very likely given the content of the article which took up his by then well-established 'anti-monarchical' theory

(to quote the title of the article). The use of popular good-sense sayings also tends to evidence Paine's authorship or collaboration in the article. Monarchy is even said to be incompatible with 'common sense' and Paine's name is quoted in the final paragraphs, as well as Franklin's. The anonymous publication of the article may be surprising given that Paine's signature was quite authoritative because of the prestige he enjoyed at the time as the embodiment of the archetypal republican. Yet articles published in the *Feuille villageoise* were usually not signed, which may explain why this 'anti-monarchical essay' was not either. This might also have been a choice to protect Paine from partisan attacks in a context in which the opposition between, on the one hand, Robespierre and Marat, and, on the other, Brissot and Condorcet intensified. Robespierre was clearly one of the 'new republicans' that the title sarcastically targeted. Bonneville, Condorcet, Brissot and Paine might have devised this article together to defend their legitimacy as genuine republicans.

What tends to confirm Paine's authorship of (or at least his major role in) this article is that it seemed to carry out Brissot's wish expressed some time before in *La Chronique du mois* to 'give to the people in their own language a few lessons on the uselessness and baneful effects of royalty'¹¹⁶; the perfect job for Paine. The 'anti-monarchical essay' might also have been an answer to an article entitled 'La monarchie sans roi', published by another 'Girondin', Guy Kersaint, in *La Chronique du mois* in September 1792. Kersaint endorsed Paine's distinction between constitution and government¹¹⁷ and dealt with monarchical institutions in terms reminiscent of Paine as he denounced the word 'king' as a 'magic noun' and the 'power' monarchs exercised as a 'ghost'.¹¹⁸ Yet his definition of monarchy differed from Paine's and proved rather similar to that provided by Sieyès in July 1791 as Kersaint distinguished monarchy from royalty.¹¹⁹ On 11 October, Paine (alone or with the collaboration of others) equated monarchy and royalty and refuted the legitimacy of both. A power held by one individual was 'vicious in itself'.¹²⁰

Later in the month, on 27 October, in the name of 'his fellow-representatives of the district of Pas de Calais',¹²¹ Paine compared the decree of 21 September to 'the abolition of a phantom',¹²² a phrase which can have two meanings: monarchy is in all cases a fake government or a façade; and/or in France, monarchy was already symbolically weakened and dead even before it was abolished. This letter was read in French before the Convention and was 'applauded'.¹²³ Yet Paine laid the stress on that moment of the Revolution as a major step in the revolutionary

process. In his second speech, delivered in January 1793 in the Convention on the potential sentence that should be applied to Louis XVI, he said it amounted to a ‘second revolution’.¹²⁴ This idea was suggested by Brissot in *La Chronique du mois* on 24 October 1792 in which he distinguished a ‘first’ revolution against ‘despotism’ and a ‘second’ one against ‘royalty’.¹²⁵

On 20 November, when he first took the floor about Louis XVI’s trial, Paine confirmed what he had already said in his ‘Answer to Four Questions’ and in his open letter to Sieyès in July 1791¹²⁶; that is, that there was a ‘contradiction’ between the principle on which the Constitution of 1791 was based and the institutions it entrenched in its final version of 3 September 1791.¹²⁷ Paine then lashed out (more explicitly than he had done before) at the Constituante which had ‘imprudently raised [Louis XVI] again on a throne for which he was not made’.¹²⁸ This criticism became even harsher in January 1793 when he stated that ‘the Constituent Assembly [...] of its own authority, without consent or advice, restored him to the throne’,¹²⁹ an action which was illegitimate and which he felt was akin to the usurpation that was at the origin of monarchy. This showed his degree of resentment as monarchical usurpation was to him the worst political deadly sin. In November 1792, in his first contribution on Louis XVI’s trial, he also quite solemnly declared that ‘France [...] was] now a Republic’ and that ‘she ha[d] completed her revolution’,¹³⁰ which is to be contrasted with his quite premature statements of the same kind made between 1789 and 1792 in letters and in the second part of *Rights of Man* for other reasons.

NOTES

1. Whether Paine narrowly escaped assault by the French people gathered in the Tuileries on 21 June 1791 is not clear. It was first exploited by Paine’s early anti-Painite biographer George Chalmers. J. C. D. Clark, *Thomas Paine: Britain, America and France in the Age of Enlightenment* (Oxford: Oxford University Press, 2018), 225.
2. Eric Gojosso, *Le concept de république en France, XVI^e-XVIII^e siècle* (Aix-en-Provence: Presses Universitaires d’Aix-Marseille, 1998), 427 and 447.
3. Ladan Boroumand, ‘Les Girondins et l’idée de République’, in François Furet and Mona Ozouf, ed., *La Gironde et les Girondins* (Paris: Payot, 1991), 235.
4. Marcel Dorigny, ed., *Aux Origines de la République: 1789–1792* (Paris: EDHIS, 1991), V, 4 and 9 of text # 13.

5. See Raymonde Monnier, *Républicanisme, patriotisme et Révolution française* (Paris: l'Harmattan, 2005), 178 and 184.
6. Paine was not the first who proposed a French republic without a king, contrary to what Alfred Owen Aldridge wrote in the 1950s. Alfred Owen Aldridge, 'Condorcet et Paine', *Revue de littérature comparée* 32 (1958), 50.
7. Thomas Paine, *Le sens-commun, ouvrage adressé aux Américains, et dans lequel on traite de l'origine et de l'objet du gouvernement, de la constitution angloise, de la monarchie héréditaire, et de la situation de l'Amérique septentrionale* (Paris: Gueffier, 1791); Jean-Luc Chappey, 'La traduction comme pratique politique chez Antoine-Gilbert Griffet de Labaume (1756–1805)', in Gilles Bertrand and Pierre Serna, ed., *La République en voyage 1770–1830* (Rennes: PUR, 2013), 228. In a letter she sent to Bancal on 14 April 1791 from London, Manon Roland explained that 'M. Payne est ici; il a été question entre nos amis de la traduction de son petit ouvrage contre Burke: mais un secrétaire de La Rochefoucauld l'a déjà commencée'. *Lettres autographes de Mme Roland adressées à Bancal des Issarts* (Paris: Eugène Renduel, 1835), 205. 'Petit ouvrage' is quite derogatory. The secretary mentioned here is Labaume, with whom La Rochefoucauld collaborated on other translations.
8. *Le Patriote français* (Frankfurt am Main: Keip, 1989/fac-simile of the edition of Paris, 1789–1793), no. 687, 26 June 1791, 715.
9. Camille Desmoulins, *Révolutions de France et de Brabant* (Frankfurt am Main: Keip, 1989), vol. 79–91, no. 84, 278–280.
10. Edith Bernardin, ed., 'Lettres de Lanthenas à Bancal des Issarts', *Annales historiques de la Révolution française*, 16e Année, no. 93 (Mai-Juin 1939), 246.
11. AN 446AP/6.
12. Paine, *Complete Writings*, II, 525 and 533.
13. Paine, *Complete Writings*, II, 552. According to Iain McLean, Condorcet helped Paine write this document. Iain McLean, *Condorcet: Foundations of Social Choice and Political Theory* (Aldershot and Brookfield: E. Eglar, 1994), 20.
14. Paine, *Complete Writings*, II, 517. The same remark was made by Paine's friend Joel Barlow in September 1792 in his *Letter to the National Convention*. Joel Barlow, *The Works of Joel Barlow* (Gainesville: Scholars' Facsimiles and Reprints, 1970), I, 31.
15. Paine, *Complete Writings*, II, 518.
16. Moncure Daniel Conway, ed., *The Writings of Thomas Paine* (New York: G. P. Putnam, 1894–1896), III, 1.
17. Paine, *Complete Writings*, II, 552. An English version of this speech was published in England in 1793 and introduced by an anonymous editor. Thomas Paine, *Reasons for Wishing to Preserve the Life of Louis Capet*.

As Delivered to the National Convention (London: Printed for James Ridgway, 1793). The English version of the 'manifesto' printed in this edition was used by Conway but not by Philip Foner. The source used by the latter is unknown and may be a translation of the already translated text, although no material proves that the 1793 English text is the original version written by Paine in English.

18. Mona Ozouf, *Varennnes: la mort de la royauté: 21 juin 1791* (Paris: Gallimard, 2005), 256 and 288.
19. *Archives parlementaires de 1787 à 1860: recueil complet des débats législatifs et politiques des Chambres françaises*. Première série, 1787 à 1799, séance du 1^{er} juillet 1791, XXVII, 613.
20. 'Il est évident que les paradoxes qui n'ont pas le sens commun sont destinés à tomber d'eux-mêmes', *Archives parlementaires*, XXVII, 613.
21. *Archives parlementaires*, XXVII, 613.
22. *Archives parlementaires*, XXVII, 614.
23. *Archives parlementaires*, XXVII, 614.
24. *Lettres autographes de Mme Roland*, 267–268.
25. Jeanne-Marie Roland de la Platière, *Mémoires de Mme Roland*, ed. Paul de Roux (Paris: Mercure de France, 2004), 201.
26. Jeanne-Marie Roland, *Mémoires*, 201.
27. 'Vous saurez qu'il s'est formé une société républicaine, qui doit faire un journal dont le tire annonce et le but et les principes; Payne est à la tête'. *Lettres autographes de Mme Roland*, 267.
28. On 8 July, he began his letter to Sieyès by remarking that he was writing 'at the moment of [... his] departure for England' (Paine, *Complete Writings*, II, 519). On 21 July, he wrote to George Washington: 'I arrived here from France about ten days ago' (Paine, *Complete Writings*, II, 1319). A. O. Aldridge provides us with the detailed account of this trip. Aldridge, *Man of Reason*, 151.
29. Aldridge, *Man of Reason*, 151; Jack Fruchtman, *Thomas Paine: Apostle of Freedom* (New York: Four Walls Eight Windows, 1994), 240.
30. Aldridge, 'Condorcet et Paine', 53.
31. On the previous day, Brissot had published it in *Le Patriote français*. He announced its publication in *Le Républicain* that he advertised at the same time. *Le Patriote français*, vol. 1791, no. 692–873, 5–6.
32. In the second issue, Du Chastellet published a letter addressed to Chabroud and Le Chapelier to answer what they had said in the Assembly. He referred to Rousseau, Benjamin Franklin and Richard Price as advocates of freedom, but did not quote Paine. Dorigny, ed., *Aux Origines de la République*, III, 30–31. Aldridge's suggestion that this letter was written by Paine is not very convincing as Aldridge did not adduce any proof to corroborate his claim. Aldridge, 'Condorcet et Paine', 51.

33. A few years later, in his essay on 'the Eighteenth Fructidor', Paine mentioned the publication of 'a piece signed Thomas Paine. That piece was concerted between Condorcet and Myself. I wrote the original in English and Condorcet translated it', Paine, *Complete Writings*, II, 599. Paine specified that this text was meant to refute the commonplace eighteenth-century thesis about republican regime and small territories.
34. Dorigny, ed., *Aux Origines de la République*, III, 3–6, 7–11 and 52–54. Paine's letter to Sieyès had already appeared in *Le Patriote français* on 11 July (*Le Patriote français*, p. 43).
35. Dorigny, ed., *Aux Origines de la République*, V, text # 9, p. 10.
36. Paine, *Rights of Man*, 11.
37. '[A]dorn an old skull with pearl and diamonds, and to enrich a venerable rotten tooth with gold', John Trenchard and Thomas Gordon, *Cato's Letters: Or, Essays on Liberty, Civil and Religious, and Other Important Subjects* (1720–1723) (Indianapolis: Liberty Fund, 1995), no. 35, I, 250.
38. '[L]e mépris et l'énergie que la nation a montrés [...] prouvent que le gouvernement de la royauté est passé', Dorigny, ed., *Aux Origines de la République*, V, 14.
39. Dorigny, ed., *Aux Origines de la République*, V, 15.
40. Dorigny, ed., *Aux Origines de la République*, V, document # 21, 10.
41. Dorigny, ed., *Aux Origines de la République*, V, 12.
42. Paine, *Complete Writings*, II, 518.
43. Patrice Gueniffey, 'Cordeliers et Girondins', in François Furet and Mona Ozouf, ed., *Le Siècle de l'avènement républicain* (Paris: Gallimard, 1993), 198–199.
44. Gojosso, *Le concept de république*, 456–457.
45. Jean-Clément Martin, *Nouvelle histoire de la Révolution française* (Paris: Perrin, 2012), 272–273.
46. '[E]clairer les esprits sur ce républicanisme qu'on calomnie, parce qu'on ne le connaît pas, sur l'inutilité, les vices et les abus de royauté que le préjugé s'obstine à défendre, quoiqu'ils soient connus', Dorigny, ed., *Aux Origines de la République*, III, 5.
47. Paine, *Complete Writings*, II, 520.
48. Dorigny, ed., *Aux Origines de la République*, V, page 6 of text # 13.
49. Dorigny, ed., *Aux Origines de la République*, V, 7.
50. Dorigny, ed., *Aux Origines de la République*, V, 7.
51. '[A]utant une atteinte au principe qu'un outrage à la société', Dorigny, ed., *Aux Origines de la République*, V, 6; Paine, *Rights of Man*, 225.
52. Hugh Gough, *The Newspaper Press in the French Revolution* (London: Routledge, 1988), 124; Nathalie Lambrichs, *La liberté de la presse en l'an IV: les journaux républicains* (Paris: PUF, 1976), 70–71.

53. Laura Mason, 'Après la conjuration: le Directoire, la presse, et l'affaire des Égaux', *Annales historiques de la Révolution française* 354 (octobre-décembre 2008), <http://ahrf.revues.org/10894>.
54. This letter has been mentioned by biographers. Aldridge, *Man of Reason*, 148–149; Aldridge, 'Condorcet et Paine', 55; Bernard Vincent, *Thomas Paine ou la religion de la liberté* (Paris: Aubier, 1987), 213; *Le Journal des Patriotes* de 89, 1er mars 1796, 795.
55. Elisabeth et Robert Badinter, *Condorcet, 1743–1794: un intellectuel en politique* (Paris: Fayard, 1988), 346–347.
56. Badinter, *Condorcet*, 347.
57. Aldridge, *Man of Reason*, 148.
58. Aldridge, 'Condorcet et Paine', 56.
59. André Morellet, *Mémoires inédits de l'abbé Morellet sur le dix-huitième siècle et la Révolution* (Paris: Ladvocat, 1822), II, 410.
60. Jean-Denis Bredin, *Sieyès: la clé de la Révolution française* (Paris: Editions de Fallois, 1988), 203.
61. Ozouf, *Varennes*, 256.
62. Christine Fauré, ed., *Des Manuscrits de Sieyès, 1773–1799* (Paris: Champion, 1999), 445 and 459.
63. 'L'engagement que vous prenez avec M. Payne nous permet d'espérer de connaître enfin l'ensemble de vos idées sur la Constitution', Jacques Guilhaumou, ed., *Un texte inédit de Condorcet sur la République (1791)*, <https://revolution-francaise.net/2007/11/16/185-inedit-condorcet-sur-la-republique-1791>.
64. Paine, *Complete Writings*, II, 1316.
65. '[S]overeign power without sovereign knowledge, that is, a full knowledge of all the matters over which that power is to be exercised, is a something which contradicts itself'. Paine, *Complete Writings*, II, 371.
66. Paine, *Rights of Man*, 233.
67. This refutation had been undertaken by James Madison in *The Federalist* a few years before, although Madison's demonstration was based on different grounds. Paine did not use the argument of factions here.
68. Paine, *Complete Writings*, II, 1316.
69. Kates, 'From Liberalism to Radicalism', 330. *La bouche de fer* (Paris: Cercle social, 1791), no. 73, 25 juin 1791, 3. Bonneville's understanding of what a 'republican government' was supposed to be differed from Paine's as he equated it with 'national government' (4).
70. Laurence Cornu, *Une autre République: 1791: l'occasion et le destin d'une initiative républicaine* (Paris: l'Harmattan, 2004), 54 and 58.
71. Jacques Guilhaumou, *L'avènement des porte-parole de la République (1789–1792)* (Villeneuve-d'Ascq: Presses universitaires du Septentrion, 1998), 162.

72. Dorigny, ed., *Aux Origines de la République*, III, 35.
73. '[Ils] ne veulent plus de hochets', Dorigny, ed., *Aux Origines de la République*, III, 21.
74. Paine, *Complete Writings*, II, 518.
75. '[H]ors de toute proportion avec la nature humaine', Dorigny, ed., *Aux Origines de la République*, III, 27.
76. Dorigny, ed., *Aux Origines de la République*, III, 54–55; Madeleine Arnold-Tétard, *Sophie de Grouchy, marquise de Condorcet: la dame de coeur* (Paris: Christian, 2003), 116.
77. Dorigny, ed., *Aux Origines de la République*, III, 59, 60 and 69.
78. Dorigny, ed., *Aux Origines de la République*, 60.
79. '[R]jeté [...] les hochets de sa trop longue enfance', Dorigny, ed., *Aux Origines de la République*, 77.
80. Badinter, *Condorcet*, 346.
81. Gojossio, *Le concept de république*, 462.
82. *Discours sur la question de savoir si le roi peut être jugé*, Dorigny, ed., *Aux Origines de la République*, V, text # 15, p. 2.
83. Dorigny, ed., *Aux Origines de la République*, V, 78.
84. Dorigny, ed., *Aux Origines de la République*, V, 79.
85. Paine, *Complete Writings*, II, 1316.
86. Paine, *Complete Writings*, II, 1316 and 1318. He retrospectively confirmed this idea in a letter he wrote to James Monroe in September 1794 from the Luxembourg prison: 'at that time France was not a republic, not even in name. She was altogether a people in a state of revolution', Paine, *Complete Writings*, II, 1347.
87. M. Baumier, *De la monarchie française* (Paris: chez l'auteur, 1791), 30–31.
88. Partice Gueniffey, 'Cordeliers et Girondins', 217.
89. Paine, *Complete Writings*, II, 1318 and 520. I am grateful to Yannick Bosc for suggesting I should investigate the meaning of these quotes.
90. 'C'est donc parmi les constitutions libres, l'irresponsabilité et l'hérédité du chef qui constituent la monarchie. [...] il me paraît que c'est à ce point qu'il faut marquer la limite qui sépare la république de la monarchie quoique ce dernier mot semble plutôt désigner la forme du gouvernement que la nature d'une constitution', <https://revolution-francaise.net/2007/11/16/185-inedit-condorcet-sur-la-republique-1791>.
91. Paine, *Complete Writings*, II, 1319.
92. Aldridge contended that the manuscript of the second part was more or less completed in September 1791 (Aldridge, *Man of Reason*, 157). Yet Paine's letter to John Hall on 25 November 1791 shows he was still working on it then. Paine, *Complete Writings*, II, 1321.
93. Mark Philp, *Paine* (Oxford: Oxford University Press, 1989), 17.

94. Kates, 'From Liberalism to Radicalism', 335.
95. Thomas Paine, *Droits de l'homme, seconde partie* (Paris: Buisson, 1792), i–iv.
96. *Réimpression de l'ancien Moniteur* (Paris, Plon, 1858–1870), XI, 735.
97. Gottschalk and Maddox, *Lafayette in the French Revolution*, I, 241.
98. Paine, *Rights of Man*, 201.
99. The pamphlet on which J. C. D. Clark has relied to contend that Lafayette disapproved of Paine's political views in 1793 is most certainly a fake and was not written by Lafayette. Clark, *Thomas Paine*, 283. The authenticity of this anti-Painite pamphlet had already been denied by *The Monthly Review* (London: R. Griffiths, 1793), vol. XII, 229. As the reviewer then remarked, it is highly unlikely that Lafayette could have written and sent this manuscript from his Austrian prison to have it published in London. Moreover, there are no traces of it in Lafayette's memoirs or papers. The critical retrospective comment supposedly made by Lafayette on 'Mr. Paine's answer to Burke' as containing 'political errors' and in particular his alleged condemnation of Paine's republicanism, does not make sense as a plausible recollection. It is not clear whether the author of this pamphlet meant the first or the second part of *Rights of Man*. In 1791, such a judgement on Lafayette's part after having 'perused this book' would have been completely inconsistent and even if the remark on Paine as a 'friend' was apparently a comment on the dedication of the second part, there is no evidence whatsoever that Lafayette wrote such disparaging lines. *The Marquis de la Fayette's Statement of his Own Conduct and Principles* (2nd ed. London: Printed for J. Deighton, 1793), 77.
100. Kates, 'From Liberalism to Radicalism', 332.
101. Société des études robespierristes, *Œuvres de Maximilien Robespierre* (Paris: Phénix éd., 2000), IV, 171.
102. Aldridge, *Man of Reason*, 170.
103. Gojosso, *Le Concept de république*, 468.
104. Paine, *Rights of Man*, 260.
105. Paine, *Rights of Man*, 141.
106. Paine, *Rights of Man*, 323. Paine mentioned in this footnote the possibility that the French King might become an ordinary citizen, which he repeated a few months later.
107. *Archives parlementaires*, 48, 688–691.
108. Duvergier, *Collection complète des lois, décrets, ordonnances, règlements, avis du Conseil d'Etat* (Paris: Guyot, 1834), IV, 297. Contrary to what Aldridge said, Aldridge, *Man of Reason*, 171.
109. Armand-Benoît-Joseph Guffroy, *2e discours d'Armand-Benoît-Joseph Guffroy, sur la punition de Louis Capet et sur les intrigues que l'on oppose à la volonté suprême de la nation, qui a condamné le tyran* (Paris, R. Vatar), 46.

110. John Moore, *A Journal During a Residence in France*, 1792, in *The Works of John Moore* (Edinburgh, 1820), III, 161. John Adolphus claimed that 'Brissotines' tried to have Paine elected for Paris, but were thwarted by Marat and Robespierre, a contention records do not confirm. John Adolphus, *Biographical Memoirs of the French Revolution* (T. Cadell and W. Davis, 1799), II, 312.
111. *Archives parlementaires*, t. 49, 355 and 396.
112. As Paine himself publicly revealed, *Paine, Dundas, and Onslow. A letter to Mr. Henry Dundas, [...] in answer to his speech on the late excellent proclamation. Also two letters to Lord Onslow* (London: L. Wayland, 1792) 14. For the minutes of electoral assemblies, see AN C//178 (Aisne) and C//180 (Oise, Pas de Calais and Puy de Dôme).
113. *Réimpression de l'Ancien Moniteur* (1858–1870), XIII, 674–675; Sophie Wahnich, *L'impossible citoyen, l'étranger dans la Révolution française* (1997) (Paris: Albin Michel, 2010), 186.
114. *Letter from Thomas Paine, to Mr. Secretary Dundas, complaining of an insult offered to him, by the inferior officers under government, belonging to the Custom-House at Dover: To which are added, two letters from Calais; one from Monsieur Achilles Audibert, confirming the above insult; and the other giving the particulars of Mr. Paine's reception at Calais* (London: W. Holland, 1792), 13–14. I could not find reports in local French newspapers, though these certainly exist.
115. '[C]ours complet de républicanisme', *Recueil de quelques écrits, principalement extraits du Patriote françois, relatifs à la discussion du parti à prendre pour le Roi, et de la question sur le Republicanisme et la Monarchie* (1791), Dorigny, ed., *Aux Origines de la République*, V, text # 21, 13.
116. '[D]onner au peuple dans son langage quelques leçons sur l'inutilité et les funestes effets de la royauté', in 'Sur les motifs de ceux qui défendent la monarchie et qui calomnient la république', *La Chronique du mois, ou les cahiers patriotiques des Amis de la Vérité* (Paris, nov. 1791–juill. 1793, imprimerie du Cercle social), IV, 21.
117. *La Chronique du mois*, IV, 37.
118. *La Chronique du mois*, IV, 36.
119. '[L]es Français seront unanimes dans le vœu d'abolir la royauté, comme ils le seront dans celui, non moins sage, de conserver la monarchie', *La Chronique du mois*, III, 45.
120. *Le Patriote français*, 454.
121. Paine, *Complete Writings*, II, 1326.
122. Paine, *Complete Writings*, II, 1327.
123. *Réimpression de l'Ancien Moniteur* (1840–1843), 14, 311.
124. Paine, *Complete Writings*, II, 553.

125. 'A tous les républicains de France', *La Chronique du mois*, IV, 43.
126. Paine, *Complete Writings*, II, 520.
127. Paine, *Complete Writings*, II, 525.
128. Paine, *Complete Writings*, II, 550.
129. Paine, *Complete Writings*, II, 552.
130. Paine, *Complete Writings*, II, 550.



CHAPTER 5

Paine in the Convention

Once he was elected to the Convention and had approved the abolition of monarchy in France, Paine's voice was heard on two major issues in this assembly: what to do with the present King and what kind of institutions should be set up to replace the Constitution of 1791. On the first question, Paine stepped in on his own initiative, despite what discontented Montagnards claimed. On the second one, Paine's contribution was sought after as he was appointed a member of the first committee which was to propose the first republican constitution. Yet whereas he delivered several speeches (through translators and spokesmen) on the possible fate of Louis XVI, he did not take part in the debates that took place in the Convention about the Constitution of 1793, which is accounted for to a great extent by the almost immediate censure a number of Montagnards imposed on the initial constitutional plan. However, even if his exact role in the committee is unknown for lack of materials, his public statements in Louis XVI's trials have been recorded and these records show that Paine's speeches weighed on some Conventionnels enough to lead them to change their votes.

1 LOUIS XVI'S TRIAL: REPRESENTATION VS SOVEREIGNTY

The abolition of monarchy and the establishment of republican institutions meant to Paine the restoration of the real sovereignty of the people through a representative regime; or, in other words, the restoration of the link between sovereignty and legitimacy. Yet Louis XVI's trial and the

death sentence voted by the Convention led to a conflict between sovereignty and representation as Paine felt that the decision of the French representatives should be in keeping with that of the people, a requirement he felt capital punishment could not meet. Moreover, although Paine thought that the abolition of monarchy was a major achievement of the French Revolution, he stuck to his idea, expressed in the first part of *Rights of Man*, that in a genuine revolution, people should tell the monarch or despot apart from the system and should eliminate the latter rather than merely kill the former.¹

These principles underpinned his positions during the debates on the King's trial in the French Convention. Even before the beginning of the discussions on that topic in the assembly, in his 'Anti-monarchical essay', Paine had re-asserted the need to distinguish the office holder from the office.² He concluded that monarchy was a 'monstrosity',³ an idea which he may have heard in the Convention on 21 September when monarchy was abolished and when Grégoire declared: 'kings are in the moral order what monsters are in the natural one'.⁴ Such a comparison was not new even then as Bonneville, a friend of Paine's, had on 23 June 1791, during the Varennes crisis, equated kings with 'monsters' in his *Bouche de fer*,⁵ which may confirm Bonneville's potential hand in the 'Anti-monarchical essay'. Killing the king symbolically in such a way was one of Paine's significant contributions to the political debates and rhetoric of the end of the eighteenth century, and he had been saying as much since 1776. This symbolic regicide can also be understood as an answer to more radical revolutionaries who had clamoured for the execution of the King shortly before Paine's article was published. Bentabole had made such a point at the Jacobins on 8 October and Bourbotte before the Convention on 16 October.

These various positions foreshadowed some of the issues raised during the debates that took place in the ensuing months. They began on 7 November with Mailhe's speech on the report of the committee which had worked on what should be done with the King. It was also incidentally (or not, but again materials are missing to confirm this) the day when Paine brought Joel Barlow's book on 'the defects of the Constitution of 1791' to the attention of the Convention in a letter that was read aloud at the beginning of the session.⁶ In his report, Mailhe first expounded the conclusion reached by the committee that the King was liable to be judged and that his judicial immunity, which he said was 'fictional', did not apply in this case.⁷ The committee proposed to

entrust with the judicial proceeding the representatives who would try the former monarch. The sentence would not need to be ratified by the people since, in Mailhe's view, the latter were fully and completely represented by the Conventionnels. On 13 and 15 November, a number of them (Pétion, Morisson, Saint-Just, the quite radical 'Montagnard', Fauchet, affiliated to the 'Girondins', Robert, the author of *Le républicanisme adapté à la France*, Rozet and Grégoire) made their opinions known on these questions before the assembly. The days in-between were devoted to debates on foreign and domestic policy.

A major turning point happened on 20 November when the King's secret iron cabinet (*armoire de fer*) was discovered. It was on the following day that Paine's first speech on the King's trial, translated by Condorcet, was read by Mailhe before the Convention. This reading did not take place as part of a debate about this specific question. It is recorded in the category of the various letters and addresses read in the assembly, and Paine himself specified that he did 'not know precisely what day the Convention [... would] resume the discussion on the trial of Louis XVI'.⁸ Paine's first contribution was therefore written at a key moment of the debate. It is dated 20 November, but he did not allude to the breaking news of the day. He insisted though on the fact that a conspiracy involved Louis XVI and other European monarchs.⁹ Several Paine biographers have suggested that he had been informed of the discovery by Roland himself even before the latter announced it before the assembly.¹⁰ Roland did not reveal many details to the Convention about the content of the iron chest and the session was 'closed at 5 p.m.'. ¹¹ Whether he was informed before or after the day's session at the Convention, Paine had sufficient time to write his speech after 5 p.m.

Paine at once stated that he was in favour of a trial for reasons pertaining to justice, legality and concrete political considerations. He repeated his opposition to 'vengeance' as the Convention's guiding principle,¹² which he had voiced in his 'Proclamation' of July 1791.¹³ It was also a way for Paine to react to the use of this word or notion between 7 and 20 November 1792 during the sessions on this issue. Mailhe had ignited this debate since he left that question open in his report. Paine agreed with Morisson, Fauchet, Robert and Rozet, who had even taken up Paine's idea that Louis XVI be turned into an ordinary French citizen.¹⁴ Paine then mentioned the potential geostrategic motives behind the trial which would be an example or a warning for other European monarchs and which would be in keeping with the universal character of the

Revolution. So, he believed that the current proceeding would be a kind of philosophical jurisprudence or a sort of declaration of independence from monarchy issued for the whole world. Paine even said that it would expose the flaws of ‘governments in general’,¹⁵ an idea which has been interpreted as a sign of his unrealistic vision of man.¹⁶ He instead had his native country in view as he still hoped that a revolution would take place there. He expected that the trial would bring to light the secret connections between Great Britain and Prussia.¹⁷ He thus echoed what Mailhe had affirmed on 7 November when he specified that such a trial was aimed both at the ‘nations which were still governed by kings’ and at ‘the universality of the human race whose eyes are upon you’.¹⁸

Regarding the legal side of the proceeding itself, Paine maintained his distinction between the man and the monarchical office he had held, which meant that Louis XVI should be accountable only for his actions as King of France. It is on this ground that he argued that the judicial immunity of the monarch did not apply in this case. He added that the King’s personal weaknesses, which might have influenced his way of administering the affairs of the state, could not be relied on here to make the case for his irresponsibility.¹⁹ Again, Paine confirmed Mailhe’s report of 7 November, which referred to the question of the status of the defendant in the lawsuit filed against him since Mailhe emphasized that the King was not to be tried as ‘a person’.²⁰ Although Louis XVI ‘was no longer king’, but a mere ‘man’, then, it was ‘the king’ who was liable and the proposed list of charges that Mailhe submitted to the Convention contained his title.²¹

However, Paine did not venture further on the legal ground. He kept aloof from the technical and intricate discussion that focused on the type of jurisdiction that was relevant in the present case and which involved supporters of the trial like Condorcet, Saint-Just and Robespierre, as well as opponents to it, such as Morisson.²² He did not appeal to the notion of contract either to analyse the current situation, although he could have commented on the contract between the monarch and his people that existed through the King’s oath of allegiance (Article 4 of Chapter 8 of the 1791 Constitution). He hinted at it in the project he proposed in December for the interrogation of Louis XVI, but without further commenting on it.²³ Yet in *Rights of Man*, he had clearly said that no such agreement could exist between the governed and the governors.²⁴ It was Saint Just who stressed that the ‘government’ could not be one of the parties in the political contract.²⁵ Similarly, Condorcet made it clear that

‘the Constitution was not a convention between [... the monarch] and the people’²⁶ and Marat concurred by stating that no ‘alleged original contract among the peoples and their agents’²⁷ could be legitimate.

Furthermore, Paine did not expound his anti-monarchical criticism again. It may be assumed that he thought he had said enough on this subject in *Rights of Man*, in *Le Républicain* and in his ‘Essai anti-monarchique’, and that his views on this matter were sufficiently known to all not to require being expressed again on this occasion when a practical solution rather than a theoretical exposition was needed. It was Mailhe who said that ‘monarchy’s only difference with despotism is its name’,²⁸ and it was Condorcet who repeated what he and the other writers of *Le Républicain* had argued when he reminded the Convention that monarchy was ‘a power outside nature’,²⁹ that it was based on ‘the absurd’ principle of ‘birthright’³⁰ and that ‘for a long time kings [... had been] only men in the eyes of reason’.³¹ It was Robert, the author of *Le républicanisme adapté à la France*, who used the image of the ‘monster’ to denounce monarchy as something which ‘withers humanity, which lies to nature as a whole’.³² As a result, another way of interpreting Paine’s choice not to state his major objections to hereditary monarchy again is that he might have thought that it was up to the French Conventionnels to express their own understanding of this regime.

On 22 November, an address sent by the Friends of the Revolution of 1688 was read to the assembly. Its authors believed that ‘the cause of the French was that of all mankind’. They indicted ‘Burke’s followers’, who were ‘Englishmen who had degenerated from the principles of their ancestors to dare publicly to defend the unjust invasion of your country by Brunswick the matamore’.³³ On 28, a delegation of the English people who lived in Paris and of the Society for Constitutional Information was received by the Convention.³⁴ Not a word was said about Paine, which may be unexpected, but which may also be explained by the context in Great Britain in which prosecutions against Paine and against Paine’s ideas were taking place.

On 3 December, Louis XVI was declared liable to be judged by the assembly.³⁵ During the debate on this issue, Berlier referred to Paine’s opinion on the King’s liability and especially alluded to the passage where Paine commented on the symbolic dimension of a potential trial as a demonstration of the corrupting or corrupted nature of governments. More significantly, in another appendix to the same day’s session, which had previously been delivered before the Société des Jacobins

on 23 November, Ichon appealed to Paine directly, using the republican French 'tu' which probably also mixed the Quaker-like 'thou'. He first quickly waived the absurdity of inviolability, with which Ichon concurred, before attacking Paine's reference to a potential 'compassion' for the King, who could be spared. Ichon understood it as a sign that Paine would oppose the execution of the King whereas Ichon himself had already argued in favour of this sentence.³⁶ This retrospectively foreshadows the discussion in January 1793 about the death sentence and the opposition of some Montagnards and Jacobins to Paine's views.

Louis XVI's first appearance in court was scheduled for 11 December. On 6 December, the King's bill of indictment was voted. Paine proposed a short text to question the King about his offences.³⁷ In his *Patriote français*, Brissot claimed that the decree passed on 6 December was 'the result of the ideas of Biroteau and of Thomas Payne, written down by Quinette'.³⁸ Yet Paine's proposal was the last one before Quinette's, which was the basis of the motion then adopted by the assembly. Paine's project had no real connection with the decree of 6 December since this plan dealt with the charges against the King more than with the practical proceeding itself. Paine's text did not impress the Conventionnels much as several of them clamoured for the end of the debate.³⁹ Despite this indifference, it is worth underlining that Paine's proposal had many common points with the list of charges against the King which was presented on 11 December. In his proposed text, Paine first accused the King of having broken his 'oath to the nation', which was mentioned in the fifth paragraph of the final list of charges. Paine then denounced the collusion between Louis XVI and other European monarchs, an idea which was included in paragraphs 8 and 17 of the list, and also the money which the King was suspected to have given them, which appeared in Paragraphs 6 and 7 of the text of 11 December. Paine insisted on the support brought by the King to 'émigrés' and 'plotters', which was emphasized in Paragraphs 15, 18 and 24. He reproached Louis XVI with having sent unprepared troops to fight against France's enemies, a charge which made up the 16th and 23rd paragraphs. Eventually, Paine believed that the King was guilty of the death of demonstrators on 10 August, which was the topic of Paragraph 32.⁴⁰

In addition, during the session of that day and the debate about the way the King should be questioned, Bancal expressed an idea which does not appear in Paine's project. He declared that according to 'Thomas

Payne', whose name he quoted, 'the questions should distinguish the offenses committed before the Constitution, because they were part of the trial of monarchy, from the offenses after the Constitution, because they would concern the man'.⁴¹ Bancal seems to have acted as Paine's spokesman, as the latter could not speak French well enough. It was the latter's only contribution to the legal issues mentioned above. It is not clear whether it was really Paine's idea or whether it was influenced by his 'Girondin' associates. This remark had no immediate effect on the Convention, whereas the two statements in-between which Bancal's is recorded (Ducos's wish that the list of charges should serve as a basis for the interrogation of the King, and Manuel's opinion according to which other questions should be allowed to be asked depending on the King's answers) were both adopted.⁴²

The second long contribution that Paine made to Louis XVI's trial was transmitted to the Convention's office on 7 January 1793.⁴³ Yet the debates of that day were closed before all those who wished to talk could do so, and Paine was one of those who did not take the floor, as he explained in his last speech on 19 January.⁴⁴ There has been some hesitation as to the exact date when Paine's second speech was read to the assembly, but various pieces of evidence allow one to conclude that Paine's speech of 7 January was read only on 19 January.⁴⁵ Although it was not read before that date, his text was printed by the Convention. It was Paine who suggested its printing on 7 January and his statement is recorded in French in the archives.⁴⁶ It was the first occasion when he expressed his viewpoint in French before the Convention. The second one would be on the following week during the oral vote about the King's guilt and sentence. So, it seems that Paine who could read French well, as Garran confirmed on the 19 January,⁴⁷ could not pronounce more than a short sentence in that language. He could not deliver a whole speech in French, as he himself admitted both in his first and in his last long contribution to the debates on the King's trial.⁴⁸

In Paine's contribution of 7 January, his way of designating the defendant, the King, had changed. Whereas in the speech dated 20 November he had used the monarch's title, less than two months later he instead mentioned 'Louis Capet', although he still employed 'Louis XVI', too. It was not the first time Paine had called the King by his name and surname. He had done so on 1 July 1791 in his so-called 'Republican Proclamation', the text of which he also quoted in his contribution of 7 January. Paine had in July 1791 argued that as the King

had left the throne empty, had lost his title and become a citizen or a subject no different from any other.⁴⁹ Yet this shift in January 1793 in Paine's way of naming the King is significant since it shows that he dealt with the King as an individual rather than as an officeholder, whereas in his speech of 20 November it was the latter not the former. This time Paine tried to present the monarch as a victim of his perverted education, of the political system in which he took part and of the Constituante.⁵⁰ He re-asserted one of the quite commonplace eighteenth-century beliefs that circumstances had a more decisive influence on individuals than birth, and suggested that if the King lived in a different political regime, a republican one in the present case, he could be converted to another system.⁵¹ It was one of the grounds on which Paine justified the possible alternative to the King's death, which consisted of jailing him until the end the war and then banishing him in a foreign country and more precisely the United States.

Paine was neither the first nor the only one who defended this solution, even if the choice of the United States as his new country was Paine's idea. As early as 13 November, Morisson had made the case for Louis XVI's detention and then his expulsion from France.⁵² On 3 December, Guy Kersaint, who was one of Paine's collaborators, declared that he supported this idea which he advocated on the same grounds as Paine. Kersaint thought that 'the trial of the royal government' should be an example for other European countries. As a result, what the axe of justice should cut off 'was not the head of a man who was formerly a king, but the prejudices attached to the name of king'.⁵³ In the following weeks, several representatives expressed their opposition to the execution of Louis XVI and looked for other possible sentences. On 27 December, Joseph Sers explained that he favoured the imprisonment-banishment solution which should nevertheless be submitted to the people through a vote of the primary assemblies.⁵⁴ Two days later, Guiter concurred and added that the death sentence should only be applied in case Louis XVI transgressed the banishment imposed on him.⁵⁵ On the same day, Morisson pleaded again in favour of the proposal he had made in November and even said that the former King should receive a pension.⁵⁶ Still, on 29 December, Engerran attempted to convince his fellow representatives that, whereas they should decide in favour of an execution, they should at the same time encourage the primary assemblies to vote for the exile. On 7 January, the day when Paine's second long contribution was initially to be read, Louis-Sébastien Mercier put forward his

arguments in favour of a sentence of life imprisonment and of a possible banishment.⁵⁷ On 7 January, L. Bailly, in his printed opinion on the sentence, even quoted Paine to say he also supported imprisonment until the end of the war and his banishment after peace.⁵⁸ In his opinion of 15 January about the ratification of the sentence by the people, Delcher singled out both 'Condorcet and Payne' as the only opponents to Louis XVI's execution. His purpose was not to condemn them, though, since he characterized them as 'commendable'. It shows to what extent both of these republicans were seen as major references in the Convention.⁵⁹

As a result, Michael Walzer's contention that Paine's proposal was not discussed does not really stand,⁶⁰ and as the vote on the King's sentence that took place ten days later shows, this solution was far from being promoted by only a small minority of the Convention. It was in keeping with the opinion of a great number of Conventionnels, even if their motives were not necessarily the same as Paine's, and with their understanding of what the French Revolution should be, which also dismisses or at least questions the conclusion that Paine's proposal was quite naive and a mere 'pedagogic story'.⁶¹ Such an interpretation sets Paine in the margins of the debates and maybe of the French Revolution itself, whereas the debates in the Convention show the opposite.

In addition to the promotion of republican morals that the trial could perform, Paine viewed the trial and its result under three angles in this position paper of 7 January: *realpolitik*, the opposition to the death penalty and the comparison with the English precedents of 1688 and 1649. The first one was the least developed argument of his statement. He only said that keeping Louis XVI alive would be a clever measure as his brothers could not claim the throne. About the question of the death penalty, Paine astutely selected a quote from a speech against it delivered by Robespierre on 30 May 1791, which the latter had tried on 3 December to reconcile with his call for the execution of Louis.⁶² On 3 December, Condorcet had made the case for the abolition of the death penalty, which he considered as inhuman,⁶³ but Paine chose instead to quote the former representative from Arras. It is likely that this choice was strategic. Paine probably wished to sway those who advocated a bloody regicide rather than a symbolic one. This strategic explanation is all the more likely as Paine then said that violent and cruel punishments were outdated, belonged to the monarchical past, and were based on 'revenge',⁶⁴ a position which was that of Condorcet and of some Enlightenment thinkers following Beccaria. Avoiding the execution of Louis XVI would

prove that republicans did not use the same tools of terror as monarchs and that they had turned their back on monarchical ways of governing.

He finally underpinned his plea with the counterexample of the English Revolution of the middle of the seventeenth century. In his discussion of the execution of Charles I in the first volume of *Rights of Man*, in what amounted to a theory of the tyrant's two bodies, Paine had concluded that 1649 was neither the execution of the private body of the King to save the mystic one or the killing of the tyrant to save the public body of the King, but instead the absurd execution of the tyrant's private body to replace it by another one in order to maintain the public body of the tyrant.⁶⁵ In January 1793, he reminded the representatives of the Convention that Charles I's death had come to naught since the English regicides had selected the wrong target by killing the King without abolishing monarchy. He contrasted this precedent with the present case in France, which he viewed as the opposite situation: the monarchical regime had been overthrown and therefore the genuine revolution had already taken place, which rendered the execution of the King useless. He even went as far as to say that, even if the Glorious Revolution had not been a true revolution, it had proved more efficient since the banishment of James II had kept the Stuarts and Catholic Kings away from the throne.

Paine was not the first who had resorted to a parallel with Charles I. It had even been mentioned frequently in the two preceding months. In his report, Mailhe had first referred to it when he brought up the question of the tribunal which should try the King. The English precedent was in that case a counterexample as the English Parliament did not then really represent the English nation, in contrast to the Convention which was fully legitimate.⁶⁶ It was more a case of those who were against Louis XVI's trial, had seen the potential impact of this comparison and had exploited it. On 13 November, Morisson, to whom Paine was opposed on the issue of the King's immunity, used the fate of Charles I in the same way as Paine when he stressed that his death had not precluded the Restoration.⁶⁷ Morisson incited his fellow representatives to follow the example of the Romans who had expelled the Tarquins and been able to set up a republic.⁶⁸ On 28 November, Lefort, who also refused the King's trial, pitted the treatments of Charles I and James II against each other exactly in the same manner as Paine.⁶⁹ Those who were in favour of a death sentence, like Saint-Just, also instrumentalized the reference to Charles I, but in order to turn the argument the other way

round: the return of monarchs after Charles I's death proved the vitality of the monarchical regime and therefore was proof that being lenient would be even less effective.⁷⁰ On 3 December, in the speech already alluded to, Robespierre, who made the case for the execution of Louis XVI without any trial, described that of Charles I as a mock proceeding motivated only by personal rivalries and power struggles.⁷¹

In an addendum to his letter of 7 January, Paine tackled another major issue, the possible ratification of the sentence by the primary assemblies.⁷² The need to put the Convention's decision to the vote of the electorate was superseded in Paine's view by the 'political death of monarchy' which had already been approved through this procedure. He then made it clear that it was not in the scope of the Convention's powers to pass a death sentence because it would require the vote of the primary assemblies. Therefore, he presented the banishment of Louis XVI as the most convenient solution, since it was among the prerogatives of the assembly. The King's exile would be the 'political complement' to the decree of 21 September 1792, which was Paine's thread in this trial. This addendum is at least as significant as the body of Paine's text and may well be even more important in terms of Paine's republicanism. His choice to promote the King's exile is in keeping with what he had written until now both from a theoretical and practical viewpoint if one considers his ideas on monarchy in general and on the French regime in particular. However, this appendix shows that Paine had then to face a concrete case of the problematic relation between electors and those who represented them to an unprecedented degree. His experience in Pennsylvania in the 1780s had led him to look into the nature of representation, especially with regard to the partisanship of representatives which might be an obstacle to a fair deliberating process. Yet what he witnessed in France in January 1793 was a deeper conflict between majority rule and justice, between the duty of representatives to conform to their instructions and their choice to go beyond the power with which they had been vested; or, in other words, between sovereignty and representation, although he did not express it in such an explicit way.

Paine's views were also defended by Bancal in the speech he was to make on 7 January. Bancal advised the Conventionnels to listen to Paine, whom he presented as a kind of republican prophet.⁷³ He then repeated Paine's arguments about the sentence which should be voted by the assembly. Banishment would at the same time be a solution

for the whole royal family. It would magnify the republican cause and would avoid the appeal to the people. He shared Paine's belief that the Convention could not legitimately sentence Louis XVI to death and added that this execution would trigger an armed conflict in Europe.⁷⁴ Furthermore, Paine was mentioned in another speech that was to be delivered on the same day by Garran, who knew Paine as well. The 'Girondist' Garran was like many of his associates opposed to the death penalty in all cases, and he believed that if it was voted by the assembly, it would have to be ratified by the people. Among the justifications he used, he quoted Paine, whom he called 'the irreconcilable enemy of kings',⁷⁵ although Paine was against the ratification by the people. Likewise, Kersaint, another of Paine's collaborators, who on 3 December had declared his rejection of the death penalty and his position in favour of the King's forced exile, referred to Paine's authority on 15 January to legitimize his contention: the proceeding against Louis XVI should first and foremost be the trial of the monarchical regime.⁷⁶ Kersaint held it that no legal framework existed to sentence the King and that only the people could decide on the right punishment.

Louis XVI's guilt and sentence were put to the vote in the Convention (15–18 January). In the first *appel nominal*, Paine voted for the King's guilt. In the second one, he voted against the ratification of the sentence by the people. Merlin de Douai, then a rather opportunist Montagnard, in his opinion of 15 January concerning the potential referendum about the sentence, opposed it by quoting Sieyès's answer to Paine of July 1791 on the inherent link between constitutionality and representation which would be destroyed by this ratification.⁷⁷ In the last *appel nominal*, on the night of 16 January, which was to determine the sentence, Paine's vote is recorded in French. He declared that he was in favour of 'the imprisonment of the King until the end of the war and for his perpetual banishment after the war'.⁷⁸ According to the first proclamation of the votes on the evening of the 17 January, Paine voted with 318 other Conventionnels out of 721 whereas 400 were in favour of a death sentence applied with or without delay.⁷⁹ So, Paine's position was supported by a great number of them, as he himself would later underline from the Luxembourg prison in a letter to James Monroe in September 1794.⁸⁰ This vote was to be reviewed again on 18 January, when each Conventionnel was asked to confirm or revise his vote, which led to similar figures when adding the votes in favour of death with or without specific conditions.

Even if Paine's speech of 7 January was not read, his name and authority were used seven times during the third vote on the night of 16 January and on 17 January,⁸¹ most notably by Brissot, who was also the only one who quoted Paine but did not vote like him since he voted for a death sentence which should be suspended until the new constitution had been ratified by the people. Brissot said he was nonetheless aware that Paine's opinion was representative of 'the wish of four millions of free Americans' whom he supposed were opposed to Louis XVI's execution.⁸² These references to Paine are all the more remarkable as mentions of the kind were not frequent in the oral votes. Even before Paine had cast his, Boudin said that he 'trusted in Thomas Payne's views more than' in his own and that it was what made him vote in favour of the imprisonment and subsequent banishment of the King. After Paine's vote, Bancal appealed to the authority of his friend, whom he said was 'the most mortal enemy of kings and of kingship' and whose vote he considered as the embodiment of modernity and of the opinion future generations would have of this moment, employing the same phrase as in his speech of the preceding week.⁸³ Christiani, more soberly, said he relied on Paine's opinion and voted like him.⁸⁴ Duval then praised Paine in terms close to those of Bancal.⁸⁵ Guyomard even revealed that Paine had made him change his mind on the subject, adding (for La Montagne) that Paine was neither 'an intriguer, an aristocrat' nor 'a royalist'.⁸⁶ Dumont relied on the reflections of 'Thomas Paine, Kersaint, Mercier, Bancal and several other members' about the execution of tyrants and its possible negative consequences.⁸⁷ These representatives all voted in favour of a prison sentence. Bancal and Guoyard even hinted at the English precedent in the same way as Paine had done, sharing the latter's views on the 'lessons' it told.⁸⁸ Most of those who voted for this solution, like Paine, affirmed that the Convention did not have the power to pass a death sentence. Bancal again was the closest to Paine's views when he stated that 'the majority of French citizens would not vote for death', an opinion of 'the general will' by which the representatives of the people must abide.⁸⁹ Retrospectively, in November 1793, during his cross-examination by a judge, Manuel would reveal that he voted in favour Louis XVI's banishment to the United States to follow Paine's opinion.⁹⁰

Bancal read Paine's speech on 19 January. On 18 January, Daunou had encouraged his fellow Conventionnels to hear Paine's opinion, especially regarding the English precedent, a remark he could not finish as he

was interrupted by ‘murmurs from the far left’,⁹¹ which foreshadowed their reaction on following day. Paine’s speech on 19 January, when the reprieve was debated, confirmed that he felt the vote of the Convention was a dilemma in terms of how representation and sovereignty were inherently connected in a republican regime. He pointed out that the banishment of the King was the sentence he believed the nation would have passed. He again made the case for the convenient and practical side of the resort to primary assemblies, but his remark on what he considered as a discrepancy between the will of the nation and the will of the Convention revealed his real motive for initially rejecting the appeal to primary assemblies on 7 January. It demonstrates to what extent the Convention’s decision hurt him as ‘a genuine republican’ to quote his speech of that day. On 19 January, he accounted for the vote of the Convention by the turmoil generated by the threatening war context, ‘especially [in] Paris’, which had influenced the assembly in the wrong way. Paine ascribed the vote in favour of the death penalty to the ‘anger’ and ‘fear’ of the people or rather of ‘the public spirit’ according to the French version, which is more reliable than either Foner’s or Conway’s as the English manuscript has not been found yet.

Yet neither did Paine tackle this dilemma in theoretical terms in his speeches of the 7 and 19 January, nor did he explore, in other writings, even retrospectively, the theoretical ground for his feelings and ‘opinion’, as he described his position. Beyond the contextual explanation, what may also account for his lack of conceptual analysis of this antagonism between sovereignty and representation is the fact that it was a wedge that could potentially split his republican theory which rested on the belief that the representative regime made it possible to make the fairest decision. The vote on the King’s fate was in reality the first instance of the kind that he witnessed in France. This crisis in representation would become even more tense when the Parisian sections invaded the assembly on 31 May 1793 and then, in the post-Thermidor context, in April and May 1795, when *sans-culottes* did the same. Paine condemned these latter actions in 1797, but because he wrote with a different perspective, which was propaganda in favour of the Directoire, he again failed to touch on the deeper issues raised by these events in terms of representation and legitimacy.

In his oral vote on the 18 January, Guyomard emphasized the purity of Paine’s intentions, which he said were beyond the reach of suspicion.

This remark was aimed at the more 'radical' representatives who wished to discredit those who favoured a more 'moderate' course. That kind of opposition on the part of more 'radical' Conventionnels was soon to be voiced on the following day (19 January), when Paine's contributions both of 7 and 19 January were read aloud in the Convention before the vote on the reprieve took place. Marat, Camille Desmoulins, Thuriot, Duhem and Basire endeavoured to interrupt the reading of the text by Bancal⁹² because they feared it would sway the assembly. This further evidences the influence and prestige Paine enjoyed in the Convention. At the beginning of Bancal's reading, after he presented Paine's reminder of his position against the death penalty, Marat tried to discredit Paine by suggesting his stands were due to religion and his supposed Quakerism. The second interruption came near the end of the speech after Paine appealed to the future stability of the country from the viewpoint of both domestic and foreign policy. He envisioned the next assembly, which was to prepare a new Constitution and whose work could be jeopardized by Louis XVI's death. It could increase the hostility of monarchical countries in Europe, but also of allied countries or rather of France's only ally then, the United States, a point made by Condorcet on the same day just before Paine's speech was read and that would be used by Brissot immediately afterwards, albeit in a different way.⁹³ Several 'Montagnards' questioned the validity of the translation. In what proves retrospectively to have been a kind of theatrical scene, both 'Montagnard' and 'Girondin' Conventionnels fought to determine whether the content of the French text was a faithful translation. Marat and Garran (who both spoke English) alternately asked Paine whether his speech had been rightly translated.

Beyond the content of the objections which were raised, this dialogue proves the weight Paine's opinion had on these questions, even if a majority of Conventionnels voted against the reprieve on 19 January.⁹⁴ Some historians have nonetheless contended that Paine's contribution in the Convention was marginal because he could not speak French well enough.⁹⁵ Yet sufficient evidence has survived to conclude that Paine understood and could read French and that this partial mastering of the French language did not prevent him from taking part in the debates in the Convention.⁹⁶ Moreover, many French Conventionnels spoke English, like Marat, Robespierre, Danton, Condorcet, Lanthenas, Bancal and others. The exchanges that took place on 19 January were also a sign of the rivalry for appropriating Paine's authority by various factions or groups in the Convention. It is further

illustrated by the unarticulated reactions in the shape of ‘murmurs’ which punctuated the whole speech and discussion from ‘the centre’ and the ‘far left’. In the public speeches recorded in the Convention in January 1793 before the 19th, Paine’s figure as a republican hero or (potential) martyr had been hailed several times: by Kersaint (on 1 January) during a debate on how to deal with Great Britain,⁹⁷ and then by Barère on (14 January), who alluded to Paine’s trial and pitted the attitude of the British Parliament, which expressed its opposition to the proceeding against Louis XVI, against that of the Convention which abode by the sentence of the British court of justice against Paine.⁹⁸ On 12 January, in the report he made on the conduct of the English, Brissot referred to *Rights of Man* and to persecutions on the other side of the Channel against those who supported the ideas it contained.⁹⁹ Brissot had been doing so in his *Patriote français* since the sentence against Paine on 18 December.¹⁰⁰ This suggests that in January 1793, ‘Girondists’ or ‘Rolandists’ as well as other Conventionnels, such as Barère, endorsed Paine’s anti-monarchism and what they thought was his republicanism. Both Barère and Brissot voted in favour of the King’s execution, but they supported the republican symbol that Paine embodied. As Sophie Wahnich has rightly stressed, Paine’s speech on 19 January may well have been the key moment when La Montagne felt that Paine was stepping out of the quite mythological role he had had until then as a universal symbol or when his real self surfaced against this representation.¹⁰¹ It was more precisely the moment the Montagne chose to reactivate its early hostility to Paine first expressed during the debate on Paine’s French citizenship in the Convention in August 1792, during that in the electoral assembly of the Pas de Calais in the following month and then in November in Ichon’s speech both in the Jacobins and in the Convention, which shows that the controversial view of Paine had not disappeared after his election.

2 PAINE AND THE FIRST CONSTITUTIONAL COMMITTEE

What may have been another step in the evolution toward a less consensual view of Paine by representatives inside and outside the Convention was Paine’s participation in the first Comité de constitution, to which he was appointed on 11 October 1792 with somewhat ‘Girondin’ figures (Condorcet and Brissot), others who were closer to the ‘Montagne’ (Barère and Danton) and the elusive Sieyès (who did not side with any faction). This initial committee proposed a Constitution to the Convention on 15 February 1793. For the time being, researches about Paine’s role in this committee are made problematic by the lack of material to document it.

What Aldridge said in 1958 about the difficulty of assessing Paine's part in the final text written by the Committee is still true more than 60 years later.¹⁰² The papers of the Committee have not yet been found and therefore this precludes any precise knowledge of the contribution of each member,¹⁰³ except for a few documents that have been preserved or printed.

In Philip Foner's as well as in Conway's collection of works by Paine, a translation of the Declaration of Rights which appeared in Condorcet's complete writings is included as being mostly Paine's.¹⁰⁴ However, no material evidence underpins the idea that Paine was the main author of the plan, although it may be assumed that he discussed it with Condorcet and other members of the Committee. It certainly tends to bear Condorcet's hallmark as its content and form are reminiscent of his 1789 Declaration plan. Most of the rights guaranteed in the version of the Committee were already included in that earlier project by Condorcet.¹⁰⁵ Moreover, in his memoirs, Barère claimed he was himself entrusted by the Committee with preparing the Declaration of Rights.¹⁰⁶ Therefore, this Declaration was the result of a collaboration, mostly between Barère and Condorcet and it should not be attributed to Paine, even if it contained statements that Paine certainly approved of.¹⁰⁷

The Declaration presented by the committee on 15 February first stated the basic principle of the 'social compact' and listed the 'natural, political and civil rights of man'; that is, 'liberty, equality, security, property, social guarantees and resistance to oppression'. A somewhat general definition of each right was provided and then the way each right could be exercised in the context of a just and well-organized political society was described. The definition of 'freedom', given in Article 2 of the Declaration plan of this first committee, is the same as Article 4 of the Declaration of August 1789. Paine had quoted this article in the first part of *Rights of Man*, adding the adjective 'political' to characterize 'freedom' at the beginning of his translated version of it whereas it did not appear in the original in French. In his other works, Paine did not provide the reader with a clear definition of the notion of freedom.¹⁰⁸ In his writings published during his first American period, he even seemed to bypass this definition.¹⁰⁹ More generally, Paine dwelt more on the notion of 'rights' than on the concept of liberty. In December 1778, he considered that 'freedoms' and 'rights' were the same,¹¹⁰ which confirmed his answer to Benjamin Rush, in which Paine had already emphasized that "'rights" [...] always imply inherent liberty'.¹¹¹ Yet no further development followed. In *Dissertations on Government* (1786), he provided summary definitions of the notions of 'sovereignty' and of

'laws'. Sovereignty was defined (after Bodin's concept) as 'a power over which there is no control and which controls all others'. In a republic, it belonged to 'the people'. Sovereignty and freedom were said to be intrinsically linked.¹¹² In Articles 26 and 27 of the 1793 Declaration plan, Paine, Condorcet and the Committee insisted on the 'indivisible' character of sovereignty, but this repeated the principle of the Declaration of August 1789 more than it reflected Paine's thought. The same conclusion can be drawn about Article 7 of the Declaration prepared by the committee. Equality was defined as 'the enjoyment of the same right by each'.¹¹³ This equality of rights was the foundation on which the stability of republican institutions relied. As early as 1778, Paine had tried to demonstrate that representative democracy was 'that kind of novelty which bids the fairest to secure perpetual freedom and quietude, by justly recognizing the equal right of all'¹¹⁴; and in the first part of *Rights of Man*, he had equated 'unity' and 'equality'.¹¹⁵ The article which Paine might have helped include in the 1793 project of the committee is the last one since it summed up some of his major views and they were not mentioned in Condorcet's previous plan in 1789; that is, the right of the people to revise and change the constitution, the freedom of each generation to pass new laws and reject those of the previous one, and the suppression of any hereditary functions as 'absurd and tyrannical'.¹¹⁶

Yet given the little material available to unravel the issue of Paine's participation in this plan, looking at how this Declaration can be related to Paine's writings and ideas can be relevant only to a certain extent. These common points cannot make up for the lack of concrete evidence about the content of Paine's contacts with other members of the Committee. In addition, it seems that Paine had written a constitutional project of his own, which is lost or rather has not yet been dug out; whereas, for example, David Williams's plan, dated January 1793 and in reality more a critical review of the Constitution of 1791, was published in *La Chronique du mois* in March 1793.¹¹⁷ In August 1794, Paine referred to his own plan in a letter from the Luxembourg prison saying it was then 'in the hands of Barrère [sic]'.¹¹⁸ We know that Paine sent parts of it to the other members of the Committee as well.¹¹⁹

The only extant material which provides clues as to Paine's participation in the Committee is a note found in Danton's papers. This short letter, which is not signed, referred to the 'beginning of the business we are met together upon.' Both this note and the 'English manuscript' Paine mentioned here were probably both written late in 1792 when

the Committee was starting to work. Paine explained he was working to replace chapter 2 of the Constitution of 1791 which dealt with the place of the French monarch in the institutions by another section dealing with 'the distribution of powers delegated to the nation'. This was the central change to be made in the Constitution of 1791 and it may be assumed that Paine's proposal dealt with republican sovereignty and with representation. He made it clear that his own plan replaced the greatest part of the text of the former Constitution, giving page numbers, which may suggest that the members of the Committee all worked on the same document.¹²⁰ He concluded the note by adding that he was 'still working on it' and that he could not hand his plan out to the Committee because the translation was not over yet.

Although Paine then said that he 'thought the committee would find in it great many of their own thoughts', the title of the chapter suggested by Paine did not appear in the version of the plan presented by Condorcet in February 1793. It reveals that Paine may have found it difficult to take part in the discussion when the whole Committee met as a remark he made in the note seems to confirm: 'I have taken this method because I cannot communicate with any other'. It has been suggested until now in critical studies that it was with Condorcet that Paine had the closest link. This note might reveal his links with Danton, provided he was indeed the first intended recipient of it, which is not certain.¹²¹ How Paine's role in the Committee was perceived by opponents of the Girondins and critics of the Committee during the winter of 1792–1793 can be found in the records of the Jacobins' club for 24 December 1792, during a session chaired by Saint-Just. The Constitutional Committee was disparaged and Paine's name was quoted first, before those of Condorcet, Sieyès and Pétion. The Committee was said to be too slow in its work and a wish already surfaced to replace it by Robespierre, Chabot, Bazire and Merlin.¹²² This may show that Paine's role was seen as significant or was instrumentalized for partisan and polemical reasons.

In order to compensate for the missing papers of the Committee, Franck Alengry, a French historian who published a book on Condorcet in 1904, tried to recreate Paine's plan by piecing together elements from the final plan of the Committee and from the Constitution of Pennsylvania, whose author was still believed to be Paine.¹²³ Yet such a reconstitution, which may be tempting, is highly debatable and of no real use. Despite the lack of evidence, it has generally been assumed that Paine played a significant role in the writing of the plan presented by

Condorcet.¹²⁴ Unfortunately, in his writings and letters that have been preserved or found, Paine neither provided more details about his participation in the Committee nor did he express his opinion on the final plan it produced.

Assertions or assumptions on Paine's opinion about the final version of the text are made even more difficult as he did not take part in the debates in the Convention between 15 February, when the plan was first proposed, and 4 April, when the Committee was changed and in which only two members of the former one remained (Barère, and Danton as *suppléant*). It was again altered on 29 May. Nor did Paine participate it seems in the debates led by the Montagnards between 4 April and 24 June when the Constitution of the Year I was adopted. Debating the new Constitution was said to be the official agenda of the Convention from 17 April, but it became a priority only from 2 June onward after the coup against the Girondins. The debate over the Declaration of Rights that started after 15 February divided the 'Girondin' faction. The bone of contention was whether this declaration should state and guarantee the natural *Rights of Man* (as Condorcet's plan, supported by Paine, did) or whether it should define social rights (as Rabaut St. Etienne argued), which was the choice made on 29 May 1793 in the 'Girondin' Declaration of Rights and then overturned by Robespierre on 24 June with a return to natural rights.¹²⁵

The speech Condorcet delivered to introduce the plan of the Committee to the Convention may provide some clues as to Paine's potential contribution to the work of the Committee. However, this approach should be handled with caution since it is still another way of making hypotheses or claims that would need to be verified by more reliable evidence. For example, in his speech, Condorcet said that the Declaration of Rights was 'the exposition of the conditions which each citizen accepts to enter the national association of rights'.¹²⁶ Paine had used a similar phrase to define government in the second part of *Rights of Man*,¹²⁷ which might suggest he discussed the matter with Condorcet or that Condorcet adopted Paine's phrase. Yet as documents to confirm this are not available, it can only be surmised. Moreover, that kind of vocabulary was commonly used at the time. Other parts of Condorcet's report made in the name of the Committee more clearly show common points with the ideas that Paine defended then regarding the organization of republican institutions (and which evolved afterward). First, Condorcet (in the name of the Committee) rejected all hereditary

transmission of power in terms which are reminiscent of those he used during the crisis of the summer 1791 and which had visible similarities with Paine's anti-monarchical criticism. Condorcet explained that monarchy was an 'absurd institution', 'an obvious violation of natural rights' and was not based on a vision of man as reasonable being.¹²⁸ A king was therefore 'useless'¹²⁹ and the Committee had chosen a plural executive, directly elected by the people, as an executive office held by one individual would inevitably turn monarchical.¹³⁰ It is not easy to know what Paine's view of an ideal republican executive was at that time. He had not yet started to criticize the unitary executive of the United States as he would do after 1795–1796. In addition, Condorcet repeatedly praised the principle of simplicity and, like Paine, refuted the validity of the system of checks and balances.¹³¹

The way Condorcet justified the Committee's choice to propose a unicameral legislature demonstrates that he and the Committee shared some of Paine's conclusions on the subject; first, regarding the criticism of the bicameral system, which could lead a minority to overrule a majority and to decide a question¹³²; and second, with regard to the method of debating bills by dividing the unique assembly into two separate committees, which was the same compromise defended in his 'Answer to Four Questions' and in the second part of *Rights of Man*.¹³³ Condorcet also explained that the aim of the Committee was to include guarantees of stability and of justice in the representative system they proposed. First, the principle of frequent elections, annual ones in the present case, was considered as a bulwark against abuses of power in the legislature.¹³⁴ The second guarantee was an almost universal male suffrage since the committee refused to link the franchise with property ownership. In the name of his colleagues, Condorcet admitted that it was not easy 'to set the limits where, in the chain of dependencies which is created by the social order, that which enables an individual to exercise his rights begins',¹³⁵ a sentence which might have echoed the sentence in *Rights of Man* which stated that 'the mutual dependence and reciprocal interest [...] create [...] a great chain of connection'.¹³⁶ Among the few restrictions to the right to vote which were defined by the plan was that of people who had been condemned for certain crimes, a provision which Paine had advocated in 1778.¹³⁷ The third guarantee was the involvement of citizens in political affairs, a kind of virtue which can be called 'civic' here although not necessarily implying the 'republican' or Pocockian meaning of the term.¹³⁸ Eventually, the ultimate guarantee was the right of the

governed to resist oppression and the prerogatives they kept to control governors, which were entrenched in Title VIII of the project and in the plan of the Declaration of Rights. As a result, it is highly tempting to conclude that this plan endorsed some of Paine's central ideas in terms of institutional organization. Yet this should not lead one to overestimate his role in this as, again, no document is available to determine this.¹³⁹

At the time when the first Constitutional Committee presented its work in the Convention, a collection of writings by Paine was published in French by Buisson.¹⁴⁰ It may be said that Paine's reputation and authority were at their highest then. Moreover, on 1 February 1793, the day on which the Convention declared war on Great Britain, Paine was one of those who was entrusted by the Convention with writing a text for the British and Dutch people in collaboration with Fabre d'Eglantine and Barère, which shows that his position during Louis XVI's trial did not undermine Paine's credit. Barère then revealed in his memoirs that it was eventually Condorcet who wrote it and sent it to Barère, who said he was later forced to destroy this manuscript which was never published.¹⁴¹

Although Paine's constitutional project has not yet been found, a quite perplexing writing was published as Paine's in 1793 in a very small format. It is entitled *Declaration of the Rights of Man and of the Citizen*. It was presented as part of a then recent special collection of books for public instruction.¹⁴² This writing is made up of: an introduction; a commentary on each of the articles of the French Declaration of Rights of 1789; a comparison of the latter to the American State Declarations of Rights; and a translation of the last mentioned Declarations which then concludes the volume.¹⁴³ This writing raises many questions because its content and tone are not usual when compared to other writings by Paine. The name of the potential translator, if it was written by Paine, is unknown.

This short book deals with quite outdated issues or rather addresses them in a quite outdated way in the context of 1793. The author attacked Calonne, Louis XVI's former minister, for his position on the Declaration of Rights which Calonne contended was not legitimate because it was not asked for in the *cahiers de doléances*.¹⁴⁴ The Declaration of Rights of 1789 is compared to Magna Carta, to the Habeas Corpus, the Bill of Rights of 1689 and the State Declarations of Rights in the United States.¹⁴⁵ Then the Introduction stresses that no disorders had originated from the existence of Declarations of Rights and that they are essential guarantees for the governed.¹⁴⁶ Such remarks

could potentially be relevant in the context of the debate on the new Constitution of 1793, maybe in the wake of Robespierre's proposal on 21 April for a new Declaration of Rights.

Beyond the context of the French Revolution, what further makes its authorship by Paine doubtful is the positive and even laudatory reference to the British Bill of Rights it contained. Even if Paine sometimes could state contradictory assessments of landmark events in different writings, he only exceptionally viewed the founding texts of the English Constitution as valid. In the mid-1770s, he had used the Charter of 1215 as a reference, if not as a model, and had argued that the rights it contained were not concessions made by the Crown but were rights of the people, whom he considered as the main source of the Charter.¹⁴⁷ Yet in *Rights of Man*, he completely rejected these types of document as out-of-date.¹⁴⁸ His harsh criticism of their illegitimate character in *Rights of Man* contrasts with the statement made in the 1793 writing since he had by then turned the Bill of Rights into the symbol of the usurpation on which the British system was based.¹⁴⁹

Then, the French Declaration of 1789 was said to be in this writing more universal and to offer better guarantees than the American Declarations. The author argued that the distinction between two types of political texts, the declaration and the constitution, was not always sufficiently clear in American Declarations of Rights.¹⁵⁰ Then, the articles of the French Declaration of 1789 were compared to articles of the American ones. For example, Articles IV and V of the French Declaration of 1789 were presented as more universal than Articles II, X, XIII and XV of the Pennsylvania Declaration of Rights, which is here attributed to Benjamin Franklin.¹⁵¹ The beginning of the French 1789 Declaration was contrasted to the preambles of the Pennsylvania and Massachusetts Declarations as well as to the first paragraphs of the Declaration of Independence.¹⁵² The State Declarations of Rights were insufficient since they needed to be completed by the Declaration of Independence, which alone offered a guarantee for all American citizens.¹⁵³ Yet again, it is unlikely that Paine reached such conclusions. He did not use the Antifederalist criticism of the insufficient guarantee of State Declarations in other writings.

In the first part of *Rights of Man*, he had offered a translation of the Declaration of 1789 or rather had reproduced Price's translation of it and then briefly commented on it. He had especially singled out the first three articles as epitomizing the essence of the universal rights of man,

and as embodying the major principles of the French Revolution and of what a genuine republican revolution should be.¹⁵⁴ He then considered that all other rights were contained in these first three articles. As already said, his only criticism concerned Article X on the issue of religion and freedom of worship. In the writing of 1793 under study here, this article is first mentioned with no such reproach, but further down, in another section, it is compared to the corresponding articles in the American Declarations, which are presented as better on this topic than the French Declaration.¹⁵⁵ This latter remark matched what Paine had said in *Rights of Man*.

What is unusual, though, for a potential writing by Paine is the advice it contained to read a series of thinkers (Aristotle, Plato, Cicero, Hobbes, Pufendorf, Barbeyrac, Grotius, Wolf, Burlamaqui, Rousseau and Mably).¹⁵⁶ Paine had read most of these philosophers, but he did not quote that many at once in his writings. It was not part of his usual rhetoric. He instead encouraged people to think by themselves. There are also numerous references to antiquity (Sparta, Athens, Solon) which are uncommon in Paine's writings. Therefore, many clues tend to make the authorship of this writing doubtful.¹⁵⁷ Except for the title page, it is not obvious at all that Paine wrote it, and so why Paine's name appears on the title page is a mystery for the time being.

NOTES

1. 'It is not against Louis the XVIth, but against the despotic principle of the government, that the nation revolted', Thomas Paine, *Rights of Man, Common Sense and Other Political Writings*, ed. Mark Philp (Oxford: Oxford University Press, 1995), 97.
2. '[C]'est la charge de roi, plus que le titulaire même, qui est meurtrière', *Le Patriote français* (Frankfurt am Main: Keip, 1989/facsimile of the edition of Paris, 1789–1793), 20 octobre 1792, vol. 1792, no. 1056–1237, 453. 'It is the office of royalty rather than the holder of the office that is fatal in its consequences', Thomas Paine, *The Complete Writings of Thomas Paine*, ed. Philip S. Foner (New York: The Citadel Press, 1945), II, 542. Conway's translation reads: 'It is the regal office rather than the incumbent that is murderous'. Moncure Daniel Conway, ed., *The Writings of Thomas Paine* (New York: G. P. Putnam, 1894–1896), III, 102.
3. Conway, ed., *The Writings of Thomas Paine*, III, 103. The French translation says: 'l'hérédité produit des monstres, comme un marais engendre

- des vipères', *Le Patriote français*, 454. The version which appears in Philip Foner's edition is different: 'kings are monsters in the natural order', Paine, *Complete Writings*, II, 542.
4. 'Les rois sont dans l'ordre moral ce que les monstres sont dans l'ordre physique', *Archives parlementaires de 1787 à 1860: recueil complet des débats législatifs et politiques des Chambres françaises*. Première série, 1787 à 1799, t. 52, 74.
 5. *La bouche de fer* (Paris: Cercle Social, 1791), no. 71, 23 juin 1791, 4.
 6. *Réimpression de l'Ancien Moniteur: depuis la réunion des Etats-Généraux jusqu'au Consulat (mai 1789–novembre 1799)* (Paris: au Bureau Central, 1840–1843), t. 14, 410.
 7. Michael Walzer, ed., *Régicide et Révolution: le procès de Louis XVI* (Paris: Payot, 1989), 163.
 8. Paine, *Complete Writings*, II, 548.
 9. Paine, *Complete Writings*, II, 548.
 10. David Hawke, *Paine* (New York and London: W. W. Norton, 1992), 271; John Keane, *Tom Paine: A Political Life* (London: Bloomsbury, 1995), 361. Vincent has claimed Paine saw the reaction of the people to save the King from the Paris populace, from his window, but this is only an assumption, Bernard Vincent, *Thomas Paine ou la religion de la liberté* (Paris: Aubier, 1987), 248.
 11. *Réimpression de l'Ancien Moniteur* (1840–1843), 14, 531.
 12. Paine, *Complete Writings*, II, 548.
 13. Paine, *Complete Writings*, II, 519.
 14. In his report, Mailhe had asked if 'the nation which was awakening and had been betrayed for so long and oppressed for so long, was not entitled to let an effective revenge be carried out' ('la nation, longtemps trahie, longtemps opprimée, n'aurait pas le droit, en se réveillant de faire éclater une vengeance effective'), Walzer, ed., *Régicide et Révolution*, 160. Morisson, on the 13th, had advised his fellow-representatives to 'wipe out from your hearts the impulses for so just a revenge' ('écarter de notre cœur les impulsions d'une trop juste vengeance'), 196. On the same day, Fauchet pleaded for 'justice' and 'moderation', which he pitted against 'revenge' (*Réimpression de l'Ancien Moniteur* (1840–1843), 14, 470) and the death penalty, which he said partook of revenge (471). Robert explained that trying the King was first and foremost a matter of 'duty' and not of 'revenge' against one individual as the purpose of the trial was to 'avenge the freedom of the human race' (472). On the 15th, Rozet, who disapproved of the lawsuit, warned his fellow representatives against 'revenges' which would be equivalent to the violence exerted by monarchs themselves (483).
 15. Paine, *Complete Writings*, II, 550.

16. F. P. Nursey-Bray, 'Thomas Paine and the Concept of Alienation', *Political Studies* 16 (1968), 225. In the second part of *Rights of Man* Paine had made a quite similar statement: 'man, were he not corrupted by governments is naturally the friend of man and [...] human nature is not of itself vicious' (Paine, *Rights of Man*, 261–262), which was a way to prolong what he had said in *Common Sense*: 'government like dress is the badge of lost innocence; the palaces of kings are built on the ruins of the bowers of paradise' (Paine, *Rights of Man*, 5), and which differed from 'man is not the enemy of man but through the medium of a false system of government' (Paine, *Rights of Man*, 196).
17. Paine, *Complete Writings*, II, 549.
18. '[L]es nations qui sont encore gouvernées par des rois'; 'l'universalité du genre humain qui vous contemple', Walzer, ed., *Régicide et Révolution*, 160.
19. Paine here depicted him as 'a weak, narrow-minded man, badly reared, like all his kind' (Paine, *Complete Writings*, II, 559), a portrait which greatly differed from what he had said of him in the first part of *Rights of Man*, in which he suggested that there was a 'casual discontinuance of the practice of despotism' (Paine, *Rights of Man*, 98) and said that Louis XVI was 'very different from the general class called by that name, [...] a man of good heart' (Paine, *Rights of Man*, 157).
20. Walzer, ed., *Régicide et Révolution*, 168.
21. Walzer, ed., *Régicide et Révolution*, 182–183.
22. Condorcet raised the issue of whether the King should be tried according to ordinary legislation or according to constitutional law, and asked whether laws could be retroactively implemented or not, in particular in relation to the immunity granted to the King in the Constitution of 1791. Article 8 of Chapter II of the 1791 Constitution, set out the accountability of the monarch, and was used by those who opposed the trial, such as Morisson (190). Morisson also claimed that Louis XVI should be considered as a prisoner of war and judged by the standards of 'the law of war' (*droit de la guerre*) (197). Saint-Just and Robespierre, for different reasons, wished him to be tried according to the 'law of nations' (*droit des gens*) (202).
23. '[V]ous avez fait serment à la nation de respecter son vœu', *Archives parlementaires*, LIV, 400.
24. Paine, *Rights of Man*, 121.
25. Walzer, ed., *Régicide et Révolution*, 205.
26. '[L]a Constitution n'était pas une convention entre lui et le peuple', Walzer, ed., *Régicide et Révolution*, 245.
27. '[P]rétendu contrat primitif entre les peuples et leurs agents', Walzer, ed., *Régicide et Révolution*, 262.

28. '[L]a royauté [...] ne diffère du despotisme que par le nom', Walzer, ed., *Régicide et Révolution*, 179.
29. '[P]ouvoir hors de la nature', Walzer, ed., *Régicide et Révolution*, 234.
30. Walzer, ed., *Régicide et Révolution*, 245.
31. '[D]epuis longtemps les rois ne sont que des hommes aux yeux de la raison', Walzer, ed., *Régicide et Révolution*, 258.
32. '[U]n roi qui a l'insolence de vouloir régner au nom de l'être suprême, par la grâce de Dieu, est un monstre qui flétrit l'humanité, qui ment à la nature entière', *Réimpression de l'Ancien Moniteur* (1840–1843), 14, 472.
33. '[L]a cause des Français comme celle de l'humanité entière'; 'prôneurs de Burke [...] des Anglais assez dégénérés des principes de leurs ancêtres pour oser défendre publiquement l'injuste invasion de votre pays par le matamore Brunswick', *Réimpression de l'Ancien Moniteur* (1840–1843), 14, 543.
34. *Réimpression de l'Ancien Moniteur* (1840–1843), 14, 593.
35. *Archives parlementaires*, t. 54, 78.
36. *Archives parlementaires*, t. 54, 110 (12e Annexe) et 212 (55e Annexe).
37. 'Thomas Paine a fait proposer à l'Assemblée un acte d'interrogatoire; c'est Saint-Just qui en a fait la lecture', *Journal des débats et des décrets* (Paris: Baudoin, 1789–1805), 121. Saint-Just was then the Secretary of the *Convention* and that is why he read it aloud. No further affinity between Paine and Saint-Just should therefore be inferred here. The text of this contribution is neither reproduced in *Le Journal des débats et des décrets* nor in *Le Moniteur*, but it is recorded in *Les Archives parlementaires*. Aldridge provided an English version of it in his biography (Aldridge, *Man of Reason*, 180–181.) However, he did not specify whether he translated the text himself (a text which was already a translation in French) or whether it was Paine's original version in English, the former hypothesis being the most likely.
38. *Le Patriote français*, no. 1215, 8 décembre 1792, 657: 'Le projet de décret qui a été adopté est le résultat des idées de Biroteau et de Thomas Payne, rédigées par Quinette'.
39. *Archives parlementaires*, LIV, 400.
40. *Archives parlementaires*, LV, 3–5.
41. '[L]es questions doivent distinguer entre les délits commis avant la constitution, parce que ceux-là font le procès à la royauté, et les délits postérieurs à la constitution, parce qu'ils font le procès à l'homme', *Réimpression de l'Ancien Moniteur* (1840–1843), 14, 719.
42. *Archives parlementaires*, LV, 6.
43. Aldridge, *Man of Reason*, 188; Vincent, *Thomas Paine*, 257.

44. This introduction is present only in the French version of this last contribution and not in the English versions provided by Philip Foner and Moncure Conway.
45. Philip Foner said it was on January 15. He might have relied on *Le Moniteur* in which an extract of it appears in the records of the session of 15 January (*Réimpression de l'Ancien Moniteur* (1840–1843), t. 15, 156) whereas the *Journal des débats et des décrets* says that it ‘was read on 14 January’, *Journal officiel de la Convention nationale* (Paris: Librairie Populaire, 1883), 693. However, *Les Archives parlementaires*, which are the most reliable source here, do not refer to a reading of Paine’s text on those dates. What further substantiates Aldridge’s claim that it was read only on the 19 January (Aldridge, *Man of Reason*, 189) is the fact that in his third speech, which was read by Bancal, Paine stressed that the ‘question of the suspension of the sentence will have less effect on those who did not read my opinion’. In the French version, ‘la question du sursis aura moins d’effet sur ceux qui ne m’ont pas lu’ (Carine Lounissi, *La Pensée politique de Thomas Paine en contexte. Théorie et pratique* (Paris: Champion, 2012), Appendix IV, 811) and that he asked Bancal to read his second contribution.
46. ‘Je demande l’impression de toutes les opinions qui restent encore à prononcer’, *Archives parlementaires*, LVI, 265.
47. ‘J’affirme à la Convention que Thomas Paine m’a dit qu’il entendait assez le français’, *Archives parlementaires*, LVII, 454.
48. ‘[F]aute de pouvoir m’annoncer en français, je ne saurais parler à la tribune’, *Archives parlementaires*, LIII, 498. ‘Si je pouvais parler la langue française, je descendrais à votre barre’, *Réimpression de l'Ancien Moniteur* (1840–1843), 15, 249.
49. Paine, *Complete Writings*, II, 518. Zofia Libiszowska has claimed that it was Paine who introduced this way of referring to the King in ‘the revolutionary vocabulary’ of the French Revolution (Zofia Libiszowska, ‘Thomas Paine et la Gironde’, *Acta Universitatis Lodzianensis* 71 (1980), 92), a conclusion which is not underpinned by evidence. In the texts published between 20 June and 1 July that I read, I did not indeed find this phrase. In his issue of 29 June, Bonneville talked of ‘Louis Bourbon’ (*La Bouche de fer*, no. 77, 29 juin 1791, 5) and the petition of the Cordeliers referred to him as ‘Louis’ (*Journal du club des Cordeliers*, no. 1, Dorigny, ed., *Aux Origines de la République*, IV, 3).
50. Paine, *Complete Writings*, II, 552 and 553.
51. Paine, *Complete Writings*, II, 554.
52. Walzer, ed., *Régicide et Révolution*, 200.
53. ‘[L]e procès du gouvernement royal reste à faire’, ‘ce n’était pas la tête d’un homme jadis roi, mais les préjugés attachés au mot *roi*’, Armand

- Guy Kersaint. *Quel parti la Convention nationale doit-elle prendre touchant le ci-devant roi et sa famille?* (Paris: imprimé par la Convention nationale), 8. See also *Archives parlementaires*, LIV, 221, Annexe no. 59 à la séance du 3 décembre 1792, 2.
54. *Réimpression de l'Ancien Moniteur* (Paris: Plon, 1858–1870), t. 14, 861–862.
 55. *Réimpression de l'Ancien Moniteur* (1858–1870), 886.
 56. *Réimpression de l'Ancien Moniteur* (1858–1870), 887.
 57. *Archives parlementaires*, LVI, 83^e Annexe à la séance du 7 janvier 1793, 508.
 58. *Archives parlementaires*, LVI, 278.
 59. *Archives parlementaires*, LVII, 159, 23^e annexe à la séance du 15 janvier 1793.
 60. Walzer, ed., *Régicide et Révolution*, 345. In the original English edition: *Regicide and Revolution: Speeches at the Trial of Louis XVI* (Cambridge: Cambridge University Press, 1974), 208.
 61. Mona Ozouf, 'Procès du roi', François Furet et Mona Ozouf, ed., *Dictionnaire critique de la Révolution française* (Paris: Flammarion, 1988), 138.
 62. *Réimpression de l'Ancien Moniteur* (1858–1870), 15, 198.
 63. '[D]es peines qui permettent la correction et le repentir', Walzer, ed., *Régicide et Révolution*, 256–257.
 64. Paine, *Complete Writings*, II, 555.
 65. Paine, *Rights of Man*, 98.
 66. Walzer, ed., *Régicide et Révolution*, 177.
 67. Walzer, ed., *Régicide et Révolution*, 196.
 68. Walzer, ed., *Régicide et Révolution*, 196.
 69. *Réimpression de l'Ancien Moniteur* (1858–1870), 14, 594.
 70. Walzer, ed., *Régicide et Révolution*, 204.
 71. Walzer, ed., *Régicide et Révolution*, 222.
 72. This 'Addition à l'opinion de Thomas Paine' does not appear either in Conway's or in Philip Foner's collection of writings and has been ignored by scholars except for A. O. Aldridge and Bernard Vincent. In his biography, published in 1959, Aldridge remarked that this appendix had not been reprinted in any edition of Paine's writings (Aldridge, *Man of Reason*, 191), which is still true today. In his collection, Michael Walzer also chose to leave this part of Paine's text out. Only did Bernard Vincent quote a long extract from this addendum in his biography published in 1987 (Vincent, *Thomas Paine*, 164). The full text of it is recorded in *Archives parlementaires*, LVI, 88^e Annexe à la séance du 7 janvier 1793, 522–525 and does not appear either in *Le Moniteur* or in *Le Journal officiel de la Convention*.

73. 'Il semble que la Providence vous l'ait envoyé. Qu'il soit pour vous comme pour moi une postérité anticipée'. He then added: 'Elevez-vous s'il est possible à la hauteur de sa philosophie', *Archives parlementaires*, LVI, Annexe no. 7 à la séance du 7 janvier, 283.
74. *Archives parlementaires*, LVI, 284.
75. 'Je répondrais à ceux qui trouveraient de la faiblesse dans mon opinion (...) que l'irréconciliable ennemi des rois, Thomas Paine, est aussi d'avis qu'on doit garder Louis en prison, tant que durera la guerre et le transporter ensuite dans l'Amérique', *Archives parlementaires*, LVI, 55^e annexe à la séance du 7 janvier 1793, 408.
76. 'Comme républicain, je pense avec Thomas Paine qu'il faut se servir de Louis pour faire connaître aux peuples les crimes de ses pareils', *Archives parlementaires*, LVII, 214.
77. *Archives parlementaires*, LVII, 270.
78. His vote has been recorded in French: 'Je vote pour la réclusion de Louis jusqu'à la fin de la guerre et pour son bannissement perpétuel après la guerre', *Réimpression de l'Ancien Moniteur* (1858–1870), 15, 200.
79. *Réimpression de l'Ancien Moniteur* (1858–1870), 15, 235.
80. Paine, *Complete Writings*, II, 1352.
81. John Keane referred to only three of them, but except for Bancal, he did not provide the name of the others, Keane, *Tom Paine*, 367.
82. *Réimpression de l'Ancien Moniteur* (1858–1870), 15, 222.
83. 'Je pense que ce jugement sera celui non des rois, qui aiment mieux un roi mort qu'un roi avili, mais le jugement des nations et de la postérité, parce qu'il est celui de Thomas Payne le plus mortel ennemi des rois et de la royauté, dont le suffrage est pour moi une postérité anticipée', *Réimpression de l'Ancien Moniteur* (1858–1870), 15, 201.
84. 'Je m'appuie de l'opinion de Thomas Payne, et je vote comme lui pour la réclusion', *Réimpression de l'Ancien Moniteur* (1858–1870), 15, 202.
85. '[À] l'exemple de Thomas Payne, dont le vote n'est pas suspect; à l'exemple de cet illustre étranger, ami du peuple, ennemi des rois et de la royauté, zélé défenseur de la liberté républicaine', *Réimpression de l'Ancien Moniteur* (1858–1870), 15, 213.
86. '[J]e dois à Thomas Payne la modification que je mets à ma première opinion prononcée à cette tribune. Au reste, je crois que personne ne dira que notre collègue Payne soit un intrigant, un aristocrate, un royaliste', *Réimpression de l'Ancien Moniteur* (1858–1870), 15, 218.
87. *Archives parlementaires*, LVII, 395.
88. *Réimpression de l'Ancien Moniteur* (1858–1870), 15, 201, 218.
89. *Réimpression de l'Ancien Moniteur* (1858–1870), 15, 201.
90. AN W//189 (Affaire Manuel).
91. *Archives parlementaires*, LVII, 430.

92. *Archives parlementaires*, LVII, 454. The English version provided by Philip Foner does not match the text printed in *Le Moniteur*, which itself differs from the version of *Les Archives parlementaires*.
93. '[C]'est que vous perdriez l'estime des Américains libres, dont l'alliance va demain nous devenir nécessaire, indispensable', *Réimpression de l'Ancien Moniteur* (1858–1870), 15, 250. '[C]ette vérité est tellement forte chez les républicains que si cette question était traitée en Amérique, j'ose affirmer que sur quatre millions d'habitants, il n'y aurait qu'une voix pour la mort', Marie Jean Antoine Nicolas de Caritat, marquis de Condorcet, *Œuvres*, 1847–1849 (Stuttgart-Bad Cannstatt: Friedrich Frommann Verlag, 1968), XII, 308, 310.
94. This contradicts David P. Jordan's conclusion that Paine's speech 'made little impression on the Convention', David P. Jordan, *The King's Trial: The French Revolution vs. Louis XVI* (Berkeley: University of California Press, 1979), 197.
95. John Sydenham, *The Girondins* (London: The University of Londres, Athlone Press, 1961), 56.
96. On 22 September 1792, during a debate in the Convention about the election of judges and about those who should be eligible to such a function, Goupilleau remarked: 'Le citoyen Thomas Payne, qui n'est pas exercé dans l'idiome de notre langue, vient de me faire observer que si l'on fait des réformes partielles dans l'ordre judiciaire, il sera impossible que ces institutions aient aucune cohérence; que vous devez vous en tenir, quant à présent, à la réélection des individus sans rien changer aux lois; enfin qu'il est impossible dans l'état actuel la justice soit exercée par des hommes qui n'ont pas la connaissances de lois'. To which Danton answered: 'Ma proposition entre parfaitement dans le sens du citoyen Thomas Payne. Je ne crois pas que vous deviez en ce moment changer l'ordre judiciaire; mais je pense seulement que vous devez étendre la faculté des choix'. *Réimpression de l'Ancien Moniteur* (1858–1870), XIV, 14.
97. *Archives parlementaires*, LVI, 113.
98. '[I] sera remarqué dans l'histoire, ce contraste du parlement anglais s'intéressant à un roi parjure et de la Convention nationale attendant paisiblement la justice aux tribunaux anglais en faveur d'un écrivain patriote célèbre', *Réimpression de l'Ancien Moniteur* (1858–1870), 15, 61.
99. *Réimpression de l'Ancien Moniteur* (1858–1870), 14, 128.
100. See *Le Patriote français*, no. 1233, December 26, 1792, 731; no. 1235, 26 December, 1792, 743.
101. Sophie Wahnich, *L'impossible citoyen, l'étranger dans la Révolution française* (1997) (Paris: Albin Michel, 2010), 185–190.

102. Alfred Owen Aldridge, 'Condorcet et Paine', *Revue de littérature comparée* 32 (1958), 62–63.
103. Michel Pertué, 'Les projets constitutionnels de 1793', in Michel Vovelle, ed., *Révolution et République, l'exception française* (Paris: Ed. Kimé, 1994), 175.
104. Philip Foner does not specify the origin of the English version he includes in his *Complete Writings*. It may be surmised that he translated it himself. It is not the version which was published at the time in English together with the whole constitutional plan. *Plan of the French Constitution, and Declaration of Rights; as Presented to the National Convention of France on the 16th of February, 1793*. 2nd edn (London: Printed for J. S. Jordan, 1793), 5–9.
105. See Condorcet, *Œuvres*, IX, 181–211.
106. Bertrand Barère de Vieuzac, *Mémoires de B. Barère, membre de la Constituante, de la Convention, du Comité de salut public et de la Chambre des représentants* (Paris: J. Labitte, 1842–1844), II, 286.
107. J. C. D. Clark is therefore right in his de-attribution of this writing to Paine, J. C. D. Clark, *Thomas Paine: Britain, America and France in the Age of Enlightenment* (Oxford: Oxford University Press, 2018), 425.
108. Karen M. Ford, *The Political Theory of Thomas Paine (1737–1809): Is There a Conflict Between Liberty and Democracy* (PhD dissertation, Manchester University, 1995), 229.
109. In 'Thoughts on Defensive War', for instance, he referred to two types of freedom, political and spiritual, but he did not develop this idea, and although he mentioned 'liberty in all its meanings', he did not go further, Paine, *Complete Writings*, II, 54. In *Common Sense*, he did not explain what he meant by 'natural liberty', Paine, *Rights of Man*, 6. In 'A Serious Address to the People of Pennsylvania', he again stopped short of a definition: 'if we attend to the nature of freedom, we shall see the proper method of treating her' (Paine, *Complete Writings*, II, 284). However, some clues show that he had a quite Lockean vision of freedom as part of man's property, 'I consider freedom as personal property', Paine, *Complete Writings*, II, 286.
110. Paine, *Complete Writings*, II, 287.
111. "[R]ights" [...] always imply *inherent liberty*', Paine, *Complete Writings*, II, 275.
112. Paine, *Complete Writings*, II, 369–370.
113. Condorcet, *Œuvres*, XII, 418. Paine, *Complete Writings*, II, 559.
114. Paine, *Complete Writings*, II, 285.
115. Paine, *Rights of Man*, 117.
116. Paine, *Complete Writings*, II, 560.
117. *La Chronique du mois*, vol. 5, 39–65.

118. Paine, *Complete Writings*, II, 1340.
119. Léon Cahen, *Condorcet et la Révolution française* 1904 (Genève: Slatkine, 1970), 470.
120. The editions of the Constitution of 1791 I consulted did not match Paine's page numbers.
121. The treatment of this note by biographers until now needs to be revised. Moncure Daniel Conway, *Thomas Paine (1737–1809) et la Révolution dans les Deux Mondes*, trans. Félix Rabble (Paris: Plon-Nourrit, 1900), 266. Keane has relied on this note to affirm that Paine did criticize the final version of the committee's plan, which he allegedly found too long and not adapted to the European political context. Yet in this passage, Paine referred to the ongoing discussions within the committee and what he offered as amendments to the work in progress were part of the kind of debates that may be expected among members of such a committee. Keane, *Tom Paine*, 357. Burley erroneously stated that a report of the British secret agent Colonel Monro, who wrote on 20–22 September that Danton and Paine were already working on a republican constitution for France. Peter Burley, *Witness to the Revolution: American and British Commentators in France, 1788–1794* (London: Weidenfeld and Nicolson, 1989), 178.
122. *Journal des débats et de la correspondance de la société des Jacobins*, séance du 24 décembre 1792, 3.
123. Franck Alengry, *Condorcet: guide de la Révolution française* 1904 (Genève: Slatkine, 1971), 204–209.
124. See Marcel Dorigny, 'Du projet girondin de février 1793 au texte constitutionnel du 24 juin 1793', in Roger Bourderon, ed., *L'an I et l'apprentissage de la démocratie: actes du colloque organisé à Saint-Ouen, les 21–24 juin 1993* (Saint-Denis: Éd. PSD, 1995), 110.
125. Florence Gauthier, *Triomphe et mort de la révolution des droits de l'homme et du citoyen: 1789, 1795, 1802* (first published in 1992; Paris: Syllepse, 2014).
126. '[E]xposition des conditions auxquelles chaque citoyen se soumet à entrer dans l'association nationale des droits', Condorcet, *Œuvres*, XII, 354.
127. '[G]overnment is nothing more than a national association', Paine, *Rights of Man*, 251.
128. Condorcet, *Œuvres*, XII, 336.
129. Condorcet, *Œuvres*, XII, 337.
130. Condorcet, *Œuvres*, XII, 368.
131. Condorcet, *Œuvres*, XII, 337, 355, 364, 404 and 414.
132. Condorcet, *Œuvres*, XII, 356.

133. Paine, *Complete Writings*, II, 526. Condorcet, *Œuvres*, XII, 363. Paine, *Rights of Man*, 254.
134. Condorcet, *Œuvres*, XII, 359.
135. Condorcet, *Œuvres*, XII, 387.
136. Paine, *Rights of Man*, 214.
137. Paine, *Complete Writings*, II, 287–288.
138. Condorcet, *Œuvres*, XII, 414.
139. As Cahen did, Cahen, *Condorcet et la Révolution*, 468–470.
140. *Recueil des divers écrits de Thomas Paine sur la politique et la législation* (Paris: F. Buisson, 1793). The preface by the anonymous editor is dated 10 February 1793.
141. *Archives parlementaires*, LXVIII, 122. Barère, *Mémoires*, I, 297–299. Conway wrongly identified one of Condorcet's texts as the address. Conway, *Thomas Paine et la Révolution dans les Deux Mondes*, 277.
142. *Déclaration des droits de l'homme et du citoyen* (Paris: F. Dufart, 1793). The other title is 'Collection de livres classiques dédiée à la Convention nationale, pour la nouvelle instruction publique'. *Le Moniteur* announced the publication of several books of the same collection which were grammar books, *Réimpression de l'Ancien Moniteur* (1858–1870), 17, 280.
143. It is based on the translation by La Rochefoucauld d'Enville, whom Paine knew, and a second edition of which had been published in 1792. *Constitutions des treize États Unis de l'Amérique* (Paris, 1783).
144. *Déclaration des droits de l'homme et du citoyen*, 6–8.
145. '[E]lle est destinée comme la grande charte d'Angleterre à devenir le point de ralliement vers lequel tous les citoyens s'empresseront de se réunir: elle est destinée comme l'acte d'habeas corpus, comme le bill des droits, comme les déclarations des droits des Etats-Unis de l'Amérique à maintenir, à protéger la liberté publique contre les entreprises des hommes ambitieux: elle est destinée à nous avertir d'opposer aux attentats qui seraient commis contre la liberté, contre les propriétés, contre la constitution et les lois, tout el aforce de résistance dont nous sommes capables', *Déclaration des droits de l'homme et du citoyen*, 16–17.
146. *Déclaration des droits de l'homme et du citoyen*, 19–21.
147. See *Common Sense* (Paine, *Rights of Man*, 33), one of his 'Forester' letters (Paine, *Complete Writings*, II, 80) and *Four Letters* (Paine, *Common Sense and Other Writings*, 72).
148. Paine, *Rights of Man*, 245.
149. 'a formality of words', Paine, *Rights of Man*, 95.
150. *Déclaration des droits de l'homme et du citoyen*, 29–31.
151. *Déclaration des droits de l'homme et du citoyen*, 36–37.
152. *Déclaration des droits de l'homme et du citoyen*, 49–60.

- 153. *Déclaration des droits de l'homme et du citoyen*, 53–54.
- 154. *Déclaration des droits de l'homme et du citoyen*, 164 and 194.
- 155. *Déclaration des droits de l'homme et du citoyen*, 76–77 and 116–117.
- 156. *Déclaration des droits de l'homme et du citoyen*, 24.
- 157. In the index of *Le Moniteur*, the translation of Paine's *Rights of Man* is mentioned as 'Déclaration des Droits de l'Homme', which adds to the confusion.



Paine's First 'Girondin' Moment?

Paine mostly collaborated with French revolutionaries who have been described as 'Girondins' by historians. Yet whether Paine was himself a 'Girondin' requires examination of at least three issues: first, how historiography and political science have discussed the 'Girondin' Paine and have contributed to construct this figure; second, how Paine was perceived at the time, both by alleged 'Girondins'/'Brissotins'/'Rolandistes' and by their opponents who coined the latter terms; and third, what story do available materials tell about Paine and the 'Girondins', especially in terms of personal contacts and networking.

1 THE HISTORIOGRAPHIC CONSTRUCTION OF 'GIRONDISM' AND OF A 'GIRONDIN' PAINE

The 'Girondin' faction still raises unresolved questions, and among those, ones concerning the very existence of a 'Girondin' group in and outside the Convention. As Jean-Clément Martin has emphasized, 'the Girondins' were an 'invention' both of their opponents and of subsequent historians, and the category has remained unsatisfactory to this day.¹ If the group existed, its common basis or creed is still debated. Was there a common stock of political, social and economic 'Girondin' ideas even if their positions on specific issues varied? If not, personal connections may well be more crucial in the construction of a 'Girondin' network.

This ongoing discussion makes it even less easy to understand how Paine interacted with the assumed 'Girondin' coalition. The issue of Paine's 'Girondism' is quite recent in French historiography, even if somewhat Romantic nineteenth-century French historians such as Lamartine (who praised Paine's ideas, but condemned his first speech during the King's trial) and Michelet (who admired Paine more) said that Paine was an adviser or an associate of 'Girondists', without being one of them himself.² French historians of the twentieth and twenty-first century have tended to present Paine as a 'Girondist'; for example, Ladan Boroumand, who has claimed that there were three non-Girondist members in the constitution committee (Danton, Sieyès and Barère),³ whereas previous studies did not classify Paine as such.⁴ British and US historians have since the 1960s seen Paine as a fully fledged 'Girondin'.⁵ William Doyle has more recently contended that Paine and this faction shared a form of republican 'radicalism' based on reason and Enlightenment and refused to adapt ideas to circumstances, which to him embodied the supposed genuine character of the French Revolution.⁶ This view has been questioned by Yannick Bosc, who has shown that the ancient vs modern conception of freedom used to distinguish 'Girondins' and 'Montagnards' does not stand.⁷

In contrast, some Paine students have argued that 'Paine's collaboration with Girondins was [...] not fruitful'.⁸ Among the obstacles that might have limited Paine's cooperation with 'Girondins' was the fact that they and Paine did not have the same social and educational background,⁹ as well as Paine's potentially insufficient knowledge of the French language.¹⁰ During the period considered here (1791–1793), Paine closely collaborated with revolutionaries who are characterized as 'Girondins' by historians today but who were called 'Brissotins' or 'Rolandistes' at the time, especially by their opponents. One of the criteria used by historians to distinguish the 'Girondist' group from the 'Montagne' is the King's trial.¹¹ However, compiled data show that the 'Girondin' side was more divided than the 'Montagnards' on the issues raised during the proceeding against Louis XVI.¹² During the discussions about the way the King should be tried, 24 out of the 59 speeches by those who can be characterized as 'Girondin' were in favour of a trial by the Convention. When the issue of the ratification of the sentence was raised, only 8 out of the 33 speeches were made by 'Girondins' opposed to this referendum. In this regard, Paine was in the minority of the group, whereas he sided with the majority of it on the question of

the sentence, as 38 other supposed 'Girondins'. The votes confirmed this pattern.¹³ Paine voted against the popular ratification of the sentence, like Condorcet and Lanthenas, whereas Brissot and Fauchet approved of it. Regarding the death sentence, Lanthenas and Brissot cast their votes in favour of it, whereas Paine, Condorcet and Fauchet opposed it with a majority of the 'Girondins'.

If one looks more closely at the way they justified their respective positions on the latter issue, it appears that some of them shared a concern for the legality of the procedure. Brissot, who was in favour of the death sentence, had already sensed a danger in the shape of a 'disorganizing principle'¹⁴ at work in the Convention. He insisted on abiding by legal provisions and in particular on acting within the framework of the new Constitution that was being written at the time. Garran-Coulon, who was against the death sentence and in favour of a jail sentence, used the same kind of argument, but to deny the judicial power of the Convention which he said, as did Paine, could not pass a death sentence. Like Brissot, Garran feared a potential arbitrary use of the power of the representatives in the future if the assembly then started to go beyond the pale of legality.¹⁵ Condorcet refused to vote either for the death sentence or for a prison term as he wished the lawful nature of the proceeding to be strictly adhered to. As a result, he voted in favour of the 'severest sentence in the criminal code'.¹⁶ Similarly, Fauchet denounced the concentration of powers in the hands of the Convention, which he described as a 'tyranny',¹⁷ and he maintained that he could give his assent to a sentence as a representative but not as a judge. As early as 13 November 1792, Fauchet had hammered in his opposition to the death penalty in general and to its utility in the case of Louis XVI as the latter could do no harm any more and as all people were, he believed, already persuaded of the illegitimacy of the monarchical regime. Instead of the guillotine, he made the case for a 'scaffold of ignominy' for the king and kingship, a symbolic regicide as Paine had argued.¹⁸ Mercier, who likewise distinguished between the judicial and legislative powers of the Convention, argued that keeping the King, who was not more than a 'phantom',¹⁹ a phrase reminiscent of that used by Paine earlier, would be a way of protecting the newborn republic by preventing others from claiming the throne. Lanthenas, the translator of *Rights of Man*, proposed a quite complex compromise. Like Condorcet, he thought that the death penalty should be abolished, but that an exception should be made for the King. Yet he added that the sentence should be reprieved

and commuted to a prison term to hold the King as a hostage to deter other European monarchs' actions against France, in which case he should be banished.²⁰

Consequently, saying that Paine voted against the death sentence like other alleged 'Girondins' is not sufficient to conclude that Paine cast a 'Girondin' vote. This is the case even though it has been affirmed that a meeting to discuss a supposed 'Girondin' plan to spare Louis XVI's life (owing to concerns about foreign policy) took place on 14 January 1793 in Lebrun's home, which brought together 'Girondins' and was attended by Paine.²¹ Not only were the solutions they proposed different, but the grounds on which they defended them were not all the same and not the same as Paine's; for example, the plea in favour of the abolition of the death penalty and the need to keep the judiciary and legislative powers separate. Conversely, Jules Michelet, the nineteenth-century historian, probably went too far when he set Paine apart from other 'Girondins' and extolled his capacity to foresee the consequences of the King's execution.²² When Michael Walzer concluded that Paine's proposal to banish the King was a 'naive plea' that 'makes a nice footnote to the politics of the Gironde',²³ he overlooked the fact that the supposed 'Girondins' made up a complex web of individuals who did not share common ideas on all subjects. As French historians Michel Biard and Pascal Dupuy have confirmed, Louis XVI's trial rather broke up than consolidated the 'Girondin' group.²⁴

As a result, describing Paine as a 'Girondin' is problematic in many regards. The French revolutionaries who are said to have been 'Girondin' themselves denied belonging to a homogeneous whole,²⁵ which would today be called a political party in the Convention or a think tank outside the Convention. They were instead bunched together by their opponents and the word which was used at the time to refer to them was 'Brissotins' or 'Rolandistes'. Rather than it being a political party in the modern sense of the word, historians make the case for a 'Girondin moment' which began on 10 August 1792 and ended on 31 May 1793. At least two touchstones have been used to single out a 'Girondin' group or faction in the Convention. The first one is the way they cast their votes. As they were divided on Louis XVI's trial and sentence, the other two votes that historians have studied to define a 'Girondin' affiliation are the 'appel nominal' about Marat's indictment on 13 April 1793 and the establishment of the Commission des Douze on 18 May.²⁶ Yet they cannot be of real use here as Paine did not

take part in either of them²⁷ even if he testified during Marat's trial on 24 April. Paine delivered a testimony which was not accusatory, and this cannot be considered as proof of his 'Girondin' leaning.

The second criterion is that of ideas. Although there was no 'Girondin orthodoxy'²⁸ (that is, a unique and unified body of thought or doctrine they all adhered to), historians have nonetheless tried to find potential common points among them. According to Alison Patrick, 'the members of the Gironde in general were not only more strongly anti-Parisian but more strongly anti-regicide than any other group in the Convention'.²⁹ As John Sydenham, who did not view the 'Girondins' as a constituted group, emphasized, these two characteristics were shared by Paine.³⁰ The latter position has been well illustrated in the previous section and the former one may be evidenced by what Paine wrote to Danton on 6 May 1793: 'I see but one effectual way to prevent a rupture [...] to fix the residence of the Convention and future assemblies at a distance from Paris'.³¹ Yet it does not seem sufficient to say that Paine was a 'Girondin'.

Ladan Boroumand, who has worked on 'the Girondins and the concept of republic', has relied on Brissot and Condorcet as well as on Paine to delineate a 'Girondist' conception of the republican regime based on the equality of the rights of man precluding an hereditary transmission of power and instead requiring representation and election.³² Again, whether such ideas were restricted to the 'Girondin' circle is questionable. The French specialist in political thought Philippe Raynaud has gone even further and attempted to establish that there was a 'Girondin philosophy'. He has argued that 'Girondins' shared a common belief in economic liberalism and in egalitarianism and that they conceived of the republican regime in the same way since they insisted on the central role of the diffusion of knowledge and favoured institutions close to that of the United States while refusing the British model. Such views were also Paine's, as Raynaud says.³³ He has even used Paine and Jefferson to define the thinking identity of the 'Girondins' and has concluded that they stood halfway between the two since the 'Girondins' emphasized the universal character of the American Revolution and admired the Constitution of Pennsylvania, whose authorship was in the 1770s and 1780s still widely ascribed to Paine.³⁴ The 'Girondins', who were related through a network before the 'moment' when they dominated the Convention, were thus said to combine beliefs in a free-market economy and in the equality of opportunities in the same way as Jefferson

and Paine did. Again, the admiration for the American Constitutions and for the American Revolution was not confined to 'Girondins', even if they were probably among the staunchest Americanophiles. Many of them spoke and read English and had close links with 'radicals' in Great Britain and Americans in Paris. Yet one may question whether it is relevant to define their thought only through these transchannel and transatlantic connections.

If one then turns to their potential common social and economic ideas, as Jacqueline Chaumié has shown, 'Girondists' supported progressive taxation, pleaded for a general system of education, and were against primogeniture,³⁵ like many reformers and revolutionaries in France, Great Britain and the United States. So, such views are not enough to single out a specific 'Girondin' thinking. Economic and social topics have served as criteria to attempt to determine where Paine stood on the French political chessboard of the time. Ziesche has stressed 'the perfect fit of *Rights of Man* Part II with Girondin ideology', although he does not define this 'ideology'.³⁶ Ian Dyck had previously argued that Paine was caught in-between moderate and more radical positions or between the 'Girondist' and 'Montagnard' views. He contended that Paine 'supported the leadership of the Brissotins on account of their world citizenship, their policies of economic liberalism and their commission to export the Revolution abroad',³⁷ but turned to a more 'Montagnard' stand in the second part of *Rights of Man* insofar as he called for the intervention of the government in the economy. Yet supposed 'Girondin' figures such as Condorcet and Fauchet supported such government intervention to help the poor.

Moreover, Paine opposed the restriction imposed on the price of wheat on 4 May 1793, and justified his reluctance by the experiments made in Pennsylvania in the 1780s where he was part of a committee which worked on lowering the price of food.³⁸ These measures were strongly resented then, and, with Owen Biddle, Paine wrote a plan offering a solution combining 'public and private interest' to achieve the same goal without any government intervention.³⁹ Price control was then dropped by the committee. This rejection of a government intervention in setting prices may be one of the grounds for Dyck's other assertion that Paine had to choose between Brissot's policy and the views of the *sans culottes*⁴⁰ when he was elected to the Convention in the autumn of 1792. Yet this supposed dilemma may well be more a retrospective contextual illusion as Paine's absence from the summer of 1791 to

September 1792 notably tends to preclude this. Paine might have gone on corresponding with his French friends and contacts, but none of these letters has survived to prove this.

Both 'Girondins' and 'Montagnards' agreed on many aspects of economic policy. Most of both these factions rejected the abolition of private property and 'Girondins' were not in favour of an equality of wealth,⁴¹ like Paine. On 24 April 1793, Robespierre explicitly waived collective ownership and agrarian law, against whose promoters the Convention had voted the death penalty one month before. The difference between Robespierre and Condorcet about private property seemed to have been more theoretical as the former considered it as an acquired right whereas the latter, in collaboration with the Comité de constitution, including Paine, defined it as a natural right in their Declaration plan for the new Constitution of 1793,⁴² a characterization that found its way into the revised Declaration passed by the Convention on 24 June after the arrest of the 'Girondin' leaders. It was later, in *Agrarian Justice*, that Paine then dealt with the distinction between two kinds of property ('natural' and 'artificial or acquired' property),⁴³ thus somehow continuing the debate between Robespierre and Condorcet. Paine reasserted the right to subsistence in 1797, so reactivating the debates of 1793 since the right to subsistence had claimed by the Paris Commune.⁴⁴

Both 'Girondins' and 'Montagnards' thought it necessary to help the poor even if the latter viewed it as a duty⁴⁵ and if the former tended more to emphasize the importance of education as an instrument of egalitarianism.⁴⁶ Can Paine's plans in the second part of *Rights of Man* to replace the English poor laws and the poor relief system be characterized as 'Girondin'? First, Paine might instead have relied on the earlier reflection that was initiated in France in 1790, although his proposals differed from the type of policy that was implemented in France at the time when he wrote and published the second part of his book. He might also have been inspired by Rousseau,⁴⁷ who could have been a major source as well for the Comité de mendicité⁴⁸ created in 1790. It was headed by La Rochefoucauld-Liancourt, whom Paine probably met, as he was the cousin of d'Enville, whom Paine knew. The measures which were proposed by this committee were based on the same principles as those on which Paine would then ground his own in *Rights of Man* II: the need to substitute the 'right of the poor' to 'charity' and 'alms', a right to assistance which was even defined by the committee as a 'duty' in the name of 'the right to subsistence', an idea theorized by Raynal. Liancourt

considered that poverty could not be suppressed completely,⁴⁹ and Paine would later state the same idea.⁵⁰ Work, conceived less as a right than as a duty, was an essential value for the committee which nonetheless distinguished ‘the real’ and honest ‘poor’ from those who chose to beg, a distinction denied by Paine.⁵¹ Yet the committee headed by Liancourt did not apply the principle of the right to subsistence and eventually dismissed the right to work to adopt a more liberal economic view.⁵² The committee was in favour of a special ‘fund’ administered nationally. It was close to the system of poor laws, though, even if the committee rejected the creation of a specific tax to finance it.⁵³

After the Constitution of 1791 came into force, a Comité de secours public was set up on 17 October 1791. It implemented sanctions against those who refused to work such as forced labour or deportation.⁵⁴ Nevertheless, Paine, who is very likely to have heard of this policy, did not refer to it in the second part of *Rights of Man*, in contrast to Burke who mentioned it in the *Reflections*.⁵⁵ During the winter of 1792–1793, the Convention included the situation of the poor in its agenda. In December 1792, Condorcet rejected the distribution of lands to establish a genuine economic equality, which to him consisted of enabling the head of the family to earn a small ‘capital’ thanks to his labour.⁵⁶ Only a combination of several factors could produce this effect: a good educational system, a fair inheritance tax, caring for abandoned children, the freedom of enterprise and commerce, keeping wages at the level of prices, exempting the lowest incomes from taxation, and funds to help the sick and the aged.⁵⁷ This programme was more far-reaching than Paine’s own plans in the second part of *Rights of Man*, and even than those presented in his subsequent writings. In March 1793, Condorcet worked with the Comité de secours public to establish ‘caisses de prévoyance’, but Paine’s opinion on this policy is unknown.

However, Condorcet is not generally considered as a full ‘Girondin’, but more as an affiliated member. Yet his solutions to the problem of poverty can be seen as the most convergent with those of Paine. Some proposed solutions of other ‘Girondins’ greatly differed from both Paine’s and Condorcet’s then, for example: the distribution of uncultivated lands and the creation of workshops of charity (Fauchet); a limitation on the wealth that could be possessed by an individual (Rabaut St Etienne), an idea that Paine opposed; the equal division of inherited lands (Bonneville, who criticized agrarian law as it had been implemented

in the past and who believed, like Paine, that present owners should not be deprived of their lands).⁵⁸ These differences clearly preclude any hasty assimilation of Paine's ideas to those of the 'Girondins' in this regard.

Paine's name and ideas were quoted by at least two 'Girondins' during the debates that took place in the Convention about socio-economic questions in 1792 and 1793. On 7 December 1792, Louis Viger, a representative for Mayenne et Loire who would later be a victim of the anti-Girondin campaign and was executed in October 1793, sent his opinion to the Convention to oppose the free circulation of wheat and to oppose Roland on the absolute freedom of commerce. Viger used a paraphrase of the Introduction of the second part of *Rights of Man* in which Paine repeated his argument of the first part about the relation of political regimes to time in order to suggest that the oldest forms of governments, monarchies, were archaic whereas republics tended to try to put into practice modern principles. The passage selected by Viger concerned the existence of poverty in civilized countries and the backward nature of their social organization.⁵⁹ However, whereas Viger used Paine's authority and revealed how it led him to think on the question of social equality, he did not refer to or comment on Paine's concrete plans. On 21 March 1793, Théodore Vernier (also close to the 'Girondin' group, who would protest against the coup of 31 May and 2 June, and known for his work on the issue of progressive taxation), quoted, in a more accurate paraphrase, another passage from Lanthenas's translation of the second volume of *Rights of Man*.⁶⁰ Like Viger, he used Paine as a tutelary figure to underpin his demonstration, which consisted of showing that no equality of wealth was possible but that a 'balance' between the several kinds of riches should be established in a republican regime, especially thanks to an adapted system of taxation which should take into account revenues as well as other factors, such as the size of families. As a result, Vernier did not deal with Paine's practical plans either. Yet these two references may evidence: first, how Paine's name was a kind of byword for republican integrity and justice; and second, the potential sway Paine could have in 'Girondin' circles. However saying that Paine's reform plans in favour of the poor and of greater economic equality were 'Girondin' tends to be a simplification, especially given Paine's absence from France since July 1791 and the uncertainty on his contacts with his 'Girondin' friends during the period when he completed the manuscript of the second part of *Rights of Man*.

2 PAINE'S COLLABORATIONS AND CONNECTIONS WITH 'GIRONDINS'

As a general 'Girondin' doctrine is not easy to define, one potential way to unravel this issue may be to look at individual connections between Paine and supposed 'Girondin' thinkers and/or politicians. It seems that those with whom he was most connected in 1792 and 1793 were Condorcet, Brissot, Bancal, Lanthenas and Bonneville (even if his contacts with the latter became closer after his stay in the Luxembourg prison). All of them had quite different profiles, though. Condorcet was a philosopher and mathematician involved in politics; Brissot was a journalist who engaged in partisan matters to a far greater extent than Condorcet; Bancal was a lawyer from Clermont Ferrand who would then be associated with 'Girondins' and Lanthenas more specifically, the correspondence between Bancal and Lanthenas being a source of information; Lanthenas was a physician and translator, also from the central region of France; and Bonneville was a publicist whose ideas verged on utopianism. Biographers and historians have assumed that Paine and Condorcet were friends, although sometimes on the basis of flimsy evidence. How Paine and these other members of the 'Girondin' network got along has not been systematically explored. Paine's friendship with Bonneville is more obvious given the personal contacts they had, especially during the era of the Directoire.

Even before the 'Girondin moment', Paine had worked with those who would later be described as 'Girondin' thinkers and revolutionaries, at least since the spring of 1791 as Lanthenas's letter of 14 April 1791 about the translation of *Rights of Man* and the 'four questions' Paine was asked to answer show. As Gary Kates has demonstrated, Paine took part in the journalistic activities of these proto-'Girondins'.⁶¹ With Sébastien Mercier and Bernardin de Saint-Pierre, he assisted Bonneville in the creation of his two newspapers, *Le Vieux tribun et sa bouche de fer* and *Le Bien informé*. Paine was also one of the editors of *Le Bulletin des Amis de la Vérité* together with Mercier, Condorcet, Genonné and Guy Kersaint. The aim of this journal was to ensure that the people could exercise their 'right of vigilance', which was defined as an essential basis of the *res publica* and as 'the only power which guaranteed [the] sovereignty' of the people.⁶²

Paine's most documented editorial activity in 1792 was the active role he played in *La Chronique du mois*, another newspaper of the Cercle social. Some of Paine's writings were published in French in this journal: his 'Answer to Four Questions' (translated by Condorcet) in the

issues of May, June, July and August 1792; and his 'Letter Addressed to the Addressers' in December 1792 and January 1793.⁶³ As said earlier, Paine was the chief editor of the issue of May 1792 and was a member of the editorial board from that date onward. His name was quoted as early as the first issue of the journal in the general presentation of which a homage was paid to British 'radical' thinkers such as John Oswald, James Mackintosh, David Williams and John Horne Tooke. The journal appointed them go-betweens in the reconciliation between France and Great Britain, and entrusted them with the mission to 'destroy popular prejudices which have sown the seeds of discord and rivalry between [the] two nations'. Brissot then regularly promoted an alliance between the two countries and stated that it should be 'the basis of [France's ...] diplomatic system' in a context in which he wished to prevent the alliance between England and Prussia that Pitt was trying to make.⁶⁴ It was more the British Paine than the American one who was celebrated, therefore.

Many 'Girondin' revolutionaries had views in common with Paine. Bancal's frequent use of Painite arguments has been mentioned above. However, I could not find letters between either Paine and Bancal or between Paine and Lanthenas, or even between Bonneville and Paine. Yet Paine's friendship with the latter lasted until Paine's death. Paine lived in Bonneville's home from May 1797 onward until he travelled back to the United States, and his collaboration with him became closer from then on. Bonneville translated Paine's *Maritime Compact*, his letters on 'worship and church bells' in *Le Vieux Tribun et sa bouche de fer* as well as *The Origins of Freemasonry* (which was published after Paine died). Paine also published a number of articles in Bonneville's *Le Bien informé*, which I will study in the next part. However, their common points in terms of political thought during the period from 1791 to 1793 are quite difficult to assess. Bonneville's writings were pervaded with a utopian mysticism which distinguished him from other 'Girondins'.⁶⁵ Both Paine and Bonneville were staunch supporters of the republican regime and they used etymology to define the specificity of them. Raymonde Monnier has established links between Paine and Bonneville regarding their conception of the republic and the importance they both gave to 'public opinion as essential for a republican regime'.⁶⁶ Both emphasized the need for vigilance and a surveillance of political power. Yet these are common points they also had with Brissot and Condorcet. Bonneville and Paine shared concerns for the establishment of perpetual peace and a greater economic equality, but not the ways and means of such reforms.

Paine's relations and relationships with Condorcet have been the most explored by scholars. The two of them probably met for the first time during the winter of 1789–1790,⁶⁷ in contrast to the contention that he might have met him as early as 1787 in Mme Helvetius's salon when he first came to France.⁶⁸ The French historian Jules Michelet portrayed the Condorcets' salon in 1791 as a place where 'all distinguished foreigners, after they learnt theories from France, came here to look for and discuss their application. They were the American Thomas Payne, the English [David] Williams, the Scotsman [James] Mackintosh, the Genevan [Etienne] Dumont and the German Anacharsis Clootz'.⁶⁹ Michelet turned this salon into the symbol of the open-minded cosmopolitanism of the French Revolution, although he may have overstated the influence of French thinkers on the foreign visitors he listed here.

Biographers of Paine and Condorcet, as well as historians, have either overestimated Paine's sway on Condorcet at least until the middle of the twentieth century and even after Aldridge's landmark contributions on the subject,⁷⁰ or Condorcet's influence on Paine.⁷¹ The alleged Paineite character of Condorcet's republicanism appears as a kind of modern version of John Adams's partisan vision of Condorcet as a disciple of Paine because they were both critical of complex forms of government.⁷² Aldridge himself has concluded that the way Condorcet expressed his hostility to bicameralism in a text he published in 1789⁷³ is quite similar to Paine's arguments.⁷⁴ Yet although both Paine and Condorcet wished to demonstrate that the flaws of a unique assembly, which they did not idealize though, were not eliminated by a two-house system,⁷⁵ their reasoning diverged and focused on different sides of the question. For instance, whereas Condorcet sought to establish through mathematical calculation that unicameral legislatures did not produce votes with 'too weak a plurality',⁷⁶ Paine instead feared that a bicameral assembly might lead to decisions made by a minority. Like Paine, Condorcet believed that the Declaration of Rights was a bulwark against an all powerful unique assembly which they agreed should not have the power to alter the Constitution.⁷⁷ So, they both thought unicameral legislatures were a better solution but for different reasons.

Paine did not explicitly defend a unicameral system before the answer to the 'third question' written in May 1791.⁷⁸ Even if, in a private letter of March 1776, John Adams believed that in *Common Sense* Paine already supported a unicameral scheme,⁷⁹ no statement in the pamphlet really confirms this. When in *Four Letters*, Paine answered John Adams's

arguments presented in *Thoughts on Government*,⁸⁰ Paine denied that two assemblies exempted the legislature from the influence of human passions and he explained that a bicameral legislature would not balance interests as this argument could be turned against itself. Paine then contested Adams's fear that a unicameral system would fall into 'arbitrary' abuse by quoting examples taken from British Parliamentary history, which also served to underpin his conclusion that it was best to gather the various interests in one assembly.⁸¹ Yet Paine did not dogmatically make the case for a unicameral legislature and he even said that bicameral systems would probably be preferred by the future States.⁸²

However, Paine's criticism of the system of checks and balances appeared as early as *Common Sense*. Paine was then already convinced that the main and most efficient check against tyranny and arbitrary power was the constitutional text itself, as he wrote in *Four Letters*.⁸³ He objected that 'the more houses, the more parties', whereas in one assembly, 'the different parties, by being thus blended together, would hear each other's arguments'. Ten years later in *Dissertations on Government*, he admitted that a unicameral system could work only provided that 'party differences would be dropped at the threshold of the state house'.⁸⁴ Otherwise, it was likely that the republic would become an 'aristocracy' and the legislature would then be like 'a single person, and subject to the haste, rashness and passion of individual sovereignty'. Here, Paine (consciously or not) agreed with John Adams's argument, which was then shared by the opponents of the first Pennsylvania Constitution during the 1780s who asked for its revision.⁸⁵

Condorcet disapproved of the bicameral legislature as it existed in Great Britain.⁸⁶ As early as 1786, in *De l'influence de la Révolution américaine*, he explained that the United States was a testing ground for the advantages of simple institutional organizations which did not require monarchy and aristocracy as in Europe.⁸⁷ Condorcet confirmed this position in *Quatre Lettres d'un bourgeois de New Haven*, published in 1788 in Mazzei's *Recherches philosophiques*, commissioned by Jefferson, as an answer to various transatlantic debates on American institutions, including the Turgot-Adams-Mably one.⁸⁸ In this writing, whose title might have been a reference to *Four Letters on Interesting Subjects*, Condorcet concluded that a bicameral layout did not preclude wrong decision making more than a unicameral one.⁸⁹ He made the case for a system of committees within one chamber rather than a permanent division of power between two houses.⁹⁰ It might well have been Condorcet who

suggested this idea to Paine. Like Paine, Condorcet thought that the latter organization generated and fuelled partisanship in a negative way.⁹¹ He also relied on the need to adapt regimes to circumstances, which implied that the type of balance among the three powers that had been found in European monarchical countries was not fit for other cases and should not be seen as a paradigm for all regimes.⁹² He believed that such an institutional arrangement was then necessary because of the inequality on which it was based, but as this inequality was itself the result of harmful laws, it could be made to disappear through the effects of ‘the freedom of commerce and good civil laws’.⁹³

Albeit Condorcet most certainly read *Common Sense* and *Dissertations on Government*, and probably met Paine at the very end of the 1780s, it does not mean that the latter can be credited with changing all of Condorcet’s main republican ideas and views on the British Constitution.⁹⁴ Condorcet’s republicanism changed over time, in particular his stance on the right to vote. He first recommended property qualifications, as property ownership was the requirement to be a citizen,⁹⁵ and in February 1792 he endorsed the distinction made in the Constitution of 1791 between active and passive citizens.⁹⁶ Then he came to support universal suffrage as the Constitution plan he prepared with Paine and the constitutional committee shows. Paine might have played a part in this shift. Mona Ozouf has concluded that it was the Varennes episode which converted Condorcet to republicanism.⁹⁷ Although the exact nature of their collaboration in the Comité de constitution is not known, it seems that Paine and Condorcet saw each other daily between October 1792 and February 1793.⁹⁸ Moreover, even if Condorcet came to support a more universal form of franchise, his reason for doing so differed from Paine’s to some extent.⁹⁹

Paine and Condorcet clearly shared some fundamental republican principles and had close views regarding institutional organization at least in the winter of 1792–1793. They were both in favour of a minimal government¹⁰⁰ and had a quite similar vision of the people as the source of political power and as trustworthy, but in Condorcet’s opinion, provided the lower classes were educated and could think for themselves. This convergence has been commented on by Keith Baker in particular, who tends to consider that, especially after the Varennes episode, Paine and Condorcet embodied ‘the republicanism of the moderns’, which he opposes to the ‘republicanism of the ancients’, defended by Robespierre and Saint Just.¹⁰¹ Both Condorcet and Paine had plans

for a society based on human rights and 'equality'.¹⁰² In 1786, before he met Paine, Condorcet already argued in favour of a better distribution of the means of subsistence which should nonetheless not question the right to property and to freedom.¹⁰³ This could explain why Richard Whatmore argued that it was Condorcet who influenced Paine in this regard.¹⁰⁴ Paine and Condorcet have been said to share common theoretical and practical economic views, notably by Richard Whatmore and Gareth Stedman Jones. Yet this connection is debatable when one looks into their writings touching on the questions of poverty and economy, and also at a deeper philosophical level if one explores their respective conceptions of freedom. These may well have been quite different, as Yannick Bosc has contended, since Condorcet understood freedom more as non-interference whereas Paine tended to view it as non-domination in Philip Pettit's typology. In addition, Condorcet tended to have a more physiocratic and therefore physical view of nature than Paine, who saw it more as a metaphysical guideline for his republican project.¹⁰⁵

Condorcet had been reflecting on the question of poverty earlier than Paine. In the mid-1780s, in *De l'influence de la Révolution américaine sur l'Europe*, he had already envisioned a better distribution of the means to produce enough for all provided the right of ownership was preserved.¹⁰⁶ On the eve of the French Revolution, in 1788, he had analysed the origins and causes of poverty, but in a way that diverged from Paine. Condorcet did not blame poverty only on the monarchical regime or on existing laws, but also on the industrial revolution which was then beginning and on low wages,¹⁰⁷ a topic on which Paine commented later in *Agrarian Justice*.¹⁰⁸ Even if Condorcet's diagnosis was different, it led him to the same conclusion as Paine about the inefficiency of the poor laws, which encouraged poverty rather than remedied it. Condorcet's solution was the creation of a fund, but also of institutions which employed people who were disabled, in addition to an equal access to education.¹⁰⁹ In his *Esquisse d'un tableau historique des progrès de l'esprit humain*, published posthumously two years after *Rights of Man*, Condorcet proposed to reduce economic inequality through measures which were reminiscent of those proposed by Paine,¹¹⁰ which suggests they shared some common views but this again does not provide information on the precise content of their intellectual exchanges. The main stumbling block here is to find sources that may show that they discussed this issue together before Paine published the second part of *Rights of Man*. The publication of *Le Républicain* proves that Paine's

contacts with Condorcet were probably more regular after the spring of 1791, but is not enough in itself to conclude they debated the question of poverty.

At the end of the 1950s, A.O. Aldridge concluded that it was not easy to say which of them had an ‘influence’ on the other.¹¹¹ This conclusion is still valid, and scholars tend to either endorse the one or the other contention. What confuses the issue is the lack of material to confirm or document their connection and relationship further, such as letters or accounts of meetings or testimonies. This lack encourages the drawing of uncertain parallels which mainly rely on a mere comparison of their published writings, an approach which has its limits. A collaboration and a fruitful intellectual exchange took place between Condorcet and Paine, but it does not mean that their republicanism was exactly the same. No letter between Paine and Condorcet has been found to this day. Quite clearly, when Paine was in Paris, many subjects were discussed orally in meetings or dinners, and one has to rely on the few testimonies available about those to establish connections. Sampson Perry is one of these sources. For example, he recalled dining one evening at the end of 1792 with a party including Paine, Dumouriez, Pétion, Condorcet, Brissot, Guadet, Gensonnet, Danton, Kersaint, Clavière, Vergniaud and Sieyès.¹¹²

It is also true of the relationship between Brissot and Paine. Only one short letter by Paine to Brissot seems to have survived in Brissot’s papers. It is an undated answer to an invitation made by Brissot which Paine declined because of he was recovering from some illness.¹¹³ Testimonies by others confirm that they often dined together. The moment when Paine and Brissot met for the first time is unknown. That it was before 1791 and their first public collaboration in the Société des Républicains and in the short-lived journal *Le Républicain* is very likely, though. In his *Memoirs*, Brissot did not reveal more on his collaboration (or friendship) with Paine. In addition to a comment on *Common Sense* and on Paine’s ideas on freemasonry, he added that Paine ‘was in England during the [September] massacres’ of 1792 and that ‘he has conveyed to us the awful impression it made there’ among ‘all the friends of France’.¹¹⁴ He then included what appears to be a quote by Paine or a paraphrase of what Paine told him, although neither extant letter nor writing by Paine mentioned this event at the time when he wrote his memoirs. In May 1793, Brissot, who then tried to defend himself against accusations of treason in and outside the Convention, had already referred to

Paine's condemnation of the September massacres, which he said was to be included in a piece Paine was about to publish. As he had previously done, Brissot used Paine as an authority beyond suspicion.¹¹⁵ This was part of what may be described as a 'Girondin' construction of Paine as a generous international revolutionary who did not belong to French politics and who embodied anti-monarchism. In the issue of 3 April 1792, Brissot published a review in *Le Patriote français* of the translation of the second part of *Rights of Man* by Lanthenas, and depicted Paine as a preacher of common sense whose word was universal and was meant to be spread to the whole world.¹¹⁶

Like Condorcet, Brissot shared ideas with Paine even before they met. Brissot (who cannot be considered as a political thinker, since he did not publish texts that may be seen as theoretical, which does not mean that there is no theory at all in his writings) viewed monarchy as intrinsically flawed and tended to reject the distinction between the latter regime and despotism.¹¹⁷ He admired Paine's works. In 1784, he considered that Paine had been instrumental in the American Revolution by galvanizing the Americans through appeals to both sense and sensibility.¹¹⁸ As said earlier here, in the introduction of *De la France et des Etats-Unis*, published in 1787, he praised the *Letter to the Abbe Raynal*. Brissot saw Paine's action as a model and he wished to imitate him in France by encouraging reforms¹¹⁹ that would favour free trade, in particular between France and the United States, as commerce was a source of progress to him. This change in the commercial policy of France should be coupled with political reforms which would lead the government to guarantee civil liberties. He outlined this political project in *Observations d'un républicain* in 1788, which was an anti-monarchical writing that called for the establishment of a representative assembly.¹²⁰ He presented the political system of the United States as an example and he defended representative government as the 'last degree of the perfectibility of civilization' and as the 'purest government'.¹²¹ He viewed the British system as a counter-example, especially in terms of taxation.¹²²

Brissot's republicanism, which can be seen as the result of an Anglo-American-French web of influences, reflections and encounters,¹²³ was based on principles he shared with Paine, especially after August 1792, when it seems that their collaboration was reinforced. Brissot defended the need for a frequent renewal of the representatives of the people. He denounced the use of the word 'monarchy' as an instrument to establish corruption and to enrich a category of the population to the detriment

of the lower classes, comparing the cost of the French monarchy and of the presidency of the United States. Above all, like Paine, he thought that the republican regime was the most natural regime and that the people or lower classes would support it because they had ‘more good sense’ and ‘fewer prejudices’ than interested men. A republican revolution and republican institutions relied on the people. He endorsed Paine’s view of the role of language in politics and in revolution: enlightening the lower classes on the subject of monarchy and republic through readable publications was essential.¹²⁴ Like Paine, he believed that a popular public ‘sphere’, a word Brissot himself used, was the basis of a republican regime and it is the lesson he explicitly learnt from *Common Sense*.¹²⁵ Yet Brissot was clearly involved in partisanship and in French partisan debates and polemics to a greater extent than Condorcet and Paine. Brissot used Paine’s name and fame in the context of the growing tensions among the ‘Girondins’ and their opponents.

3 PAINE IN THE PARTISAN CONTEXT OF 1792–1793

There were personal and theoretical affinities among Paine and ‘Girondin’ figures. But how Paine got along in the partisan context of 1792 and 1793, which saw the growing opposition between the ‘Girondins’ and the ‘Montagnards’ and also more radical ‘Jacobins’, is also important to understand his involvement in French politics.

On 22 September, the day following the abolition of royalty, during the debate on the need to reform the judicial institutions and in particular the method of appointing judges, Paine made his first short speech in the Convention thanks to Goupilleau, a Montagnard, who reported his words. Paine opposed one part of the measure that had just been voted which comprised removing all civil officers when he argued that ‘partial reforms’ of the judiciary would prove disastrous and advised his colleagues to restrict their measure to the ‘re-election’ of ‘individual’ magistrates, who should be men who had a good knowledge of the legal system at it then stood.¹²⁶ Danton then answered that his own views matched those of ‘citizen Thomas Paine’ in terms of judicial reform, but then justified the renewal of judges as a token for the people against the aristocracy of magistrates whose caste he denounced as corrupted. Several Paine biographers have interpreted Paine’s contribution in the debate as a sign he disagreed with Danton. Yet the content of

Danton's answer as recorded in the archives of the Convention does not seem sufficient to underpin such a claim. Danton's answer was somewhat toned down when he mentioned Paine and he even seemed to manage to turn the latter's remarks to his advantage.¹²⁷

It has been claimed that on 23 September Paine became a member of the Paris Société des Jacobins,¹²⁸ although, in the record of the day's session of the club, the name which is printed is 'J. Payne'.¹²⁹ It may well be a typographic mistake as Paine's homonyms were not likely to have applied to the society either because of the dates of their lifespan or because of their trade. Yet it seems that Paine neither took an active part in the society or attended its meetings, according to the extant records of the society. He never delivered any speech nor was any text he wrote read before its members. Moreover, if he was indeed admitted into the society, this admission took place only a few weeks before Brissot, who had chaired the society in October 1791, was expelled from it.¹³⁰ By the autumn of 1792, the Jacobins were denouncing the 'Brissotins' and the 'Rolandistes'. On the day when Paine seems to have been made a member of the Société, Roland in the Convention praised Paine alongside Priestley as republicans who supported political moves framed by legal provisions,¹³¹ a topic which was to become a major bone of contention between 'Girondins' and 'Montagnards'. However, even if the date of this potential membership makes it unlikely retrospectively, it might on the other hand prove that Paine was not at that time perceived as a full associate of the Rolandistes or Brissotins.

Paine's writings and letters tend to demonstrate his wish to privilege individual connections over partisanship at that time. In his speech on Louis XVI of 7 January 1793, he quoted two declared opponents of the 'Girondins': Paul François Anthoine and Robespierre. The former had criticized Paine's closest associates at the Société des Jacobins on 19 December 1792.¹³² This did not prevent Paine from quoting what Anthoine said in a speech before the same society on 12 August 1792, two days after the King had been suspended by the Assembly.¹³³ Anthoine was a quite staunch and early republican. He had demanded that Louis XVI be deposed on 29 June 1791 during the Varennes crisis, and during the summer of the following year he was among those who argued in favour of the abolition of monarchy. Both Paine's references to Anthoine and to Robespierre are a sign that Paine was acutely aware of partisan oppositions then and that he chose to use them to convince the Convention.

The letter Paine sent to Danton in May 1793, in which he claimed he wanted to stand aloof from political parties and factions, has also been used to evidence his reluctance to get involved in partisan quarrels.¹³⁴ The engraving by Pellegrini, reproduced in John Keane's biography, which represents the Convention during Louis XVI's second appearance before it, shows Paine in the third row between Brissot and Danton.¹³⁵ Retrospectively, in August 1794, while he was still awaiting his release from the Luxembourg prison, Paine told Monroe that in the Convention he 'connected [him]self to no Party'.¹³⁶ The only political partisanship that Paine clarified was his allegiance to Democratic-Republican principles in the context of American politics.

Yet Paine was often quoted by the leaders of the faction opposite to the Montagne. On 26 September 1792, Brissot cited Paine's name and depicted him as the symbol of the good republican.¹³⁷ In November 1792, Roland trumpeted that Paine's ideas were the embodiment of some of the fundamental principles of the Revolution,¹³⁸ but Paine was not then denounced either as a 'Rolandiste' or as a 'Brissotin' himself by the latter's opponents in the Convention. On 24 November 1792, in an article of *Le Patriote français* initially found by Aldridge,¹³⁹ Brissot quoted Paine to refute ideas set forward by Anacharsis Cloots on what was then called federalism. Brissot said Paine did not support the concept of a 'universal republic' and he questioned the fact that Cloots 'took great pride in having Paine as a disciple'.¹⁴⁰ In order to refute Cloots, Brissot reported a conversation between Paine and the latter in which Brissot claimed that 'Payne's opinion is that the Rhine, the Alps, the Pyrenees and the Ocean are the natural boundaries of the French republic'.¹⁴¹ Brissot's article was an answer to the version of this conversation that Cloots had given shortly before and which greatly differed from Brissot's account. Cloots claimed that Paine did not refute his vision of a world republic, and that Paine even contradicted Brissot during this discussion.¹⁴² It may be assumed that Brissot and Cloots both manipulated Paine's statements in order to serve their own purposes. It shows that Paine's name was in both cases instrumentalized and that to earn Paine's authority was a real issue.

Conversely, when Paine's position did not match Girondin or pro-Girondin ideas, they were censored, like Paine's dedication to Lafayette of the second part of *Rights of Man*. In the Preface to his translation of it, Lanthenas explained why he expunged this dedication which most certainly embarrassed those then gravitating around the Rolands,

Brissot and Condorcet. Lanthenas did not hesitate to turn Paine into an outsider who did not fully understand French politics. Yet it does not mean that Paine was a mere puppet of the Girondins, who sometimes used his words and ideas for their own partisan goals. To a certain extent, this usage of Paine's image is reminiscent of what English 'radical' societies did on the other side of the Channel when promoting the reform plans contained in *Rights of Man* without endorsing Paine's anti-monarchical views.

Nevertheless, by the first months of 1793, Paine came to be more and more perceived by Jacobins and Montagnards as a close associate of the 'Girondin' faction. On 7 January, the day when Paine was supposed to deliver his speech in favour of Louis XVI's exile, an allusion was made to the latter during the meeting of the Société des Jacobins. The records of the society show that the reference to 'the speeches by Louvet, Morisson, Fauchet [...] and Thomas Paine' aroused 'reactions of horror and indignation'.¹⁴³ They had read Paine's speech, which appears in the numerous appendices of the session of 7 January.¹⁴⁴ The public reception given by Marat, Thuriot and Basire to the reading of Paine's speech by Bancal on 19 January in the Convention tends to confirm the rising critical view of Paine in 'Jacobin' and Montagnard circles, which had already been voiced by Ichon in November. On 21 January 1793, on the day when the King was guillotined, Brissot commented on the reactions to Paine's last speech about Louis XVI and quoted Paine's name and 'authority' explicitly to oppose the 'Montagne'.¹⁴⁵ Whether Paine was at the time of the King's trial fully aware that it also involved the question of the legitimacy of the revolution of 10 August 1792 and the fact that 'Girondins' were then also attempting to delegitimize the Paris Commune is not clear though, since it is not mentioned in his writings then. The only reference he made to the Commune was in his letter to Danton in May 1793 in which he proposed that the national legislature be seated outside Paris to prevent any conflict with the 'municipal jurisdiction' and 'authority', adducing the example of the creation of the city of Washington in the United States.¹⁴⁶

From January 1793 onward, Paine appears to have been more often considered as a supporter of what Brissot's foes called 'brissotisme'. The suggestion made in the Convention on 19 January that 'this opinion [of Paine] might not be his'¹⁴⁷ found its way into the Société des Jacobins where on 11 March a letter of the section of La Rochelle¹⁴⁸ was read which wished to prove that 'the speech delivered by Thomas

Payne about the fate of the ci-devant king was the work of Brissot and Condorcet'.¹⁴⁹ Paine's last speech was indeed preceded by that of Condorcet and followed by Brissot's. However, the text of this letter is not reproduced in the records of the society, in contrast to other letters which denounced 'Girondins' such as Clavière. *Le Journal des débats* of the Paris Jacobins specifies that 'several other documents supported this assertion',¹⁵⁰ but their exact content has not been conserved either. Yet Paine was not by then necessarily described either as a 'Girondin' or as close to the 'Girondins' by his very associates and collaborators. In January 1793, *La Chronique du mois* published a list categorizing 'Montagnards' (or 'Maratists') and 'Girondins' (or 'national party'). Under the first heading appeared Marat, Robespierre, Bourdon and Cloots and under the second one, Brissot, Condorcet, Lanthenas, Kersaint, Vergniaud, Bancal, in addition to Barère and Sieyès, but not Paine.¹⁵¹ It is not known whether Paine was asked to have his name in the list and refused or whether Paine's associates wished to protect him from partisan attacks, perhaps because he could remain the universal symbol of freedom he represented or because they felt he was not really part of their faction.

On 4 April 1793, Paine was denounced at the Paris Jacobins as linked with two alleged English spies working for Pitt's government.¹⁵² Marat would be appointed at the head of the Société on the following day, even if no link can be established between Paine's denunciation and this election. Paine was then later in April involved as a witness in Marat's trial and one of Paine's French biographers has suggested that Paine might have been 'manipulated' by Brissot¹⁵³ on this occasion, which is another version of what Montagnards and Jacobins said at the time. It was Paine who informed Brissot of the content of William Johnson's letter in which the latter blamed his suicide attempt on Marat's hostile reaction to the members of the Convention who voted in favour of the popular ratification of the sentence passed against Louis XVI, among whom Paine was not. When Paine testified, he said, thanks to a translator, that neither W. Johnson's suicide attempt nor the treatment of it in Brissot's *Le Patriote français* had anything to do with Marat's indictment.¹⁵⁴ W. Johnson's tragic fate was not even mentioned by Marat in his defence and had no weight either in the final sentence which cleared him.¹⁵⁵

In contrast, Paine's testimony spared Marat whom he would later harshly rebuke in *Dissertation on First Principles* for his active role in the Terror.¹⁵⁶ Antoine Clair Thibaudeau revealed, years later, that

Marat allegedly said to Paine: 'Do you believe in republic? You are too enlightened to be deluded by such daydream'.¹⁵⁷ During Marat's trial, Paine did not repeat this remark (if Thibaudeau's words are reliable) in the version he provided of this conversation, which instead played down Marat's (supposed) criticism of republican institutions.¹⁵⁸ Thibaudeau claimed that Paine wrote a letter to the Jacobins to denounce Marat's anti-republican statement and that a copy of it was sent to *Le Moniteur*, but the letter was never publicized or published it seems.¹⁵⁹

Marat shared some of Paine's basic anti-monarchical arguments. He may have read Paine's writings and it may even be surmised that it accounts for some differences between the English edition of one of his pamphlets, *The Chains of Slavery*, published in London in May or June 1774 and the French edition of it which dates back to 1793. In the latter text, Marat added pages and arguments which are strongly reminiscent of Paine's ideas; such as, for instance, the origin of monarchy, which he ascribed to brigands who used laws to guarantee their booty, and the subversion of language, which Marat contended in the second edition was the common strategy of illegitimate rulers.¹⁶⁰ Yet what Paine stated then about his limited contacts with Marat seems to match what I could find about them. At the end of a letter he sent in English to Danton on 6 May 1793, Paine remarked he had 'written a letter to Marat of the same date as this but not on the same subject', the topic of Paine's letter to Danton being his fears as to the turn of events in French politics and the actions against 'Girondins'. Yet I could not locate Paine's letter to Marat.

In this letter to Danton, Paine sensed that threats were not only due to the military pressure foreign nations exerted against France, but were also to be found in 'the tumultuous misconduct with which the internal affairs of the present Revolution are conducted'.¹⁶¹ He was worried by 'internal contentions' and 'the spirit of denunciation'¹⁶² in the spring of 1793. Paine criticized the attitude of 'the people of Paris, or rather at least [... of] the tribunes'. Besides proving that Paine attended the Convention in that period, it shows that he understood the events in the Convention as another type of conflict between sovereignty and representation, this time opposing the Parisian sections, the 'representatives of the departments' and 'the representation itself', which he said were publicly insulted by the sections. 'Girondin' representatives were at least three times denounced in the Convention, on 8, 15 and 22 April.

In his letter Paine referred to the petition of 35 Parisian sections against ‘twenty-two deputies’ which was read before the Convention on the 8 April. He added at the end of his letter that ‘most of the acquaintances that [... he had] in the Convention [... were] among those who [... were] in that list’, although historiography and Paine biographers have tended to consider that Paine had closer contacts mainly with three or four on that list: Brissot, Vergniaud, Lanthenas and Fauchet.¹⁶³

Yet although hostile reactions to Paine’s positions in the King’s trial were voiced by the opponents of the ‘Girondins’, Paine does not appear in Camille Desmoulins’s speech about the ‘history of the Brissotins’ delivered on 19 May 1793 before the Société des Jacobins. Paine was not included either in the first wave of arrests of which the latter were the victims from 31 May onward. Danton apparently protected Paine on that day since he prevented him from going into the Convention just before Paine entered the building.¹⁶⁴ Although he condemned the earlier sway of the popular sections on the Convention in his letter to Danton, Paine did not sign the petition protesting against the persecution of the Girondins on 6 June, maybe on the advice of Danton and of Barère. Yet on 18 June, two representatives from Arras, Robespierre’s former electoral seat, declared to the Convention that their colleagues, who represented the Pas de Calais, including Paine, had ‘lost their confidence’.¹⁶⁵ This address mentioned the problem of representation and representativity at national and local levels, but no precise justification was given for their distrust of Paine and of other deputies, as Paine himself would retrospectively underline in the letter he sent from the Luxembourg prison to the Convention ten days after the fall of Robespierre, whom Paine then accused of having arranged this denunciation ‘to prepare the way for destroying him’.¹⁶⁶ He also mentioned what he called ‘a counteraddress from St. Omer’, although he misdated the whole episode by saying it took place in August. On 24 June, the ‘sections’ of Saint-Omer indeed defended Paine and the other representatives at which the address from Arras aimed by insisting that the people from Saint-Omer still trusted them until sufficient evidence had been gathered that they were guilty of a betrayal. The address at the same time congratulated Parisians for their role in the events of 31 May and 2 June against traitors, which meant that Paine was clearly not seen as a ‘Girondin’ by the authors of the address. It shows, as the minutes of the electoral assembly of the Pas de Calais of September 1792 do, that Paine was involved against his will in issues of French local politics, which also in this case had a national dimension since it was Robespierre’s former district.¹⁶⁷

Paine was protected a second time, as it were, by Saint-Just, when on 8 July the latter read the report of the Comité de salut public concerning the members of the Convention arrested on 2 June. Although he denounced all Paine's friends as traitors, Saint-Just excluded Paine from the opprobrium against the Girondins and advised the Convention 'not to condemn him because he had been deceived' by the former,¹⁶⁸ which was another way of confirming the idea expressed during Paine's speech on Louis XVI by the Montagne that he had been the victim of a manipulation. Accordingly, during the Girondins' trial on 24 June, Amar's indictment of the Girondins, initially adopted on 3 October by the Convention which then passed the corresponding decree, referred to Paine more in passing than to indict him formally. Paine's election to the Convention was denounced as arranged by 'the faction'; that is, the Girondins. It more specifically alluded to the geo-strategic perspective used by Paine and Brissot during the vote on the King's sentence in January as they both mentioned the United States in their speeches. Although they did so for different purposes, Amar instead asserted that Paine only supported Brissot's opinion.¹⁶⁹ Paine was mentioned as an Englishman, which was logical in a context of war between France and Britain, but was quite surprising as he was said to defend the viewpoint of the American people. This allusion is nonetheless secondary when compared to the list of crimes of which Brissot and Condorcet were accused. It may be seen as a way of taking up the accusation made soon after Paine's speech on 19 January which claimed it was a fake translation. Given the length of Amar's report, it was only summed up in the newspapers and journals published then and Paine's name was not quoted at all in these brief accounts, which mainly focused on Brissot and his alleged accomplices.

In October 1793, a collection of Paine's writings in French was reviewed by the quite moderate *Mercur français*. Paine was said not to be 'a foreigner', but the reviewer pointed out that his lack of knowledge of the French language prevented him from 'play[ing] a role proportionate to his talents and enlightened views'. The article alluded to 'genuine patriots' whom it addressed, and remarked that the American people at the time when Paine published *Common Sense* had the ability to reflect long enough before making decisions since it was 'more reasonable than passionate'. Such comments were aimed at Montagnards and the review ended on a quote from the translation of *Rights of Man* I reporting the offer made by a common man to be King in America, which sounded like an even more pointed criticism of French politics.¹⁷⁰ This review (quite expectedly given the editorial turn of the journal) turned Paine into an anti-Montagnard thinker.

On 20 October, as his Girondin friends were waiting for their trial, Paine wrote to Jefferson that he had stopped expecting the spread to other European countries of the republican principles of liberty and equality of the French Revolution, and insisted that the United States diplomacy should help put an end to the conflict among European powers which he saw as being at a dead end.¹⁷¹ Yet, in November, Paine then wrote an 'answer' to the proclamation issued by the King of England on 29 October 1793. The reference to Lyons and to Toulon, which was regained on 16 December, confirms that this text was written soon before Paine was jailed, possibly on the request of Barère, although I could not find any evidence of this, or of Danton, at whose side he seems to have made his last appearance in the Convention on 22 November.¹⁷² In this writing, Paine endorsed the anti-British propaganda of the French *Comités* and Convention. He accused both the British King and Pitt of having attempted to spread corruption in the main French cities. He expressed no regret for the execution of Louis XVI and Marie-Antoinette, calling the latter a 'Messalina'. He then condemned the British King's appeal to the counter-revolutionary minority of the French people as contrary to 'the general will' and he even defended the policy of the *Comité de salut public* as 'laws [which] necessarily result from the exigency of the moment' and 'measures [that] are severe and lenient, corrective or encouraging, as the public safety, and the importance of the end, require'. This propaganda was written a few weeks after the execution of the Girondins, which shows to what extent Paine's hatred of monarchy could prevail over other interests, and which retrospectively confirms how in a composition such as the first part of *Rights of Man* he could have chosen to overlook criticisms of the Constitution of 1791. This 'answer' was translated in French (by whom and at whose request I could not unravel) and two editions of it were published at the time when Paine was arrested.

Yet the pro-French content of this writing did not prevent Paine being targeted by the *Comité de salut public* in the last days of December 1793, after the Convention passed a law on 25 December which made it possible to arrest foreign-born residents. He had escaped the decree of 10 October, which provided for the arrest of all British residents since he was also a French citizen. During the debates on the bill on 25 December, Bourdon attacked Paine for his insufficient 'patriotism', proved by his absence from the Convention since the 'Brissotins' arrest, and he

accused him of being involved in a plot against the government.¹⁷³ Soon after, Paine was jailed, together with Anacharsis Cloots, as Paine himself told later. The order was issued by the Comité de sûreté générale on 27 December, and the next day Paine's room was searched and his papers examined in the presence of Achille Audibert and then of Joel Barlow. The commissioners, relying on their translator, Dessous, concluded that Paine's papers contained nothing 'suspect' and did not require sealing. He was then carried to the Luxembourg prison.¹⁷⁴

Therefore, Paine was not officially imprisoned because he was an alleged 'Girondin'.¹⁷⁵ Paine seems to have confided later to Thibaudeau that the letter he said he had sent to the Jacobins to denounce Marat might have contributed to his disgrace.¹⁷⁶ There is nonetheless no clear evidence that Paine was expelled from the Société des Jacobins. During the sessions of 26, 28, 29 and 31 December 1793 and 2 January 1794, the dates which frame Paine's arrest, a 'purge of the members' took place, but their names were not recorded.¹⁷⁷

However, when, in January 1794, a petition by Americans was sent to the Convention to ask for Paine's release, Vadier, the then speaker of the Convention, and one of those who had signed the order to arrest Paine, revealed what appeared to be the real motive for Paine's arrest, although this may have been part of the propaganda of the Montagnards. Paine's partisan leanings were presented as an essential motive to jail him, which implies that his nationality may have been only a pretext. Vadier suggested that Paine did not understand the French Revolution because he was influenced by the 'false friends' of the Revolution; that is, Girondins.¹⁷⁸ Gouverneur Morris, whose attitude toward Paine had never been lenient, wrote on the next day that 'he would have been executed along with the rest of the Brissotines, if the adverse party had not viewed him with contempt',¹⁷⁹ which was Morris's own opinion of Paine rather than that of the French authorities. Paine mentioned Vadier's answer in the Convention in the Preface to the second part of the *Age of Reason* in October 1795, but only to touch on the issue of his nationality and on the fact that he was seen as a British subject.¹⁸⁰ Although it could mean that Paine did not consider his association with the Girondins as the motive for his arrest, it could also be understood as a wish not to be involved in partisan politics again in the immediate post-Thermidorian context, or it could simply mean that Paine had not read Vadier's answer but that he was told the content of it or only part of it.

The French National Archives hold in Brissot's papers an unpublished and unfinished manuscript prepared in 1825, whose editor claimed it was a translation of Paine's journal of the Convention in 1792 and 1793 and in which Paine supposedly revealed he sat in the Plaine of the Convention with no party.¹⁸¹ However, many clues tend to suggest that this manuscript might instead be a fake diary. First, the way the editor said Paine's supposed papers were obtained is quite doubtful since they were allegedly translated during Paine's imprisonment and then handed back to him. Then, given the report of the commissioners who looked into Paine's papers in December 1793, it is very unlikely that they contained what the translator in 1825 claimed they did, since had it been the case, Paine would have been put on trial immediately, even if one supposes a potential move to protect Paine on the part of Barlow and of the translators who probed into Paine's papers on the day of his arrest. While distancing himself from Paine's republican principles in the Preface, the fall of the French monarchy is repeatedly described as 'the catastrophe of August 10', a phrase which Paine is unlikely to have written even if he criticized the Convention and the Comité de salut public in his public and private papers in 1793 and after. In addition, several comments instead sound more counter-revolutionary than merely critical of a specific moment of the French Revolution; such as, for instance, the remarks Paine supposedly made on the looting of churches in Belgium (even if Paine might have discussed the issue of the seizures of churches in Belgium with his Belgian cellmates in the Luxembourg), the need to protect owners, the rejection of the laws against émigrés, the contempt of the lower people, the need for a strong government and the condemnation of all parties in the Convention, including the Girondins.¹⁸² All this does not match the extant materials by Paine about these issues. Then the very detailed parts of this journal are mostly made up of somewhat anecdotal narratives, such as the ceremony celebrating Le Pelletier de Saint Fargeau as a martyr of the French republic.

Not a word is said though on the way the Comité de constitution worked, whereas this supposed diary several times reproaches the Convention with having refrained from setting up a constitution that could have precluded the extraordinary measures that were voted. This committee is referred to only once in passing and the Girondins are accused of the same procrastination as Montagnards in this regard.¹⁸³ It might have been expected that Paine could have written at least a few paragraphs on the committee given the importance of the notion of

constitutionality in his republicanism. This tends to prove that the likely forger did not have access to any new piece of information. It is confirmed by the account of Marat's trial, which is apparently based on the public reports on this proceeding, such as that of *Le Moniteur*.¹⁸⁴ The comment that follows, supposedly written by Paine, about his fears for his safety and his suspicion that he was more the target of the trial than Marat might have well been a deduction from this public account and from what happened at the end of 1793.

Other parts sound more potentially Paine-like, or rather seem to be more in phase with Paine's writings and letters: the indictment of the party spirit in the Convention; the lack of constitutional framework; the denunciation of the September massacres (which is known thanks to Brissot's published account of it); the criticism levelled at the expansion policy of French republicanism in Brabant (even if Paine would later not hesitate to defend the military conquest of Britain to overthrow the monarchy there and would congratulate General Brune for his victory in Holland); the need to reassert the source of legitimacy as being the whole people and not the Convention; the rejection of the interference of the sections and of the Paris municipality; the illegitimate and inefficient control of the price of bread; and the proposal to declare churches *biens nationaux* in Belgium instead of relying on what are said to be extralegal procedures. Yet again, for Paine to have said that the spreading of the principles of the French Revolution meant the export of 'disorder and anarchy' is unlikely given the content of the letters he then wrote. Even if he was disillusioned about the French Revolution in 1793, he never went as far as to equate the Revolution with what appears a down-right counter-revolutionary judgement.

No other material has been preserved with this manuscript. It might have been written by Brissot's son, but nothing confirms this. If one probes its content and puts it to the test of Paine's published and unpublished writings until 1793, this manuscript is instead a clever forgery turning Paine into a counter-revolutionary writer in the context of Charles X's France. This does not seem to have been the only attempt made in the 1820s to construct such a Paine in France, or rather to use him as a patron to justify a 'republican monarchy' according to the phrase of another anonymous author who published in 1848, but wrote in 1823, a short text entitled *Second cri du sens commun* in which the author referred to Paine's 1776 pamphlet and claimed to play the same role in France as Paine had in the American colonies.

No other mention of Paine's political ideas was made in the writing, which offered an elaborate system of representation based on a class system headed by an executive whose form did not matter. The right to participation was defined as based on productivity, all those who did not work being excluded from it. His proposal clearly did not match Paine's republicanism. It is almost tempting to assume that this author and the writer of Paine's probably fake diary may have been one and the same.¹⁸⁵

4 CONCLUSION

In his memoirs, Thibaudeau, in what proved to be mixed praise, ascribed what he viewed as Paine's inefficient participation in the pre-Terror Convention to his insufficient knowledge of the French language. He reduced his contribution to a symbolic one. He restricted Paine's role to a symbol of freedom,¹⁸⁶ which does not match Paine's role in the Convention of 1792 and 1793. In his *Letters from France*, Yorke testified he had 'seen Paine stand up like a post while another read the translation of his speech'.¹⁸⁷ Paine himself reported that it sometimes proved uneasy to communicate with French revolutionaries. He told of his interview with Barère in August 1793 and the need to call for an interpreter, Otto, and even so 'verbal interpretation was tedious', which led Paine to write his 'opinion' and have it translated by Otto. It has also been suggested that even French revolutionaries found it difficult to communicate with Paine as Lawday did in his biography of Danton.¹⁸⁸ Yet even if it does not mean that his inability to speak French precluded him from communicating with other members of the Convention and with other people who spoke English, even with Danton.

Retrospectively, as he was waiting for his release from the Luxembourg prison, Paine presented himself as an outsider who had accepted French citizenship only 'as a token of honorary respect'. He characterized his participation in the Convention as that of 'a friend invited among them'.¹⁸⁹ However, it was more the quite bitter complaint of a hurt man who had been forsaken by the United States and condemned by both France and England. Quite paradoxically, but not surprisingly, in Britain, Paine was denounced as a 'Jacobin' by conservative and loyalist writers. This word by then encompassed all French revolutionaries, Girondins and Montagnards alike. Paine himself pointed out, in 1795, the irony there was in being condemned in Britain as a 'Jacobin' and in being persecuted by Jacobins in 1793–1794 in

France.¹⁹⁰ The same year, in 1795, William Playfair published his *History of Jacobinism*, an anti-Painite and anti-Revolution text, in which he listed Paine among the 'Girondists' together with Brissot and Condorcet. He distinguished them from what he called 'Robespierre's party', while at the same time remarking that both factions were hostile to private ownership and to the Church.¹⁹¹ However, he did not single Paine out as having played a major role in the Girondin faction. Even in more impartial recent critical studies, both the lack of sources to precisely document Paine's contacts with major 'Girondin' figures and the quite indeterminate contours of the 'Girondin' group and thinking are the major stumbling blocks to assessing Paine's 'Girondism'. Taking Paine's ideas as a touchstone to define a 'Girondin' doctrine, as L. Boroumand, P. Raynaud or W. Doyle did, tends to be tautological. It is a way of addressing the issue from the wrong end as it amounts to asking whether Girondins shared ideas with Paine and not the other way around.

It is all the more problematic as the period from May 1791 to December 1793 led Paine to evolve in his own republican thinking. The questioning and abolition of the French monarchy (first, timidly in the Varennes crisis and then, more openly and radically after 10 August 1792) led him to bolster the main foundations of his republican system of thought, which consisted of a stable constitutional framework, a fair electoral process with a real and equal popular participation and a public sphere that enabled the greatest part of the people freely to debate the great questions of the moment. As a result, the most efficient revolution was the symbolic regicide, which involved suppressing the monarchical hereditary source of political legitimacy in the people's minds.

The year 1792 was probably one of the most optimistic moments in Paine's political life. The American and French Revolutions had succeeded in establishing republicanism as the basis for legitimate governments. The publication of *Rights of Man* and 'radical' activism in Britain convinced Paine that a revolution was about to take place there. This apex of revolutionary optimism even led Paine to prophesy the advent of an 'age of reason' and of 'the Adam of the new world'.¹⁹² It was also the time when Paine envisioned the possibility of a minimal government through a process that perfected the true principles of civilization and developed the autonomy of the social sphere more and more.¹⁹³ In the meantime, republican government could correct the harm monarchical government had done to society by helping the poor, the aged and the old, a reform programme which may have been influenced by the various committees

set up in France to deal with these issues. It was also the moment when Paine seems to have enjoyed a prestige in most revolutionary circles (with the exceptions that surfaced in the electoral assembly of the Pas de Calais and in the Jacobins' society) and among the common people in Paris and outside Paris. We see this in the testimony of a then anonymous conservative English lady, probably Helen Maria Williams, who travelled in France. She recounted her visit in the Pas de Calais, where Paine was soon to be elected, to a seminary in Arras in early September 1792. The Superior there was an 'immoderate revolutionist' and a great admirer of Paine. She described the 'patriotic clock' he possessed, 'the dial of which was placed between two pyramids, on which were inscribed the names of republican authors, and on the top of one was that of our countryman, Thomas Paine' who, she added, was 'in high repute here—his works [were] translated—all the Jacobins who [could] read, quote, and all who [couldn't] admired him'. A few weeks later she stopped in a house in Bernay (probably Bernay-en-Ponthieu in Picardie) whose patriotic hostess had hung 'a representation of the siege of the Bastille, and prints of half a dozen American generals, headed by Mr. Thomas Paine'.¹⁹⁴

The year 1793 was a major turning point for Paine though. First, the vote in the Convention in favour of Louis XVI's immediate execution showed him that there could be a potential gap between sovereignty and representation. The spring brought its harvest of denunciations and partisan tensions, which Paine lived through with a growing fear that drenched his optimism about the French Revolution as a whole. The repression against the 'Girondins' was the coup de grace which definitively ended this special moment of optimism, which did not prevent him from defending the Montagnards' policy in November of that year. Whereas Paine said to Danton on 6 May that the Revolution was jeopardized by 'internal contentions', he had evoked an even more gloomy prospect in a letter to Jefferson a few weeks before: 'had this revolution been consistently conducted with its principles, there was once a good prospect of extending liberty through the greatest part of Europe, but I now relinquish that hope'.¹⁹⁵ Paine was soon to be jailed as a foreign-born citizen in the Luxembourg prison from 28 December 1793 to 4 November 1794, although not officially as a Girondin. The Terror and the post-Thermidorian period had by then led Paine to put into question some of the ideas he had previously defended regarding the form of the legislative and executive powers, and it even more significantly challenged the main tenets of his republicanism since participation and constitutionality sometimes proved incompatible.

NOTES

1. Jean-Clément Martin, *Nouvelle histoire de la Révolution française* (Paris: Perrin, 2012), 364–365.
2. 'Les Girondins le consultaient', Alphonse de Lamartine, *Oeuvres complètes* (Paris: l'auteur, 1857), XI, 449; 'Payne avait été accueilli par la Gironde, était lié avec elle, mais n'était pas girondin', Jules Michelet, *Histoire de la Révolution française* (1847–1853) (Paris: Robert Laffont, 1979), IX–7, vol. II, 193.
3. Ladan Boroumand, 'Les Girondins et l'idée de République', in François Furet and Mona Ozouf, ed., *La Gironde et les Girondins* (Paris: Payot, 1991), 243.
4. Jacqueline Chaumié, 'Les Girondins', in Albert Soboul, ed., *Actes du colloque Girondins et Montagnards* (Paris: Société des études robespierristes, 1980), 53–54.
5. Alison Patrick, *The Men of the French First Republic: Political Alignments in the National Convention of 1792* (Baltimore: John Hopkins, 1972), 344; John Sydenham, *The Girondins* (London: The University of London, Athlone Press, 1961), 225.
6. William Doyle, 'Thomas Paine and the Girondins', in William Doyle, *Officers, Nobles and Revolutionaries. Essays on Eighteenth-Century France* (London: The Hambledon Press, 1995), 216–217.
7. Yannick Bosc, 'Thomas Paine et la figure du Girondin comme radical', in Michel Biard, Bernard Gainot, Paul Pasteur and Pierre Serna, ed., *Extrêmes? Identités partisans et stigmatisation des gauches en Europe (XVIIIe–XXe siècle)* (Rennes: PUR, 2012), 247 and 256.
8. Zofia Libiszowska, 'Thomas Paine et la Gironde', *Acta Universitatis Lodzianensis* 71 (1980), 103. She accounts for this by stating that 'Girondins were a political and an intellectual elite that was not open to exterior influences', whereas they were among the most Anglophile and Americanophile of the French revolutionaries. Patrick, *The Men of the French First Republic*, 273. Sydenham, *The Girondins*, 56.
9. Patrick, *The Men of the French First Republic*, 273.
10. Sydenham, *The Girondins*, 56.
11. François Furet, *La Révolution française. De Turgot à Napoléon (1770–1814)* (Paris: Hachette, 1988), 202.
12. Patrick, *The Men of the French First Republic*, 78.
13. Patrick, *The Men of the French First Republic*, 318 and foll. See also Gary Kates, *The Cercle social, the Girondins and the French Revolution* (Princeton: Princeton University Press, 1985), 260.
14. *Réimpression de l'Ancien Moniteur* (Paris: Plon, 1858–1870), t. 15, 222.

15. '[U]n ne manquera jamais de motifs semblables aux nôtres pour se mettre au-dessus des lois', *Réimpression de l'Ancien Moniteur* (1858–1870), t. 15, 190.
16. '[P]our la peine la plus grave dans le code pénal', *Réimpression de l'Ancien Moniteur* (1858–1870), t. 15, 211.
17. *Réimpression de l'Ancien Moniteur* (1858–1870), t. 15, 215.
18. '[U]n échafaud d'ignominie', *Réimpression de l'Ancien Moniteur*, t. 14, 470.
19. *Réimpression de l'Ancien Moniteur* (1858–1870), t. 15, 206.
20. *Réimpression de l'Ancien Moniteur* (1858–1870), t. 15, 203.
21. Franck Alengry, *Condorcet: guide de la Révolution française* 1904 (Genève: Slatkine, 1971), 180.
22. Michelet, *Histoire de la Révolution française*, IX–12, vol. II, 254.
23. Michael Walzer, ed., *Régicide et Révolution: le procès de Louis XVI* (Paris: Payot, 1989), 208.
24. Michel Biard, Pascal Dupuy. *La Révolution française: dynamique et ruptures, 1787–1804* (Paris: A. Colin, 2016), 89–90.
25. Boroumand, 'Les Girondins et l'idée de République', 237.
26. Mona Ozouf, 'Girondins', François Furet et Mona Ozouf, ed., *Dictionnaire critique de la Révolution française* (Paris: Flammarion, 1988), 375.
27. Patrick, *The Men of the French First Republic*, 326.
28. Patrice Gueniffey, 'Brissot', in François Furet et Mona Ozouf, ed., *La Gironde et les Girondins*, 442.
29. Patrick, *The Men of the French First Republic*, 296.
30. Sydenham, *The Girondins*, 173.
31. Thomas Paine, *The Complete Writings of Thomas Paine*, ed. Philip S. Foner (New York: The Citadel Press, 1945), II, 1336.
32. Boroumand, 'les Girondins et l'idée de République', 236.
33. Philippe Raynaud, 'Y a-t-il une philosophie girondine?', in François Furet et Mona Ozouf, ed., *La Gironde et les Girondins*, 293 and note, 303.
34. Raynaud, 'Y a-t-il une philosophie girondine?', 298.
35. Chaumié, 'Les Girondins', 38.
36. Philipp Ziesche, *Cosmopolitan Patriots. Americans in Paris in the Age of Revolution* (2010) (Charlottesville: University of Virginia Press, 2014), 63.
37. Ian Dyck, 'Local Attachments, National Identities and World Citizenship in the Thought of Thomas Paine', *History Workshop Journal* 35 (1993), 128.
38. Eric Foner, *Tom Paine and Revolutionary America* (New York: Oxford University Press, 1976), 166.
39. Foner, *Tom Paine*, 173.
40. Ian Dyck, 'Local Attachments', 129.

41. Chaumié, 'Les Girondins', 35. Marcel Dorigny, 'Les Girondins et le Droit de Propriété', *Bulletin de la Commission d'Histoire Economique et Sociale de la Révolution*, (1980–1981), 24–25. A majority of 'Girondins' did not support an equality of wealth.
42. Ferdinand Dreyfus. *L'assistance sous la législative et la Convention (1791–1795)*. 1905 (Genève: Mégariotis, 1978), 59; Marie Jean Antoine Nicolas de Caritat, marquis de Condorcet, *Œuvres*, 1847–1849, (Stuttgart-Bad Cannstatt: Friedrich Frommann Verlag, 1968), XII, 417; Paine, *Complete Writings*, II, 558.
43. Thomas Paine, *Rights of Man, Common Sense and Other Political Writings*, ed. Mark Philp (Oxford: Oxford University Press, 1995), 411.
44. Florence Gauthier, *Triomphe et mort de la révolution des droits de l'homme et du citoyen: 1789, 1795, 1802* (First Published in 1992; Paris: Syllepse, 2014).
45. Dreyfus, *L'assistance sous la législative*, 60.
46. Chaumié, 'Les Girondins', 35.
47. In his *Discours sur l'économie politique*, Rousseau set the guideline for a policy which would help check poverty: 'to prevent an extreme inequality of fortunes; not by taking away the wealth of the possessors, but in depriving them of means to accumulate them; not by building hospitals for the poor, but by preventing citizens from becoming poor', Jean-Jacques Rousseau, *Miscellaneous Works* (London: T. Becket et P. A. De Hondt, 1767), II, 28. Dragonetti, an Italian writer, who is quoted by Paine in *Common Sense*, repeated the same equation: 'Without touching the immense estates of the rich, the poor might be provided for', Giacinto Dragonetti, *A Treatise on Virtues and Rewards* (London: Johnson and Payne, and J. Almon, 1769), 75. Yet this does not allow us to conclude that Rousseau had a 'pervasive influence on Paine's economic and social thought' as Jack Fruchtman stated. Jack Fruchtman, *The Political Philosophy of Thomas Paine* (Baltimore: The John Hopkins University Press, 2009), 131.
48. The Committee held positions close to Paine's: 'le soin de veiller à la subsistance du pauvre n'est pas [...] un devoir moins sacré que celui de veiller à la conservation de la propriété du riche'; 'le devoir de la société est donc de chercher à prévenir la misère'. In the fourth report of the committee, Liancourt defined a principle which was shared by Paine and that he clearly asserted in *Dissertation on First Principles of Government*: 'Nous savons tous que si la propriété est la base des associations politiques, si le devoir sacré des lois est d'en faire religieusement observer le culte et d'en assurer le maintien, le culte de l'humanité est plus sacré encore'. Camille Bloch et Alexandre Tuetey, ed., *Procès verbaux et rapports du Comité de mendicité de la Constituante, 1790–1791* (Paris: Imprimerie nationale, 1911), 309, 317 and 384. Paine, *Rights of Man*, 400.

49. Bloch et Tuetey, ed., *Procès verbaux et rapports*, 369 and 310. 'Le nombre de familles pauvres sera considérablement diminué mais la pauvreté ne sera pas détruite. La pauvreté est une maladie inhérente à toute grande société: une bonne constitution, une administration sage peuvent diminuer son intensité, mais rien malheureusement ne peut la détruire radicalement', Bloch et Tuetey, ed., *Procès verbaux et rapports*, 315.
50. Paine, *Rights of Man*, 399.
51. Bloch et Tuetey, ed., *Procès verbaux et rapports*, 310–311 and 317.
52. Christine Dousset, 'les débats sur le droit à la subsistance', in Roger Bourderon, ed., *L'an I et l'apprentissage de la démocratie: actes du colloque organisé à Saint-Ouen, les 21–24 juin 1993* (Saint-Denis: Éd. PSD, 1995), 152.
53. Bloch et Tuetey, ed., *Procès verbaux et rapports*, 325, 369. *Projets de décrets présentés à l'Assemblée nationale par son comité de mendicité* (Paris: Imprimerie nationale, 1791). About poor laws: Bloch et Tuetey, ed., *Procès verbaux et rapports*, 316–317 and 385–386.
54. Dreyfus, *L'assistance sous la Législative*, 31–32.
55. Edmund Burke, *Reflections on the Revolution in France* (1790), ed. Conor Cruise O'Brien (Penguin Classics, 1986), 238.
56. See his article about the 'troubles relatifs aux subsistances' of December 1792 and published in *La feuille villageoise*. Condorcet, *Œuvres*, XII, 316.
57. Condorcet, *Œuvres*, 315–317.
58. Paine, *Rights of Man*, 304. Nicolas de Bonneville, *De l'Esprit des religions* (Paris: Imprimerie du Cercle social, 1791), 59. Nicolas de Bonneville, *Appendices à l'Esprit des religions* (Paris: Imprimerie du Cercle social, 1792), 285 and 278.
59. 'Rappelez-vous, représentants, une des grandes vérités de votre illustre collègue, Thomas Payne. "En considérant, dit-il, l'excès de misère d'une grande partie du peuple dans la plupart des Etats de l'Europe, on ne pourrait jamais se persuader, si l'histoire et l'expérience ne le démontraient, qu'on est sur le territoire de vieux gouvernements. On croirait au contraire, se trouver parmi des hommes nouvellement rassemblés, et qui n'ont pas encore eu le temps de se placer et de pourvoir à leurs premiers besoins." Cette vérité n'a pas quitté un instant ma pensée depuis le moment où elle a passé pour la première fois sous mes yeux.' *Archives parlementaires*, LIV, 428. Paine, *Rights of Man*, 211. Thomas Paine, *Théorie et pratique des droits de l'homme*, trans. François Lanthenas (Paris: Imprimerie du Cercle social, 1792), 3–4.
60. 'Payne, ce collèg[u]e appelé par nos vœux, a très judicieusement observé que, quand on proposait des impôts, on amusait la nation par l'idée plausible de taxer le luxe ou le superflu. Il fait remarquer que ce qu'on appelle objet de luxe, reste souvent indécis et incertain, et il ajoute,

- avec sagacité, que le luxe réel “ne gît point dans la chose” mais dans les moyens de se la procurer; et il termine par dire, ce qui, d’après l’expérience, ne peut être contesté, qu’on tient toujours cela hors de la vue du peuple”, *Archives parlementaires*, LX, 393. In Lanthenas’s translation: Paine, *Théorie et pratique*, 193. Vernier is often considered as a ‘Girondin’ but he disagreed with Vergniaud and Lanjuinais on this issue. Marcel Dorigny, ‘Les Girondins et le droit de propriété’, 30.
61. Kates, *The Cercle Social*, 207 and 273.
 62. *Programme Du Cercle Social Pour La Confédération Universelle Des Amis De La Vérité* (1791), 1. The issue of November 1792 of *La Chronique du mois* described it as a promoter of a ‘universal civic education’, *La Chronique du mois*, 81.
 63. The translator was not named, but it is likely that it was Lanthenas who introduced himself at the beginning of the same issue of *La Chronique* as the ‘translator of Paine’s writings for the French republic’ (‘traducteur des ouvrages de Thomas Paine pour la république française’), *La Chronique du mois*, IV, 5.
 64. ‘De l’alliance avec l’Angleterre’, *La Chronique du mois*, II, 71 and 74.
 65. Patrick Brasart, ‘Bonneville et le Cercle social, ou le bizarre en Révolution’, *Littérature* 169 (2013), 67–86.
 66. Raymonde Monnier, ‘Républicanisme, libéralisme et Révolution française’, *Actuel Marx* 32 (2002), 83–108. In her book, she describes them as ‘liberals with a democratic leaning’ (‘libéraux de sensibilité démocratique’), Monnier, *Républicanisme*, 60.
 67. Alfred Owen Aldridge, ‘Condorcet et Paine’, *Revue de littérature comparée* 32 (1958), 49.
 68. Lucy M. Gidney, *L’influence des Etats-Unis d’Amérique sur Brissot, Condorcet et Mme Roland* (Paris: Rieder, 1930), 20.
 69. Michelet, *Histoire de la Révolution française*, V–4, vol. I, 519.
 70. See David Williams, *Condorcet and Modernity* (Cambridge: Cambridge University Press, 2004), 31: ‘it was almost certainly as a result of Paine’s influence that Condorcet’s republicanism was by now so outspoken’. Keane compared Paine’s and Condorcet’s tempers, ascribing political shrewdness to the former that the latter supposedly lacked because naïve. John Keane, *Tom Paine: A Political Life* (London: Bloomsbury, 1995), 357–358.
 71. Iain McLean, *Condorcet: Foundations of Social Choice and Political Theory* (Aldershot and Brookfield: E. Eglar, 1994), 16.
 72. Aldridge, ‘Thomas Paine and the *idéologues*’, *Studies on Voltaire and the Eighteenth Century* 151 (1976), 109.
 73. ‘Examen sur cette question: Est-il utile de diviser une assemblée nationale en plusieurs chambres?’

74. Aldridge, 'Condorcet et Paine', 60.
75. Condorcet, *Œuvres*, IX, 334.
76. Condorcet, *Œuvres*, IX, 339.
77. Condorcet, *Œuvres*, IX, 359.
78. Paine, *Complete Writings*, II, 526.
79. Letter to Abigail Adams, March 19, 1777, quoted in John Paul Selsam, *The Pennsylvania Constitution of 1776* (New York: Da Capo Press, 1971), 173.
80. Thomas Paine, *Common Sense and Other Writings*, ed. Gordon S. Wood (New York: The Modern Library, 2003), 76–77. Alfred Owen Aldridge, *Thomas Paine's American Ideology* (Newark: University of Delaware Press, 1984), 233.
81. Paine, *Common Sense and Other Writings*, 76–77.
82. Paine, *Common Sense and Other Writings*, 77.
83. Paine, *Common Sense and Other Writings*, 79; Paine, *Rights of Man*, 254.
84. Paine, *Common Sense and Other Writings*, 76; Paine, *Complete Writings*, II, 409.
85. On the debates on the Pennsylvania Constitution during the 1780s, see Gordon S. Wood, *The Creation of the American Republic* (Chapel Hill: University of North Carolina Press, 1969), 437–445.
86. McLean, *Condorcet*, 16 and 26.
87. '[C]e que le bon sens aurait pu dicter à tous les hommes, on cessera de vanter ces machines si compliquées, où la multitude de ressorts rend la machine violente, irrégulière et pénible', Condorcet, *Œuvres*, VIII, 18.
88. '[O]n a parlé de forces opposées, de contrepoids, d'équilibre [...] les politiques de profession sont intéressés à défendre tout ce qui est compliqué. Chaque état a sa charlatanerie propre, et celle des politiques est de donner leur science comme une espèce de doctrine occulte dont les adeptes seuls ont la clé; un intérêt plus direct leur dicte encore ce langage: plus une constitution est compliquée, plus elle offre de ressources aux intrigues et au sophisme', Condorcet, *Œuvres*, IX, 75.
89. Condorcet, *Œuvres*, IX, 76.
90. Condorcet, *Œuvres*, IX, 77.
91. Condorcet, *Œuvres*, IX, 86–87.
92. Condorcet, *Œuvres*, IX, 83–84. See 'Answer to Four Questions', Paine, *Complete Writings*, II, 524.
93. Condorcet, *Œuvres*, IX, 92.
94. Contrary to what Franck Alengry asserted at the beginning of the twentieth century, in a book whose title indicates the lack of impartiality of his approach and in which he also said that Condorcet's positions during the King's trial followed Paine's, while at the same time admitting, in a quite inconsistent way, that Condorcet's arguments were more logical and informed than Paine's, Alengry, *Condorcet*, 176–177, 181–182 and 200.

95. *Quatre lettres d'un bourgeois de New Haven*, Condorcet, *Œuvres*, IX, 11–12.
96. 'Ce qu'est un cultivateur ou un artisan français', *La Chronique du mois*, II, 3–5.
97. Mona Ozouf, *Varennnes: la mort de la royauté: 21 juin 1791* (Paris: Gallimard, 2005), 235.
98. James M. Moore, *The Roots of French Republicanism* (New York: American Press, 1962), 194.
99. See Marcel Dorigny, 'Les Girondins et le droit de Propriété', 24. According to Condorcet the most talented men would be elected and he thought that electors would inevitably vote for this enlightened elite. This argument is the same as that presented in *The Federalist*.
100. Condorcet, 'De la nature des pouvoirs politiques dans une nation libre', *La Chronique du mois*, November 1792, IV, 101: 'il faut au peuple qui veut être libre et paisible des loix, des institutions qui réduisent à la moindre quantité possible l'action du gouvernement'.
101. Keith Michael Baker, 'Transformations of Classical Republicanism in Eighteenth-Century France', *The Journal of Modern History* 73 (2001), 32. The connection between Paine and Condorcet is not further explored in the article.
102. Condorcet, *La Chronique du mois*, Nov. 1792, IV, 98: 'l'amour de l'égalité est un sentiment dominant et général dans toutes les républiques'.
103. Condorcet, *Œuvres*, VIII, 9.
104. Richard Whatmore, 'A Gigantic Manliness: Thomas Paine's Republicanism in the 1790s', In *Economy, Polity, and Society*, ed. Stefan Collini, Richard Whatmore, and Brian Young (Cambridge: Cambridge University Press, 2000), 152–153.
105. Yannick Bosc, 'Liberté et propriété. Sur l'économie politique et le républicanisme de Condorcet', *Annales Historiques de la Révolution française*, 366 (2011). <http://ahrf.revues.org/12215>.
106. Condorcet, *Œuvres*, VIII, 9.
107. See his *Essai sur la Constitution et les fonctions des assemblées provinciales*, Condorcet, *Œuvres*, VIII, 453 and 458.
108. Paine, *Rights of Man*, 428.
109. Condorcet, *Œuvres*, VIII, 461.
110. Condorcet, *Œuvres*, VI, 246–247.
111. Aldridge, 'Condorcet et Paine', 48.
112. Sampson Perry, *An Historical Sketch of the French Revolution: Commencing with Its Predisposing Causes, and Carried on to the Acceptation of the Constitution, in 1795* (London: H.D. Symonds, 1796), I, 9–10.

113. AN 446AP/6.
114. 'Ces massacres [de septembre] sont l'ouvrage de quelques brigands; Paris les abhorre, la France en est indignée, la Convention les punira, et la gloire de la République ne sera pas souillée. Des républicains ne peuvent pas être des cannibales. Lisez, lisez les écrits de ces Anglais, de ces Américains qui ont vanté, qui vantent encore les principes de notre Révolution; entendez-les, entendez Thomas Paine: il était en Angleterre lors de ces massacres; il nous a transmis l'affreuse impression qu'ils y firent. *Tous les amis de la France*, nous disait-il, *sont consternés de cet horrible attentat. Jamais chez aucun peuple on n'a violé les prisons; une prison est un sanctuaire, un asile sacré*', Brissot, *J.-P. Brissot mémoires (1754–1793)*, ed. Cl. Perroud (Paris: A. Picard et fils, 1912), II, 244.
115. In 'JP Brissot à ses commettants sur la situation de la Convention nationale', which dates back to 27 May 1793, a few days before the arrest of the Girondins, Brissot stated: 'Je l'ai déjà dit et je ne cesserai de le répéter, puisqu'on ne cesse de m'attribuer la guerre avec l'Angleterre, quoique j'aie employé tous mes efforts pour l'éviter; ces massacres et cette condamnation à mort y ont le plus contribué. Ecoutez des témoins qui ne sont pas suspects. "J'étais en Angleterre, dit Thomas Payne, dans un écrit qui va paraître, lors des massacres des 2 et 3 septembre. Avant ce funeste événement, les principes de la Révolution française faisaient des progrès rapides; à peine la fatale nouvelle de ces massacres fut-elle arrivée, qu'un changement général se fit dans l'opinion publique; tous les amis de la France furent dans le deuil, chacun craignit de rencontrer son ami. Les ennemis de la Révolution triomphaient et faisaient retentir tous les lieux d'anathèmes et de cris d'horreur contre la France; et ces cris déchiraient toutes les âmes. Ainsi toute la France, toute la Révolution souffrit pour la scélératesse de quelques individus. En vain disait-on que les hommes qui avaient péri étaient coupables; on répondait qu'une prison était aussi sacrée qu'un autel, et que celui qui viole une prison est capable de trahir sa patrie"', *Archives parlementaires de 1787 à 1860: recueil complet des débats législatifs et politiques des Chambres françaises*. Première série, 1787 à 1799, LXV, 410. This further confirms that Paine and Brissot were close. Yet I could not find any text by Paine published in 1793 which contained this quote.
116. 'Payne, cet homme né pour prêcher avec le même succès qu'en Amérique le sens commun à toute la terre. Ces ouvrages ne peuvent en effet porter partout que paix, liberté, concorde et union', *Le Patriote français*, no. 967, 378. The first sentence is taken from Lanthenas's Preface although no quotation marks are used.
117. Roger Barny, *Le triomphe du droit naturel: la constitution de la doctrine révolutionnaire des droits de l'homme, 1787–1789* (Besançon: Annales littéraires de l'Université de Franche-Comté, 1997), 42–43.

118. Leonore Loft, *Passion, Politics and Philosophie: Rediscovering J.-P. Brissot* (Westport: Greenwood Press, 2002), 150.
119. Loft, *Passion, Politics, and Philosophie*, 276.
120. Richard Whatmore et James Livesey, 'Étienne Clavière, Jacques-Pierre Brissot et les fondations intellectuelles de la politique des girondins', *Annales historiques de la Révolution française* 321 (juillet-septembre 2000). <http://ahrf.revues.org/175>.
121. Anne Robert Jacques Turgot, *Des administrations provinciales, suivi des Observations d'un républicain sur les différents systèmes d'administrations provinciales, particulièrement sur ceux de MM. Turgot & Necker, & sur le bien qu'on peut en espérer dans les gouvernemens monarchiques* [Brissot de Warville] (1788) (Pergamon Press, 1989), 163.
122. '[C]haque Anglais paie trois fois plus d'impôts qu'un Français', *Réimpression de l'Ancien Moniteur*, XV, 133.
123. Pierre Serna, 'Le pari politique de Brissot ou lorsque le Patriote Français, l'Abolitionniste Anglais et le Citoyen Américain sont unis en une seule figure de la liberté républicaine', *La Révolution française* 5 (2013). <http://lrf.revues.org/1021>.
124. See 'Sur les motifs de ceux qui défendent la monarchie et qui calomnient le républicanisme' in the issue of October 1792 of *La Chronique du mois*, 16, 20 and 21.
125. Brissot, *Mémoires*, II, 81: 'Le célèbre pamphlet intitulé le Sens commun ne fit un si prodigieux effet que parce qu'il fut cent fois cité et reproduit dans ces gazettes, dévorées avec avidité par l'artisan, par le cultivateur, par l'homme de toutes les classes'. Brissot favoured newspapers over books to achieve this goal: 'Un bon livre formera lentement quelques bons esprits, dont l'influence sur les autres sera lente, faible; une bonne gazette, un bon journal éclaire rapidement une masse d'hommes dont les idées réagissent au même instant presque en tout sens dans une très grande sphère' (80).
126. *Archives parlementaires*, LII, 84.
127. Vincent has even suggested that it was an early sign of Paine's disagreement with 'Jacobins', who may have started to view him with suspicious eyes, although there is no evidence that such was the case then. Bernard Vincent, *Thomas Paine ou la religion de la liberté* (Paris: Aubier, 1987), 244.
128. Auguste Kucinski, *Dictionnaire des Conventionnels* (Paris: Société de l'histoire de la Révolution française, 1973), 474.
129. François-Alphonse Aulard, ed., *La Société des Jacobins: recueil de documents pour l'histoire du club des Jacobins de Paris* (Paris: Jouaust et Noblet, 1889-1897), IV, 323. The *Moniteur* mentioned a 'Dr. Payne' in November 1792 as the author of a writing entitled *Droit des nations*. *Réimpression de l'Ancien Moniteur*, XIV, 534. It was a gift from General Labourdonnaye to the Société des Jacobins.

130. See the session of 10 October 1792, Aulard, ed., *La Société des Jacobins*, IV, 378.
131. On 23 September 1792, Roland declared: 'Les hommes qui ont fait appeler à la Convention nationale les Payne et les Priestley feront sans doute de bons choix et l'on doit s'attendre que leur patriotisme et leur discernement porteront dans les administrations des hommes qui sauront faire respecter les lois', *Réimpression de l'Ancien Moniteur*, XIV, 31.
132. See the session of 19 December 1792, Aulard, ed., *La Société des Jacobins*, IV, 599.
133. Aulard, ed., *La Société des Jacobins*, IV, 198. Paine did not specify the date or occasion of the quote. Paine, *Complete Writings*, II, 551. The quote both in the English version and in the translated version is not fully accurate since Paine used 'robber' instead of 'traitor', which was in the original sentence by Anthoine: 'Vous me nommeriez roi aujourd'hui que demain je serais un traître'.
134. Sydenham, *The Girondins*, 173.
135. Keane, *Tom Paine*, between 426 and 427.
136. Paine, *Complete Writings*, II, 1342.
137. See the extract from *Le Patriote français* printed in *Le Moniteur* on 26 September 1792: 'Ce mot de citoyen, c'est un mot sacré; c'est un mot qu'il ne faut pas prostituer; et ne rougirait-on pas de le mettre à côté de certains noms? Certes, nous disons avec joie le citoyen Péiton, le citoyen Condorcet; mais quel est le patriote qui pourrait dire le citoyen Marat, le citoyen Maury! Républicains, comme les Romains, plus libres qu'eux, destinés à être plus vertueux, imitons leur exemple, ne faisons précéder les noms d'aucun titre; disons Péiton, Condorcet, Payne, comme on disait à Rome Caton, Cicéron, Brutus.' *Réimpression de l'Ancien Moniteur*, XIV, 39.
138. In November 1792 he said: 'Gravons sur les portiques du temple de nos lois ces maximes de Thomas Payne si dignes de notre révolution: "Commençons notre nouvelle ère en déployant de la grandeur, de la générosité; ne songeons qu'à maintenir l'union, et qu'à gagner les coeurs pour assurer nos succès"', *Réimpression de l'Ancien Moniteur*, XIV, 546. It is a quote from Paine's letter of 25 September 1792 which he wrote when he was made a French citizen.
139. Alfred Owen Aldridge, *Man of Reason. The Life of Thomas Paine* (Philadelphia: Lippincott, 1959), 176–177.
140. Jacques-Pierre Brissot, 'Dernier mot, sur Cloots', *Le patriote français*, no. 1202, Année 1792, 599.
141. 'Il ne put s'empêcher d'éclater de rire des mille départements de Cloots; il ne pouvait croire que Cloots voulut sérieusement faire de New York et de Pékin des départements de Paris. L'opinion de Payne est que le

- Rhin, les Alpes, les Pyrénées et l'Océan sont les limites naturelles de la république française', Brissot, 'Dernier mot', 599–600.
142. 'Pour en revenir à Brissot, je lui ai parlé, la première fois de ma vie, en dinant, avec le victorieux Dumourier, chez Pétion. Notre première conversation fut une dispute, dont Thomas Payne fut le juge, en condamnant formellement mon adversaire, qui, loin d'admettre ma république universelle, prétendait que la France est trop grande. Payne, à chaque interpellation, répondait: *Mister* Brissot, nous sommes encore dans l'enfance des gouvernements; le système de *Mister* Clootz pourra fort bien se réaliser un jour. Une monarchie est souvent trop étendue; mais la république des droits de l'homme peut couvrir le globe entier. Les mille départements de Mister Clootz seront beaucoup plus faciles à gouverner que les cinq cents provinces d'un César, d'un Gengis-Khan, d'un Charlemagne.' Anacharsis Cloots. *Ni Marat ni Roland* (Paris: Desenne, 1792), p. 13. Whether Cloots added the English word 'Mister' to dramatize Paine's English or American republicanism or whether Paine spoke these words in French with English titles in his French sentences is unknown. Yet the first assumption is more likely given what Paine said in January 1793 in his speeches in the Convention. Jonathan Israel's claim that Brissot offered an accurate translation of this conversation is therefore highly debatable. Jonathan Israel, *Revolutionary Ideas: An Intellectual History of the French Revolution from 'The Rights of Man' to Robespierre* (Princeton: Princeton University Press, 2014), 292.
 143. Aulard, ed., *La Société des Jacobins*, IV, 653.
 144. *Archives parlementaires*, LVI, 88e annexe à la séance du 7 janvier 1793, 522–525.
 145. '[O]n peut bien croire que l'autorité de Paine n'a pas été d'un très grand poids sur la Montagne', *Le Patriote français*, no. 1258, 21 janvier 1793, vol. 1793, 82.
 146. Paine, *Complete Writings*, II, 1336.
 147. 'l'opinion n'est peut-être pas de lui', *Archives parlementaires*, LVII, 454.
 148. Aldridge, *Man of Reason*, 192.
 149. '[L]e discours prononcé par Thomas Payne sur le sort du ci-devant roi était l'œuvre de Brissot et de Condorcet', Aulard, ed., *La Société des Jacobins*, V, 82.
 150. '[P]lusieurs autres pièces qui viennent à l'appui de son assertion', *Journal des débats de la Société des amis de la constitution, séance aux Jacobins à Paris* (Paris, 1791–1793), no. 371, 13 mars 1793, IV, 2.
 151. *La Chronique du mois*, V, 78–79.
 152. AN BB/3/72 dr. 105.
 153. Vincent, *Thomas Paine*, 272.
 154. *Réimpression de l'Ancien Moniteur*, XVI, 277.

155. Aldridge, *Man of Reason*, 197.
156. Paine, *Rights of Man*, 390.
157. 'Est-ce que vous croyez à la république? Vous avez trop de lumières pour être la dupe d'une telle rêverie', quoted by Antoine Clair Thibaut, *Mémoires sur la Convention et le Directoire* (Paris: Baudouin Frères, 1824), I, 111.
158. 'Quant à Marat, je ne lui ai parlé qu'une fois, dans les couloirs de la Convention; il m'a dit que le peuple anglais était libre et heureux; je lui ai répondu que ce peuple gémissait sous un double despotisme', *Réimpression de l'Ancien Moniteur*, XVI, 277.
159. Thibaut, *Mémoires*, I, 111.
160. Jean-Paul Marat, *Les chaînes de l'esclavage: 1793*, ed. Charlotte Goëtz and Jacques de Cock (Bruxelles: Pôle Nord, 1995), 4191, 4408, 4409.
161. Paine, *Complete Writings*, II, 1335.
162. Paine, *Complete Writings*, II, 1336 and 1337.
163. Paine, *Complete Writings*, II, 1338; See also Boroumand, 'Les Girondins et l'idée de République', 238; *Archives parlementaires*, 8 avril 1793, LXI, 454: 'les Brissot, les Gensonné, les Vergniaud, les Barbaroux, les Buzot, les Louvet, les Guadet, etc.'; 15 avril 1793: 'Brissot, Guadet, Vergniaud, Gensonné, Grangeneuve, Buzot, Barbaroux, Salle, Biroteau, Pontécoulant, Pétion, Lanjuinais, Valazé, Hardy, Lehardy, Jean-Baptiste Louvet, Gorsas, Fauchet, Lanthenas, Lasource, Valady, Chambon', *Archives parlementaires*, LXII, 134; 22 avril séance, *Archives parlementaires*, LXIII, 98–101. Vincent, *Thomas Paine*, 277–278; Kates, *The Cercle social*, 191.
164. Aldridge, *Man of Reason*, 201. Aldridge relied on one of Lewis Goldsmith's issues of the anti-French and Anti-Bonaparte *Anti-Gallican Monitor* of February 13, 1814 and this quote has been taken up by other Paine biographers. Goldsmith also mentioned this fact in his *Secret History of the Cabinet of Bonaparte* published in 1810. He revealed that this conversation between Danton and Paine was reported by Paine himself. Lewis Goldsmith, *The Secret History of the Cabinet of Bonaparte; Including his Private Life, Character, Domestic Administration, and his Conduct to Foreign Powers; Together with Secret Anecdotes of the Different Courts of Europe, and of the French Revolution* (London: J. M. Richardson, 1810), 26.
165. *Réimpression de l'Ancien Moniteur*, XVI, 683.
166. AN F/7/4774/61 dr. 3
167. *Archives parlementaires*, LXVII, 116.
168. *Archives parlementaires*, LXVIII, 199.
169. *Archives parlementaires*, LXXV, 535 and 541. *Acte d'accusation contre plusieurs membres de la Convention nationale, présenté au nom du comité*

- de sûreté générale, par André Amar, membre de ce comité, le treizième jour du premier mois de l'an IIe de la république française, et du vieux style le 3 octobre* (Imprimé par ordre de la Convention nationale, 1793), 32. P. J. B. Buchet et P. C. Roux, ed., *Histoire parlementaire de la Révolution française, ou journal des Assemblées nationales depuis 1789 jusqu'en 1815* (Paris: Paulin, 1886), XX, 436.
170. *Le mercure français*, no. 116, 19 octobre 1793, 301–306.
 171. He said this again in October 1793, Paine, *Complete Writings*, II, 1334.
 172. Mariam Touba, 'Paine and Danton', *Bulletin of Thomas Paine Friends*, Winter 2015, 4–5.
 173. *Réimpression de l'Ancien Moniteur*, XIX, 54.
 174. AN F/7/4774/61 dr. 3. In *The Age of Reason*, Paine explained how his arrest took place and stated that the examination of his papers was done 'not only with civility, but with tokens of respect to my character', even if the report suspected Paine of trying to play for time when he asked to go to Barlow's place. The laudatory comment that 'the interpreter' said to Paine about the manuscript of *The Age of Reason* and that Paine reported should not be taken at face value, as it did not appear in the report they wrote. Paine, *Complete Writings*, II, 512–514.
 175. In a footnote of the the reprinted version of the *Ancien Moniteur*, Louis Gallois, the editor, apparently mistakenly claimed that Paine, who had been celebrated in a toast in Philadelphia on the anniversary of the Storming of the Bastille, was then arrested with the other 73 *conventionnels* who opposed what Gallois called the 2 June 'coup'. *Réimpression de l'Ancien Moniteur*, XIV, 233.
 176. Thibaudeau, *Mémoires*, I, 111.
 177. Aulard, ed., *La Société des Jacobins*, V, 577, 585, 586, 587 and 590.
 178. 'Si Thomas Payne a été l'apôtre de la liberté, s'il a coopéré puissamment à la révolution d'Amérique, son génie n'a point aperçu celle qui a régénéré la France; il n'en aperçut le système que d'après les prestiges dont les faux amis de notre révolution l'ont environné. Vous avez dû, comme nous, déplorer une erreur peu conciliable avec les principes qu'on admire dans les ouvrages bien estimables de cet auteur républicain', *Archives parlementaires*, LXXXIII, 27 janvier 1794, 724.
 179. Quoted in Melanie Randolph Miller, *Envoy to the Terror: Gouverneur Morris and the French Revolution* (Dulles: Potomac Books, 2005), 115.
 180. Thomas Paine, *Collected Writings*, ed. Eric Foner (New York: Literary Classics of the United States, 1995), 732.
 181. AN 446AP/21, ms, 124.
 182. Ms, 80 and 108.
 183. Ms, 76 and 108.
 184. *Réimpression de l'Ancien Moniteur*, XVI, 276–277.

185. *Second cri du Sens commun, ou considérations sur la révolution française et sur les moyens de la conduire à sa véritable fin* (Paris: Impr. de Lacrampe et Fertiaux), 1848.
186. 'L'esprit public a essayé d'avilir le citoyen américain et de ridiculiser le député. Il est vrai que Thomas Payne ne savait pas un mot de français et que par conséquent, il était incapable de remplir ses fonctions. Mais sa nomination a été un hommage à la cause de la liberté', Thibaudeau, *Mémoires*, I, 109. During his term in jail, Paine seemed to complain to James Monroe more than he had done before of the stumbling block his lack of knowledge of the French language was. Paine, *Complete Writings*, II, 1353 and 1365. Paine complained that he could not express himself in French well enough during Louis XVI's trial. Yet Paine read and understood French, as Manon Roland said in her memoirs: 'il entendait le français sans le parler', Jeanne-Marie Roland, *Mémoires*, 256. In the letters he sent in 1797 from Le Havre he indicated that he was regularly reading French newspapers, including the 'Nouvelles politiques' and 'the Paris papers'. Paine, *Complete Writings*, II, 1392–1293.
187. Henry Redhead Yorke, *Letters from France, in 1802* (London: H. D. Symonds, 1804), I, 156.
188. David Lawday, *Danton, The Gentle Giant of Terror* (London: Jonathan Cape, 2009), 85.
189. Paine, *Complete Writings*, II, 1367.
190. Paine, *Complete Writings*, II, 589.
191. William Playfair, *The History of Jacobinism, its Crimes, Cruelties and Perfidies, from the Commencement of the French Revolution, to the Death of Robespierre* (1795) (London: J. Wright, 1798), II, 560–561. I am grateful to Yannick Bosc who made me aware of this passage.
192. Paine, *Rights of Man*, 321.
193. Paine, *Rights of Man*, 215–216.
194. *A Residence in France, During the Years 1792, 1793, 1794, and 1795; Described in a Series of Letters from an English Lady: with General and Incidental Remarks on the French Character and Manners. Prepared for the Press by John Gifford, Esq. Author of the History of France, Letter to Lord Lauderdale, Letter to the Hon. T. Erskine, &c.* (New York, 1798/first American edition), 57 and 87.
195. Paine, *Complete Writings*, II, 1331.

Paine, Critic or Propagandist of the French Republic? (January 1794–September 1802)

On 18 January 1794, while Paine had been in jail for a month and on the day after Vadier's statement on Paine's wrong siding in the Revolution, Achille Audibert, who had been sent by the authorities of the Pas de Calais to England to invite Paine to come back to France in September 1792 and who had served as an interpreter on the dawn of the day of his arrest, delivered a speech before the Société des Jacobins about the crimes of the then British enemy. In this speech, Paine was quoted as an authority on the vices of the British Constitution.¹ On 15 February 1794, Boinvilliers presented before the Convention a little book which contained a translation-summary of some passages of *Common Sense* together with Rousseau's *Social Contract*.² This summary was apparently based on extracts from the first two sections of *Common Sense*, especially the definition of government as a necessary evil and the condemnation of monarchy based on biblical quotes from the Book of Samuel. It also compiled sentences from the end of Section III of the pamphlet, in which Paine used the phrase 'social compact', even if Boinvilliers did not select the very passages in which the latter phrase appeared. Boinvilliers suggested how the ideas defended by Paine in 1776, especially Paine's rhetoric against the British monarchy, could be applied to the situation of France in 1793 while it was at war with European powers including Great Britain. 'Independence' was turned here into a universal idea, which echoed what Paine said in the Introduction of *Common Sense*. It was France which this time appeared as the 'asylum for mankind'.³

It is not easy to say whether these were signs that Paine's reputation was still what it used to be in intellectual and political circles at least. Paine was used here as an opponent to the British monarchy in a context in which Vadier's answer to the petition of the Americans of January 1794 distinguished between Paine's ideas and his commitment in the French Revolution. Given his connection or contacts with Paine, Achille Audibert, who would then in August 1794 ask for Paine's release, very likely expressed his support for Paine indirectly by quoting him. In the case of Boinvilliers, who was not a representative of the Convention and who is not known as a political figure but as a specialist of grammar and of education, it is not clear. His tone was in keeping with the propaganda that praised France's military victories and that turned France into the symbol of freedom against the tyranny of the monarchs of Europe. It was an appeal to peoples of other countries to follow the example of the French republic and to overthrow their current governments. The concluding words about the united French republic whose integrity should be preserved may be seen as an allusion to the accusation of federalism which was levelled at Girondins. Yet Paine does not seem to have been aware of this writing, or, rather, no extant document has been found to prove he was.

While Paine was still in jail, Lanthenas had a translation of the beginning of the first part of *The Age of Reason* published.⁴ In the Introduction, Paine explained that the dechristianization in France having perhaps gone too far, although legitimate, made it necessary to prevent new superstitions from taking Christianity's place that might lead to 'los[ing] sight of morality, of humanity and of the theology that is true', which was a clear allusion to the Terror.⁵ This edition also contained a piece by another (obscure) author justifying the successive French governments' policy regarding the Church, its property and priests. The full translation of *The Age of Reason* was published in January 1794 and the address it featured is dated 27 January, the day when Americans in Paris presented to the Convention the petition asking for Paine's release.⁶ Biographers have also found traces of lost manuscripts that Paine wrote before or during his stay in prison. What is sure is that he revised his previous manuscript of *Rights of Man*. This new edition was published in 1795 in London. On the cover page, Paine was presented through his role in the French and American Revolutions since he introduced himself as a 'member of the French Convention; late a prisoner in the Luxembourg at Paris; [the] secretary to Congress during the American

war and [the] author of Common sense, &c. &c.'. He (or the publisher) thus stressed his status as a victim of the Terror and as a potential martyr of the French revolutionary cause. This new version is a combination of the theoretical passages of both parts of Paine's initial work. The Preface, which is dated 19 May 1794, was very optimistic and a revolutionary millenarianism tends to surface in it. Paine still envisioned the coming of a new age of enlightenment and of enlightened governments. His tone was the same as in the original *Rights of Man*, which is perhaps unexpected given the circumstances in which this Preface was written. Although Paine did not expunge all references to France and the United States, as Aldridge has claimed, he tended to emphasize the more universal meaning of the French Revolution.⁷ He turned the first three articles of the French Declaration of Rights into a universal document with no contextual hint.⁸ He kept a few allusions to France, Europe and America. The model revolution he proposed was the American precedent,⁹ even if the French Revolution was hinted at without any detail. He even did not remove from this edition the remark he had originally made at the beginning of Chapter 5 of the second part of *Rights of Man* about the exception France represented in Europe in terms of a government based on a genuine form of civilization.¹⁰ He repeated that the position of France against colonial possessions since the Revolution was an example to follow,¹¹ but took up his criticism of the motto 'la nation, la loi, le roi'.¹² This revised version shows that Paine still believed that the principles underpinning the French Revolution were good even during the Terror. What he did after his release also testifies to his commitment to the French Revolution.

After Thermidor, Paine first attempted to defend universal suffrage in and outside the Convention during the debate over the new constitution. However, at least from the spring of 1796 onward, when *The Decline and Fall of the English System of Finance* was published, he chose to half-close his eyes on the issue of participation to support the Directoire, especially against royalists, but also against communists such as Babeuf. This led him after 1797 to go one step further in the absorption of the propaganda of conservative republicans who viewed property as the foundation of the suffrage and of the republic in general, leaving the poor or the lower classes beyond the pale of political affairs. The promotion of an open access to the *res publica* had been and remained a keystone of Paine's activism. Paine's Directorial period appears as one of

the most baffling moments of his career. The 18 Brumaire coup might not have immediately convinced Paine that the Revolution had been carried to its grave. Yet his dislike for the new regime soon surfaced, even if Paine still had contacts with Bonaparte and other French officials until he embarked for the United States, a duality of opinion that this time Paine openly played with in the writings he published after 1802.

His hostility toward the government of his native country never abated and was strong during his whole stay in France, especially during the Directorial period when he encouraged invasion schemes. Furthermore, soon after Paine's release from the Luxembourg prison, the Jay Treaty was signed and altered diplomatic relations between France and the United States after its approval by the US Senate in the summer of 1795 and the vote of appropriations by the House of Representatives the following year. It placed James Monroe, the then ambassador in Paris who welcomed Paine to his house, and Paine in a quite awkward position as Americans opposed to the Treaty. Yet Monroe was to be recalled a few months before George Washington left the White House, and the diplomatic divorce between the two former allies of the War of Independence led Paine along an unofficial and informal diplomatic path.

NOTES

1. *Discours sur les crimes du gouvernement anglais contre le peuple français, prononcé à la Société des Jacobins de Paris dans la séance du 9 pluviôse [January 28, 1794], par le citoyen Achille-Audibert, membre de la Société de Calais, affiliée à la Société mère des Jacobins de Paris*. Imprimé par ordre de la Société, 7.
2. *Archives parlementaires de 1787 à 1860: recueil complet des débats législatifs et politiques des Chambres françaises*. Première série, 1787 à 1799, LXXXV, 70. *L'Esprit du contrat social, suivi de l'esprit du sens commun, de Th. Paine; présenté à la convention par le citoyen Boinvilliers* (Paris: Cailleau, an II). Alfred Owen Aldridge, *Thomas Paine's American Ideology* (Newark: University of Delaware Press, 1984), 146 and endnote, 304. This paraphrase-quotation is based on Lanthenas's translation, it seems: Thomas Paine, *Théorie et pratique des Droits de l'homme, suivi du Sens commun*, trans. F. Lanthenas (Rennes: R. Vatar fils, 1793). The title page is preceded by another one which says that it is 'Le Manuel du républicain' and the year is 'an II'. It is the title mentioned by *Le Mercure de France* to announce the publication of Boinvilliers's book. *Le Mercure de France*, January 1794, 103: '*Manuel du républicain ou l'Esprit du contrat social*

mis à la portée de tous, suivi de l'esprit du sens-commun, présenté sous un jour favorable pour éclairer le peuple français sur la prétendue liberté de la nation anglaise'. It is the complete title of the second part of Boinvilliers's text. The subtitle appears on p. 49 of the book: 'l'Esprit du sens commun de Th. Paine, analysé dans ses rapports avec les circonstances actuelles et présenté sous un jour favorable pour éclairer le peuple français sur la prétendue liberté de la nation anglaise'. Boinvilliers' book should not be mistaken for the other *Manuel du républicain* published the same year (Paris: Impr. nationale exécutive du Louvre, an II) which contains the Constitution of 1793, the republican calendar and a presentation of the system of weights and measures.

3. Thomas Paine, *Rights of Man, Common Sense and Other Political Writings*, ed. Mark Philp (Oxford: Oxford University Press, 1995), 35; Boinvilliers, *L'Esprit du contrat social*, 62.
4. *Le Siècle de la raison, ou Le Sens commun des droits de l'homme, suivi d'un Tableau frappant du despotisme & fanatisme ancien & moderne dédié à tous les sans-culottes de la République française & à nos descendants; par le citoyen Néez, propagateur de l'esprit révolutionnaire*. [1793 or 1794] John Keane quite inexplicably says that Néez's text does not appear 'in the sole surviving copy'. John Keane, *Tom Paine: A Political Life* (London: Bloomsbury, 1995), 389. This copy which is in the French National Library seems to have been damaged though as the translated part of Paine's writing stops in the middle of a sentence and is followed then by Néez's text. The catalogue record of the French National Library says that this edition is a free adaptation of *The Age of Reason*, of *Rights of Man* and of *Common Sense*. Yet except for the title, the content is based only on the first part of *The Age of Reason*.
5. Thomas Paine, *The Complete Writings of Thomas Paine*, ed. Philip S. Foner (New York: The Citadel Press, 1945), II, 464. Robespierre did not approve of dechristianization and would in May 1794 replace it by the cult of the Supreme Being.
6. John Keane contends that during his term in prison Paine wrote two essays, one 'on the character of Robespierre' and one 'on aristocracy', whose manuscripts have allegedly been lost. Keane, *Tom Paine*, 410. 'Observations on the Commerce between the United States and France', was lost during Paine's arrest. Alfred Owen Aldridge, *Man of Reason. The Life of Thomas Paine* (Philadelphia: Lippincott, 1959), 209. Paine, *Complete Writings*, II, 514.
7. Aldridge, *Man of Reason*, 216.
8. Thomas Paine, *The Rights of Man. For the Use and Benefit of All Mankind*. (London: Daniel Isaac Eaton, 1795), 49.
9. Paine, *The Rights of Man* (1795), 59, 84, 86 and foll.

10. Paine, *The Rights of Man* (1795), 113.
11. Paine, *The Rights of Man* (1795), 122.
12. Paine, *The Rights of Man* (1795), 108. All contextual references were not suppressed from this edition. Even Burke's name is quoted explicitly (133 and 135). He is also referred to as 'a monarchical writer of distinction' (33) or as 'a certain writer' (80).



Paine in the Aftermath of Thermidor (November 1794–August 1795)

Contrary to what he might have expected after the end of the Terror, Robespierre's fall on 9 Thermidor and his execution the next day (27 and 28 July 1794) ushered in a period of uneasiness for Paine. First, he had to wait for more than three months before being released the Luxembourg prison. Then, during the 10 months that followed, he saw that the Convention was ascribing the Terror to what he felt were wrong factors and was taking advantage of these flawed conclusions to promote a republic of which popular participation was no longer the main foundation.

1 TURNING OVER THE LEAF OF THE TERROR: PAINE'S SECOND GIRONDIN MOMENT?

Paine was not released immediately after the fall of Robespierre, of which he was informed by one of his former cellmates, Vanhuele.¹ On 19 Thermidor, ten days after the end of the latter's rule, Paine wrote to the Convention to plead his own cause as a citizen of the United States who had been jailed as a foreigner and not as a member of a faction, adding he had 'always avoided parties and factions'.² In addition to the unsuccessful petition sent by Americans to the Convention soon after Paine's arrest, pleas for his liberation were made immediately after Thermidor by Achille Audibert and Lanthenas,³ but it was Thibaudeau's which succeeded.

Antoine Clair Thibaudeau, a former sometime Montagnard, sometime member of the Plaine, a regicide and a member of the committee on public instruction,⁴ played an active role in Paine's comeback. Paine was not defended by former 'Girondins' who had lived through the Terror, which tends to show that he was not fully included in this somewhat mythical group whose affiliates were then turned by some members of the Thermidorian Convention into the symbols of the excesses of 1793–1794. According to Thibaudeau's testimony it seems that he took it upon himself to rehabilitate Paine and that it was his personal initiative. In his memoirs, he explained that it was only after his move in the Convention that he was contacted by the Americans who were in Paris, especially by James Monroe.⁵ This nonetheless raises the issue of whether this first intercession was possibly prepared behind the scenes by American diplomacy or by Paine's friends, but I could not find written materials to suggest that Thibaudeau had contacts precisely on the issue of Paine's reinstatement in the Convention with the American diplomats or American citizens like Barlow before he decided to defend Paine in the assembly.⁶ Yet the American ambassador in Paris, Monroe, organized dinners at his home with French Thermidorians, including Boissy d'Anglas and Thibaudeau.⁷ The latter might have met Paine there or discussed the question with Monroe. This seems to be the most likely explanation as no trace has been discovered either of any close contact between Thibaudeau and Paine in the pre-Terror Convention. However, the reason why it was Thibaudeau who pleaded in favour of Paine is not known and Thibaudeau himself did not provide details on his motivations. He may have wished to seize this opportunity to appear as a good Thermidorian republican who hailed the memory of the victims of the Terror, which is what other Conventionnels then did, such as Courtois, who condemned Paine's imprisonment when commenting on 5 January 1795 about Robespierre's note concerning Paine's arrest.⁸

Paine was released on 4 November 1794, on the day following the order issued by the Comité de sûreté générale.⁹ He was reinstated to his seat in the Convention on 8 December 1794, one month after he was released from jail, but he was not officially reintegrated as a 'Girondin'.¹⁰ In the speech he delivered on 8 December, when those who had signed the protest of 6 June 1793 against the events of 31 May and 2 June 1793 were called back to the assembly, Thibaudeau pleaded for the rehabilitation of Paine whom he qualified as an 'apostle of freedom',¹¹ as Jack Fruchtman would do in the twentieth century.

According to *Le Journal des débats et des décrets*, Thibaudeau's address was punctuated by bursts of applause, especially when Paine's term in jail and the indifference regarding his martyrdom were mentioned. Paine's name was then cleared on the ground of his French citizenship in an article of the law passed on this occasion.¹²

Paine's published account of his prison term appeared in the Preface of the second part of *The Age of Reason*, dated October 1795. It is a quite toned-down and factual narrative. He defended himself against Bourdon de l'Oise's accusations and blamed Robespierre for his arrest. Robespierre, Carrier and Le Bon were denounced as cruel, and their crimes compared to the atrocities recounted in the Bible and committed in India by the British.¹³ Paine also focused on the sentimental aspect of his imprisonment and paid homage to those who took care of him then and to his fellow prisoners, whose names he did not give. Among those was Denis Jullien (not Lafayette's former aide-de-camp in the Garde Nationale, but a thirty-year-old merchant living in Paris before his arrest). Jullien gave evidence in trials during the Terror and seems to have been a police spy. He was then cross-examined after Thermidor and Paine was asked to testify in the Jullien case in September 1794 as he was still in the Luxembourg prison. He said he did not know much about him except that, while in the same cell, they both shared their hatred for Robespierre in English, orally and on papers which they burnt immediately after. The conclusion of the letter about 'the spies of Robespierre who were distributed in the prisons' indicates that Paine was aware of the strategies used by the special Revolutionary Tribunal. He might have discussed this with Jullien or might even have suspected Jullien, at least at first, even if their common, private anti-Robespierre autos-da-fé can be interpreted in both ways. Paine claimed that they talked of the law which started the second phase of the Terror, on 10 June 1794. This shows that he was informed about what was going on outside the prison.¹⁴ It also means that Jullien was Paine's cellmate when he worked on the manuscript of a new edition of *Rights of Man* and that they might have discussed the content of it.

In the Preface to *The Age of Reason*, he told that he was reinstated in the Convention, but without providing many details. He used a dignified and magnanimous tone and did not mention the debates of the summer on the Constitution of 1795. He only briefly alluded to the Terror as a contamination of politics by 'the intolerant spirit of the church' (which is reminiscent of Jefferson's comment in the letter which was published

without the latter's agreement in the American edition of *Rights of Man*) and to the execution of 'many of [his] most intimate friends', but again without suggesting that his closeness to 'Girondin' figures was the reason why he was arrested.¹⁵ He did not then attempt to understand the Terror and its origins.

He had done so previously in other published and unpublished writings during the year that had followed his liberation. He even started to comment on the Terror before he was released from jail. In September 1794, he offered a brief retrospective analysis as he wrote from the Luxembourg prison to James Monroe that Louis XVI's execution had been the starting point of the events that followed.¹⁶ Two years later, in his open *Letter to Washington*, he provided another kind of explanation. He alluded to 'that rage, terror and suspicion which the brutal letter of Brunswick at first started into existence in France', a passage in which he mistook the events of July 1792 for those of the summer and autumn of 1793 since he then wrote: 'it happened that almost every man who was opposed to violence, or who was not violent himself became suspected',¹⁷ which clearly could not apply to 1792.

However, the main explanation he provided was that those who held sway in the Convention during the Terror did not abide by the law and by the Constitution of the Year I. In *Dissertation on First Principles* (released on 23 June 1795, when Boissy d'Anglas presented the report of the special committee on the new constitutional plan), Paine ascribed the Terror to the fact that the Constitution of the Year I had been suspended.¹⁸ It is in keeping with his conception of the constitutional framework as the major safeguard of the preservation of the rule of law and of political and individual freedom. In this writing, Paine distinguished two stages in revolutions: the overthrow of tyranny and then the political reconstruction, each phase requiring different means of action.¹⁹ The first stage could only momentarily justify the extralegal use of a 'discretionary power'. According to Paine, what led to the disorders of 1793 and 1794 was the undue resort during the second phase to the means of action demanded by the first phase through the 'revolutionary government'²⁰ of which Robespierre had defined the rules on 25 December 1793, a few days before Paine's arrest. Paine said that the purpose of 'the revolutionary government' should be to 'found' the republic. Robespierre also defended a 'constitutional government' which was supposed to 'conserve' the republic,²¹ a concept that Paine criticized when commenting on 'the means of preserving liberty; for it is not

only necessary that we establish it'.²² The first type of government, 'the revolutionary' one, should be only temporary and be quickly replaced by the second one to prevent arbitrary ways of governing as well as judiciary anarchy in which 'virtue and crime depended upon accident',²³ the allusion to 'virtue' being a possible sarcastic hint at one of Robespierre's favourite notions.

The second explanation provided by Paine for the Terror was based on the other major criterion he had defined to theorize the republican regime; that is, the need to renew the political personnel frequently. His experience of the previous year led him to advise 'never to invest power long in the hands of any number of individuals'.²⁴ This remark was aimed at the Comité de salut public but also at the Convention, it seems. The third reason which accounted for the Terror was the lack of separation between the executive and the legislative powers, which he contrasted with the Federal Constitution of the United States. This encroachment of the executive on the legislature in France had led to an absurd situation in which 'two sovereignties, a sovereignty to will and a sovereignty to act'²⁵ had been created, which was the origin of disorders in the body politic and which gainsaid the notion of a unique and indivisible sovereignty stated in the Declaration plan of the first committee of 1793. More generally, Paine remarked that the word 'executive' had been illegitimately used and distorted in the preceding period.

His denunciation echoed what 'Girondin' figures had feared as early as the debate on the Constitution of 1793 when they argued that a constitutional framework should be set up as soon as possible to put an end to the situation in which the Convention had appropriated powers that had no legal basis. On 1 June, at the height of the anti-Girondin campaign, between the events of 31 May and 2 June 1793, Condorcet had published an article 'on the meaning of the word 'revolutionary' in which he warned against too frequent recourses to extraordinary and/or provisional rules or measures which were legitimate in the first stages of a revolution, but which should not become permanent and should not be used to justify violence supposedly to save the revolution'.²⁶ So, it may be reasonable to assume that, to a certain extent, Paine acted as Condorcet's spokesman beyond the grave. The question of the legacy of the 'Girondins' was often raised then in the immediate aftermath of the Terror and remained foregrounded in subsequent years.

Historians have indeed examined how those of the 'Girondins' who survived the Terror fared in the post-Thermidorian context. Marcel Dorigny

has distinguished two categories of ex-‘Girondins’: those supporting the Thermidorian ‘reaction’ (which meant limiting suffrage and favouring economic liberalism) and those opposing this trend. The first group assumedly featured Lanjuinais and Daunou, who were members of the committee which was to write the new constitution. In the second one, which claimed to be faithful to ‘true republican principles’ and to be heirs to Condorcet,²⁷ a legacy that was ambiguous given the latter’s changing opinions on the universality of the franchise, Dorigny sees Paine, Louvet, Bonneville, Mercier, Guyomard and Blanqui (among others).²⁸

Paine took an active part in the debates on the new constitution and defended universal suffrage, but putting Louvet and Mercier alongside Paine in this group appears problematic when one considers the attacks against Paine they then made and which have been studied by Yannick Bosc. Louvet criticized Paine’s position in his newspaper *La Sentinelle*.²⁹ Louvet, who was a member of the 1795 Comité de constitution, compared Paine and Robespierre on the issue of the right to vote³⁰ since, according to him, they had both stressed the discrepancy between the Declaration of Rights and the Constitution,³¹ a contradiction Robespierre mentioned in a speech delivered on 20 April 1791 (his *marc d’argent* speech) and Paine in his speech on 7 July 1795. Given Louvet’s previous career as a ‘Girondin’, a parallel between Paine and the Condorcet of 1793 might have been more expected. As said before, the names of Paine and Louvet had been quoted together at the Jacobins on 7 January 1793 and had aroused the same hostile reaction. Louvet had been among those who signed the encomium sent by the electoral assembly of the Puy de Dome in September 1792 calling Paine to France.³² Yet Louvet’s aim in 1795 was to discredit Paine by associating him with Robespierre in a context when the Convention was endeavouring to turn over the leaf of the Terror. He even insisted that Paine’s position jeopardized the stability of France since it was not the limitation of the right to vote but its universality that triggered disorders. He appealed to ‘experience’,³³ which he implicitly pitted against Paine’s denunciation of the restriction of the franchise as a ‘dangerous experiment and rarely practicable in the execution’.³⁴ To further bolster his argument, Louvet relied on the case of the Constitution of Pennsylvania which substituted a limited suffrage to the previous universal franchise in 1790,³⁵ an example picked up probably because of the persisting rumour that Paine was the author of the Pennsylvania Constitution of 1776.³⁶

Even if, as Dorigny has stated, Louvet's newspaper 'became more and more radical as months went by',³⁷ Paine and Louvet clearly did not belong to the same group in July 1795. This was also the case with Mercier, another former close associate to the 'Girondins'. In his own newspaper, Mercier also raised the issue of 'experience', but this time experience of the French Revolution since 1789, of which he said Paine had failed to take stock. Paine was described in the same terms as those used by loyalist and Burkean writers in England in the 1790s; that is, as a troublemaker sowing the seeds of anarchy, especially in the French colonies. Rather than considering him as an American as Louvet tended to do, Mercier instead exploited his Englishness as proof of his treason.³⁸

Louvet's attack sharply contrasted with what Charles Duval, an ex-Montagnard, wrote in his own newspaper, *Le Journal des hommes libres de tous pays*, who had been supported by the Committee of public safety. Duval published extracts from Paine's *Dissertation on First Principles* in the issues before and after the latter's speech in the Convention on 7 July.³⁹ Duval endorsed Paine's defence of universal suffrage and proved even harsher than Paine when blaming those in the Convention who pretended to know what was good for the people better than they did themselves, and who took advantage of their wealth to exclude the people from the polity.⁴⁰ In this diatribe against the rule of the elite, he appealed to 'simple common sense'.⁴¹ He turned Paine into the spokesman of the poor who was to establish social and political equality in France.⁴² Duval's praise of Paine as the saviour of the Revolution is far from Louvet's picture of Paine as a dangerous demagogue. However, Duval's conviction was not shared by many of the Conventionnels at the time.

The post-Thermidorian Convention had to write a new Constitution and to come to terms with the Terror at the same time. On 18 February 1795, Joseph Lebon, who had taken over Paine's seat in the Convention before Thermidor (as Paine emphasized in 1802),⁴³ was arrested after he was denounced in his turn by a delegation from Arras. The hearings on his case took place in July as the Convention discussed the new constitutional plan. In June 1795, Paine wrote to Thibaudeau that after 31 May 1793, all those who held power in France had failed to abide by any constitutional or legal framework of 'authority'. This phase of the Revolution was still going on then, according to Paine, as he included the current Convention in it. One may surmise that it was a hint at the 'white' Terror that took place from May 1795 onward and that

targeted 'Jacobins'. The Parisian sections were disarmed after crowds swarmed into the assembly in April and May demanding bread and the Constitution of 1793, a spring of discontent partly due to the suppression of the Maximum for the price of wheat and the return to a free market that had led to high inflation.⁴⁴ Nevertheless, Paine viewed this phase of extralegal government as 'an accident'. He hoped that the restoration of an 'equality of rights' would change the situation and this even led him to forgive the French government his imprisonment.⁴⁵

Such was not the opinion of the constitutional committee and of a majority of the Convention. On 23 June 1795, Boissy d'Anglas presented before the Convention the report of the committee. He asserted that the alleged democratic features of the Constitution of 1793 accounted for the Terror.⁴⁶ Paine disagreed with this view, as his 7 July speech shows. On 12 July, Lanthenas, who remained Paine's close associate then, also gainsaid the assessment made by Boissy d'Anglas two weeks before and explained that the Terror was not the result of the democratic system, but of the decisions made by the individuals who had made it work.⁴⁷ Yet the main concern of the majority of the Conventionnels was to restrict the franchise on the basis of property ownership, as many of them perceived this provision as a prophylactic for potential popular excesses and demagogic violence.⁴⁸

2 THE DEBATE ON THE POST-THERMIDORIAN CONSTITUTION

Paine took an active part in the debates on the new Constitution.⁴⁹ The committee, which was to prepare a new constitutional text, was appointed on 3 November 1794 on the eve of Paine's release. Even before the new constitutional plan was completed, Paine began to manoeuvre behind the scenes to try to influence the Convention and the committee. In January 1795, he wrote a text which may be described as a memorandum on the Constitution of 1793.⁵⁰ As Paine himself stated in the letter which introduced the document, dated 15 January,⁵¹ he sent it to Jean Pelet as the follow-up to a conversation they had had at James Monroe's house, where Paine had moved.

In this quite short review of the Constitution, which was not systematic, Paine mostly targeted the imbalance in the former government which favoured the executive power to the detriment of the other powers. He opened with general theoretical remarks on what is called in the French translation by Lanthenas 'constitutions populaires',⁵²

which might have been ‘democratic constitutions’ in Paine’s original manuscript (which has not been found) and whose purpose was to guarantee ‘the principles of freedom’. Paine did not explain what he meant by this phrase, although given what his republican theory had been between 1776 and 1795, it may be surmised that it referred to a text setting up a government elected by universal suffrage and to a government which protected the fundamental rights of the people.

He then distinguished between the virtual utopian context of a stand-alone republic and the real one which meant that republics had to manage relations with other countries. This question was especially important for France, which was more or less isolated in the middle of monarchical Europe. Paine might have had in mind the case of the United States which, in contrast, benefited from its geographical separation from the Old Continent, even if the American Republic was still at the time surrounded by possessions held by European powers. This geostrategic remark introduced the question of transparency, as Paine asserted that an isolated ideal republic would make it possible for ‘everything [to] be exposed to the eyes of all, like the sun’,⁵³ although he failed to explore the grounds of such an assertion. As republics were part of a global system, the right equilibrium between ‘secrecy’ and ‘publicity’ had to be found in relations with foreign countries, whether they had to do with ‘war, peace or commerce’.

Paine then handled the topic of transparency in French domestic policy. He focused on the balance between the executive and the legislature and more specifically on Articles 62–77 (although he quoted only Articles 70 and 77) of the Constitution of 1793 which defined the powers of the executive council and its relations with the legislative body. He asserted that the executive council was supposed to deliberate ‘secretly’, which is not explicitly mentioned in the Constitution. It might have been a way for Paine of taking up an idea discussed by Hamilton in *The Federalist*. He then attacked the vague and ‘obscure’ character of Article 77, which provided that the legislature could require the presence of the executive at will. He first said that this article could jeopardize policies or negotiations that needed secrecy and he criticized the lack of a precise statement on the meetings between the executive and the legislature and on how the executive would or should take into account the opinion of a majority of the legislature.⁵⁴ He then shifted his focus to foreign policy again and commented on Article 70, according to which the executive had the power to negotiate treaties, in relation to Article 55, which

provided that treaties must be ratified by the legislature. He considered both articles as incoherent since information could be leaked to the public and the negotiations imperilled.

Beyond this quite technical analysis, his main point was that a constitutional ‘vacuum’ between the executive and the legislature might damage debates in the government whatever the matter they pertained to. Filling in this gap was ‘the main difficulty in the setting up of democratic constitutions’,⁵⁵ an idea which he had not really addressed in previous writings. His solution to this problem was a ‘committee of communication’ which would enable a ‘friendly communication’ between the executive and the legislature. Paine then provided Pelet with precise details as to the way this committee should be nominated (one representative for each district or *département*, renewed by dozenth every month). Regular ‘consultative’ meetings would take place every ten days (*‘chaque décade’*).

This further shows that although Paine had rejected the idea of checks and balances until then, the Terror led him to reconsider some of his positions, as his change of mind on unicameralism would soon confirm. Those events reshuffled Paine’s cards also in terms of how he viewed the people and mobs, whom he had until then tended to present as the victims of monarchical or unfair governments in his published writings.⁵⁶ He suggested in this memo that mobs or popular crowds could be a potential threat for the public good, since they could nurture ‘suspicion’, ‘a feeling of impatience’ and ‘discontent’.⁵⁷ Paine implicitly condemned at the same time the government or the Comité de salut public and the mobs that interfered with the Convention’s job.

After setting out this proposal Paine turned again to foreign policy and examined how this principle of a communication between the executive and the legislature could work in time of war. In an article that could be added to the Constitution, he suggested a distinct committee of seven members chosen in the executive and legislature. This war committee should be independent from the committee of communication, unless three-quarters of representatives should ask for a review of the decisions of the former by the latter. Paine insisted that the war committee should not be a permanent institution. He thus targeted the use of exceptional measures, supposedly justified by the military conflicts of 1793–1794 in Vendée and against other European countries. He seemed to admit that war times might require ‘despotic measures’, but warned that ‘the principles of freedom’ should not be sacrificed to them in time of peace.

This led Paine to the second major topic he looked into: individual freedom. In the concluding paragraphs he enlarged on an idea he had alluded to at the beginning of the memo about the language of the Constitution of 1793, which was 'too obscure' and too likely to be open to free interpretation.⁵⁸ He picked up Articles 55 and 71 to illustrate his point. Although the quotes he provided are not fully accurate,⁵⁹ these minor alterations did not undermine his analysis which focused on the clause of Article 55 dealing with the powers of the legislature regarding 'public safety and tranquillity' and on the part of Article 71 which defined the judiciary capacity of the legislature when members of the executive council are accused of 'treason' (whereas the original text of the Constitution mentioned 'corrupt practices'). Paine contended that the indefinite character of these words was the ground for 'arbitrary' decisions and 'tyranny', and Article 55 was even designated as the main tool used by Robespierre in the 'means of terror'. Paine then built on one of the key ideas of his theory, the essential role language plays in politics. 'Treason', as well as 'suspect' and 'fédéralisme' were signifiers whose signified were infinite and could be filled in at will by meanings adapted to the purpose of the moment. As the victim of this system, although he did not hint at his own case, he deplored the lack of any habeas corpus and more generally of provisions to guarantee 'the freedom of the Individual'. He did not refer to the Declaration of Rights of 1793, which was in reality quite close to that he had prepared with Condorcet and the committee and which contained habeas corpus provisions from Articles 10 to 15. He instead emphasized that there was no guarantee of trial by jury (the cornerstone of Anglo-Saxon democracy) either in the final Declaration or in the Constitution.

'Individual freedom' should not prevail over 'public freedom', a balance that Article 9 of the Declaration of 1793 guaranteed, even if Paine did not quote it. He reminded Pelet and the Convention (which was his main addressee here) of the basic principle of political turnover which meant that a governor was to be a governed again and which was a guarantee against abuse of power. This political empathy, which implied reciprocity and justice, and which came close to a form of civic virtue, should apply all the time and even more particularly when the constitutional framework of the republic was established. It was the central clause of the political contract defined by Paine in *Dissertations on Government* in 1786: living in society meant that individuals agreed to renounce their capacity to tyrannize others.⁶⁰

Therefore, this writing by Paine sheds light on how French politics led him to reassert key principles on three major topics: first, constitutions and constitutionality; second, language; and third, republican virtue or empathy. It also highlights his awareness of the potential dangers of an unrestrained legislature and not merely of the arbitrary potentiality of the executive monarchical power against which Paine had been fighting for two decades. In this regard, the years 1794–1795 appear to have been a turning point or at least a moment when he was forced to question some of his positions, a point which has not sufficiently been made until now.

When Paine sent this memo to Pelet, the latter sat in the Convention⁶¹ and Paine may have hoped that his memo or parts of it would be read aloud or presented by him before the assembly. Paine's wish was fulfilled only three months later when Pelet passed on to the French representatives Paine's message about Article 71. On 8 April 1795, a few days after the new constitution committee had been appointed and the new speaker, Boissy d'Anglas, elected, Pelet, who had not been close either to the 'Girondins' or to the Montagnards, alerted the Convention on the linguistic vagueness of Article 71. He pinpointed 'indefinite' words such as 'prévarication, trahison, infidélités [...] suspect, fédéraliste, terroriste'⁶² in an argument which was strongly reminiscent of Paine.⁶³ Pelet's diatribe was in keeping with the Convention's agenda, which was to stifle revolutionary 'enthusiasm', as Boissy d'Anglas would confirm,⁶⁴ whereas Paine and Lanthenas wished to keep it alive.⁶⁵

Six months after what may be interpreted as a first attempt at influencing the Convention, Paine more directly endeavoured to influence the constitutional committee by writing to Thibaudeau, who had been appointed a member of it. On 6 June 1795, he sent him a letter of which only the French translation seems to have survived.⁶⁶ It contained clearer instructions than those sent to Pelet, since Paine asked Thibaudeau to make his objections to the project that was being finalized by the committee known to its members.⁶⁷ Paine's letter was a scathing attack upon the planned restriction to the franchise which undermined the fundamental principle of the equality of rights, even if Paine did not specify precisely which rights he meant, and, therefore, threatened the foundation of the political contract according to which rights were given by nature and could not be restrained by human constitutions.⁶⁸

Paine's more general intention was to prevent the 're-public' from degenerating into the 're-private', as Florence Gauthier has shown.⁶⁹ He expressed his position in a direct manner, at least more straightforwardly

than he would do in his speech of 7 July.⁷⁰ He warned the committee that an inequality in the franchise would provoke either a 'civil war' or a 'counter-revolution'.⁷¹ He insisted on these awful consequences in a picture reminiscent of the Terror,⁷² which was precisely what the Convention wanted to avoid. Paine hoped that exploiting the very anti-Terror rhetoric of most members of the Convention would be convincing enough. He also forced the Convention to look into its own legality and legitimacy: setting up an unequal suffrage would mean that the Convention would betray the very 'principle according to which it was elected'.⁷³

Thibaudeau reproduced Paine's letter in his memoirs but did not comment further on it. He did not say whether he transmitted it to the committee or what the reaction of the committee was if there was one. Thibaudeau is considered to have been a moderate republican, if not an outright supporter of constitutional monarchy. Like many other members of the comité de constitution (such as Boissy d'Anglas, Lanjuinais and Daunou), he can be described as an 'opportunistic republican'.⁷⁴ Yet the indirect answer from the constitutional committee to Paine's arguments, both in this letter and in *Dissertation on First Principles*, came when it tried to prevent the reading of Paine's speech in the Convention on 7 July.⁷⁵

This letter also reveals that Paine took stock of the flaws of the unicameral system as embodied by the French Convention, which had acted under the impulse of 'passion', 'precipitation' and 'partisan spirit'.⁷⁶ To prevent this drift toward collective authoritarianism, Paine proposed to split the assembly into two separate chambers, which broke with the compromise solution he had favoured three years before, in the second part of *Rights of Man* and then in his 'answer to four questions' (that is, that the unique assembly should be divided into several committees in order to discuss bills and be reunited in one body to vote on them).⁷⁷ In *Dissertation on First Principles*, published a fortnight after the letter to Thibaudeau, Paine insisted that the most important question was not what the best 'form' of government was, but what the best 'form' was for 'representative government'.⁷⁸ 'Experience' (in France, but also in Pennsylvania, although he did not say so here) had taught him the need for auxiliary precautions (as Madison had since said). A unique assembly could be compared to 'an individual' whose 'precipitancy and passion' could be harmful, which was already the conclusion he had drawn in 1786 in *Dissertations on Government*. Yet this time instead of defending a bicameral system, he

turned back again to his solution of 1792. As Marc Lahmer has rightly contended, Paine may well have been forced to come to terms with 'his native culture'⁷⁹ of checks and balances, which appeared in *Dissertation on First Principles* both through the mechanical and natural images of the 'springs' and 'branches' of representative government.⁸⁰

Whereas Paine's acceptance of bicameralism in his letter of 6 June was in accordance with what the majority of the Conventionnels thought, public support for universal suffrage was exceptional at the time. Among the very few writings that were published then to defend this position, Lenoir-Laroche's pamphlet stands out as important. The publication of his essay was announced in *La feuille villageoise* on 13 June 1795.⁸¹ Lenoir-Laroche ran counter to the general trend which consisted in ascribing the Terror to the Constitution of 1793. He thought it was the distinction between active and passive citizens introduced by the Constitution of 1791 which should be viewed as the Pandora's box of the Revolution.⁸² Even if he conceded the role of land-owners as the 'founders of society', he concluded that it was preferable to grant universal suffrage to all men who come of age. He underpinned this reasoning in a pragmatic way which differed from Paine, though. Even if he declared that the right to vote was inherent to sovereignty, Lenoir-Laroche's other points were matters of convenience and appeals to the Convention's quite 'conservative' view of property and the people; enabling the people to legitimize the legislature would facilitate their obedience to the laws it passed, and requirements for eligibility would act as a counterweight to equal suffrage. In other words, it was necessary to give the less well-off a share of power to prevent the excesses that happened in 1793–1794,⁸³ a way of using their anti-Terror rhetoric which was more cynical than Paine's.

Paine's own plea in favour of universal suffrage, which first publicly appeared in *Dissertation on First Principles* (dated 23 June, the day on which Boissy d'Anglas read the report of the constitution committee before the Convention),⁸⁴ was also partly pragmatic, but the republican ethos remained central. The theme of transparency came up again, but this time it applied to the whole government and not merely to the relations between the legislature and the executive. At the beginning of his essay, the issue of the 'origin' of government was linked to the question of publicity and to the publicity of knowledge, since being informed was the 'duty' of all citizens.⁸⁵ Paine then expressed what may be considered as one of his most explicit assertions of the essential nature of

the people's participation in government, which was the basis of his republican theory. As Joyce Appleby first and then Karen Ford have shown, Paine's republicanism may be seen as innovative since it combined, on the one hand, 'republicanism', which in the Pocockian sense means constitutional stability and an inherent connection between freedom and participation, and, on the other hand, 'liberalism', which laid the stress on the guarantee of individual freedom against potential encroachments of the government.⁸⁶ Paine's thought does not fit into the Pocockian system, as Pocock has himself admitted.⁸⁷ Taking part in the life of the polity was essential in the republican regime as Paine viewed it, but what he said in *Dissertation on First Principles* made it clearer than ever before and also confirmed that he did not consider it as a virtue but first and foremost as a right and more precisely as 'the primary right by which other rights are protected'.⁸⁸ The necessary participation of the people did not take place in a political community which was supposed to actualize man's humanity in contrast to the Pocockian type of virtue. The ultimate aim of the polity remained 'security', as Paine said in the opening opus of his republican works, *Common Sense*.⁸⁹ *Dissertation on First Principles* is a landmark writing in Paine's career since it shows to what extent Paine defended a republicanism of rights, to use Christopher Hamel's category.⁹⁰

Universal suffrage was therefore the foundation of the democratic republic that Paine envisioned, and only those who prevented others from exercising this fundamental right should be deprived of it by virtue of the principle of 'reciprocity' which turned one's right into the 'duty to guarantee it to another',⁹¹ a probable reference to the 1795 plan of Declaration of Rights and Duties prepared by the constitutional committee and also read on 23 June. This reciprocity ensured the cohesion of the republic. This 'duty' might come close to a form of civic virtue, but practically it was more often the result of a calculation and the promotion of self-interest as 'every man must, finally, see the necessity of protecting the rights of others, as the most effectual security for his own'.⁹² So, convenience and pragmatism remained major factors in the organization of society in Paine's view, as had been the case since *Common Sense* and his assertion that democracy and then representation were at the same time the result of a practical necessity and the most natural form of government which turned out to be also the most convenient and the fairest.

Paine then defined the right to vote as a 'personal right'⁹³ which he seemed to equate with a natural right. This right to participation must

therefore be added to the list of rights that are kept by individuals when people commit to the political contract, a list he had started in 1777.⁹⁴ Paine next moved his argument to the ground of property, which was a key idea for the French constitutional committee. He defined rights as being themselves a kind of 'property', which he opposed to 'pecuniary property'.⁹⁵ Similarly, representative government was said to 'appertain to [... man] in right of his existence, and his person [was] the title-deed'.⁹⁶ As Paine had already argued in his letter to Thibaudeau, divesting the poor of the right to vote amounted to a confiscation of their property.⁹⁷ It was not the first time he had employed this vocabulary of ownership to designate rights as the first part of *Rights of Man* proves.⁹⁸ The context was of course different in 1795 but the model of society and government defended by Burke and by the Thermidorian reaction had common features in Paine's eyes, a similarity which is especially evidenced by the need he felt to repeat his previous arguments against hereditary regimes. Yet Paine's *Dissertation* was also aimed at Jacobins' and Montagnards' arbitrary and illegitimate rule.⁹⁹ What Paine perceived as Robespierre's and Marat's coup to seize power was compared to the origin of monarchical government.¹⁰⁰ Paine then took advantage of this development to reply to the various objections raised during the Price-Burke-Paine controversy in England about the transmission of power and legitimacy from one generation to the other in a republican regime based on a contract.¹⁰¹

Paine's main target was those who wrote and supported the constitution plan. Restricting the suffrage was akin to relying on chance and on 'accident' as hereditary monarchy had done,¹⁰² since wealth was to him in Europe the result of inheritance and therefore a criterion as arbitrary as heredity. A republican regime with such a restricted suffrage would face rebellions and even a revolution. Here Paine echoed Lenoir-Laroche's down-to-earth strategy when he suggested that an equal franchise would defuse disorders,¹⁰³ but Paine did so mostly by considering the reverse side of the issue: the deprivation of the right to vote would provide the ground for reactivating another natural right, 'the right of rebellion'. Paine was among the few who did not blame the Terror merely on the Constitution of 1793 or on the lack of it, but who ascribed it to the inequality of civil and political rights. This accounted not only for the Terror but for 'all the disorders that have arisen in France during the progress of the revolution'.¹⁰⁴ Paine thus admitted that democracy was not the panacea and did not always lead to the best

decision making as reason was not always on the side of the majority.¹⁰⁵ In other words, democracy could work only if combined with republican principles; that is, equal rights and a free public sphere where debate could take place, which would both put things back in order again as if by a natural mechanism.

Paine's attack on this project of restricted suffrage led him to discuss the notion of property further. He denied that what he called 'exterior property'¹⁰⁶ should be the basis of the political contract, in contrast to what Boissy d'Anglas had pleaded.¹⁰⁷ The guarantee of an inherent property, which included the capacity to work and earn a living, should prevail. Paine explained that some properties were downright 'robbery' at first that had been subsequently protected by an illegitimate political system, monarchy. Such a system amounted to 'disarm[ing]' the other 'of his right',¹⁰⁸ a polysemous phrase which seems to be a nexus of Paine's ideas in this essay. At the most obvious level, it meant that this property-based contract, or rather this contract based on the wrong type of property, would make people helpless and defenceless as they would have no constitutional weapons to defend themselves. As he stated a few paragraphs further down, such an unfair contract was the equivalent of an armed robbery.¹⁰⁹ It might also be an allusion to the coat of arms of aristocratic families. This blazon was for Paine the symbol of their crime or a kind of scarlet letter. In a subsequent passage of the same piece, he used again the same term to define the purpose of the social contract: 'Every man takes the arm of the law for his protection, as more effectual than his own'.¹¹⁰ Here the collective limb of the metaphorical body of society is to guarantee fundamental rights. So, grounding the political constitution on 'exterior property' means that men lost their physical capacity or their arm (their body limb).

In the letter he sent to Thibaudeau on 6 June, Paine warned the committee that the new constitutional plan would put an end to the Revolution.¹¹¹ It was precisely what some Conventionnels wished, or they at least wanted to redirect the Revolution. Boissy d'Anglas on 23 June described the Constitution of the Year I (which was nevertheless never applied as such) as the 'organization of anarchy'¹¹² and he set the Convention's agenda: containing 'the popular impulse'¹¹³ of the Revolution. Accordingly, the constitutional committee proposed a government of the 'best' citizens¹¹⁴ who were owners. In his speech, which was read aloud on 7 July, three days after the presentation of the constitutional plan before the Convention, Paine repeated what he

had confided to Thibaudeau and to the constitutional committee. His argument hinged on what the pivot of the debate was; that is, what the Revolution had been and was about; this Constitution was ‘not consistent with the grand object of the Revolution, nor congenial to the sentiments of the individuals who accomplished it’.¹¹⁵ He even went as far as to say that the unequal franchise would turn the clock back to the Ancien Regime. It would re-establish the former prejudice against occupations linked to trade¹¹⁶ and bring about ‘intrigue, cunning and effeminacy’¹¹⁷ which characterized the French monarchy. Therefore, the new constitution would undermine the very ‘liberal’ spirit (meaning in favour of property and commerce) that presided over it.

Paine focused on Title II of the plan in which the franchise was reserved to those who had lived in France for at least one year and who paid ‘a direct tax’. He introduced the legal or juridical question of the consistency between ‘the principle and the practice’ of the constitution,¹¹⁸ since Title II contradicted three articles of the project of the Declaration of Rights (and not of the final version which had been adopted on 4 July, which probably means that Paine had prepared his speech before and that he did not update it following the vote of the Declaration). The restriction of the franchise went against the first article of the Declaration plan since it did not aim at ‘the common good’ of all but at that of a limited number of citizens.¹¹⁹ It was also a violation of Article II of the same plan as ‘equality’ was not guaranteed, which jeopardized the other fundamental rights mentioned in the article: ‘freedom’ and ‘the security of persons and possessions’.¹²⁰ The inequality in the right to vote then gainsaid Article III, which defined liberty as the possibility of acting provided it did not infringe on other people’s rights,¹²¹ but the restricted access to suffrage encroached on the fundamental right to elect one’s representatives. One of Paine’s major contributions to the question was to pinpoint the problematic separation between citizenship and the right to vote, which had not been made in the two previous constitutions of 1791 and 1793.¹²²

Paine was the first to broach the topic of the constitution itself in the Convention after the discussion on the Declaration of Rights. His speech made the link between the two debates. However, he was not given the floor immediately after Lanthenas asked for it. Lanjuinais, a member of the constitutional committee, objected that all alternative plans could not be examined whereas Roux, who had been close to the Montagnards in the former Convention, wished to let Paine speak.

Lahaye then entered the discussion to try and propose his own constitutional plan, which he said was better because it moved further away from the Constitution of 1793. Charlier, also a former Montagnard, supported Lanthenas's request.¹²³ After this somewhat confused and heated exchange, the Convention consented to listen to Paine's arguments.

Yet despite the rather 'strategic'¹²⁴ moment when Paine's speech was read aloud by Lanthenas, it did not manage to change the Convention's course, which was set in favour of a restricted franchise. In *Le Moniteur*, Paine's speech was reported to have 'often aroused murmurs'.¹²⁵ After the speech was read, the question of whether it was to be printed was raised. Charlier, who agreed with Paine's point of view, supported the publication of the speech since he considered that it dealt with 'the core of the constitution' which should reject both 'monarchy' and 'aristocratic republic'.¹²⁶ Daunou, who was one of the main authors of the constitutional plan, felt the need to defend his text against what he said were accusations. Chénier, a rather moderate representative, backed the printing of Paine's speech, arguing that Paine's commitment to republican 'freedom' should lead the Conventionnels to 'reflect' on his 'ideas'.¹²⁷ According to *Le Journal des débats*, this short discussion ended with a fairly general statement which seemed to suggest that Paine's speech would be printed.¹²⁸ Such was not the case, however. The content of the speech was not further debated then and the Convention began the reading of Title I which addressed the topic of administrative districts.

Answers to Paine's speech came only two days later when the second Title was tackled. Merlin de Douai, a former Montagnard, claimed that Paine's argument was flawed since Paine had to him mistakenly equated 'the personal tax' necessary to get the franchise with a tax on land. In order to remove ambiguities in this matter, he suggested that Title X (which would become Title XI in the final version) be examined as it provided for the rules of taxation.¹²⁹ Lanjuinais then asked for the floor and was supported by Mariette, a moderate, who added that the Convention was the victim of a 'rumour' which aimed at 'depriving it from its right of sovereignty'.¹³⁰ Lanjuinais justified the exclusion of 'the idle' from the vote because this category of people could have no 'interest' in the preservation of 'others' property'.¹³¹ Génissieux, a regicide, who would be the last speaker of the Convention, also perceived Paine's plea as an attempt at 'vilifying the Convention and [at] saying it wished to deprive a great part of the French people of their rights as citizens'.¹³² Like Merlin, he asked for the passage of Title X on taxation in

order to put an end to this debate. The Convention took up his hint and the Title was adopted.

This shows that Paine's public stand against the constitutional plan worried the Convention enough to accelerate the vote on taxation. Two days later the discussion on Title II proper started. Daunou presented the new version of the first articles of this Title as an answer to Paine and to the handful of those who criticized the constitutional plan on that issue, even if none of them was named. Daunou wished to demonstrate that the constitution plan did not break up the unity of the people but guaranteed the rights of 'all working men who are domiciled'.¹³³ Paine did not himself answer Daunou, Merlin and Genissieux, but Lanthenas took up the gauntlet. He attacked the constitutional plan on the same ground as his friend since the issue of fundamental 'principles' was central in his speech. Both Paine and Lanthenas wished to counter Boissy d'Anglas's will to 'take care of principles only'¹³⁴ that he had expressed in the name of the committee on 23 June. Lanthenas based his plea on equality, but without referring to the articles of the Declaration of Rights. Like Paine, he argued that the principle of the equality of rights was 'the secret of the revolution'¹³⁵ and he insisted that the future of the French republic depended on it.¹³⁶ He then castigated those whom he said had been committed to the French Revolution at first (without specifying which phase of the Revolution he meant, although it most likely was that before June 1793) and who had then moved away from it as 'it came closer to the purity of principles'. This attack targeted the conservatives of the Convention, who had been in the Plaine, and also former Montagnards, a number of whom supported the 1795 Constitution.

Like Paine and Lenoir-Laroche, Lanthenas wished to demonstrate that limiting the vote would trigger an antagonism between two categories of citizens who would be artificially separated by supposedly diverging interests. Creating a common interest in favour of property in the whole polity would be a better protection for it.¹³⁷ This inclusion of both owners and non-owners would be the best way of establishing a 'genuine balance of powers'.¹³⁸ It was a reply to Boissy d'Anglas, who had concluded that a system of checks and balances was needed, an idea he had underpinned by a reference to Samuel Adams in his speech on 23 June¹³⁹ and which Paine did not reply to, directly at least. Paine's presence in the Convention might not have been irrelevant as a reason why Boissy d'Anglas chose to quote Samuel Adams, although Paine's importance should not be overestimated since the Federal Constitution was often referred to in this debate.¹⁴⁰

Yet if Lanthenas stood on the same ground as Paine, he did not defend universal male suffrage and instead defined an 'active' citizenship (echoing the Constitution of 1791) for the greatest number of men who were of age, with a few exceptions that were reminiscent of the constitutional plan of the first committee of 1793 in which Paine took part.¹⁴¹ Lanthenas's speech, which was nonetheless for the most part either a repetition or a reinforcement of Paine's arguments, weighed even less than Paine's in the discussion. It was Dubois-Crancé's proposal which aroused the indignation of the more conservative Conventionnels. Dubois-Crancé, who was a former Montagnard and one of the signers of the letter of the electoral assembly of the Puy de Dôme inviting Paine to France in September 1792,¹⁴² proposed an equal tax for all citizens which would enable them all to vote. Like Paine (whom he did not quote, though), he denied the legitimacy of the institutionalization of the division between the well-off and the poor.¹⁴³ This questioning of Title X led Creuzé-Latouche, Girod-Pouzol and Lanjuinais to expose their positions in explicit terms when they stated that the poor were not able to exercise political rights. Daunou and La Réveillère then added that this universal tax would be unfair for the poor. Only did Guyomard (who had endorsed Paine's views during the vote on Louis XVI's sentence) support the proposal.

Except for Paine and Lanthenas, there seems to have been only one more substantial speech in the Convention against a property-based franchise, that of Julien Souhait, a former Montagnard, whose contribution was printed but not delivered. This third plea in favour of universal suffrage, dated 21 July, was in many respects similar to Paine's *Dissertation on First Principles*. Souhait's argument rested on the same premise of the absolute equality and inalienability of natural rights including the right of participation either in person or through the election of representatives.¹⁴⁴ The similarity between the two texts is to be found even in the words used by Julien Souhait. He most certainly borrowed passages from the French translation of Paine's writing without ever referring to it. This is particularly visible in Souhait's comparison of the law to an 'arm'¹⁴⁵ and in the idea that the right to vote is 'the primary right'.¹⁴⁶ Souhait also paraphrased Paine's distinction between the political community and a commercial company, and repeated his conclusion according to which it was more important to protect persons than property.¹⁴⁷ Again, he described the process through which rights were turned into duties in the same way as Paine.¹⁴⁸ Yet it does not appear that Paine was informed of what might be termed a plagiarism. There are at least no traces of this in

his known correspondence or in his writings, in contrast, for example, to his attack against Raynal whom he accused of having quoted *Common Sense* in *Révolution de l'Amérique* without explicitly referring to him.¹⁴⁹ The other hypothesis is that it might have been a strategy agreed on by Paine and Souhait, but I could find no evidence of this.¹⁵⁰

Neither this printed plea nor the speeches by Lanthenas and Paine had a real influence in and on the Convention, even if some representatives still feared Paine's potential sway and 'reputation,' which remained high after his release from prison, as shown by Courtois's remarks in January. The importance of such high standing was also evident in Mercier's questioning in July 1795 of the 'reputation' that Chénier, during the discussion in the Convention after Paine's speech, had pointed to as a factor giving 'weight to his opinion'.¹⁵¹ Similarly, there was only one French edition of *Dissertation on First Principles* and it does not seem to have attracted much attention then.¹⁵² As the French philosopher Marcel Gauchet rightly stressed, if Paine 'drove the sword right into the wound', 'the effect it had was the opposite of the intended one'¹⁵³ since the Convention remained almost unanimous in its rejection both of the Constitution of the Year I and of that of the first constitutional committee headed by Condorcet. In this context, Paine's lobbying, speeches and published writings of the first half of 1795 failed to appeal to more than a handful of Conventionnels, as had been the case in the National Assembly in 1791 after Louis XVI's failed escape when the question of overthrowing the monarch was not debated. Most Conventionnels used the Terror and the supposedly too democratic Constitution of 1793 to push through the assembly their model of a bourgeois republic. The debate that Paine tried to start about the potential incompatibility of a 'liberal' conception of the republic in which political participation was based on property ownership with a more civic vision of republicanism in which taking part in political affairs was a natural right did not take place.

However, in spite of this failure, Paine can also be seen as one of those who defended 'the political culture of post-Robespierriest democracy' in 1795. Paine may indeed be one of the keys to understand this democratic ethos that historians have recently emphasized in their attempts at reappraising the history of the Directory. Yet after the adoption of the Constitution of the Year III Paine began to support the Directory and even if he published *Agrarian Justice* in the spring 1797 to offer an alternative to Babeuf, he then chose republicanism over democracy, even if it must have been a real dilemma for a republican who considered the people

(men, since there is nothing about women's suffrage in his writings) as a whole as the basis of such a regime.¹⁵⁴ It means that Paine may have been in phase with some post-Thermidorian democrats only momentarily.

NOTES

1. Paine, *Complete Writings*, II, 1361.
2. AN F/7/4774/61 dr. 3.
3. AN F/7/4774/61 dr. 3.
4. Christine Le Bozec, 'Le républicanisme du possible: les opportunistes. (Boissy d'Anglas, Lanjuinais, Durand-Maillane.)', *Annales historiques de la Révolution française*, 299 (1995), 69.
5. Antoine Clair Thibaudeau, *Mémoires sur la Convention et le Directoire* (Paris: Baudouin Frères, 1824), I, 109–110.
6. Whereas Monroe provided a quite precise account of his role in Paine's release, he did not specify any details on the circumstances of Paine's reintegration in the Convention. James Monroe, *The Writings of James Monroe, Including a Collection of His Public and Private Papers and Correspondence*, ed. Stanislaus Murray Hamilton (New York: G. P. Putnam's Sons, 1898–1903), Letter to Edmund Randolph, January 13, 1795, II, 174.
7. Philipp Ziesche, *Cosmopolitan Patriots. Americans in Paris in the Age of Revolution*. 2010 (Charlottesville: University of Virginia Press, 2014), 94–95.
8. Yannick Bosc, *La Terreur des droits de l'homme. Le républicanisme de Thomas Paine et le moment Thermidorien* (Paris: Kimé, 2016), 26.
9. AN F/7/4774/61 dr. 3.
10. Jonathan Israel claims that the Thermidorians postponed Paine's reinstatement in the Convention, although he does not provide any evidence of this. Jonathan Israel, *Revolutionary Ideas: An Intellectual History of the French Revolution from 'The Rights of Man' to Robespierre* (Princeton: Princeton University Press, 2014), 590.
11. *Journal des débats et des décrets*, no. 806, tome 27, 1128.
12. See Article IV: 'le représentant du peuple Thomas Payne, ayant été déclaré citoyen français par un décret de l'assemblée législative, n'est pas compris dans la loi qui exclut les étrangers de la convention nationale', *Journal des débats et des décrets*, 1129.
13. Paine, *Complete Writings*, II, 518.
14. AN W//189 (Affaire Denis Jullien). About Jullien, see Alphonse Dunoyer, *Fouquier-Tinville, accusateur public du Tribunal révolutionnaire, 1746-1795: d'après les documents des Archives nationales* (Paris: Perrin, 1913), 302–303. See also, Aldridge, *Man of Reason*, 216.

15. Thomas Paine, *Collected Writings*, ed. Eric Foner (New York: Literary Classics of the United States, 1995), 731.
16. 'I judged rightly, that if they once began shedding blood, there was no knowing where it would end', Paine, *Complete Writings*, II, 1352.
17. Paine, *The Complete Writings*, II, 696.
18. Paine, *Rights of Man*, 408.
19. Paine, *Rights of Man*, 407.
20. Paine, *Rights of Man*, 408.
21. François Furet, *La Révolution française. De Turgot à Napoléon (1770–1814)* (Paris: Hachette, 1988), 234.
22. Paine, *Rights of Man*, 407 (the emphasis is Paine's.)
23. Paine, *Rights of Man*, 408.
24. Paine, *Rights of Man*, 407.
25. Paine, *Rights of Man*, 406.
26. Marie Jean Antoine Nicolas de Caritat, marquis de Condorcet, *Œuvres*, 1847–1849 (Stuttgart-Bad Cannstatt: Friedrich Frommann Verlag, 1968), XII, 619 and 623.
27. Bronislaw Baczko, 'Les Girondins en Thermidor', in François Furet et Mona Ozouf, ed., *La Gironde et les Girondins* (Paris: Payot, 1991), 64.
28. Marcel Dorigny, 'La Gironde sous Thermidor', in Roger Dupuy et Marcel Morabito, ed., *1795, pour une république sans révolution* (Rennes: Presses Universitaires de Rennes, 1996), 241.
29. *La Sentinelle* was first published from March to December 1792 and was then openly supporting the 'Rolandistes'. It was launched again in July 1795. Louvet also published many writings against Robespierre.
30. Yannick Bosc, 'Paine et Robespierre: propriété, vertu et révolution', in Jean-Pierre Jessenne, ed., *Robespierre: de la nation artésienne à la République et aux nations* (Villeneuve-d'Ascq: Centre d'histoire de la région du Nord et de l'Europe de l'Ouest, 1994), 245.
31. Bosc, 'Paine et Robespierre', 248.
32. *Réimpression de l'Ancien Moniteur: depuis la réunion des Etats-Généraux jusqu'au Consulat (mai 1789–novembre 1799)* (Paris: au Bureau Central, 1840–1843), XIII, 675.
33. '[I]l n'y a point d'opinion plus condamnée par l'expérience, plus réprouvée par les bonnes et durables législations, que celle dont Thomas Payne a été parmi nous l'organe', quoted in Bosc, 'Paine et Robespierre', 246.
34. Paine, *Complete Writings*, II, 590.
35. Jean-Baptiste Louvet, *La Sentinelle* (Paris), 19 juillet 1795, 103.
36. Paine actively fought this new constitution when he came back to the United States.
37. Dorigny, 'La Gironde sous Thermidor', 241.
38. Bosc, *La terreur des droits de l'homme*, 30–31.

39. *Journal des hommes libres de tous pays ou le Républicain* (Paris), no. 33, 18 Messidor an III, 131–132; no. 34 du 19 Messidor, 135; no. 35, 20 Messidor, 139–140; no. 38, 23 Messidor, 150–151.
40. The French text reads: des ‘hommes enorgueillis de leurs lumières supposées ou véritables’ et des ‘riches fainéants propriétaires qui se prétendent seuls souverains et qui s’arrogent le droit exclusif de cité [...] le droit absurde [...] de disposer à eux seuls de l’entendement et de l’obéissance du pauvre’, *Journal des hommes libres*, no. 35, 139.
41. *Journal des hommes libres*, ‘simple bon sens’, no. 35, 139.
42. ‘C’est encore lui qui va parler pour la liberté française. C’est lui qui va détruire de fond en comble ce système d’inégalités, de privilèges, de prérogatives, de distinctions qu’on voudrait établir parmi nous’, *Journal des hommes libre*, no. 35, 139.
43. Paine, *Complete Writings*, II, 921.
44. Furet, *La Révolution française*, 280.
45. ‘[Ces] principes ont été si complètement oubliés, qu’à commencer du 31 mai jusqu’à présent, tous les partis qui ont successivement possédé l’autorité, les ont violés de fait, et cette violation continue encore. Mais lorsque dans la théorie on reconnaissait l’égalité des droits comme un principe sacré et indispensable, on pouvait en considérer la violation dans la pratique, comme un accident presque inséparable d’un temps de révolution, qui cesserait aussitôt qu’une constitution fondée sur ce principe et qui le reconnaîtrait pour inviolable, serait établie et en pleine activité. C’est d’après ces réflexions que mon incarcération m’a toujours paru excusable’, Thibaudeau, *Mémoires*, I, 112–113.
46. François Boissy d’Anglas, *Discours préliminaire au projet de constitution pour la république française* (Imprimerie Nationale, 1795), 19.
47. *Journal des débats et des décrets*, no. 1020, 316.
48. Bronisław Baczko, *Comment sortir de la Terreur: Thermidor et la Révolution* (Paris: Gallimard, 1989), 306.
49. His position was clear from the beginning of the debate. Therefore, he cannot really be described as one of those who were lost in the reshuffling that took place after Thermidor, contrary to what Martin has contended, Jean-Clément Martin, *Nouvelle histoire de la Révolution française* (Paris: Perrin, 2012), 478.
50. *Observations sur la partie de la Constitution de 1793 (présentée par l’ancien comité de salut public) qui concerne la formation et les pouvoirs du Conseil exécutif*. Only the manuscript translation in French by Lanthenas has survived. Bernard Vincent, ‘Cinq inédits de Thomas Paine’, *Revue française d’études américaines* 40 (1989), 226–230.
51. Vincent, ‘Cinq inédits’, 225.
52. Vincent, ‘Cinq inédits’, 226.

53. 'Tout pourrait alors être exposé à tous les yeux, comme le soleil', Vincent, 'Cinq inédits', 226.
54. Vincent, 'Cinq inédits', 217.
55. Vincent, 'Cinq inédits', 227.
56. Paine, *Rights of Man*, 109.
57. Vincent, 'Cinq inédits', 227–228.
58. Vincent, 'Cinq inédits', 227.
59. As B. Vincent has emphasized. Vincent, 'Cinq inédits', 229. The French word 'prévarication' was replaced by 'trahison' in Paine's statement.
60. Paine, *Complete Writings*, II, 375.
61. He was not its speaker, contrary to what Vincent said. *Réimpression de l'Ancien Moniteur*, 23, 178–264. The speaker of the Convention was then Letourneur.
62. '[C]e que c'est que *prévarication*, *trahison*, *infidélités*, mots aussi [...] indéfinis que ceux de *suspect*, de *fédéraliste*, de *terroriste* et par conséquent aussi dangereux', Jean Pelet. *Opinion sur la situation intérieure et extérieure de la France, avec quelques observations sur la Constitution de 1793* (Paris: Imprimerie nationale, 19 Germinal an III), 12. The title of Pelet's contribution is reminiscent of the way Paine entitled his own memo.
63. 'La constitution aurait dû définir ce que c'est que *trahison* [...]. Le mot seul sans définition n'est pas plus précis que les mots *suspect* et *fédéraliste*', Vincent, 'Cinq inédits', 229.
64. *Réimpression de l'Ancien Moniteur*, 25, 84.
65. Paine, *Complete Writings*, II, 594; Yannick Bosc, 'Arrêter la révolution', in Michel Vovelle, ed., *Le Tournant de l'an III: réaction et Terreur blanche dans la France révolutionnaire* (Paris: Editions du CTHS, 1997), 105.
66. Thibaudeau, *Mémoires*, I, 112–116.
67. Thibaudeau, *Mémoires*, I, 115.
68. Thibaudeau, *Mémoires*, I, 113.
69. Florence Gauthier, *Triomphe et mort du droit naturel en Révolution* (Paris: Presses Universitaires de France, 1992), 256.
70. Yannick Bosc, *Le conflit des libertés. Thomas Paine et le débat sur la Constitution de l'an III* (PhD diss., Université d'Aix-Marseille, 2000), I, 75.
71. Thibaudeau, *Mémoires*, I, 113.
72. '[U]n moyen de désorganiser les armées, de plonger la France dans l'anarchie et la confusion, de provoquer et de justifier une guerre contre les propriétés', Thibaudeau, *Mémoires*, I, 115.
73. '[P]rincipe selon laquelle s'est faite [...] son] élection', Thibaudeau, *Mémoires*, I, 115.

74. Christine Le Bozec, 'Le républicanisme du possible: les opportunistes. (Boissy d'Anglas, Lanjuinais, Durand-Maillane.)', *Annales historiques de la Révolution française*, 299 (1995), 69 and 71.
75. Bosc, *La terreur des droits de l'homme*, 28.
76. Thibaudeau, *Mémoires*, I, 115–116.
77. Paine, *Complete Writings*, II, 527.
78. Paine, *Rights of Man*, 405.
79. Marc Lahmer, *La Constitution américaine dans le débat français, 1795–1848* (Paris: l'Harmattan, 2001), 206.
80. Paine, *Rights of Man*, 405. He would make the case for 'a system of pullies' to 'remove' 'the whole weight of misery' in *Agrarian Justice*, Paine, *Rights of Man*, 425.
81. *La Feuille villageoise*, no. 47, 25 Prairial an III, 175.
82. Jean-Jacques Lenoir-Laroche, *De l'esprit de la Constitution qui convient à la France et examen de celle de 1793* (Paris: Agasse, an III), 118.
83. Lenoir-Laroche, *De l'esprit de la Constitution*, 119.
84. Bosc, 'Paine et Robespierre', 246.
85. Paine, *Rights of Man*, 387.
86. Thomas Paine, *Property, Welfare and Freedom in the Thought of Thomas Paine: A Critical Edition*, ed. Karen M. Ford (Lewiston: Edwin Mellen Press, 2001), 32.
87. '[I]n English terms, we may read part two of the *Rights of Man* as marking a decisive move away from any dream of a merely rustic, republican, or Anglo-saxon democracy', John G. A. Pocock, *Virtue, Commerce and History* (Cambridge: Cambridge University Press, 1985), 288. Paine's argument in *Dissertations on Government* that the political contract was also a moral one which required the people to stop being tyrannical toward each other came very close to a form of republican virtue, but Paine never fully (at least consciously) endorsed the civic virtue scheme in the Pocockian sense, contrary to what has recently been argued, Andreas Kalyvas and Ira Katznelson, 'The Republic of the Moderns: Paine's and Madison's Novel Liberalism', *Polity* 38 (2006), 466.
88. Paine, *Rights of Man*, 398.
89. Paine, *Rights of Man*, 5.
90. Christoher Hamel, *Le Républicanisme des droits: vertu civique et droits naturels dans la pensée de John Milton et Algernon Sidney* (PhD. diss., 2009, Paris I).
91. Paine, *Rights of Man*, 398.
92. Paine, *Rights of Man*, 402.
93. Paine, *Rights of Man*, 397.
94. Paine, *Complete Writings*, II, 274. See his 1788 letter to Jefferson and the first part of *Rights of Man*. Paine, *Rights of Man*, 81 and 119.

95. Paine, *Rights of Man*, 397.
96. Paine, *Rights of Man*, 396.
97. Thibaudeau, *Mémoires*, I, 113–114.
98. '[N]atural rights are those which appertain to man in right of his existence' and 'every man is a proprietor in society', Paine, *Rights of Man*, 120.
99. He compared them to 'thieves' and said that those who set up aristocracy in the past 'were the Robespierres and the Jacobins of the day', Paine, *Rights of Man*, 401.
100. Paine, *Rights of Man*, 390.
101. See Carine Lounissi, *La Pensée politique de Thomas Paine en contexte. Théorie et pratique* (Paris: Champion, 2012), 552–553.
102. Paine, *Rights of Man*, 398.
103. Paine, *Rights of Man*, 399.
104. Paine, *Rights of Man*, 404.
105. Paine, *Rights of Man*, 405.
106. Paine, *Rights of Man*, 400.
107. Le Bozec, 'Le républicanisme du possible', 70.
108. Paine, *Rights of Man*, 401.
109. Paine, *Rights of Man*, 403.
110. Paine, *Rights of Man*, 403.
111. 'Si l'on y touche, adieu la révolution', in Thibaudeau, *Mémoires*, I, 116.
112. *Réimpression de l'Ancien Moniteur*, t. 25, 90.
113. *Réimpression de l'Ancien Moniteur*, 81.
114. *Réimpression de l'Ancien Moniteur*, 92.
115. Paine, *Complete Writings*, II, 590.
116. Paine, *Complete Writings*, II, 592.
117. '[I]ntrigue, cunning and effeminacy', Paine, *Complete Writings*, II, 594.
118. Paine, *Complete Writings*, II, 590.
119. Article 1: 'le but de la société est le bonheur commun. Le gouvernement est institué pour garantir à l'homme la jouissance de ses droits'. *Réimpression de l'Ancien Moniteur*, t. 25, 150.
120. Paine, *Complete Writings*, II, 591. Article 2: 'les droits de l'homme en société sont la liberté, l'égalité, la sûreté et la propriété'. *Réimpression de l'Ancien Moniteur*, t. 25, 151.
121. Article 3: 'La liberté consiste à faire tout ce qui ne nuit pas aux droits d'autrui'.
122. Michel Troper, *Terminer la Révolution: la Constitution de 1795* (Paris: Fayard, 2006), 147–148.
123. *Journal des débats et des décrets*, no. 1016, tome 34, 256.
124. Bosc, *Le Conflit des libertés*, I, 34.
125. '[C]e discours excite souvent des murmures', *Réimpression de l'Ancien Moniteur*, t. 25, 172.

126. 'Le nœud de la constitution est dans les phrases de T. Payne. Vous ne voulez pas de la monarchie ni d'une république aristocratique; je ne vois pas pourquoi on rejetterait l'impression', *Journal des débats et des décrets*, no. 1016, tome 34, 261.
127. '[P]ar la raison que ce citoyen a donné des preuves de son amour pour la liberté, et que ses idées méritent d'être réfléchies', *Journal des débats et des décrets*, no. 1016, tome 34, 261.
128. 'Après quelques débats, la convention passe à l'ordre du jour, motivé sur ce que tous les membres ont le droit de faire imprimer ce qu'ils croient nécessaires pour l'éclairer sur cette matière', *Journal des débats et des décrets*, no. 1016, tome 34, 261.
129. '[L]a meilleure manière de répondre au discours lu au nom de Thomas Payne; opinion d'ailleurs fondée sur une erreur de fait; car Thomas Payne a supposé que l'on ne pouvait exercer le droit de citoyen sans payer une contribution foncière; et le projet de constitution admet à l'exercice de ce droit ceux qui paieraient une contribution personnelle', *Journal des débats et des décrets*, no. 1019, 291. Merlin's argument about Paine's supposed mistake is endorsed by Troper, *Terminer la Révolution*, 74.
130. '[P]rouver sans délai à la majorité du peuple, la fausseté du bruit que l'on fait courir que la convention veut la priver de l'exercice du droit de sa souveraineté', *Journal des débats et des décrets*, no. 1019, 292.
131. '[Q]ui est entièrement en faveur du premier article du titre II [...]. Il fait sentir que l'homme oisif, qui n'ayant point de propriétés, ne travaille point pour en avoir, n'a aucun intérêt à défendre les propriétés des autres', *Journal des débats et des décrets*, no. 1019, 292.
132. '[C]alomnier la convention et de dire qu'elle veut priver du droit de citoyen une grande partie des Français', *Journal des débats et des décrets*, no. 1019, 292.
133. 'C'est ainsi que vous répondez à des reproches qui n'ont pu être qu'inconsidérés, puisqu'ils étaient repoussés à l'avance par le projet qui vous était soumis. Non, représentants du peuple, vous ne partagez point le peuple en plusieurs classes; vous ne fermerez à aucune les portes de vos assemblées primaires; au contraire, vous maintiendrez les droits politiques de tous les hommes laborieux domiciliés', *Journal des débats et des décrets*, no. 1020, 312.
134. *Réimpression de l'Ancien Moniteur*, t. 25, 84.
135. *Journal des débats et des décrets*, no. 1020, 316.
136. 'Je soutiens que la pureté des principes est le palladium de la fin de la révolution et de l'établissement de la République; sans lesquels la France ne peut retrouver la paix et la prospérité que nous lui désirons', *Journal des débats et des décrets*, no. 1020, 313–314.

137. '[N]e sert-on pas mieux les propriétés et les propriétaires en intéressant tout le corps politique à leur défense, par la conservation des principes qui lient à lui chaque fibre pour ainsi dire qui le compose?', *Journal des débats et des décrets*, no. 1020, 316.
138. *Journal des débats et des décrets*, no. 1021, 320.
139. *Réimpression de l'Ancien Moniteur*, t. 25, 100.
140. This reference to Samuel Adams may be unexpected. James Madison, one of the main authors of the US Constitution, would have been a more obvious reference, all the more so as Samuel Adams had at first hesitated to support the Federal Constitution. Samuel Adams was a rather radical figure of the American Revolution, but had no national role at the time. As a result, Ziesche contends that Boissy d'Anglas mistook Adams for his cousin John, the Vice-President (Ziesche, *Cosmopolitan Patriots*, 106), a point already made by Michel Troper (Troper, *Terminer la Révolution*, 75); and claims that Boissy's aim was to please France's American ally. John Adams's writing, *A Defence of the American Constitutions* was translated and published in French in 1792 and Boissy d'Anglas's supposed quote is a paraphrase or a summary of John Adams's arguments. Adams, John. *Défense des constitutions américaines, ou de la Nécessité d'une balance dans les pouvoirs d'un gouvernement libre, par M. John Adams, [...] Avec des notes et observations de M. de La Croix* (Paris: Buisson, 1792).
141. '[L]es imbéciles, les fous, les frénétiques et les personnes hors de leur domicile fixe, en domesticité, en faillite frauduleuse et en jugement criminel', *Journal des débats et des décrets*, 316–317.
142. *Réimpression de l'Ancien Moniteur*, XIII, 675.
143. *Réimpression de l'Ancien Moniteur*, t. 25, 215.
144. Julien Souhait, *Opinion de Julien Souhait, représentant du peuple français, sur le droit de suffrage dans les assemblées primaires et électorales* (Paris: Imprimerie nationale), 3–4.
145. '[L]a loi est [...] le bras de tous pour protéger le faible contre le puissant', Souhait, *Opinion*, 5. Paine, *Rights of Man*, 403. '[C]hacon de ses individus se sert pour sa défense du bras de la loi, qui est plus puissant que le sien', Thomas Paine, *Dissertation sur les premiers principes du gouvernement* (Paris: Imprimerie de la rue de Vaugirard, an III), 29.
146. '[L]e droit de voter pour le choix de ses représentants est un droit primitif, la base et l'égide de tous les autres'; 'Dépouiller un homme de ce droit, c'est le réduire à l'état d'esclave: l'esclavage consiste dans l'obéissance passive aux volontés d'un autre', Souhait, *Opinion*, 6. Paine, *Rights of Man*, 398. '[L]e droit de voter pour le choix des représentants est un droit primitif qui sert à tous les autres droits, de base et d'égide. Dépouiller un homme de ce droit, c'est le réduire à un état d'esclavage; car l'esclavage consiste dans l'obéissance passive aux volontés d'un autre;

- et celui qui n'a point de droit de voter pour ses représentants est assujéti à cette servile obéissance', Paine, *Dissertation*, 21.
147. '[I]l ne s'agit pas d'une société qui n'a pour objet que l'argent [...] il s'agit d'une grande association civile dont la fortune n'est pas l'objet le plus intéressant; la protection, la sûreté personnelle le sont bien davantage: d'ailleurs, le travail du pauvre est aussi une propriété', Souhait, *Opinion*, 8. Paine, *Rights of Man*, 400. '[D]ans les institutions purement pécuniaires, telle qu'une banque ou une compagnie de commerce, les droits des membres qui la composent sont uniquement fondés sur la propriété ou sur la somme versée dans la caisse [...]', Paine, *Dissertation*, 23. '[L]a sûreté des personnes est plus sacrée que celle de leur propriété. D'ailleurs la faculté d'exercer un travail ou un service quelconque, qui assure à un individu sa subsistance, ou qui l'aide à faire vivre sa famille, est une nature de propriété', Paine, *Dissertation*, 24.
 148. '[E]xacte réciprocité de droits et de devoirs', Souhait, *Opinion*, 3. '[L]e droit dont on jouit impose l'obligation de le garantir à l'autre', Souhait, *Opinion*, 12. Paine, *Rights of Man*, 398. '[E]n parlant de droits, on ne devrait jamais en séparer l'idée de devoirs; car la réciprocité convertit les droits en devoirs. Le droit dont je jouis m'impose le devoir de le garantir à un autre, et celui-ci est tenu envers moi à la même protection', Paine, *Dissertation*, 21.
 149. Paine, *The Complete Writings*, II, 251–252.
 150. It was quoted by Aldridge, but not analyzed. Aldridge, *Man of Reason*, 227.
 151. Louis-Sébastien Mercier, *Annales patriotiques et littéraires de la France ou la tribune des hommes libres*, supplément au no. CC 20 Messidor an III, 8 juillet 1795, 976 et 1010.
 152. Thomas Paine, *Dissertation sur les premiers principes de gouvernement* (Paris: Impr. de la rue de Vaugirard, an III).
 153. Marcel Gauchet, *La Révolution des droits de l'homme* (Paris: Gallimard, 1989), 300.
 154. Antonino de Francesco, 'Au-delà de la Terreur: mouvements démocratiques et masses populaires dans la France du Directoire', in Jean-Clément Martin, ed., *La Révolution à l'oeuvre: Perspectives actuelles dans l'histoire de la Révolution française* (Paris: Presses Universitaires de Rennes, 2005), <http://books.openedition.org/pur/16034>. De Francesco's research is part of the recent revisionist historiography on the period of the Directoire, see Bernard Gainot, "Être républicain et démocrate entre Thermidor et Brumaire", *Annales historiques de la Révolution française*, n°308, 1997, pp. 193–198 and Pierre Serna, *Antonelle, aristocrate et révolutionnaire* (Arles: Actes Sud, 2017). There were numerous common points between Paine and Antonelle, but I could trace no material showing they knew each other.



Paine in the Republic of the Year III (September 1795–November 1799)

Two years after opposing the new constitutional plan, in the autumn of 1797, in a work devoted to the coup of 18 Fructidor, Paine extolled the Constitution of 1795, saying that ‘a better organized constitution has never yet been devised by human wisdom’,¹ except for the restricted franchise which he mentioned but with none of the indignation he had previously expressed.² The adoption of the Constitution of 1795 retrospectively appeared to him as a watershed thanks to which public order and the rule of law were restored, the economy of the country was revitalized and diplomatic relations with foreign countries reopened. It was like light succeeding darkness.³ This view of Directorial France matched that of Monroe, who had attempted while he was in Paris to underline, in his reports to the US government, the stability of French institutions and the reliability of France as a partner and an ally for the United States.⁴ Yet Paine’s picture of an idyllic post-Thermidorian France was not really in keeping with reality. The Constitution of 1795 did not improve the economy significantly,⁵ and soon after its adoption, in October 1795, a royalist uprising was quelled by Barras and Bonaparte. In *Agrarian Justice*, Paine admitted that the flaws in the Constitution of the Year III were to blame for the rebellion led by Babeuf and his followers (who were arrested on 10 May 1796) as well as by royalists on 30 January 1797.⁶

Despite his attempts at convincing the Convention to endorse universal suffrage, Paine was on the whole on good terms with the Directoire, at least until its last year of existence. He was elected on the supplementary list to the Conseil des Cinq-Cents by the electoral assembly of

the Basses Pyrénées together with Bancal and Guoymar(d), his former colleagues in the Convention, who shared Paine's views (at least on Louis XVI's trial for Guyomar[d]). Yet Paine never took his seat in it,⁷ in contrast to Lanthenas. No explanation for this absence appears in Paine's letters, papers or writings, no more in 1795 than in 1797 at the time when he published *Agrarian Justice*, the Preface of which he signed as 'your former colleague'.⁸ Paine may have been deterred from sitting in this Conseil both by the hostile reaction of the Convention who had written the Constitution and by his experience as a member of that Convention. Yet Paine went on trying to exert an influence behind the scenes on the Directoire, although his role of counsellor was mostly restricted to issues of foreign policy, especially those concerning his native country. Paine's writings against the British regime were sponsored by the Directoire and he also actively manoeuvred to export the French Revolution to Great Britain.

Paine's support of the domestic policy of the Directoire also explains why he kept his credit with French authorities for most of this period. The vote of the Constitution of 1795 indeed inaugurated years during which Paine chose to compromise with the republican principles he had set forward until then to a far greater extent than during the Convention. Whereas in November 1793 he defended the measures of the Comité de salut public for a foreign (British) readership, what he wrote to justify the coup of 18 Fructidor was also for a French one. When addressing British readers, in the first part of *Rights of Man*, in his 1793 answer to the British King, and later in his writings on Napoleon at the beginning of the nineteenth century, Paine frequently handled propaganda which clearly contradicted the basis of his republicanism and which verged on a kind of schizophrenia which was never to be found in his writings published in the American context. His defence of the domestic policy of the Directoire needs to be accounted for. Rather than being a sort of anomaly, it may reveal a different Paine.

1 THE DOMESTIC POLICY OF THE DIRECTOIRE

1.1 *Agrarian Justice and the 18 Fructidor coup: Completing or Saving the French Revolution?*

Agrarian Justice was published in April 1797, one year after the law of 27 Germinal (16 April 1796) which provided: first, the death penalty for

all those who would publicly ask for the restoration either of monarchy or of the Constitution of 1793; and second, the establishment of an agrarian law. Such a measure might have led Paine to be cautious and to choose his title with care. He presented this work as an answer to the Bishop of Landaff, and it has mostly been studied in the context of the British tradition of reflections on such proposals.⁹ Very few studies have explored *Agrarian Justice* in the context of the French Revolution.¹⁰

On 20 April 1797, Molinier, the former chief of staff of the Army of the Interior, offered one of the two French translations of Paine's work to the Directoire. Molinier said he chose to include in the translation a dedication 'to the legislature and to the Directoire', adding that 'he believed he conformed to Paine's intentions by offering them the translation he made of it'. The Directoire acknowledged receipt of it on 2 May and sent it to the Ministry of the Interior for review. Yet its answer does not seem to have been recorded in the Archives. In the notice preceding the text of the translation, Molinier explained that Paine 'entrusted a friend with' the translation of his essay because he could not supervise it himself since he left Paris 'in a haste' for Le Havre, from which he indeed wrote several letters to Jefferson and Madison about the diplomatic tensions between France and the United States, the need for American agents in French Atlantic ports, and the possible arrival of James Madison in France.¹¹ In one of the letters he sent to Jefferson, he assessed the financial and economic situation of France as good, underlining that 'every article of provision (not foreign) [wa]s cheaper, better and more abundant than before the revolution', even adding the price of bread and meat.¹²

In *Agrarian Justice*, Paine revealed that he intended to 'give perfection to the Revolution in France'.¹³ In the dedication to the Directoire and to the Legislative, he exploited the light-vs-darkness motif to characterize the Revolution, but nuanced it by suggesting that a period of adaptation was necessary to enjoy 'the broad daylight'.¹⁴ He summed up the arguments he had set forward two years before, but also introduced a distinction between 'natural' and 'artificial' property, the former referring to natural elements and the latter to 'acquired' possessions. Artificial property could not be the basis of suffrage. Only innate liberty or 'personal rights', including the right to a share of natural property, could be its foundation. Paine did mention the lack of universal suffrage in the French republic, but he thought that an equal access to the franchise would be established through legal means in the near future, which

might have been the result of the 27 Germinal law since he could have feared that too open a plea for universal suffrage might have been interpreted as a defence of the Constitution of 1793.

In *Dissertation on First Principles of Government*, he had affirmed that a 'rebellion' could be legitimate in case of an unequal franchise, but he had not specified if it could imply the use of violence. Yet two years later, Paine condemned both Babeuf's and the royalists' plots, a matching which reflected the objectives of the Directoire. Paine disapproved of Babeuf's plans because they were against the interests of the French republic; Paine's language was close to that of the Directoire when he said that 'the conspirators did their best to renew disorder and confusion'.¹⁵ He explicitly appealed to the memory of 'the reign of Terror', an image which conveyed both his personal dislike of it since it is compared to monarchy, which was only the law of the strongest, and repeated the common Directorial rhetoric. Moreover, he equated the Conspiracy des Egaux with the royalists Brottier and Duverne de Presles, because both intended to set up a regime 'usurped by violence'¹⁶ and because both had attempted to capitalize on the 'resentment' of people. Royalists were said to be what they themselves would call rabble rousers trying to undermine the very basis of the new social organization by appealing to 'all the discontented'.¹⁷ Paine again clearly exploited the anti-Terror rhetoric of the Thermidorians and then of the Directoire to defend this idea, but nonetheless turning the latter's position on its head since 'public security' could be maintained only thanks to universal suffrage. As a result, the more pragmatic part of Paine's 1795 plea prevailed two years later as he further tried to win over French representatives by introducing himself as their 'former colleague'. The restricted franchise was a source of corruption (votes could be purchased by people who had the means to pay for the required tax) and of 'dangers' (contestation would be easier). He even mentioned the notion of 'enthusiasm'¹⁸ that had been an issue at the time of the debate on the Constitution. Yet he once more extolled the post-1795 republic as an almost miraculous regime in which 'famine has been replaced by abundance, and by the well-founded hope of a near and increasing prosperity'.¹⁹ This very idealized description of the post-Thermidorian France is all the more unexpected as in the Preface to the English edition, Paine explained that he had written the text during the winter of 1795–1796, which was a period of scarcity in England and which was in France the coldest season of the whole revolutionary decade.²⁰

Whereas in the second part of *Rights of Man*, Paine proposed 'ways and means of reforming the political condition of Europe', which is the title of Chapter 5,²¹ five years later, in *Agrarian Justice*, he presented his proposals as universal since they were 'a plan for meliorating the condition of man by creating in every nation a national fund'.²² Yet the last section of the writing dealing with the 'means for carrying the proposed plan into execution'²³ concerned France. Paine used the country as the testing ground of a well-organized society, still with England in mind as the figures based on the latter's budget show,²⁴ even if he did not allude to Pitt's bill to reform the poor laws.

In the French Declaration of Rights of 1793, Article 21 had mentioned the duty to provide everyone with the means of 'subsistence', which were said to be a 'sacred debt', a formula already used by Liancourt and also by Paine, Condorcet and the first constitutional committee in their plan of a declaration in Article 24.²⁵ In 1793 and 1794, the Convention passed laws to help the poor, their children and the aged. In October 1793, the report presented by Jean-Baptiste Bô recommended the suppression of begging through a repressive legislative arsenal aimed especially at those who would give alms.²⁶ Assistance was based on the right to work²⁷ and work was said to be the means through which the poor could be reintegrated into society. Poverty was blamed on past governments.²⁸ In March 1794, the Convention passed a decree which distributed to the poor the lands of the 'enemies of the Revolution'. In April 1794, the committee entrusted with this question became the Commission nationale des secours publics, and a code which summed up the laws concerning the poor was compiled.²⁹ The plan was then more ambitious since it aimed at putting an end to charity, but also to poverty.³⁰ However, the Convention found it more and more difficult to implement measures to do so, and, after Thermidor, the Directoire moved toward a laissez-faire approach and a management of the problem by local authorities.³¹ The Declaration of 1795 had been expunged of the article in which the government guaranteed subsistence.

However, Paine neither alluded to the policy of the Convention nor to the reaction to it of the Thermidorians and post-Thermidorians. He instead focused on Babeuf's plot in the Dedication, which appeared only in the French edition,³² and in the Preface he targeted Richard Watson's theory of a natural economic inequality. Paine blamed both Babeuf's method and ideas³³ and accused him of ignoring what Paine viewed as the good economic situation in France. Paine's plan was to be an

alternative to Babeuf's, but also to that of Sylvain Maréchal.³⁴ Yet Paine and Babeuf stood on common ground, at least theoretically. Babeuf had asked for the creation of 'a national fund for subsistence' as early as 1789 and grounded his reflection on the subject on the original equality of individuals in their access to land.³⁵ He had condemned the Terror and had first refused to resort to violence to carry out his plan which evolved from an agrarian law to the abolition of private property.³⁶ It was only in July 1795 that he moved from a defence of the right of insurrection³⁷ to a plot to overthrow the French government. Like Paine, Babeuf had been an early critic of the restriction on the franchise, especially in the Constitution of the Year III.³⁸ Babeuf was in jail at the time of the debate in the Convention of this Constitution, but it seems that he was informed by Charles Germain of Paine's speech in favour of a universal suffrage a few days after it was delivered and it even led them to discuss a possible uprising.³⁹ It is very likely that Paine did not know about this, though.

In the summer, Paine went on promoting the need to implement schemes for the relief of the poor, 'infants', 'the aged and the infirm' who, he said in a heart-breaking plea, were 'perishing in hospitals' and 'in the streets for want of necessities', the financial means of which could result from the selling of churches. He did so in a piece which was indeed a blistering attack upon Camille Jordan's proposal to adopt a decree correcting what Jordan felt were unfair provisions against Catholic priests and enabling church bells to be heard again. Although at first dealing with the issue of Church and State and praising the Constitution of 1795 for its provisions on freedom of worship as a private matter to defend it against Jordan's proposal, Paine's writing, translated by Bonneville and published by the Cercle social, then drifted toward an encomium of the Directoire. Whereas Paine denounced poverty in France, he also launched into a dithyramb about the achievements of the new regime for which Paine said he was 'confounded with admiration' especially for its 'series of victories unequalled in the world'. Paine, although himself sometimes seen as an Englishman, accused Jordan of favouring the only remaining enemy of France, England, and of being a traitor to his country by holding out his hand to that country. Paine envisioned a quite improbable possibility that France's enemy could use 'emigrant priests' to overwhelm the country, undermine the French republican spirit, and 'overspread the republic with English pensioners'. Paine's project and hopes for the French republic were still high, and even at their highest since 1792, when he stated that the Directoire's

aims would be reached when they 'ha[d] encouraged agriculture, cherished [the] decayed manufactures, given new life to commerce and employment to [the] people' and 'ha[d] removed [...] the reproach of forgetting the poor'. This sounded like a long list of reforms to help French economic recovery, but could also sound like a list of criticisms.⁴⁰ Jordan again went into exile soon after the 18 Fructidor coup.

This event forced prioritisation of the political agenda over the economic one for the Directoire and for Paine, who published a pamphlet devoted to the events of 4 September 1797. It was first published in French in October,⁴¹ and a version in English was published in New York in 1798. In the wake of Paine's essay and in response to the anti-French Federalist campaign, on 23 February 1799 in the *Aurora General Advertiser*, James Madison then denounced the distorted vision given by Federalists of the French Revolution in the context of the Alien and Sedition Acts and of the Quasi-War. Madison still considered the American and French Revolutions as sister revolutions, since both were founded on the principle of popular sovereignty. He nonetheless admitted that the Directoire had used undemocratic means to maintain itself, a probable allusion to 18 Fructidor, but he turned this into a warning since it proved the necessity of encouraging the vigilance among the citizens of the United States.⁴²

In this *Letter to the People of France and the French Armies on the Event of the 18th Fructidor*, Paine declared that 'a better organized constitution has never yet been devised by human wisdom'.⁴³ He referred to the restricted franchise,⁴⁴ but in a rather toned-down way. The contrast between Paine's statements of 1795 and what he wrote two years later is all the more visible in Philip Foner's edition of Paine's works as the two texts follow each other. Whereas Paine had warned the Convention in 1795 against the possibility that the new Constitution might 'subvert the basis of the Revolution',⁴⁵ two years later he rather viewed this Constitution as the final stage which would stabilize the republican revolution since he looked back on the adoption of the Constitution as a moment when 'the Revolution was considered as complete'.⁴⁶ Whereas in the spring, when *Agrarian Justice* was published, Paine's concern may have been the improvement of the effects of the Revolution in France, a few months later the major issue had radically changed to one of how to save the Revolution. He seemed nonetheless confident about its viability at a time when he appeared to have lost hope regarding the American Revolution, which he said was threatened by Federalists.

Bonneville played a major role in the publication of this *Letter*,⁴⁷ and Paine sent copies of it to the Directoire on 11 November. The *Letter* was approved by it, as was said in a short note by the new Directeur who had charge of the Interior, François de Neufchâteau.⁴⁸ (Neufchâteau had been elected together with Merlin de Douai on 8 September, four days after the coup, to replace Carnot and Barthélémy.) Paine revealed that he had sent the English version of the essay to England to have it ‘printed there’. On 29 December, in a letter to Barras, he mentioned the mission a friend of his (Charles Este, Robert Smith’s son-in-law) had accomplished for him in London.⁴⁹ The memo he sent with the letter reported the attempt made by Paine’s envoy to have his letter to Erskine as well as his essay on the 18 Fructidor published. About the latter, Paine’s ‘friend’ said that ‘nobody dared even hear of it’,⁵⁰ which explains why the only edition in English was published in the United States at the office of the Democratic-Republican newspaper *The Argus*. Jefferson might have been involved in this publication, given that in a letter to Madison, John Dawson sent a copy of Paine’s work to Madison on behalf of Jefferson, for which Madison acknowledged receipt on 2 April 1798.⁵¹ That Paine’s essay on 18 Fructidor did not go unheeded is proved by a letter written by Abigail Adams to her son John Quincy in March 1798, in which she said that Paine had lost all credit in the United States and that his last publication on the French coup had failed to convince its readers.⁵²

This letter provides further evidence that Paine had put on a propagandist’s suit, although the work, which was printed by the Cercle social, seems not to have been commissioned by the Directoire, or at least no material survives to prove this. Paine legitimized the use of violence against the royalists on 4 September and presented this action as a case of the ‘supreme law of absolute necessity’,⁵³ even hammering home the word ‘necessity’ several times on the same page.⁵⁴ He then compared this episode to crucial moments of the American Revolution when exceptional means were required, as when George Washington was entrusted with extraordinary powers (despite his previous criticism of him in his *Letter to George Washington*) or when martial law was enforced in Pennsylvania. Paine’s main purpose was to defend republicanism in a context in which it was threatened, even if it meant supporting a republican regime which was flawed in some respects. Paine again evoked *Le Républicain* as he had done in 1793 during the King’s trial to remind his readers of the primary anti-monarchical content of the republican revolution of 1792, although

1795 was rather an anti-democratic one, a fact which Paine voluntarily overlooked here. These references to the journal he edited and wrote with Condorcet and others at key moments of the revolutionary decade show to what extent he viewed *Le Républicain* as a major exposition of the fundamental issues of republicanism in France. Paine retrospectively commented on Condorcet's public positions then, comparing him to Montesquieu, since both had been forced to conceal their real republican leanings for fear of reprisal. The Condorcet of 1791 who still adhered to restricted suffrage was indeed in phase with the men of 1795 and 1797. It is unclear, though, whether Paine was fully aware of this detail, as he instead emphasized Condorcet's anti-royalist views, which also offers a glimpse into their intellectual connection. It is nonetheless clearer that Paine used the reference to this associate of the Girondins in a context in which the memory of the latter was exploited by the conservative republicans of the Year III.⁵⁵ Montesquieu's theories were also interpreted during the second half of the 1790s by supporters of the republic of the Year III to coincide with their system of thought.

The argument of necessity was part and parcel of the rhetoric of the regime to justify the coup. Benjamin Constant used it in a speech he delivered on 30 Fructidor before the Constitutional Circle,⁵⁶ where Paine might have heard it since he claimed to have been a member of this Circle. It is to be found also in the writings of Boulay de la Meurthe, of Jollivet, who had his speech of 23 Pluviôse Year VI published, and of Guy Chaumont-Quitry.⁵⁷ Such a convergence of opinion is surprising given that Boulay de la Meurthe was a conservative who opposed the 'representative republic' to a 'democratic' one and who thought that the people were not always (and even rarely) the best judges of public affairs; or, in other words, that representatives were more competent than those they represented to make the right decisions.⁵⁸ Jollivet can also be described as a conservative who defended the right of ownership and who had shown in 1793 that gradual taxation endangered property.⁵⁹ Both Jollivet and Boulay de la Meurthe would later support the 18 Brumaire coup.

Another major line of defence of 18 Fructidor was that no blood was spilled,⁶⁰ since royalist leaders were not executed but exiled, as Paine stressed.⁶¹ However, he failed to comment on the fact that in the days that followed, repressionist laws were passed: against aristocrats; against the priests who were opposed to the Revolution; and against the royalist press, which was stifled. Quite ironically, one year later, on 18 September 1798, Bonneville's *Le Bien Informé*, to which Paine contributed as an

editor and as a writer, was censured by the Directoire in the name of the law of 19 Fructidor voted through after the coup. In the issue of 17 September 1798, Bonneville published an article critical both of Sieyès, the then French ambassador in Berlin, and of the King of Prussia, with whom Sieyès was negotiating. It is even more ironic that Bonneville's newspaper was suppressed because of an article attacking the Prussian King in the name of a law which was supposed to be against the royalist press. Yet Paine obviously refrained from emphasizing this contradiction, and defended Bonneville on personal grounds. In the letter Paine wrote and had translated on the day of the Directoire's decision, he insisted on Bonneville's probity and republican patriotism. Paine used his own credit as a supporter of the policy of the Directeurs and implicitly of the 18 Fructidor coup to convince them to nullify their decision about Bonneville's paper.⁶²

Le Bien Informé had one year before endorsed the coup in its issue of the 19 Fructidor, which added another ironic dimension to its suppression. It depicted the potential chaos a counter-revolution would have provoked, as Jollivet did.⁶³ *Le Bien informé* had then gone further than Paine in this regard, even though Paine had adopted the theory defended by supporters of the coup⁶⁴ about a royalist plot or conspiracy⁶⁵ and had, like Boulay de la Meurthe,⁶⁶ offered a picture of Directorial France as a place where the political and economic situations had been stabilized but were threatened by the counter-revolution. Although Paine did not use the most exaggerated kind of rhetoric which could then be read to defend the coup, he shared the view⁶⁷ that the victory of moderate royalists in the elections of the spring was the consequence of a deception of which electors had been the victims.⁶⁸ To a certain extent, it contradicted what he had stated a few pages earlier about the restricted franchise which was 'in a great measure' to be blamed for such electoral results.⁶⁹ Whereas he had considered that the Terror was due to the suspension of the Constitution of the Year I, his subsequent positions on the 'white Terror' seem to suggest that a set of written fundamental rules was not sufficient to guarantee the stability of a republican regime, even if he did not formulate this limitation explicitly while coming to terms with it.

Soon after the coup, on 22 September 1797, Paine had published an article signed 'T. P.' in *Le Bien informé*, in which he commented on a debate in the Conseil des Cinq Cents that had taken place on 18 September between Chollet and Garnier about the proposal made by the latter to impose on all aristocrats an oath of allegiance to relinquish

their privileges since their nobility was usurped. Paine proposed instead that the oath should contain a rejection of the kind of false nobility that had been created by monarchical regime and that all aristocrats should define themselves as victims of this former system of aristocracy which was now degrading to citizens of the republic. Paine thus suggested including what was to him the main lesson of the French Revolution and its real meaning, the restoration of the equal dignity of all men. This strong reassertion of what made up the philosophical ground of the Revolution in Paine's eyes further reveals why he supported the 18 Fructidor coup. He hoped it would secure this fundamental equality in the status of citizenship, even if it meant sacrificing equal access to the franchise and to economic opportunities. Reasserting the founding principles of the French Revolution was then more important to Paine.⁷⁰

In addition, his understanding of the role of violence in the 18 Fructidor coup signalled a shift in the way he envisioned violence in revolutionary times. He had until then restricted its legitimacy to moments when a government was clearly identified as despotic and did not agree to negotiate or listen to the claims of the people. Such was the process described in the second part of *Rights of Man* in a somewhat optimistic passage on the spreading of the republican revolution in Europe.⁷¹ In *Dissertation on First Principles of Government*, in 1795, in which he addressed the question of minority and majority in a republic, he emphasized that 'means made use of to overthrow despotism [...] are justified by necessity'.⁷² A kind of mechanical law inherent to republics meant that in a case where the minority was 'right' and the majority was 'wrong', the minority would soon manage to convince the majority provided two essential conditions were met: 'freedom of opinion and equality of rights'.⁷³ These two requirements made it impossible to 'justify an insurrection' and made it useless.⁷⁴ Then in his *Letter to George Washington*, he had declared that he 'had constantly been opposed to everything which was of the nature or of the appearance of violence'.⁷⁵ Yet it should be said that Paine was fond of such radical statements, which often proved to be only rhetorical devices.

In his writing on the events of 4 September 1797, he contextualized the coup in the more long-term perspective of the French Revolution, which he divided into three phases regarding 'conspiracies as well as commotions'.⁷⁶ He considered that tensions had been gradually assuaged and that the republican principles tended to be established more surely. The first stage, which he saw as the most violent one, was

that of the popular unrest of the Jacobin moment, which started when the Convention was invaded on 31 May 1793 and ended with the fall of Robespierre in July 1794. The second phase was the beginning of the post-Thermidorian republic, when a crowd of angry demonstrators again swarmed into the Convention in May 1795 to ask for ‘bread and the Constitution of 93’; and when in October a royalist uprising was put down by Barras and Bonaparte. Eventually, the third stage was inaugurated by the 18 Fructidor, during which violence was more subdued. Paine equated it with the calm that had been visible in an even earlier stage of the Revolution when the King fled in June 1791, which did not give rise to riots or other troubles on the part of the people.

Paine did not specify the dates of the several events he mentioned nor did he precisely explain what they were. He even tended to bundle together episodes whose origins were very different. As he did in the first part of *Rights of Man*, he focused on political issues and overlooked the socio-economic dimension of the Revolution. Many students of Paine have suggested that he was unaware of these latter issues, even if it seems at variance with his representation as a popular, nay populist, writer and as the spokesman for the poor and/or lower classes and/or the common man.⁷⁷ It has been assumed that this lack of attention was due to his misunderstanding of what was going on in France. The other explanation may be the continual influence, beyond the French borders when Paine was away from France and even beyond the grave, of French actors of the Revolution, such as Lafayette and his ‘Girondin’ friends, especially Condorcet and Brissot, which would confirm what Vadier polemically asserted in January 1794.

Whether Paine’s focus on the political dimension of the revolutions he witnessed was the result of a choice, of his republican system or of ignorance, it is clear that he shared with “Girondins” the need for a respect of legal and constitutional forms, which continued to shape his vision of the French Revolution. Yet it seems that after 1793, Paine had to think over its inherent link with the other central tenet of his republicanism, participation. Whereas in the constitutional plan he may have contributed to write in 1793 and in his initial view of that of 1795, both were equally important, after the adoption of the Constitution of the Year III, the issues of legality and of the necessity to maintain a constitutional framework took precedence over participation. Paine endorsed the conservative Thermidorians’ and the Directoire’s rhetoric of order. His experience of the Terror was certainly crucial in this regard. Both in *Agrarian Justice* and in the *Letter on the 18th Fructidor*, he condemned extremist popular

riots (the *sans-culottes* and Babeuf) as well as the several attempts made by royalists to seize power either violently (in October 1795) or legally (in September 1797). His rather laudatory comparison of post-Fructidor France with the pre-Terror phase from June 1791 to May 1793 may well be a clue about his views on the primary aim of the French Revolution as anti-monarchical and anti-aristocratic.

1.2 *Order vs Equality: The Constitutional Circle or Paine's Third Girondin Moment?*

Between 9 Thermidor and 18 Fructidor, it may be said that Paine defended a social republicanism. However after the September coup, he seemed to go back to republicanism first and foremost as anti-royalism. Paine remained a temperate republican following Albert Camus's idea. Yet after the autumn of 1797, it seems that he became a 'republican defending order' (or a 'républicain d'ordre') like Benjamin Constant, as Michelle Vovelle suggested (without going further).⁷⁸ Both Paine and Constant seemed to be in line then when it came to interpreting the evolution of violence in the French Revolution. In a speech delivered in February 1798 before the Constitutional Circle, Constant tried to demonstrate that 'revolutionary storms had subdued' and that 'the end of the revolution had come' because its principles were established.⁷⁹ Paine and Constant may have met in this Circle, to which Paine revealed he belonged in his pamphlet of November 1797.⁸⁰ Such a revelation was probably part of Paine's strategy to strengthen his credit as a defender of the Constitution.

Several constitutional circles emerged at that time in Paris, but the most well-known was that of the Salm Hotel, created in June 1797 by Benjamin Constant and Germaine de Staël. Among its members were Sieyès, Daunou, Chénier (who had both opposed Paine during the debate on the future Constitution of 1795), Talleyrand and Tallien. By 20 June, historians have estimated that it had reached 400 members. In a leaflet that sounds like a manifesto, Lenoir-Laroche, who had supported equal suffrage with Paine, provides us with clues as to who the members of the Constitutional Circle were or as to how they considered themselves. Among them, he said, were 'founders of freedom who have never been ashamed either of their principles or actions; men who were called moderate, men who have almost all been persecuted under the reign of Terror and who do not love republic less for that but who know

the fate monarchy would reserve for them if it was restored'.⁸¹ This was part of the propaganda of the republicanism supported by the Directoire. Correspondingly, in his writing on the 18 Fructidor, Paine briefly justified his membership in this society by saying that 'the friends of the Republic' were gathered there to defend 'the Constitution'.⁸² The purposes of this Circle were indeed, in Riouffle's words, 'the preservation of the republican Constitution of the Year III' and 'to prevent a new revolution, to which royalism trie[d] to bring us'.⁸³ On 28 June, the goals of this society were further described in *La Décade philosophique* as consisting in 'opposing to the reaction against liberal principles, which threaten[ed] to become a reaction against the Constitution, a barrier all the more strong as it would be constitutional'.⁸⁴ It would mean that Paine then chose this 'liberal' side over democracy.

In order to become a member of this society, several incumbent members had to introduce the candidate, who was then admitted by at least 50 other members through a ballot.⁸⁵ There are unfortunately no or very few records of the precise activities of the Circle, proclaimed at the time as a forum for debating events and ideas.⁸⁶ Because of the lack of available archives,⁸⁷ it is very difficult to know who introduced Paine to the Circle and when and also what his participation in the activities of the society was.

However, it may not be amiss to surmise that Paine met the founders of the Circle, especially Benjamin Constant. Very few scholars have until now studied the potential links between Paine and Constant. Yet Constant had read Paine, and Philippe Raynaud had even contended that some of Constant's arguments set forward in *De la force du gouvernement actuel* against hereditary regimes were the same as Paine's in *Common Sense* and *Rights of Man*.⁸⁸ In the seventh chapter of this work, Constant indeed denounced heredity in politics as 'a reversed levelling' and as pitting 'hazard' against 'nature' in an inappropriate way. He also attacked monarchy as a regime that was inherently characterized by violence, and refuted the thesis linking great spaces and monarchical regimes on the ground that it relied on historical precedent and because one man could not administer an extended territory alone. Constant waived the 'absurd' idea which consisted in entrusting a single person with the well-being of all,⁸⁹ a principle which to him could not stand any rational examination. In addition, Constant rejected Burke's views on the French Revolution as an unnatural event that went against the natural course of history, and what he saw as Burke's attachment to prejudice as superior to reason.⁹⁰

There is at least one explicit reference to Paine made by Constant in a work published a decade later in 1806. In the third chapter of *Principes de politique*, Constant addressed Rousseau's theory of the general will and, in particular, in Constant's view, the idea that 'the general will should have an unlimited authority over the existence of individuals'.⁹¹ Constant drew the list of those who, according to him, have refuted Rousseau's idea, which included Condorcet and Benjamin Franklin, whom, he said 'published a writing which proved that only the smallest quantity of government was needed'.⁹² He then mentioned 'Payne' who 'has defined authority as a necessary evil',⁹³ but he did not comment further on this well-known passage of *Common Sense*. Hoffman, who edited the volume containing Constant's *Principes* that I used here, also suggested that when Constant affirmed that 'Rousseau has distinguished the rights of society from the rights of government', this might have been an allusion to Paine.⁹⁴

Therefore, Constant and Paine shared a common vision of what a republic should be in many respects, which may also explain why Paine could have been admitted to the Circle, beyond the specific context of French politics. Both thought that in a representative republic, what are to be entrusted to the representatives are only the functions that people cannot or do not want to be in charge of. Constant insisted on the necessity of a tight control exercised by the governed over governors through frequent elections and petitions.⁹⁵ This means that they shared a 'liberal' basis of a republican regime, if liberalism is understood in the political sense that the government should equally preserve the rights of individuals against any kind of arbitrariness and restrict the intervention of authorities to its minimum level. Yet whereas Stephen Holmes has contended that if both Paine and Constant thought that the representative system was a feature of the modern world, the former grounded this belief in space and the latter in time,⁹⁶ the major difference between Paine and Constant concerned the franchise since Constant favoured a restricted one.⁹⁷ The potential Paine-Constant association is reminiscent of the Paine-Condorcet collaboration, before the latter defended universal suffrage. Yet I could not find anything in Constant's published correspondence to confirm personal contacts with Paine.

Whereas Paine and Constant had common views on the republican regime and were both opponents of Burke, the other founder of the Constitutional Circle, Germaine de Stael, had expressed hostile views on Paine. In 1795 she attacked his positions in *Dissertation on First*

Principles of Government. In *Réflexions sur la paix intérieure*, she lashed out at Paine, whom she said was prone to 'turn demagoguery into dogmas' and to use abstract 'principles' which were only 'metaphysical' and not adapted to political reality. This was a way of countering Paine which was reminiscent of Burke, although she did not support the latter's vision.⁹⁸ She also referred to Paine's speech of 7 July 1795 in *Des circonstances actuelles qui peuvent terminer la Révolution* (written in 1798, but published only in the twentieth century) in a somewhat factual note.⁹⁹ She did not directly mention Paine's core argument about the right of participation. Yet de Stael defended a position which was completely opposite to Paine's as private property was an essential feature of her republican theory and should determine the right of suffrage since she held it that 'the equality of political rights is more to be dreaded than the equality of the state of nature'.¹⁰⁰ Private ownership was to her the stabilizing factor of the French Revolution.¹⁰¹ In her assessment of the Revolution published in 1818, she again alluded to Paine, this time in a more lenient way in the context of the trial of Louis XVI. In her rather low-key comment, she once more expressed her dislike of his democratic radicalism, but at the same time paid homage to his sincerity which she observed in his stand against the execution of the King.¹⁰² One may add that she failed to pay tribute to Paine's defence in *Rights of Man* of her beloved father, Necker.

So, Paine's alliance with Constant and de Stael in 1797 is rather unexpected, even if it corresponded to Paine's strategy which consisted in voluntarily toning down his claim for a democratic universal suffrage to save the republic. The representative regime was better than any other one, even if not perfect, and in all cases better than monarchy. Many other 'republicans' were then forced to compromise over some issues and to support the Constitution of the Year III for fear royalists would succeed in gaining the upper hand in republican institutions. The Constitutional Circle was a heterogeneous group which brought together supporters of the Directoire, moderate Jacobins and moderates faithful to the principles of 1791.¹⁰³ Paine was part of the first category. He said that he met there 'several of the original patriots of the Revolution',¹⁰⁴ although he did not specify any name. He also appealed to the memory of 'the real republicans',¹⁰⁵ which must have meant the victims of the Terror, his 'Girondin' friends. Other members of the Constitutional Circle extolled those patriots (including 'Brissot, Vergniaud and Camille Desmoulins'), not a Girondin though, as Riouffle, a former 'Girondin' himself, did.¹⁰⁶

In his speech of February 1798 before the Circle, Constant affiliated its members to the 'Girondin' martyrs and he evoked 'Brissot, Vergniaud and Condorcet'.¹⁰⁷ The memory of those men was exploited by the republicans of 1797 and Paine took part in this movement. However, it may be surmised that he did not necessarily call to the memory of the 'Girondins' in the same way as Constant, if only because of Paine's common past with them. In a context in which the figure of the 'moderate' 'Girondin' was invented for political reasons, Paine must have been aware of what it meant to evoke his former collaborators.

2 THE DIRECTOIRE'S FOREIGN POLICY AND PAINE'S DIPLOMACY

After 1795, Paine acted as a promoter, if not as a downright propagandist, of the Directoire both vis-à-vis European countries and the United States. He started publishing writings which were critical of the United States executive and intensified his anti-monarchical campaign against Britain, which culminated in his plan to invade his native country to set up a republican regime there. Therefore, Paine launched into a kind of public diplomacy in favour of the French regime. Yet he also used a more discreet way of advising the French Directoire which sometimes turned to him for his advice on Britain and on the United States. Sometimes, Paine took it upon himself to send them such recommendations, which were not necessarily listened to. The degradation of the relations between France and the United States after the Jay Treaty, which became even more tense with the XYZ affair and the lack of an American ambassador in France, also led Paine to act at times as a representative of Americans in Paris during this diplomatic crisis.

Following Babeuf's arrest in the spring of 1796, the Directoire had become suspicious of foreigners living in France. Paine himself, on 13 May 1796, was authorized to stay in Paris as required by the law passed on 10 May whose purpose was to expel from Paris former members of the Convention who had no official job in 1796, military officers, civil servants as well as foreign-born residents or citizens who had not lived there for some time, except for those who had been authorized to remain in Paris by the Directoire. It was on this article that Paine was exempted from leaving the French capital. He was granted this right as an 'ex-Conventionnel' and not as a foreign-born citizen. Yet Paine helped other American or British residents obtain their exemption from the law.

Robert Smith was one of them. The request for Robert Smith was made by Lanthenas, who included a short plea in favour of Paine's case in the same latter. Lanthenas claimed that Smith had supplied Paine with information about the finances of Britain when the latter was writing his pamphlet on this topic. In his own letter of recommendation, Paine was not that specific about the kind of 'assistance' he had received from Smith, since Paine instead mentioned that this polyglot had 'assisted [him] in examining sundry authors, as well ancient as modern, in the National Library'. To convince the Directoire of the good repute of this man, Paine added that Smith hated both the climate and the government of Britain. Smith was granted this authorization on the 14 May, one day after Paine obtained his own.¹⁰⁸ On 22 May, the Directoire also granted the same kind of authorization following Paine's and Monroe's recommendations to John Martin, an 'Anglo-American' who knew Benjamin Franklin, as well as Price and Priestley (whom Paine said he first met in Martin's house). On 15 August, Thomas Mitchel, an English merchant, benefited from Paine's support to get the same exemption as well.¹⁰⁹

2.1 *England and Ireland as Potential Sister Republics*

It was all the more easy for Paine to obtain the right to stay in Paris as a fortnight before, on 27 April 1796, he had introduced Lanthenas's translation of *The Decline and Fall of the English System of Finance* before the Conseil des Anciens and said he had 'brought to daylight the finances of your main enemy, the English government'.¹¹⁰ One representative proposed to have it printed and offered to the members of the French legislature.¹¹¹ On the same day, the official decree ordering the printing of 1,000 copies was signed by the three Directeurs after reading and approving the report of the French minister of foreign affairs, Delacroix. This report, which founded great hopes on the influence of this pamphlet, advised the diffusion of Paine's writing in all European countries in which French was read and in which British bankers and merchants had investors and clients.¹¹² Delacroix proposed that the book should be distributed in these countries through French agents. He also suggested that the advertising poster of the book should be used to promote it there. This quite large poster also recommended, in smaller characters, Paine's other writings: *Rights of Man*, *Common Sense* and *The Age of Reason*. The report concluded with praise of the printing office and shop of the Cercle social.

The French edition of Paine's *Decline* contained both the French and English versions of Paine's letter to the Conseil des Cinq Cents.¹¹³ Lanthenas's Preface called for patriotic investment in France and not in other countries like Britain, as well as for the creation of a French National Bank. He paid tribute to Paine in a quite lyrical way as the martyr of republican freedom persecuted by the British Governments, and as one who had narrowly escaped a tragic end in a French prison. Paine was pictured by Lanthenas as a sick and weakened man who nonetheless still fought monarchical governments. Whether and how this was arranged between Lanthenas and Paine is not known.¹¹⁴ Paine by then enjoyed a reputation in the French legislature as a kind of expert on British and even American finances, and had been viewed as such at least since September 1790 when his name was adduced by one representative, Dupont, in the National Assembly to reject paper money on the basis of the experience of the American Founders (Payne, Adams, Washington and Franklin) whose best efforts could not prevent bankruptcy. On 6 May 1791, *Rights of Man* was mentioned by d'Allarde, who opposed the establishment of *assignats*, and who quoted Paine as an authority on English finances.¹¹⁵ These two references did not match what Paine himself thought of paper money, but they reveal his long-standing influence in such matters.

The strategy of the French government to undermine Britain's credit (in both senses) included the translation of the book into other languages. On 2 June 1796 the Directoire decided to have it translated into German, and entrusted the administration of Bas Rhin with this mission. Nearly two months later, on 30 July, these local authorities sent 1,000 copies of Paine's work in German, and on 2 August the Directoire transferred this parcel to Delacroix who was required to diffuse its content across Europe using French (official and probably also unofficial) diplomatic networks.¹¹⁶ Translating Paine's book into other languages could prove dangerous, though. On 12 July 1796, Garrau, one of the Commissaires of the Directoire in Italy, reported the banishment of an Italian man of letters, Fernando, who had been given a copy of Paine's writing in French by Redon de Belleville, the French Consul in Livourne appointed by Bonaparte, who had himself approved the printing of this translation. This also shows the limits of the Directoire's policy.¹¹⁷ Yet one year later, in April 1797, Paine informed Jefferson that his essay had achieved its goals by 'demolish[ing] the credit of the English funds' in Germany, Holland, Sweden and Italy.¹¹⁸

Paine, then, still hoped that an internal revolution would take place in Britain and would overthrow monarchy because people had stopped supporting the regime and because the finances of the country were near bankruptcy, as had been the case in pre-revolutionary France.¹¹⁹ Nevertheless, he had overestimated both the influence of his writings and the importance of the financial crisis in his native country. In December 1797 he turned to less peaceful means of overthrowing this 'Machiavellian government', as he had called it in April 1796.¹²⁰ In contrast to the often quoted statement he had made in *Agrarian Justice*, according to which 'an army of principles [... would] penetrate where an army of soldiers cannot',¹²¹ he began to defend the invasion of the country by the French army as the only way of 'putting an end to its tyranny'.¹²² Paine wished to apply to Great Britain the policy of the 'sister republic', as he said to the Conseil des Cinq Cents on 28 January 1798,¹²³ 10 days before Bonaparte reviewed the troops who were supposed to invade England. Paine was to have a major role in case this operation succeeded as he was to be a member of the Directoire that the French intended to set up there, together with John Horne Tooke, Thelwall, Sharpe and Landsdown.¹²⁴ The military conquest of Great Britain was supported in writings published in France in 1798 which intended to demonstrate that waiting for the collapse of the finances of the country and for the spreading of republican ideas was not enough.¹²⁵ Assessments of the financial situation of Great Britain often concurred that bankruptcy was at hand and that it could indeed be positive for the political future of the country.¹²⁶

The other medium for Paine's anti-British campaign was Bonneville's *Bien informé*. Paine published seven articles (signed T. P.) in this newspaper, one on nobility in France, four on England, one on James Monroe and one on Ireland. His name or his initials were also frequently mentioned in other articles and reports. Moreover, it may be surmised that Paine had a hand in the writing of many of the coruscating reports against the British ministry of Pitt and the presidency of John Adams. Paine's active participation in the writing and editing of this newspaper seems to have been central. Yet it has not been studied in depth. On the eve of the 18 Fructidor coup, in the first issue of the newspaper, published on 3 September 1797, Paine wrote a short article on a specific issue of the negotiations between France and England, which were then taking place in Lille. Paine sided with the French negotiators who wished Pitt to relinquish the control of the Cape of Good Hope, which

Paine said should be given to Holland for the sake of the freedom of international trade since, otherwise, the British government would still have a full monopoly over the commerce with the Far East.¹²⁷ After the coup, the negotiations with England were broken off on the 18 September and reopened on 16 October. The Treaty of Campo Formio with Austria was signed on the following day and ratified on 26 October, when Bonaparte was appointed commander-in-chief of the army which was supposed to invade England. On 31 October, Paine published an untitled article, dated '9 brumaire' (30 October), in which he defended the editorial line and position of *Le Bien informé* against an article in another newspaper which had attacked Bonneville's paper regarding Britain and the kind of negotiations France could have with its ministry. The tone was a harsh indictment of the author of the critical article. Paine expressed his support for the Directoire's foreign policy. He made it clear that the Directoire was opposed to the government of Britain and not to the people, whose 'independence' it guaranteed; an independence that Paine viewed as the criterion inherent to the identity of a people and which made it a people.¹²⁸

On 23 November 1797, an extract from Paine's *Decline and Fall* was inserted in *Le Bien informé* and the reports and considerations on the state of British finances which appeared in the issues of 1, 5 and 7 December may well bear Paine's hallmark. In December, Paine published two articles on the possible invasion of Britain by France in Bonneville's newspaper. He envisioned it as an alternative to a peaceful internal political revolution that was not coming, although he had published several writings which he thought showed how imminent a revolution was. Paine provided many practical details concerning this eventuality and especially on how to finance it, which included individual gifts by French citizens. He himself contributed a small sum to the Conseil des Cinq Cents in January 1798.¹²⁹ An extract from Gibbon was published in the issue of 15 January and this choice has been attributed to Paine by Aldridge. Paine's influence is likely, but neither signed nor established by other evidence, in contrast to the letter Paine ('T. P.') reportedly sent to Bonaparte in March 1798 about the fair prospect the weather (literally and metaphorically) promised for the invasion of England.¹³⁰ It may be assumed that Paine also contributed to sarcastic comments on the Pitt ministry and on the monarchical regime of Great Britain. For example, in the issue of 17 September 1797, the posthumous publication of a book by Burke was announced, followed by a criticism of Pitt's knack

for inventing new taxes. On 4 October 1797, a section entitled 'political arithmetic' equated the number of years Louis XVI's reign had lasted with that of George III in 1797 (31 years), implicitly meaning that his end was near.¹³¹

Le Bien informé also reported news about Ireland and about the resistance of Irishmen to their English oppressors on an almost daily basis. Bonneville and Paine openly supported them and condemned the atrocities committed by British soldiers in Ireland. On St Patrick's Day 1798, it briefly mentioned the celebration of this feast in Paris and said it was attended by Paine and Napper-Tandy. Ten days later, the opening page of the newspaper contained an article praising the latter. On 1 July, the section on Ireland remarked that 'the continent' (that is, France) should not 'abandon' 'United Irishmen at so favorable a moment'. In October, following the disastrous (second) French expedition to assist Irish rebels in August, Paine sent an open letter to the Directoire in which he advised them to apply a strategy similar to that used during the American Revolution when Lee was captured by the British.¹³²

2.2 *The United States as an Ungrateful Sister Republic*

While Paine was writing on British finances to support the Directoire's policy but also the Democrats-Republicans, both in the United States and in Paris, he prepared a verbal attack on George Washington, first published in Benjamin Franklin Bache's *The Aurora* in the autumn of 1796 and then as a pamphlet in February 1797. Paine's support for the French plural executive power against the single executive of the United States can be partly accounted for by his resentment toward George Washington, whom he blamed for his prison term, and partly by theoretical considerations.¹³³ In the second half of the 1790s, Paine turned the election of the first president in 1789 into a nearly counter-revolutionary stage of the American Revolution. In 1788, he had favoured the ratification of the Federal Constitution at a distance (even if he had criticized James Wilson's conception of the republican contract in a letter to Jefferson in the spring of that year).¹³⁴ In the two parts of *Rights of Man*, the Federal Constitution itself and the stages through which it was adopted were a model for European countries,¹³⁵ including the form of the executive power as well as the election of George Washington.¹³⁶ As William Cobbett was among the first to underline, this somewhat laudatory narrative can be pitted against what Paine stated in his *Letter to Washington*.¹³⁷

In this writing, Paine attacked both the presidential executive and the length of the term of Senators,¹³⁸ taking up two of the major objections of Antifederalists. In contrast to what he had written in *Rights of Man*, he declared that he had ‘always been opposed to the mode of refining government up to an individual, or what is called a single executive’.¹³⁹ In April 1797, after the election of John Adams, whom he disliked even more than Washington, he went even further, saying that ‘in all [...his] publications [... he had] written against it’.¹⁴⁰ He then viewed the presidency as tailor-made for George Washington and corrupted by partisanship.¹⁴¹ He tried to convince Jefferson (who was then John Adams’s Vice-President) that should he be elected president in the future he should reform the executive power, although he did not say how and in which ways. He probably had the French Directoire in mind, which he would praise in the autumn of the same year in his pamphlet on the 18 Fructidor.¹⁴² Despite this change of mind, Paine endeavoured to prove, in his *Letter to George Washington*, that his previous writings (the two volumes of *Rights of Man* and *Dissertation on First Principles*) were pervaded with his concern for the fate of the American democracy.¹⁴³ Yet no passage of the former work really underpins this statement, except perhaps for a remark on the executive in which ‘a president, a king, an emperor [and] a senator or [a ruler called] by any other name, which propriety or folly may devise, or arrogance assume’ are equated since they are all servants of the people.¹⁴⁴ The latter writing, published in the context of the debate on the Constitution of the Year III and addressed to Holland, which had become the Batavian Republic in January 1795, does not allow this third contextual interpretation either.

Even if Paine’s viewpoint in his *Letter* has mostly been seen as stemming from personal inimical stands, it clearly went beyond this. The *Letter* is a partisan piece of writing lashing out at major Federalists. He criticized Washington’s presidency and his role in the War of Independence,¹⁴⁵ but he also censured John Adams’s presidency in harsh terms.¹⁴⁶ In addition, what takes up almost half of the *Letter* is the Jay Treaty¹⁴⁷ and more specifically those who defended it, such as ‘Camillus’,¹⁴⁸ that is, Alexander Hamilton.¹⁴⁹ Like other Jeffersonians, Paine denounced this Treaty as a violation of the 1778 Treaty with France. This verbal assault against what Paine called a ‘counter treaty’¹⁵⁰ had been prepared by another offensive published by Paine in the United States in *The Aurora* (July 1795),¹⁵¹ in a context in which the Treaty further polarized the first two-party system of the United States.¹⁵²

Paine's indictment of the Jay Treaty contributed to widen the gap between Federalists and Jeffersonians, which shows that he remained involved in the political debates of the United States while he was in France. Paine wished to defend Jeffersonians and the Directoire, two political and diplomatic aims which converged in what was Paine's analysis of the situation of both countries, then. The fact that he was aware of the potential embarrassment his *Letter* might produce for James Monroe, in whose house he had lived after his release from prison, has been well documented, notably thanks to Madison's letters, and commented on by biographers. Paine left Monroe's house before the publication of the *Letter* in the spring of 1796.¹⁵³

James Monroe was recalled by Washington a few months later in November. On 1 December 1796, Paine wrote a letter to the Directoire in which he encouraged them to wait for the confirmation of Pinckney's appointment by the Senate to accept him as the American ambassador. He also accused Washington of having appointed Pinckney during the recess of the Senate and of having taken advantage of his last months as president to remove Monroe, who would have remained Jefferson's choice if he had been elected President. Paine advised the French to receive Pinckney as an American citizen, but not as an official envoy. The letter was translated and has been found in the files of the diplomatic agents of the French republic. It might therefore have contributed to Pinckney's disgrace.¹⁵⁴ Between November 1796 and October 1797, as there were no official American diplomats in Paris, Paine seems to have acted as a kind of unofficial spokesman for the American citizens then living in Paris, as Aldridge has suggested. On 22 September 1797, a fortnight after the Fructidor coup, Paine asked Sotin, the Ministre de la Police Générale, 'if there are any new orders of the Directoire respecting Americans in Paris'. Paine mentioned that he and other Americans awaited the arrival of American commissioners in Paris, but were in the meantime in a precarious situation.¹⁵⁵ As he had done in the context of the law of 21 Floréal, Paine went on interceding directly for foreign-born and American citizens, such as Ebenezer and Anna May, in the autumn of 1797.¹⁵⁶

Paine attempted to advise his American contacts about relations with France. In 1797–1798 he sent several letters providing advice to Jefferson, who was then John Adams's vice-president, about a potential way out of the diplomatic dead end between the two former allies of the

War of Independence. Paine informed Jefferson of the position of the French authorities about the foreign policy of the United States. On 1 April 1797, even if he insisted on how the Jay Treaty impaired the relations between the two countries, he blamed increasing tensions on the recall of Monroe and his replacement by Pinckney for it was interpreted as a provocation by the French Directoire who 'had an esteem' for Monroe and 'a good opinion of him'. Paine thought that Monroe could have helped find a solution to the Franco-American diplomatic stalemate. Paine reported the bitterness of the French government, which saw the United States as a 'treacherous friend' whose behaviour in terms of neutrality on the seas even made them regret that the United States had become independent from Britain. He added that France was about to ask for the payment of her loan to the United States, adding that 'she fe[lt] rascally treated'.

Soon after he wrote this letter, Paine moved into Bonneville's house in May 1797.¹⁵⁷ They would then start a close collaboration in editing *Le Bien informé*, whose publication began on 3 September 1797 on the eve of the 18 Fructidor coup. In the issue of 27 September 1797, Paine published and signed an article to express his support to Monroe publicly, which has been much commented on by scholars. Paine was concerned with both the partisan opposition in the United States between Federalists and Democrats-Republicans and the relations between the United States and Britain in the post-Jay Treaty context. He argued that criticizing Monroe was part of the strategy of both Federalists in the United States and of the supporters of Pitt in Britain.¹⁵⁸ Two years after the Jay Treaty, he went on denouncing it as 'insult[ing] the French Republic'.¹⁵⁹ He still blamed George Washington and accused him of having personally 'manoeuvred' to have it signed. The 'ingratitude' he said George Washington had shown was at the same time toward France which had helped the Insurgents and toward himself. This confirms that his personal resentment was not the only reason why he lashed out at him. His vision of geostrategy in Europe and in particular of the relations between France and England also informed his statements, even if it does not account for his attack on Washington's past and on his sacralized heroism in the War of Independence. *Le Bien informé*, and probably Paine, regularly inserted comments supportive of Monroe. One had appeared six days before the full article of 27 September in the 19th issue. In the issue of 26 February 1798, the publication of Monroe's

View of the Conduct of the Executive was announced and its content endorsed, although it was only mentioned as 'Monroe's pamphlet'.¹⁶⁰

In his letter of 1 April 1797, Paine also revealed to Jefferson his role as special adviser to the French Minister Delacroix whom he encouraged to issue a declaration threatening Britain with retaliation if 'neutral ships coming or going to France' were seized, which he deplored was not done.¹⁶¹ Paine is known to have written a letter to advise both the American envoys who were to be involved in the XYZ affair¹⁶² and Talleyrand, whose attitude toward Paine has been described in contradictory terms by his biographers.¹⁶³ From June 1798 onward, the newspaper devoted many pages to the details of the XYZ affair, notably by publishing Elbridge Gerry's letters.

Le Bien informé served as a medium for Paine's campaign against John Adams in France. As Jefferson did in private, Paine openly attacked the second president as a supporter of aristocracy and monarchy. In April 1797, Paine advised Jefferson to 'accept the Vice-presidency were it only to keep an eye upon John Adams'.¹⁶⁴ After Paine travelled back to the United States, he would compare John Adams to a Norman aristocrat who had proposed to be the King of the Americans, which foregrounded again the topic of the great usurpation of 1066 as Paine saw the Alien and Sedition Acts as a repetition of monarchical restrictions on the freedom of individuals.¹⁶⁵ John Adams was often the target of criticisms in Bonneville's paper and it is very likely that Paine wrote these bitter remarks about the President of the United States and that Bonneville translated them.¹⁶⁶ The earliest disparaging comment I could find in *Le Bien informé* was published on 24 September 1797. It concerned John Adams's lack of 'wisdom' in his (mis)management of the international tensions between the United States, France, Spain and Holland. A few days later, in the issue in which Paine published his article supporting Monroe, the section entitled 'Nouvelles extérieures' contained a sarcastic remark about John Adams, which may have been written by Paine and in which the President is compared to French kings 'Louis XIV and Henri IV'.¹⁶⁷ These attacks intensified after March 1798 when the XYZ affair was gathering momentum. In the issue published on the first day of that month, Abigail Adams was implicitly presented as a kind of Marie-Antoinette who might have a negative influence on her husband and his aspirations for 'royal prerogatives'. Soon after this, Bonneville and Paine published extracts in English and in French from Joel Barlow's

Second Warning, which was a withering attack on John Adams. On 21 April, it was remarked that John Adams's Gorgon-like gaze could crush the United States' 'republican system'. John Adams's Administration was described as his 'court', and both he and Pitt were called 'kings'.¹⁶⁸ These assaults also concerned the Quasi-War and the seizure of ships. In February 1799, *Le Bien informé* reported that a letter of marque signed by John Adams had been found on board a ship seized by the French in Bordeaux.¹⁶⁹ Bonneville also regularly translated speeches by John Adams and published them in *Le Bien informé*, probably at Paine's request.¹⁷⁰

On the other side of the Atlantic, Federalist rhetoric was increasingly deployed (especially during the Quasi-War) to exploiting the fear of what they considered French 'radicalism'.¹⁷¹ It was in this context that Bonneville's *Le Bien informé* published, in September 1798, an ironic article calling for an invasion of the United States by France. In a rather Swiftian tone, it detailed 'the plans proposed to castigate and even annihilate the English party in America' (that is, the Federalists), but also to punish 'the American animosis infans' by 'lashing its government, that is, the English or anti-American faction, with stirrup leathers'.¹⁷² The author offered quite sarcastic recommendations such as 'burning the inhabitants here and there' and destroying Philadelphia by fire, which would not take more than 'eight days'.¹⁷³ The article became more serious when it defended the abolition of slavery and the equality of rights for free blacks. Given that Bonneville was a member of the Société des Amis des Noirs, his participation in the writing of the article is very likely. Paine's name as well as Benjamin Franklin's were quoted in a reference to the Independence of the country.¹⁷⁴ The ironic content of the article is in keeping with the many other remarks of the same kind published in the newspaper, and it is probable that Paine and Bonneville wrote it together.¹⁷⁵

Le Bien informé reflected Paine's networks and his first-hand knowledge of the circulation of information between the United States and France. It seemed that the original speech in English by Adams translated in the newspaper in June 1798 was not yet known by the Directoire, which explains why, in February 1799, Bonneville and Paine first announced that the speech they were about to publish was in Skipwith's hands. In December 1799, Bonneville also revealed that both he and Paine sent articles from the British and American press to the Directoire through La Réveillière-Lépeaux (who was Directeur from

November 1795 to June 1799).¹⁷⁶ This shows to what extent Paine and Bonneville acted as informers and informal amateur diplomats before the 18 Brumaire coup. This may also explain why the newspaper was so easily authorized again after the article against Sieyès (it was interrupted only from 18 September to 24 September). *Le Bien informé* also served to promote or defend Paine as his name or initials were often mentioned to provide information on his reputation as a kind of touchstone of international relations between France, the United States and Britain. In September 1797, it mentioned (quite late) toasts to Thomas Paine during the celebration of the 4 July 1797 in New York. In November 1797, the motive for Paine's arrest and Robespierre's part in it were revealed in the section on news about the United States. In February 1798, a comment against aristocracy and in favour of craftsmen was illustrated with a gift made to Paine by Thomas Hardy (the shoemaker and radical reformer) who sent him a pair of boots.¹⁷⁷ These news items had both a personal and a symbolic dimension, which evidences how Paine at this time staged his own character as the international republican to serve his purposes.

Quite paradoxically, while Americans in Paris were denounced by Federalists as 'French Jacobins', the Directoire seemed to consider these Americans as 'unreliable',¹⁷⁸ as Ziesche has claimed. Yet I could find no materials which really prove that Paine was looked on as *persona non grata*. In the spring of 1798, Paine's name appeared in a report concerning an Irishman who was accused by French authorities of spying for the British. Paine was said to have transmitted a letter to them about Sommers.¹⁷⁹ On 27 May 1798, a police record mentioned that Paine was arrested in the Palais Royal (or Palais Égalité) on the request of the head of the police district of Paris and found with two young girls,¹⁸⁰ although it seems no political issues were involved. The fact that Paine successfully interceded in Bonneville's favour after the latter's disparaging article on Sieyès tends to confirm that Paine was still on good terms with the Directoire in the autumn of 1798.¹⁸¹ In addition, the contention that the Directoire distanced itself from Paine in 1797–1798 seems problematic given his public endorsement of the 18 Fructidor coup in his writing published in November 1797. This appears to suggest that his estrangement from the French authorities did not really happen before 1799–1800. Paine was not directly warned by the police that he was under surveillance before April 1800 under the Consulate.

NOTES

1. Thomas Paine, *The Complete Writings of Thomas Paine*, ed. Philip S. Foner (New York: The Citadel Press, 1945), II, 595.
2. Paine, *Complete Writings*, II, 598.
3. Paine, *Complete Writings*, II, 599.
4. Philipp Ziesche, *Cosmopolitan Patriots. Americans in Paris in the Age of Revolution*. 2010 (Charlottesville: University of Virginia Press, 2014), 101.
5. François Furet, *La Révolution française. De Turgot à Napoléon (1770–1814)* (Paris: Hachette, 1988), 305.
6. Thomas Paine, *Rights of Man, Common Sense and Other Political Writings*, ed. Mark Philp (Oxford: Oxford University Press, 1995), 412.
7. The minutes of the electoral assembly of Basses Pyrénées: AN C//482. Auguste Kucinski, *Dictionnaire des Conventionnels* (Paris: Société de l'histoire de la Révolution française, 1973), 475.
8. Paine, *Rights of Man*, 423.
9. Gregory Claey, *Thomas Paine: Social and Political Thought* (Boston: Unwin Hyman, 1989), 196–208; James Eayrs, 'The Political Ideas of the English Agrarians, 1775–1815', *Canadian Journal of Economics and Political Science* 18 (1952), 293; Malcolm Chase, *The Peoples Farm: English Radical Agrarianism, 1775–1840* (Oxford: Clarendon Press, 1988), 66; Cécile Révauger, 'Thomas Paine et Thomas Spence', in Paul Denizot and Cécile Révauger, ed., *Pauvreté et assistance en Grande-Bretagne, 1688–1834* (Aix-en-Provence: Publications de l'Université de Provence, 1999), 242.
10. Yannick Bosc, 'Paine, l'allocation universelle et le principe de révolution', *Marx XXIe siècle*, 2007.
11. AN AF/III/*/73, séance du 13 Floréal an V et AF/III/446 Pl. 2622, 51–53. The edition he dedicated to them is *A la législation et au Directoire, ou La justice agraire opposée à la loi et aux privilèges agraires* (Paris: la citoyenne Ragouveau, 1797). See Yannick Bosc's edition of the other translation: Thomas Paine, 'La justice agraire opposée à la loi et monopole agraire, ou plan d'amélioration du sort des hommes', *Tracés. Revue de Sciences humaines* 33 (2017), <http://traces.revues.org/7053>. Paine's letters from Le Havre are in Paine, *Complete Writings*, II, 1386–1400.
12. Paine, *Complete Writings*, II, 1388.
13. Paine, *Rights of Man*, 430.
14. Paine, *Rights of Man*, 411.
15. Paine, *Rights of Man*, 412.
16. Paine, *Rights of Man*, 412.

17. Paine, *Rights of Man*, 412–413.
18. Paine, *Rights of Man*, 412.
19. Paine, *Rights of Man*, 413.
20. Paine, *Rights of Man*, 415. Donald Winch, 'Pauvreté et paupérisme: de Smith à Malthus', in Denizot and Révauger, ed., *Pauvreté et assistance*, 212. Furet, *La Révolution française*, 305.
21. '[W]ays and means of improving the condition of Europe', Paine, *Rights of Man*, 263.
22. '[A] plan for meliorating the condition of man, by creating in every nation, a national fund', Paine, *Rights of Man*, 409.
23. Paine, *Rights of Man*, 431.
24. Paine, *Rights of Man*, 422–425.
25. Camille Bloch and Alexandre Tuetey, ed., *Procès verbaux et rapports du Comité de mendicité de la Constituante, 1790-1791* (Paris: Imprimerie nationale, 1911), 310; Paine, *Complete Writings*, II, 560. Condorcet's French version does not mention 'the needy': 'Les secours publics sont une dette sacrée de la société; et c'est à la loi d'en déterminer l'étendue et l'application', Marie Jean Antoine Nicolas de Caritat, marquis de Condorcet, *Œuvres*, 1847–1849 (Stuttgart-Bad Cannstatt: Friedrich Frommann Verlag, 1968), XII, 421.
26. Jean-Baptiste Bô, *Rapport et Projet de décret sur l'extinction de la mendicité, présentés à la Convention nationale, au nom du comité des secours publics* (Paris: Imprimerie nationale, an II), 9.
27. '[L]'homme n'est pas précisément pauvre parce qu'il ne possède rien, mais parce qu'il ne travaille pas', Bô, *Rapport*, 4–5.
28. Bô, *Rapport*, 2.
29. Ferdinand Dreyfus. *L'assistance sous la législative et la Convention (1791–1795)*. 1905 (Genève: Mégariotis, 1978), 79–82.
30. '[E]ffacer le nom de pauvre des annales et bannir la mendicité par la bienfaisance', quoted in Dreyfus, *L'assistance sous la Législative*, 72.
31. Alan Forrest, *The French Revolution and the Poor* (Oxford: Basil Blackwell, 1981), 172.
32. As the conservative historian Gertrude Himmelfarb has rightly pointed out. Gertrude Himmelfarb, *The Idea of Poverty: England in the Industrial Age* (New York: A. A. Knopf, 1984, 545). The edition published by the Marchands de Nouveauté in an V included both the Preface and the Dedication. The edition of 'la citoyenne Ragouleau', dated 1797, did not contain the Preface. It is not easy to know what the motives of the publisher were given the lack of material to document this suppression.
33. Paine, *Rights of Man*, 412.

34. Bernard Vincent, ed., *Thomas Paine ou la république sans frontières* (Nancy: Presses Universitaires de Nancy, 1993), 188.
35. Gracchus Babeuf, *Ecrits*, ed. Claude Mazauric (Paris: Messidor, 1988), 163, 166 and 202.
36. See, for example, one of the articles of the *Tribun du peuple*, no. 27 (October 1795), Babeuf, *Ecrits*, 229–230, 262–263, his letter to Coupé in September 1791, 201–202 and the 35th issue of the *Tribun du peuple* (November 1795), 270 and 278.
37. *Le Tribun du peuple*, no. 31 (janvier 1795), Babeuf, *Ecrits*, 248–250.
38. *Le Correspondant picard*, novembre 1790, Babeuf, *Ecrits*, 189–190 et lettre de septembre 1795, 265.
39. ‘Payne, un insulaire, proclame les principes de l’égalité et de la liberté absolue pour le peuple. Germain a hâte d’en informer Babeuf (23 Messidor) et il lui demande si les circonstances ne seraient pas favorables à un soulèvement général des patriotes’, quoted in Victor Advielle, *Histoire de Gracchus Babeuf et du babouvisme* (Genève: Slatkine, 1978), I, 140.
40. Paine, *Complete Writings*, II, 756–763. *Lettre de Thomas Paine sur les cultes*. Paris: librairie du Cercle social, 1797. On Paine’s religious thought, see Nathalie Caron, *Thomas Paine contre l’imposture des prêtres* (Paris: l’Harmattan, 1999).
41. Thomas Paine, *Lettre de Thomas Paine au peuple français sur la journée du 18 Fructidor* (Paris: librairie du Cercle social, an VI) (1797).
42. James Madison, ‘Political Reflections’, *Aurora General Advertiser*, 23 February 1799. James Madison, *Selected Works of James Madison*, ed. Jon Roland, http://www.constitution.org/jm/17990223_political.txt.
43. Paine, *Complete Writings*, II, 595.
44. Paine, *Complete Writings*, II, 598.
45. Paine, *Complete Writings*, II, 594.
46. Paine, *Complete Writings*, II, 600.
47. In the issue of 2 November 1797 of *Le Bien informé*, Bonneville announced the publication of Paine’s *Letter* in English and indicated that the French translation was being printed and would soon be released, *Le Bien informé*, 12 Brumaire an VI, 4.
48. Alfred Owen Aldridge, *Man of Reason. The Life of Thomas Paine* (Philadelphia: Lippincott, 1959), 257.
49. Paine did not name him, but a letter he sent to Garat (the Younger) three years later provides information about Charles Este as ‘a pupil of Dessault the surgeon’, which is how Paine had described him to Barras in 1797. See Paine’s (unpublished) letter to Garat (7 Nivôse an IX), <https://revolution-francaise.net/2013/03/04/520-une-lettre-inedite-de-thomas-paine-a-garat>.

50. AN AF/III/277 p. 297.
51. AN AF/III/478 dr. 2955. 'Circular Letter from John Dawson, 20 March 1798,' Founders Online, National Archives, last modified June 29, 2017, <http://founders.archives.gov/documents/Madison/01-17-02-0066>. [Original Source: *The Papers of James Madison*, vol. 17, 31 March 1797–3 March 1801 and supplement 22 January 1778–9 August 1795, ed. David B. Mattern, J. C. A. Stagg, Jeanne K. Cross, and Susan Holbrook Perdue (Charlottesville: University Press of Virginia, 1991), 98–99.] 'To Thomas Jefferson from James Madison, 2 April 179[8],' Founders Online, National Archives, last modified June 29, 2017, <http://founders.archives.gov/documents/Jefferson/01-30-02-0161>. [Original Source: *The Papers of Thomas Jefferson*, vol. 30, 1 January 1798–31 January 1799, ed. Barbara B. Oberg (Princeton: Princeton University Press, 2003), 238–240.] This contradicts the contention that this publication was arranged by Federalists to discredit Paine and the French republic. Matthew Q. Dawson. *Partisanship and the Birth of America's Second Party, 1796–1800* (Westport: Greenwood Press, 2000), 79.
52. 'Tom Paine is again using his weapons, but they have lost their Poison very much in this Country. he is perfectly well known and detested very generally', 'Abigail Adams to John Quincy Adams, 17 March 1798,' *Founders Online*, National Archives, last modified June 29, 2017, <http://founders.archives.gov/documents/Adams/04-12-02-0237>. [Original source: *The Adams Papers*, Adams Family Correspondence, vol. 12, *March 1797–April 1798*, ed. Sara Martin, C. James Taylor, Neal E. Millikan, Amanda A. Mathews, Hobson Woodward, Sara B. Sikes, Gregg L. Lint, and Sara Georgini (Cambridge, MA: Harvard University Press, 2015), 448–451.]
53. Paine, *Complete Writings*, II, 595 and 605.
54. Paine, *Complete Writings*, II, 605.
55. Thomas Paine, *Letter to the People of France, and the French Armies, on the Event of the 18th Fructidor—September 4—and Its Consequences* (New York: Reprinted at the Argus-office, 1798), 9.
56. Benjamin Constant, *Ecrits et discours politiques*, ed. Olivier Pozzo di Borgo (Paris: J.-J. Pauvert, 1964), I, 126.
57. Antoine Boulay de La Meurthe, *Opinion de Boulay de La Meurthe sur les causes, la nécessité et les effets du 18 Fructidor et sur la proposition faite de la célébrer par l'érection d'un monument et l'institution d'une fête*, Conseil des Cinq-cents, 3 Vendémiaire an VI, 18. Jean-Baptiste Jollivet, *Journée du dix-huit Fructidor* (Paris: imprimerie nationale, an VI), 30. Guy Chaumont-Quitry, *Essai sur les causes qui depuis le 18 Fructidor*

- devaient consolider la République en France; et sur celles qui ont failli la faire périr* (Paris: imprimerie de Vatar-Jouannet, an VII), 20.
58. Souleff Ayad-Bergounioux, 'La 'République représentative' selon Antoine Boulay de La Meurthe (1761–1840): une figure de la bourgeoisie libérale et conservatrice', *Annales historiques de la Révolution française* 362 (octobre–décembre 2010), <http://ahrf.revues.org/11841>.
 59. Philippe Riviale, *La Révolution française dans l'infortune de la finance* (Paris: l'Harmattan, 2014), 304.
 60. Constant, *Ecrits*, I, 116. Jollivet, *Journée du dix-huit Fructidor*, 29; de la Meurthe, *Opinion*, 20.
 61. Paine, *Complete Writings*, II, 605 and 606.
 62. AN AF/III/544 dr. 3260.
 63. Jollivet, *Journée du dix-huit Fructidor*, 11 and 24. *Le Bien informé* (Paris: imprimerie du Cercle social), 19 Fructidor an V, 2.
 64. Jollivet, *Journée du dix-huit Fructidor*, 26; de la Meurthe, *Opinion*, 3.
 65. Paine, *Complete Writings*, II, 601–604.
 66. De la Meurthe, *Opinion*, 15.
 67. Jollivet, *Journée du dix-huit Fructidor*, 11; de la Meurthe, *Opinion*, 5 and 11.
 68. Paine, *Complete Writings*, II, 600.
 69. Paine, *Complete Writings*, II, 598.
 70. *Le Bien informé*, no. 20, 1er Vendémiaire an VI (September 22, 1797), 2. See *Le Moniteur universel*, 4 Vendémiaire an VI for a report of the debate. It was also reported in *Le Bien informé*, no. 18, 4 complémentaire an V (20 September 1797), 4, but in a summarized way, whereas Paine quoted the exact words of the exchange between Chollet and Garnier. He was therefore informed through another channel or rather he had access to the information Bonneville and the other French editors of the newspaper received.
 71. 'Reason and discussion, persuasion and conviction, become the weapons in the contest, and it is only when those are attempted to be suppressed that resource is had to violence', Paine, *Rights of Man*, 322.
 72. Paine, *Rights of Man*, 407.
 73. Paine, *Rights of Man*, 405.
 74. It might also have been an answer to what Boissy d'Anglas had said in his speech of Messidor: 'il est impossible d'énoncer avec précision le cas où l'insurrection est légitime'. François Boissy d'Anglas, *Discours préliminaire au projet de constitution pour la république française* (Imprimerie Nationale, 1795), 82.
 75. Paine, *Complete Writings*, II, 696.
 76. Paine, *Complete Writings*, II, 606.

77. Mark Philp, *Paine* (Oxford: Oxford University Press, 1989), 17. Frank Smith, *Thomas Paine: Liberator* (New York: F. A. Stokes, 1938), 180. Samuel Edwards, *Rebel, A Biography of Thomas Paine* (London: New English Library, 1974), 148.
78. In French, 'républicain d'ordre', Michel Vovelle, *Les Jacobins de Robespierre à Chevènement* (Paris: Editions La Découverte, 1999), 32; Albert Camus, *L'homme révolté* (Paris: Editions Gallimard, 1951), 376.
79. Benjamin Constant, *Discours prononcé au Cercle constitutionnel le 9 Ventôse an VI par Benjamin Constant* (Paris: imprimerie de Ve Galletti), 6 and 19.
80. Paine added: 'it is the only society of which I have been a member in France', Paine, *Complete Writings*, II, 603. Yet he was a member of the short-lived *Société des Républicains* with Condorcet and maybe of the *Société des Jacobins*.
81. '[D]es fondateurs de la liberté qui n'ont jamais eu à rougir ni de leurs principes ni de leurs actions; des hommes que l'on appelait modérés [...] des hommes qui presque tous ont été persécutés sous le règne de la terreur et n'en aiment pas moins la république mais qui connaissent également le sort que leur réserverait la royauté si elle était rétablie', Lenoir-Laroche, *Du Cercle constitutionnel et des clubs en général* (Paris: imprimerie de Lemaire), first column.
82. Paine, *Complete Writings*, II, 603.
83. Honoré Riouffle, *Discours lu au Cercle constitutionnel le neuf Messidor an Ve de la république* (Paris: imprimerie de Gagnard), 17.
84. 'Opposer à la réaction contre les principes libéraux, qui menace de devenir une réaction contre la Constitution, une barrière d'autant plus forte qu'elle serait constitutionnelle', quoted in Bernard Gainot, 'Benjamin Constant et le cercle constitutionnel de 1797: la modération impossible', *Annales historiques de la Révolution française* 357 (juillet-septembre 2009), <http://ahrf.revues.org/10577>.
85. Béatrice Watson Jasinski, 'Constant et le Cercle constitutionnel', in Anne-Lise Delacrétaz et Dominique Verry, ed. *Benjamin Constant et la Révolution française, 1789-1799* (Genève: Droz, 1989), 122.
86. Riouffle, *Discours*, 21. Jasinski, 'Constant et le Cercle constitutionnel', 121.
87. Gérard Gengembre, 'Le Cercle constitutionnel: un laboratoire du libéralisme?', in Delacrétaz et Verry, ed., *Benjamin Constant et la Révolution française*, 142.
88. Benjamin Constant, *De la force du gouvernement actuel et de la nécessité de s'y rallier; Des réactions politiques; Des effets de la Terreur*, ed. Philippe Raynaud (Paris: Flammarion, 1988) preface, 20.

89. '[Q]uand on réfléchit à l'idée de confier à la volonté d'un seul la destinée de tous, on sent qu'il ne lui manque que d'être neuve pour paraître absurde', Constant, *De la force du gouvernement*, 68.
90. Furet, *La Révolution française*, 300–301. Constant, *De la force du gouvernement*, 25.
91. Benjamin Constant, *Les principes de politique*, ed. Etienne Hoffman (Geneva: Droz, 1980), 25.
92. '[A] fait une brochure tendant à prouver qu'il ne fallait que la plus petite quantité possible de gouvernement', Constant, *Les principes de politique*, 25.
93. 'Payne a défini l'autorité comme un mal nécessaire', Constant, *Les principes de politique*, 25.
94. 'Rousseau a distingué les droits de la société des droits du gouvernement', Constant, *Les principes de politique*, 34.
95. Thierry Chopin, *Benjamin Constant: le libéralisme inquiet* (Paris: Editions Michalon, 2002), 105 and 108–110.
96. Stephen Holmes, *Benjamin Constant et la genèse du libéralisme moderne*, trans. Olivier Champeau (Paris: Presses Universitaires de France, 1994), 104.
97. Holmes, *Benjamin Constant*, 209–215.
98. Germaine de Staël-Holstein, *Œuvres complètes*, ed. Auguste-Louis de Staël-Holstein (Paris: Treuttel et Wurtz, 1820–1821), II, 149–150.
99. 'Débats. Thomas Payne parla contre la contribution qu'on exige. Un article de la constitution comme en Amérique sur les contributions publiques', Germaine de Staël-Holstein, *Des circonstances actuelles qui peuvent terminer la Révolution et des principes qui doivent fonder la république en France*, ed. Lucia Omacini (Paris: Droz, 1979), 395.
100. '[L]'égalité des droits politiques est beaucoup plus redoutable que l'état de nature', de Staël-Holstein, *Œuvres complètes*, II, 151.
101. De Staël-Holstein, *Œuvres complètes*, II, 155.
102. 'Thomas Payne était le plus violent de tous les démocrates américains; cependant, comme il n'y avait point de calcul et d'hypocrisie dans ses exagérations en politique, quand il fut question du jugement de Louis XVI, il donna le seul avis qui pût encore honorer la France', Germaine de Staël, *Considérations sur la Révolution française* (Paris: Editions Tallandier, 2000), 290–291.
103. Jasinski, 'Constant et le cercle constitutionnel', 120.
104. '[S]everal of the original patriots of the Revolution', Paine, *Complete Writings*, II, 603.
105. Paine, *Complete Writings*, II, 600.
106. Riouffle, *Discours*, 7.
107. Constant, *Discours*, 23.

108. Whereas Lanthenas in his letter said he was born in England, Smith was designated as 'born American' in the decision of the Directoire to grant him the right to stay in Paris.
109. AN, R. Smith: AF/III/369, John Martin: AF/III/372 dr. 1835, Th. Mitchel: AF/III/395.
110. '[M]is au grand jour les finances de votre principal ennemi, le gouvernement anglais', *Thomas Paine, au Conseil des Anciens*, Séance du 8 Floréal, an IV, 1. Paine's writing as also part of a debate about French finances and it can be viewed as a way of countering d'Ivernois's views of supposedly disarrayed French finances, Richard Whatmore, 'War, trade and empire: the dilemmas of French liberal political economy, 1780–1816' in Raf Geenens and Helena Rosenblatt, ed., *French Liberalism from Montesquieu to the Present Day* (Cambridge: Cambridge University Press, 2012), 185. On Paine's economic thought and *The Decline and Fall*, see Allan Potosfsky, 'Paine's Debt to Hume? On the Origins of Paine's 'Decline and Fall of the English System of Finance'', *The Journal of Early American History*, 6 (2016), 137–151.
111. Aldridge, *Man of Reason*, 241–242.
112. 'Berne, le Portugal, l'Espagne, les Echelles du Levant, l'Italie, l'Allemagne, la Hollande, la Suède, le Danemark, la Prusse', AN, AF/III/365 dr. 1763.
113. Either Paine only announced the publication of the translation by Lanthenas before this *Conseil* or he sent it along with the letter, in which case, as there appears to have been only one edition, the Cercle social took it upon itself to include Paine's letter in the translation.
114. Séance du 8 Floréal an IV, *Collection générale des lois*, IV, 81–82. Thomas Paine, *Décadence et chute du système de finances de l'Angleterre*, trans. F. Lanthenas (Paris: Impr. du Cercle social, 1796), i–iv.
115. *Archives parlementaires de 1787 à 1860: recueil complet des débats législatifs et politiques des Chambres françaises*. Première série, 1787 à 1799, XIX, 230 and XXV, 622.
116. AN, AF/III/*/3 et AF/III/392.
117. AN, AF/III/185, dr. 853, no. 139.
118. Paine, *Complete Writings*, II, 1387.
119. Paine referred several times to Necker's writing on French finances *De l'Administration des finances de la France* published in 1784. Paine, *Complete Writings*, II, 662 and 671.
120. *Thomas Paine, au Conseil des Anciens*, 1.
121. '[A]n army of principles will penetrate where an army of soldiers cannot', Paine, *Rights of Man*, 430.
122. 'Il n'y a pas d'autre moyen de dompter le gouvernement anglais et de mettre fin à sa tyrannie', *Le Bien informé*, 25 Fimaire an VI, 2.

123. *Thomas Paine au Conseil des Cinq-cents*, séance du 9 Pluviose an VI, 2.
124. Bernard Vincent, *Thomas Paine ou la religion de la liberté* (Paris: Aubier, 1987), 343.
125. [Joseph Bodin?], *Situation présente de l'Angleterre, considérée relativement à la descente projetée par les Français* (Paris: Desenne, an VI), 28–29. The French National Library catalogue erroneously mentions 'Felix Bodin' as its author.
126. *Sur la situation politique et financière de l'Angleterre [...] par H. S. P.* Paris, an VI, 28 and 38.
127. 'Sur les négociations de Lille', *Le Bien informé*, 17 Fructidor an V (3 September 1797), 3.
128. No title, *Le Bien informé*, 10 Brumaire an VI (31 October 1797), no. 59, 2.
129. *Le Bien informé*, no. 82, 3 Frimaire an VI (23 November 1797), 1; no. 90, 94 and 96, 11, 15 and 17 Frimaire an 6; 'Sur la descente en Angleterre', *Le Bien informé*, no. 103, 24 Frimaire an VI (14 December 1797), 2–3 and Erratum, no. 105, 4; 'Descente en Angleterre, no 1er. Moyens d'obtenir dix millions pour construire mille ou plus de mille chaloupes canonnières', *Le Bien informé*, no. 104, 25 Frimaire an VI (15 December 1797), 2–3. In the issue of 29 December 1797, Paine claimed the authorship of these articles, *Le Bien informé*, no. 118, 9 Nivôse an VI, 1. Paine's patriotic gift was publicized in *Le Bien informé* on 29 January 1798, no. 149, 3, as well as in *Le Moniteur*.
130. *Le Bien informé*, no. 135, 26 Nivôse an VI (15 January 1798), 2; no. 197, 28 Ventôse an VI (18 March 1798), 3.
131. *Le Bien informé*, no. 17, 3 complémentaire an V (17 September 1797), 1; no. 32, 13 Vendémiaire an VI (4 October 1797), 3.
132. *Le Bien informé*, no. 197, 28 Ventôse an VI (17 March 1798), 3; no. 208, 9 Germinal an VI (29 March 1798), 1; no. 302, 13 Messidor an VI (July 1st, 1798), 3; no. 405, 6 Brumaire an VII (31 October 1798), 4. The latter text is reproduced in Ann Thomson, 'Thomas Paine and the United Irishmen', *Études irlandaises* (1991), 16–1, 118.
133. His strong resentment toward George Washington and his dislike of Federalists is not the main or only reason why Paine supported the Directoire, as one French biographer has suggested; Jean Lessay, *Thomas Paine: professeur de révolutions, député du Pas-de-Calais* (Paris: Perrin, 1987), 202.
134. Paine, *Rights of Man*, 82.
135. Paine, *Rights of Man*, 240–243.
136. Paine, *Rights of Man*, 243–244.
137. William Cobbett, A Letter to the Infamous Tom Paine in Answer to his Letter to George Washington, in *Cobbett on the French and the French*

- Revolution (1794–1800)*, ed. Noel Thompson and David Eastwood (London: Routledge/Thoemmes Press, 1998), 17.
138. Paine, *Complete Writings*, II, 692.
 139. Paine, *Complete Writings*, II, 1390.
 140. Paine, *Complete Writings*, II, 1390.
 141. '[A]n individual President will never be anything but the chief of a party, and the conductor of its politics', Paine, *Complete Writings*, II, 1391.
 142. Paine, *Complete Writings*, II, 597.
 143. Paine, *Complete Writings*, II, 694.
 144. Paine, *Rights of Man*, 256.
 145. '[H]ad it not been for the aid received from France, in men, money and ships, [...] your cold and unmilitary conduct [...] would in all probability have lost America', Paine, *Complete Writings*, II, 695.
 146. Paine, *Complete Writings*, II, 695–696.
 147. Paine, *Complete Writings*, II, 715 and 722.
 148. Paine, *Complete Writings*, II, 722.
 149. Jerald A. Combs, *The Jay Treaty, Political Battleground of the Founding Fathers* (Berkeley: University of California Press, 1979), 163.
 150. Paine, *Complete Writings*, II, 712.
 151. 'Observations on Jay's Treaty'.
 152. William Nibset Chambers, *Political Parties in a New Nation: The American Political Experience, 1776–1809* (New York: Oxford University Press, 1964), 77.
 153. According to Aldridge, Paine left Monroe's place between January and June 1796. Aldridge, *Man of Reason*, 243.
 154. AN AF/III/264 Plaquette 1, dr. 264.
 155. Aldridge, *Man of Reason*, 249–254, AN F/7/7300 dr. 3246.
 156. AN F/7/7310 dr. 4509.
 157. When he was released from the Luxembourg prison, Paine moved to James Monroe's house provided, as the latter wrote to James Madison in January 1796, 'he would write nothing for the public, either of Europe or of America, upon the subject of our affairs' (Madison, *Papers*, vol. 16, 195). In April 1797, James Madison tried to alleviate Monroe's fears in a letter saying that 'nothing passed [...] that betrayed the least association of your patronage or attention to T. P.' (Madison, *Papers*, vol. 16, 302). Divisions inside the American community in Paris were openly expressed during the 4 July celebration of 1796 organized at Monroe's house (Ziesche, *Cosmopolitan Patriots*, 110).
 158. *Le Bien informé*, 6 Vendémiaire an VI (17 September 1797), 2.
 159. 'Un traité injurieux à la République française', *Le Bien informé*, 6 Vendémiaire an VI (27 September 1797), 2. The French formulation by Bonneville sounds rather like an anglicism which retained only one meaning of the English word 'injurious'.

160. *Le Bien informé*, no. 19, 5 Complémentaire an V (21 September 1797), 1–2; no. 176, 7 Ventôse an VI (26 February 1798), 2.
161. Paine, *Complete Writings*, II, 1386–1389.
162. Aldridge, *Man of Reason*, 252–253. Dawson, *Partisanship*, 70.
163. According to Jean Lessay again, Talleyrand allegedly disliked both the United States and Paine. Lessay, *Thomas Paine*, 200. No document or letter is quoted to substantiate this claim. Talleyrand did not mention Paine in his memoirs. Whereas Aldridge suggests Talleyrand estimated Paine (Aldridge, *Man of Reason*, 253), Eric Foner claims that the Directoire and Talleyrand stood aloof from Paine to prevent further tensions with the United States in 1798 after the XYZ scandal, Paine, *Collected Writings*, 849.
164. Paine, *Complete Writings*, II, 1389.
165. Paine, *Complete Writings*, II, 916, 936 and 938.
166. This explains why *Le Bien informé* was one of the democratic newspapers which tended to be very critical regarding the political institutions and policy of the United States at the time. See Marc Belissa, ‘La république américaine vue par les républicains français sous le Directoire’, in Pierre Serna, ed., *Républiques sœurs: le Directoire et la révolution atlantique* (Rennes: Presses universitaires de Rennes, 2009), 120.
167. *Le Bien informé*, no. 22, 3 Vendémiaire an VI, 1; ‘New York, le 10 août. Le président John Adams, sa femme et une suite nombreuse, voyagent dans les villes principales de la fédération américaine. Ils y sont accueillis, comme on accueillait jadis dans votre France Louis XIV et Henri IV’, *Le Bien informé*, 6 Vendémiaire an VI, 1.
168. *Le Bien informé*, no. 180, 11 Ventôse an VI (1 March, 1798), 2; Barlow’s *Second Warning* was announced and inserted in no. 182, 187, 195 and 204; John Adams’s royal look was criticized in no. 231, 2 Floréal an VI (21 April 1798), 1; Pitt and Adams were mocked in no. 423, 24 Brumaire an VII (14 November 1798), 1.
169. *Le Bien informé*, no. 508, 19 Pluviôse an VII (7 February 1799), 2. On 26 March 1798, Paine sent a letter to the Directoire about the seizure of a (French) ship (potentially) by an (American) captain, which can only be surmised from the short note in the records of the Directoire. AN AF/III/*/92 no. 449. The letter itself is missing in the corresponding records of the Directoire.
170. *Le Bien informé*, no. 272, 12 Prairial an VI (31 May 1798), 1; no. 511, 23 Pluviôse an VII (11 February 1799), 1–2; no. 515, 26 Pluviôse an VII (14 February 1799), 1; 26 Pluviôse an VIII (15 February 1800), 1–2.
171. Seth Cotlar, *Tom Paine’s America. The Rise and Fall of Transatlantic Radicalism in the Early American Republic* (Charlottesville: University of Virginia Press, 2011), 188–209.

172. *Le Bien informé*, *op. cit.*, 26 Fructidor an VI, 3.
173. *Le Bien informé*, *op. cit.*, 26 Fructidor an VI, 3. 'On pourra brûler, sur la gauche, Lewis-Town. Si l'on était sûr cependant que les Anglais en fus-sent éloignés, on pourrait du même coup brûler Philadelphie: c'est une affaire de huit jours.'
174. *Le Bien informé*, 26 Fructidor an VI, 3.
175. This authorship has been contested by Aldridge who contended that it was ascribed to Paine by his adversaries. Aldridge, *Man of Reason*, 263. Yet he did so on irrelevant grounds and did not take into account the sarcastic tone of the article.
176. *Le Bien informé*, no. 275, 16 Prairial an VI (4 June 1798), 2–3; no. 510, 21 Pluviôse an VII (9 February 1799), 2; 19 Frimaire an VIII (10 December 1799), 2.
177. *Le Bien informé*, no. 13, 29 Fructidor an VI (15 September 1797), 1; no. 71, 22 Brumaire an VI (November 12, 1797), 1; no. 178, 9 Ventôse an VI (27 February 1798), 2.
178. Ziesche, *Cosmopolitan Patriots*, 114–115 and 123.
179. AN F/7/6152 dr. 868. The letter is missing.
180. AF/III/165. The report is in the Directoire's records, which shows the Directoire was informed of Paine's arrest.
181. Aldridge, *Man of Reason*, 263–264.



Bonaparte's France and the End of the Revolution

At least until the 18 Brumaire coup, Paine seemed to support the Revolution and the French government's policy. Ten days before the coup, he wrote to General Brune 'to congratulate' him on his 'glorious success in Holland' in September at the Battle of Bergen-Binnen. In this letter, Paine disparaged Britain's military history and present behaviour, underlining the incompetence of British generals, and concluded the letter saying he still 'live[d] in the hopes of seeing a descent upon England'.¹ It seems that Paine was on good terms with Brune, with whom he stayed when he travelled to Holland in December 1799 and who might have invited Paine following his letter. Brune had been a one-time associate of the Printing Office of the Cercle social ten years before.² This explains the affectionate and familiar tone used by Paine in his letter to him.

Paine did not publicly react to Bonaparte's coup, potentially for security reasons (both as a Briton and as an American, following the XYZ affair and the Quasi-War, in a context in which Franco-American diplomatic relations were still tense) and also, it may be surmised, because Paine waited to see what would come out of it.³ His silence on this coup contrasts with his support for that of 18 Fructidor. Yet one of Paine's biographers has contended that Paine disapproved of the event when it took place,⁴ but neither writings nor letters are extant to substantiate this claim. On 7 December 1799, *Le Bien informé* published the translation of an article from the English press criticizing the coup. Three days later, on 10 December, Bonneville (whether with or

without Paine's collaboration is not known) answered accusations that it was a fake translation and denied that Paine was the author of the article. Bonneville explained it was the translation of an article from the then anti-Bonaparte, somewhat pro-Burkean and anti-Painite *Morning Chronicle*. Paine's name was not quoted explicitly by Bonneville, but he was referred to as 'a foreigner in Paris' and as 'an American'. Bonneville described him as 'a venerable old man who was above such schemes', adding that it would be easy to prove that Paine had been 'away for three months' and was 'ill', which was true. Paine had left France for Bruges in the autumn of 1799. Yet Bonneville then suggested that Paine 'maybe had not heard even [then] of the complete revolution of the 18th and 19th brumaire'. It confirms that Paine left Paris before the coup as his letter to Brune sent from Dieppe on 30 October already showed. Yet it was not very likely that Paine did not know that the coup had taken place, especially given his contacts with Brune who was close to Bonaparte.⁵ The issue of 8 January 1800 of *Le Bien informé* indeed contained what seemed to be an encoded message for Paine about a letter from Bruges (by Paine) given to a general (probably Brune) who had written an answer to it.⁶

Even if the article was written by neither Paine nor Bonneville, the way the latter handled the translation tended to reveal his persistent hostility to Sieyès. Bonneville chose to insert phrases from the original text in English in some sentences of what he presented as a 'literal translation'. As if to prove that his translation was faithful, he kept some striking formulas in brackets such as 'the crafty Sieyes' and 'that great intriguer Sieyes' used in the original article, which, given the episode of the newspaper's short interruption a year before, could not but sound as a wry criticism on Bonneville's part. Yet this translation does not prove in itself that either Bonneville or Paine (whose role in its publication is not known for lack of evidence) were hostile to the Brumaire coup. However, it might have been a means for Bonneville at least (and perhaps Paine) to express concerns for the future of republican institutions. Another article which appeared on 9 December, between the issue containing the translation of the article of *The Morning Chronicle* and that featuring Bonneville's denegations, could substantiate this. It was an unsigned letter sent 'to the Bien informé' in which its author described the 'Constitution of the United States' with the explicit intention of 'placing [it] before the eyes' of readers 'at that moment'. It summed up the main powers of both the Federal legislature and executive powers and briefly explained how they were elected, who their

electors were and who could be elected. It was not a full praise of the Constitution of 1787, though. Criticisms surfaced, especially regarding the salary of the President. It nonetheless included remarks on property qualifications as excluding almost no man from the franchise or eligibility since ownership was so common in the United States. Whether Paine contributed to write this short review of the Federal Constitution is hard to determine since it was published anonymously and since no other extant source can help us unravel this issue for the time being. However, it may be assumed that he could have sent this to Bonneville.⁷

Be this at it may, no evidence proves that Paine did, like many of the supporters of the French Revolution in England, privately or publicly hail the coup as necessary to save the French republic, whose basis could be more firmly established later, provided Bonaparte's leadership remained provisional.⁸ In the United States, the French Revolution remained an issue in the partisan debates. In January 1800, Jefferson confided to John Breckinridge that Bonaparte's coup jeopardized the Revolution as it could turn into a personal and monarchical power, even if for the time being Jefferson admitted that it helped preserve the cohesion of the French nation.⁹ On 14 February of the same year Madison expressed similar concerns as this domination of 'military authority' boded ill for the Revolution. He feared it would lead to monarchy.¹⁰ Whereas on 9 February of that year a ceremony in France was organized to pay homage to George Washington who had died in December 1799, during which Louis Fontanes implicitly compared the American and French generals,¹¹ on the other side of the Atlantic, on the previous day, Fisher Ames, in his own oration to celebrate Washington, expressed the 'horror' he felt vis-à-vis the French Revolution.¹²

In November 1799, according to the testimony of one of Paine's admirers, Henry Redhead Yorke, the relationships between Paine and Bonaparte had been impaired. Yorke traced this estrangement back to a conversation he said the two had during which Paine allegedly said that in order to ruin English commerce, France should put an end to the war.¹³ Yorke also reported an anecdote according to which Bonaparte had, during a dinner, revealed to Paine that *Rights of Man* was his bedside book and had stated that a statue of Paine should be erected in every town of the world,¹⁴ but nothing has been found to corroborate this. Paine's opinion of Bonaparte has essentially been traced thanks to testimonies by Britons travelling to France and who potentially manipulated their accounts for various reasons.

Despite the publication of the translation from the *Morning Chronicle* and the polemic it seemed to create, *Le Bien informé* was (with *Le Moniteur*) among the thirteen political newspapers (out of 73) not suppressed by the Consulat on 17 January 1800. It was censured only four months later, on 5 April 1800, with two other newspapers including *Le Journal des hommes libres* which had supported Paine's arguments in favour of universal suffrage in 1795. On the same day, the Consuls sent instructions to the Minister of Police, Fouché, that Paine should be warned that his activities in France (referred to as his 'behaviour') were known and that on any further action leading to 'complaint' against him he would be expelled from France and deported to the United States as a citizen of that country. Again, Paine's nationality was adapted to the purposes of the French authorities. These lines about Paine appear at the end of the notes by the Consuls for 5 Germinal Year VIII and not right after the prohibition of the *Bien informé*, which may suggest that his journalistic activities were not the only reason for his surveillance.¹⁵

Despite this quite uneasy context, Paine wrote several memos for members of the French government. On 31 July 1800, he sent 'a plan for encouraging internal prosperity' in France to one of them. Paine offered advice on developing the commercial potentialities of France which should not hesitate to compete with England. He mentioned how experiments in paper money initiated by Benjamin Franklin had proved successful in the 1730s in Pennsylvania and had led to an unprecedented economic growth in this colony. He especially focused on the means of transporting goods more efficiently, at a lower cost and more quickly, by building canals and bridges, and if possible, iron bridges on the model he had devised. Paine was probably influenced by Adam Smith who had insisted on the means of commercial circulation in *The Wealth of Nations* and by Franklin himself who was interested in canals as well. Improving the means of communication was a major concern for the early American republic of the 1790s and 1800s, for Madison and Jefferson in particular who shared many views in common with Paine. It might also have been a way for Paine to follow the recommendation allegedly made by Jean-Baptiste's Leroy, a contributor to the *Encyclopédie* and a correspondent of Benjamin Franklin, just before his death in January 1800 and reported in *Le Bien informé*. Bonneville told he had met Leroy on 17 January on the bridge of the Tuileries and that Leroy had advised him to encourage Paine to promote his iron-bridge model to replace the Pont Rouge.¹⁶ In his 'Plan', Paine called these infrastructures of

communication 'productive property', meaning they were a long-term investment that would then favour the productivity of the country. He suggested that cotton, iron and pottery were potential fields of competition with Britain, the former because France could import cotton from the United States (although he did not say so explicitly) and because the workforce for such manufactures was made up of women and children who were very numerous in France (which shows that Paine had no concern for the working conditions of these categories).

In addition to these economic improvements, he also proposed to build a canal between Brest and Cherbourg, which he did not put in the category of 'productive property', but more in the category of military facilities. It is not easy to say who he sent it to given that there is no other material to document this. As the content of the plan was financial and commercial, it might have been sent to Gaudin, who was the Finance Minister of the time. Yet if one considers Paine's contacts in the years 1800–1801, they were instead with Brune (then a member of the Conseil d'Etat, but who was away from France and about to replace Massena at the head of the Army of Italy in August 1800), Marbois (who would soon be appointed to the Treasury and who was mentioned by Paine in a quite negative way in June 1801 in a letter to Jefferson), with Carnot (at the head of the War Department), with Talleyrand (although since the XYZ affair, it is not clear that Paine still trusted him) or with Forfait who was the Minister of the Marine and to whom Paine sent an additional plan for the descent on Britain in August 1801 as he revealed in a letter to Jefferson in which he also specified that Forfait, a former engineer, understood English. As the letter of July 1800 is in English, it may not be amiss to suppose it was sent to him. At the bottom of it a note was scribbled, dated two days after Paine's letter, which was probably written by the recipient who sent Paine his documents back. This note is barely readable but what can be made out seems to lead to the conclusion that the plan did not get the approval of Paine's addressee even if the scrawled justification he provided is hard to decipher.¹⁷

Paine might even have addressed this plan to Bonaparte himself, as on 1 October he wrote a memo at the First Consul's request on the peace negotiations with Austria and more precisely on how Britain should be dealt with; in other words, whether the peace treaty should be signed with Britain as well. Paine dissuaded the First Consul from doing so as he thought he should wait for Britain to be isolated in Europe before any negotiations for a peace treaty were initiated. Paine also informed

Bonaparte that anti-monarchism had made significant progress there and might still lead to a revolution in a context in which British finances were not good. Yet Paine still wished to accelerate this process by organizing a descent of French gunboats upon England from the coasts of Belgium or via the North of England. He bitterly criticized Carnot, Boissy d'Anglas and La Réveillère L  peaux for not having carried out his plan and for having launched into the expedition to Egypt instead. This may not have pleased Paine's addressee, though, given the role it played in his rise to power, and it might even have been a reproach also implicitly addressed to Bonaparte by Paine, who, given the warning he had received from French police (although I could find no written text or letter by Paine in which he mentioned this warning), had nothing to lose, especially as he knew he would soon leave for the United States. The Peace of Amiens, signed a year-and-a-half later, shows that Bonaparte's strategy was different from Paine's advice. Yet the fact that Bonaparte appealed to Paine is evidence that the latter was still considered as a kind of expert on British affairs, while, as the instructions of the Consuls to the police suggested, he was seen as an obnoxious American citizen who should stand aloof from French politics.¹⁸

This memo also contradicts Yorke's testimony that has since then served as a common source for Paine biographers. According to this, Paine's suggestion of a peace with England at the beginning of 1798, when the plan to invade England was discussed by French military officers, had crossed the French General to the point that 'from that hour, Bonaparte never spoke to him'.¹⁹ Yet, on 23 February 1798, after his tour to study and check the feasibility of the invasion of England, Bonaparte decided against it and determined to negotiate peace with England. In fact, the memo makes clear that it was rather Paine who resented this move and who did not forgive Bonaparte for having turned away from Britain in favour of Egypt. Either Paine or Yorke or both distorted this part of the story for various reasons, as well as the role at that time of commerce in the strategy against Britain, since they do not match the records.

In the meantime, Paine had pursued his schemes on neutrality. The letters he sent to Jefferson in 1797–1798 evidence his increasing interest in this question, which would lead him to make proposals on the topic in *Compact Maritime*. As early as 30 September 1797, he suggested to Talleyrand measures to favour 'neutral commerce' at international level through a 'general convention of nations'.²⁰ He then outlined the

main points of an international agreement on maritime rights in his essay defending the 18 Fructidor coup.²¹ Paine sent his plan to Jefferson on 1 October 1800, providing him with information on the publishing history of this project. Paine's anti-British propaganda during this period led him to turn the other way round accusations then levelled at republican France by both British and American authorities. He sarcastically denounced what he called the 'Jacobinism of the English at sea' in the title of a piece translated into French by Bonneville and published by the Cercle social in 1800 or in the Year VIII. Paine informed Jefferson it was 'distributed gratis among the foreign ministers and persons in the government'. The other part of Paine's views on this subject, which made up his 'compact maritime' proper, was first published in French in the Year IX and then in English in Washington, DC, with the help of Jefferson, although Paine seems to have made an effort to have it published in Britain, too.²²

Paine revealed to Jefferson that he had an appointment with Garat (the Younger, Dominique-Joseph) to discuss the last part of his reflections on this topic which he was then having translated. Garat was a moderate of the Convention and a friend of Barras. It is very likely that Paine met him in the autumn of 1800 to discuss this, since he sent him a letter in December about Charles Este, the relative of Robert Smith whom Paine had sent to England in 1797 to propose the publication of his writing on the 18 Fructidor coup.²³ Garat had shown interest in this topic in his speeches in the Conseil des Anciens in the last days of February 1799, and this may explain why Paine turned to him. Garat then discussed a specific issue linked to the law passed one year before on 29 Nivôse of the Year VI (18 January 1798) on the seizure of neutral commercial ships carrying British goods on board. Garat offered a more in-depth reflection on international law or *droit des gens* which he said had never conformed to reason. He concluded his speech with a proposal of the adoption by all European powers of the freedom of circulation over the seas of goods and men whose fundamental rights should be guaranteed in all cases whatsoever, whether in times of war or of peace.²⁴ Although this proposal of a 'European congress' differed from Paine's final plan on neutrality, Garat and Paine shared a common concern for reforming the laws of nations. These reforms as well as the question of the freedom of circulation on the seas and the seizures of ships were a quite general subject of debate in Europe and in the United States in those years. However, I could not find evidence about what the result of Paine's appointment with Garat was and whether it took place.

In the meantime, Paine continued promoting his plan for a descent on England by gunboats in the memo he sent to Forfait in the summer of 1801. He had not dropped his advisory and lobbying work with French authorities even as he was awaiting the right moment to go back to the United States. In September 1801, Paine anonymously published in the *Citoyen français* (since *Le Bien informé* had been censored) a plan for a descent of American troops in Ireland as a means to help overthrow the British monarchy. Paine repeated the idea he had expressed in *Rights of Man* ten years before, placing even greater hopes in the United States ‘as a giant against tyranny’ who would ‘help the old world recover all its former rights’.²⁵ In addition to discussing diplomatic and foreign-policy issues, the letters Paine sent to Jefferson then show that he turned again to pragmatic or scientific subjects, such as how the facades of French houses were covered with plaster or stucco (in contrast to American houses) and the building of carriage wheels.²⁶ In 1802, Paine and Bonneville published a bilingual edition of a speech delivered by Jefferson on 8 December 1801. It was published after Jefferson expressed his support for Paine in a letter to him, which came after a long interruption on the part of Jefferson in his correspondence with Paine (probably not to damage his political career and to hamper his presidential ambitions before 1800), and which was made public by Paine himself, which led to a polemic in the United States. It might have been partly to make amends for this or to pay further homage to Jefferson while at the same time openly reacting, even if late, to the censure of Bonneville’s paper, that both Paine and Bonneville edited the speech and its translation by adding comments in footnotes, for example on the limitation of the freedom of the press in France. They stressed the need for a free circulation of information since a ‘well-informed’ people was the basis of a republican regime (in French, ‘bien-informé’, the fake Anglicism shown by the hyphenated adjective being a clear hint at the title of Bonneville’s paper). An indirect criticism was levelled at France through praise of the freedom of the press in the United States,²⁷ but the denunciation of the tyrannical leaning of Bonaparte’s regime was more explicit in the next footnote in which a comparison with Jefferson’s way of handling ‘the executive power’ was made. The American President was said to protect the United States against ‘usurpation, despotism and the capricious will’ of rulers, implicitly Bonaparte. It concluded a long remark on the French National Guard which Paine and Bonneville saw as a body of citizen-soldiers who should be pitted against Bonaparte’s use

of the army. The footnote referred to Bonneville's initiative of 25 June 1789 before the Paris electoral assembly. Yet to Paine, it might also have been reminiscent of Lafayette's role in the National Guard, and it may be surmised that such an implicit hint might have been intended by him.²⁸

Paine apparently sent copies of this translation to his friends and contacts in France, as the handwritten dedication to Grégoire in the copy held by the French National Library suggests.²⁹ The anti-monarchist and anti-aristocratic Grégoire was quoted in the 'Anti-monarchical essay' of which Paine was one (or the main) author in 1792. Grégoire knew Americans in Paris such as Barlow who wrote a text on Grégoire's request to promote the French Revolution in Piedmont in December 1792, but I could not find any reference to Paine in Grégoire's memoirs. Even if the other copies in French libraries do not feature dedications, the Foreword in a rare copy of the second edition provides the reader with the publishing history of this translation. The very first translated version appeared in *Le Moniteur* on 22 January 1802. It is indeed an unsigned translation of an abridged version of Jefferson's speech which was printed in the *Morning Chronicle*. This explains why it was reproduced under the heading 'England' and not 'United States'. Next, it seems that Bonneville translated the whole text for 'some of [his] friends' whom he said required copies of the translation which was then made available in Parisian bookshops. This contextualizes the dedication to Grégoire. As all the copies of this first edition were sold to both 'subscribers' and 'friends', a second edition was printed which was intended both as a textbook for teaching the English language and as a political tract containing fundamental truths about the executive power. Of course, this narrative is Bonneville's account. Yet the story he told of the circulation of the two editions (one among a restrained Parisian circle and the other in a potentially wider one) seems reliable. There are few additions or changes in the footnotes of the second edition. First, an inscription was added. It is an extract from one of Bonneville's short books, first published in 1797 (maybe in the wake of the 18 Fructidor coup), praising the virtues of the men serving in the republican armies, which resonated with Bonneville's remarks on the National Guard, already made in the first edition and in the Foreword of the second one. The other difference is a footnote on United Irishmen, which was expunged by Bonneville and Paine (who probably wrote it together) because of the Treaty of Amiens of March 1802. Although its content is quite sibylline, it appears to be a criticism of both French and American

diplomacy (in the context of the premisses of the Quasi-War) at the time of the Rebellion of 1798. A year-and-a-half before, in September 1801, Paine had published a bitter article on the lack of support from the American administration for the Irish.³⁰

Yorke, who came to see Paine in 1802, is also one of the sources used to conclude that Paine had fallen into disgrace in some Parisian circles. He recounted that when looking for Paine in Paris, he went to one of the booksellers of the Palais Royal to ask after him, only to be met with the hostile reaction of the owners of the shop who insulted Paine and (quite inexplicably) blamed him for the most recent events in the Haitian revolution and Leclerc's difficulties.³¹ Yet it is not easy to say whether this testimony is representative of Paine's reputation then. In his *Maritime Compact*, published the same year in French, Paine still used the phrase 'republican France',³² but, not long before he left France for the United States in 1802, he reportedly remarked that France was no longer a republic and that the only genuine such regime that remained was the United States.³³ Until 1800, Paine seems to have respected Bonaparte's political and military talent and even to have supported the Consulat or at least to have refrained from criticizing it, which can easily be explained after the warning he certainly received in April. It might also have been one reason why he could not refuse to write memos for French officials when asked to do so. Yet his 'plan for encouraging internal improvements' was not commissioned but instead offered to the French authorities. It testifies to the fact that he went on defending French interests against Britain, even if he might have disapproved of the political regime of the Consulat. After he had travelled back to the United States in October 1802, Paine went on preferring his second country of adoption against his native one, although he had at first criticized the authoritarian shift of the French regime.

A few weeks after his return to the United States, in the first of a series of articles addressed 'to the citizens of the United States', he looked back toward the French Revolution and explained that 'the principles of it were good [...] and the men who conducted it were honest [...] but [that] the fury of faction soon extinguished the one, and sent the other to the scaffold'.³⁴ The page of the Revolution had really been turned over in France. It also sheds light on Paine's belief that the French revolutionaries could never get over the Terror and that it was the fatal turning point of the Revolution. In his second article of the same series, he attacked Napoleon when retrospectively analysing the debate over the ratification of the Federal Constitution. Paine emphasized that what Antifederalists

feared at the time was that the executive power should fall 'in the hands of an ambitious and designing man' and 'might grow into tyranny as it did in England under Oliver Cromwell and as it has since done in France',³⁵ which was the same comparison that Bonneville had made in *Le Bien informé*. By May 1802 Napoleon had obtained a Consulate for life through a plebiscite. Two years later, in his message to 'the inhabitants of Louisiana', published in September 1804, a few months after Napoleon became the hereditary Emperor of the French people, Paine concluded that the French Revolution was not an example anymore as it 'ha[d] not exhibited to the world that grand display of principles and rights'.³⁶ The French had initiated revolutionary changes before they were ready for them in contrast to what the Americans had done. They began 'before they understood principles' and consequently earned 'liberty in words but not in fact'.³⁷ The French Revolution had been buried by then. In January 1805, he confirmed this view in a letter he sent to Jefferson in which he briefly summed up the major phases of the Revolution from the Convention of 1792 onward to the Terror to the Constitution of 1795 (which he said 'was in general a good one') to the Consulat. He clearly denounced Napoleon's abuse of power as part of the process of the Revolution's degeneration.³⁸

Yet in several articles he published between 1804 and 1806, Paine painted a more positive or mixed portrait of Napoleon. In March 1804, he wrote again on his project of an 'invasion of England' and depicted Napoleon as an 'enterprising and fortunate' man who could control his ambition.³⁹ He praised his policies which had led to peace and to 'the improvement of agriculture, manufactures and commerce' and said he was a 'good general' and a 'good politician',⁴⁰ while cunningly remarking that Napoleon's successes were due to 'an unexampled series of good fortune'.⁴¹ He nonetheless did not avoid the issue of the despotic character of his personal rule and warned his readers against 'trusting [...] power to the caprice of one individual',⁴² adding that Napoleon was not the heir to the principles of the French Revolution. The French Revolution as a whole, then, should be seen 'as a warning' and the American Revolution as 'an example'.⁴³ As a result, it is quite paradoxical that he should have gone on supporting the French project of invading England so late. Paine even publicly revealed his role in this plan to the American reader who was rather a Jeffersonian reader since it was published in Duane's *Aurora General Advertiser*. This choice could be harmful even if Jefferson had privately supported the project of invasion.

This quite provocative portrayal of Napoleon was made in an article dealing with Britain. Similarly, in 'Remarks on English Affairs', published in 1805 in the *Baltimore Evening Post*, a newspaper whose chief editor was close to the Democrats-Republicans, he pitted the corruption of the French Ancien Regime against the vigour of the new Empire. He highlighted Napoleon's exceptional political and military genius, although he again shrewdly tempered those qualities which could be 'virtues or vices'.⁴⁴ The comparison between the French Emperor and Pitt was made to the detriment of the latter, who did not possess the capacity of planning and execution of the former. In December 1806, in 'Remarks on the Political and Military Affairs of Europe', published in the same kind of media, he defended the French imperial regime, which he judged better than the monarchical one, because it was based on elections by the people.⁴⁵ He even endorsed Napoleon's strategy personally and said he 'ha[d] done what I would have done myself'.⁴⁶ This seemingly megalomaniac remark was yet another provocation addressed to the British government. Therefore, when he dealt with his native country in the 1800s, Paine used Napoleon as a foil. His dislike for monarchy and his resentment against England seem to have led him to publicly and sarcastically favour what was a not more legitimate government in France. In contrast to what he had stated before at least once, he even ascribed the failure of the French Revolution to the British Governments which had been the spearhead of the European opposition to the Revolution.⁴⁷

1 CONCLUSION

From our twenty-first-century point of view, Paine's attitude toward the French government after 1795 was somewhat ambivalent since he first defended an equal participation as central to a genuine republican government, before rallying behind the regime. Yet in the context of the mid-1790s, such support could be explained by a pragmatic choice. Even an imperfect republican regime was better than any kind of hereditary monarchy. This allegiance to the Directoire was also a way of countering the anti-French and pro-British Federalists in the United States. Yet this partisan and circumstantial strategy does not fully account for his siding with men whom we would today call conservatives who considered private property as a keystone to the republican government and, in some cases, favoured a parliamentary monarchy.

Paine's support in the aftermath of the 18 Fructidor coup of a rhetoric worked out by politicians and public intellectuals who did not share his views on property is less easy to account for than his propaganda in favour of the coup itself, which he explicitly perceived as a way of saving the republican regime. It is all the more perplexing as Paine had enlarged on his projects of social reforms first expounded in the second part of *Rights of Man* a few months before the coup in *Agrarian Justice*. The year 1797 was therefore also a crucial one since Paine made his second about-turn after that of 1795–1796. There had also been differences on the question of property among Paine and some of the 'Girondin' intellectuals and politicians with whom he had collaborated before 1793. This explains why the Condorcet of 1791 could be appropriated by the conservative republicans of the Directoire era, whereas it may be assumed that Paine instead thought of the Condorcet of 1792–1793 when he praised the genuine republicans of the pre-Terror moment, even if he may well have also admired the Condorcet of 1791 with whom he wrote *Le Républicain*, either choosing to willingly ignore Condorcet's positions on the suffrage or being unaware of them, which is not very plausible.

Another reason why he indefectibly supported the Directoire might have been his resentment of George Washington and his dislike of John Adams, although he was proud of his American citizenship and claimed it especially at the time of his release from the Luxembourg prison. Yet his hatred for monarchy in general and for the English monarchy in particular may also have been one of his motives. Against all odds, Paine never relinquished his hope and promotion of any scheme that could trigger off a republican revolution in Britain, including the resort to military force. This bitter hatred also clearly surfaced in the quite provocative articles he published in the United States after 1802. Yet at this time Paine's awareness of his ambivalence was explicit. He did not hide the fact that he disapproved of the anti-republican methods of the man he went on calling Bonaparte and not Napoleon, which was a way for Paine of reducing him to his original role as a military figure, a role he thought useful during the several coups of the Directoire.

NOTES

1. Thomas Paine, *The Complete Writings of Thomas Paine*, ed. Philip S. Foner (New York: The Citadel Press, 1945), II, 1403–1405.
2. Alfred Owen Aldridge, *Man of Reason. The Life of Thomas Paine* (Philadelphia: Lippincott, 1959), 264.

3. So, Paine's public (and it seems private) silence on this was not as unexpected as Aldridge suggested, Alfred O. Aldridge, 'Thomas Paine's Plan for a Descent on England', *William and Mary Quarterly*, 14 (1957), 75.
4. Jean Lessay, *Thomas Paine: professeur de révolutions, député du Pas-de-Calais* (Paris: Perrin, 1987), 208. He does not mention any evidence to prove this point.
5. *Le Bien informé*, 19 Frimaire an VIII, 2. On the British press and the coup, see Pascal Dupuy, 'Le 18 Brumaire en Grande-Bretagne: le témoignage de la presse et de la caricature', *Annales historiques de la Révolution française* (318), 1999, 773–787.
6. *Le Bien informé*, 18 Nivôse an VIII (8 January 1800), 1. This remark by Bonneville clarifies a point on which Paine biographers had disagreed until then.
7. *Le Bien informé*, 15 Frimaire an VIII (7 December 1799), 1 and 18 Frimaire an VIII (9 December 1799), 3.
8. F. J. Maccunn, *The Contemporary View of Napoleon* (London: G. Bell and Sons, 1914), 43.
9. See Jefferson's letter to John Breckinridge on 29 January 1800. *The Thomas Jefferson Papers, Library of Congress*: <http://hdl.loc.gov/loc.mss/mtj.mtjbib009274>.
10. See James Madison's letter to Jefferson on 14 February 1800. *The James Madison Papers, Library of Congress*: http://hdl.loc.gov/loc.mss/mjm.06_0739_0740.
11. Stanley Elkins and Eric McKittrick, *The Age of Federalism. The Early American Republic, 1788–1800* (New York and Oxford: Oxford University Press, 1993), 681.
12. Jean-Pierre Dormois and Simon Newman, ed., *Vue d'Amérique: la Révolution française jugée par les Américains* (Paris: Editions France-Empire, 1989), 207.
13. Aldridge, *Man of Reason*, 268.
14. Aldridge, *Man of Reason*, 267.
15. AN AF/IV/*/194 (Aldridge made a mistake on the date of these instructions, Aldridge, *Man of Reason*, 264).
16. About Franklin and canals, see Alan Houston, *Benjamin Franklin and the Politics of Improvement* (New Haven: Yale University Press, 2008), 148. Bonneville's anecdote appeared in *Le Bien informé*, 7 Pluviôse an VIII (17 January 1800), 2–3.
17. New York Public Library, Berg collection. I would like to thank Gary Berton, coordinator of the Institute of Thomas Paine Studies at Iona College, who helped me access the text of this manuscript when I tried to locate it following Aldridge's vague information.

18. Paine, *Complete Writings*, II, 1413–1416. Several names are misspelled in Foner's transcript (those of La Réveillère Lépiaux and of Campo Formio in particular).
19. Henry Redhead Yorke, *Letters from France, in 1802* (London: H. D. Symonds, 1804), II, 369.
20. Paine, *Complete Writings*, II, 1401–1402.
21. Paine, *Complete Writings*, II, 612–613.
22. Paine, *Complete Writings*, II, 1409. 'From Thomas Jefferson to Thomas Paine, 18 March 1801', *Founders Online*, National Archives, Last Modified 29 June 2017, <http://founders.archives.gov/documents/Jefferson/01-33-02-0302>. [Original Source: *The Papers of Thomas Jefferson*, vol. 33, 17 February–30 April 1801, ed. Barbara B. Oberg (Princeton: Princeton University Press, 2006), 358–359.]
23. <https://revolution-francaise.net/2013/03/04/520-une-lettre-inedite-de-thomas-paine-a-garat>.
24. Conseil des Anciens. *Opinion de Garat sur la résolution du 4 Pluviôse an VII relative aux prises maritimes. Séance du 2 Ventôse an VII* (Paris: Impr. nationale, an VII), 7 and 56–57.
25. *Le Citoyen français*, 6 Vendémiaire an X (September 28, 1801), 4.
26. Paine, *Complete Writings*, II, 1422 and 1425.
27. 'Les papiers nouvelles en Amérique ne sont point timbrés: demander pour eux la franchise des postes, c'est ajourner à leur circulation, à leur succès, à tous les moyens d'une bonne-information; c'est prouver, par des faits, que toute facilité de circulation pour la parole du peuple est un bienfait public et que le peuple bien-informé, est le seul peuple véritablement jouissant de ses droits, de ses espérances et le seul réellement libre', Thomas Jefferson, *Discourse of Thomas Jefferson, President of the United States, for the Opening of the Session*, ed. Nicolas de Bonneville and Thomas Paine, trans. Nicolas de Bonneville (Paris: imprimerie du Cercle social, an X), 12–13.
28. '[C]e qui est admirable ici dans les desseins de Jefferson, c'est de chercher, avec toutes les puissances de son génie, les moyens d'organiser et de perfectionner, à toute heure, l'organisation de la force publique contre l'usurpation, le despotisme et le vouloir capricieux de toute puissance exécutive', Jefferson, *Discourse*, 23.
29. Aldridge, *Man of Reason*, 265. Five other copies of the book have been preserved in French public libraries (in addition to two that appear in French catalogues, but have been lost).
30. *Gazette nationale ou le Moniteur Universel*, no. 122, 2 Pluviôse an X (Paris: Leriche), 485–486. Thomas Jefferson, *Discourse of Thomas Jefferson, President of the United States, for the Opening of the Session*, ed. Nicolas de Bonneville and Thomas Paine, trans. Nicolas de Bonneville (Paris: imprimerie du Cercle social, an X), second edition, i, ii, 33 and 35. *Le Citoyen français*, 28 September 1801.

31. Yorke, *Letters from France*, II, 337–338.
32. Thomas Paine. *Pacte maritime*, trans. Nicolas de Bonneville (Paris: librairie du Cercle social, an IX), 26. This French version was released before the English one published in the United States thanks to Jefferson in 1801.
33. '[T]his is not a country for an honest man to live in. They do not understand anything at all of the principles of free government [...]. Republic! Do you call that a Republic? Why they are worse off than the slaves at Constantinople [...] I know of no republic in the world except America', John Goldworth Alger, *Napoleon's British Visitors and Captives* (Westminster: A. Constable, 1904), 140.
34. Paine, *Complete Writings*, II, 909.
35. Paine, *Complete Writings*, II, 914–915.
36. Paine, *Complete Writings*, II, 966.
37. Paine, *Complete Writings*, II, 964.
38. Paine, *Complete Writings*, II, 1462.
39. Paine, *Complete Writings*, II, 679.
40. Paine, *Complete Writings*, II, 680.
41. Paine, *Complete Writings*, II, 683.
42. Paine, *Complete Writings*, II, 682.
43. Paine, *Complete Writings*, II, 683.
44. Paine, *Complete Writings*, II, 686.
45. Paine, *Complete Writings*, II, 616.
46. Paine, *Complete Writings*, II, 616.
47. Paine, *Complete Writings*, II, 683.

PART IV

Conclusion



CHAPTER 10

Conclusion

In the context of the French Revolution Paine experienced the limits of his system of thought, although he himself did not express such a view that explicitly. He saw that an open public sphere was not always sufficient to set up genuine republicanism (in the summer of 1791 after Varennes, and also in the summer of 1795 when he defended universal suffrage). The domination of the Convention by one faction in 1793–1794 confirmed what he had already feared about the representative system and had formulated in the 1780s: a strong legislature based on a rightful representation was not enough as such to guarantee the existence of a fair republican regime. Then he realized that a legal and legitimate constitutional framework did not suffice either to establish justice as the post-Thermidorian regime tended to prove. Only a combination of these three elements could ensure the kind of republican regime Paine defended.

Quite paradoxically, even if debating was an essential part of the revolutionary process and also of established republican institutions, Paine did not theorize the role of the various factions or parties in a republic, although he had early acknowledged in the 1780s that partisanship could destabilize even representative institutions. The question of his allegiance or partisanship in the French Revolution is a difficult one and it cannot be dismissed by saying that Paine was unaware of the different factions existing in France. Yet he was clearly not involved in the opposition between French parties after 1789 to the extent he was in the American context in which he openly defined himself as a Jeffersonian.

He did not attack his political foes or opponents in France such as Robespierre, Boissy d'Anglas or even Bonaparte with the same virulence that he used against George Washington or John Adams or William Pitt. Although identifying Paine as a 'Girondin' is convenient, he was not one and his writings cannot be used to define a 'Girondin' doctrine, even if he himself appealed to the memory of 'Girondins' in 1797. Some major participants in the French Revolution vied for appropriating Paine's authority and prestige, as Cloots and Brissot did in 1792. Montagnards fought Paine's opposition to the death sentence in January 1793 and Thermidorians felt that Paine's defence of universal suffrage in the summer 1795 was an outrageous attack against the kind of republic they wished to set up. Then Paine's authority on French domestic affairs seems to have been less controversial and also less influential during the period of the Directoire, even if he was an active adviser, nay lobbyist, mostly on foreign affairs.

Looking at how Paine's theoretical stands and political choices coincided during the French Revolution has been one of the threads of this study. Before May 1791, whereas Paine sold events in France as an anti-monarchical and anti-aristocratic revolution and expressed clear theoretical opinions against both monarchy and aristocracy, in *Rights of Man* he also depicted 1789 as a revolution led by an open-minded aristocratic elite which was followed by the people, although he did not see any contradiction in this himself. In contrast, from May 1791 to the beginning of June 1793, when Paine's 'Girondin' friends were arrested, his public answers to events (Varennes, the abolition of monarchy, Louis XVI's trial and the need to write a new constitution) appear to have fitted his republican ideas. Such an adequacy seems to have been suspended at least in the last part of 1793 since Paine did not openly protest against the arrest of his friends (mostly for security reasons it may be surmised), but also because of the writing he published in November defending the policy of the Comité de salut public. Such a congruity between his public circumstantial and theoretical stands happened again in 1795 during the debate over the future Constitution of the Year III. However, it seems to have ended after the establishment of the Directoire and the elections of the Conseils as, at some time between the autumn of 1795 and the spring of 1796, Paine endorsed a republic of landowners to which he was fundamentally opposed, a kind of schizophrenia which also appeared to have characterized his view of the Consulat and then of Bonaparte more generally.

Yet despite such retrospectively puzzling shifts, what may well have been constant is Paine's Francophilia. He really seemed to like France and contributing to the hustle and bustle, to the ebbing and flowing of the French Revolution. The diplomatic or practical reasons he himself gave for not leaving France earlier may not be the only motives he chose to stay there for a whole decade. They are only the negative side of the story and, after looking into Paine's activities in France during the revolutionary period, I would contend that there is also a positive side to it, meaning that he chose to stay in France even if he constructed his own image as a restless revolutionary who only longed for a return to his country of adoption, the United States.

Once he had travelled back there, he did not look back toward the French Revolution as a whole. He did not carry out the project he had mentioned in his letter to Brune in November 1799 'to write a history, in English, of the revolutions [he] ha[d] seen'.¹ He seemed to have turned his back on Europe and become sceptical of a possible revolution in the Old World in the future. He spent his last years defending the ideals of the American Revolution against what he perceived as the Federalists' attacks against it. He denounced the tendency he perceived in State and Federal governments to reproduce the flaws of the British Constitution. He focused on the Pennsylvania Constitution of 1790, which had moved away from the ideals of 1776 and leant toward 1066,² on the Constitution of Connecticut and that of New York, where he settled after he crossed the Atlantic again.³ In one of his last writings, *Constitutions, Governments and Charters*, published in June 1805, all State Constitutions were too close to the British model.⁴ Federalists were only an 'English faction'⁵ to him and he again appealed to 'the honest sense of [the] country'⁶ and to its 'moderation of good sense'.⁷ Therefore, he felt that the clock needed to be turned back to 1776.

However, he still promoted the American Revolution and the American Republic as models for political reforms and/or revolutions in Europe. In 1802, he wrote that 'it [was] through the New World that the Old must be regenerated, if regenerated at all'.⁸ In 1804, it was the example of 1776 and not of 1789 that he advised English people to follow.⁹ In contrast to 1792, France was no longer the epicentre of the European republican revolution, which to him consisted of spreading revolutionary ideals from the United States to Europe.¹⁰

Paine never accounted for the failures of the French Revolution in an in-depth analysis, nor did he really make detailed comparisons between the French and American Revolutions. While still in France, in July 1797, in 'Worship and Churchbells', published as an answer to Camille Jordan's report before the Conseil des Cinq Cents, he insisted on the importance of the political environment to explain what he perceived as one of the major differences between the American and French Revolutions; that is, the use of illegitimate violence:

Why has the Revolution of France been stained with crimes, which the Revolution of the United States was not? Men are physically the same in all countries; it is education that makes them different. Accustom a people to believe that priests or any other class of men can forgive sins, you will have sins in abundance.¹¹

He seemed to explain the momentary failure of the French Revolution through the notion of habit, as Jefferson would do in private letters.¹² Yet whereas he was disappointed by the turn of events in France, Paine never denied the legitimacy of the French Revolution, and retrospectively in 1805 he maintained that the American and the French Revolutions both originated in the same desire for civil, political and social equality:

[I]nequality of rights has been the cause of all the disturbances, insurrections and civil wars that ever happened in any country, in any age of mankind. It was the cause of the American Revolution [...]. It was the cause of the French Revolution; and also of the civil wars in England in the time of Charles and Cromwell.¹³

Paine's vision of rights included political sovereignty and participation, but also the right to subsistence. As a present-day historian, one might be tempted to say that he encompassed both Revolutions in a mono-causal analysis that tended to erase the specificities of each and to overlook their economic origins. Yet as a present-day historian, one precisely needs to understand Paine's perspective in the context of the revolutionary era. As such, it makes no real sense to merely assert with the advantage of hindsight that Paine did not understand the French Revolution. The tendency to consider Paine as a second-rate thinker has too often been used to explain what have been seen as mere incoherences or

discrepancies in his writings. Some of these supposed insufficiencies are rather choices Paine made. Among these are the wish to present 1789 in the first part of *Rights of Man* as a political revolution, his refusal to publicly call for the establishment of a republican government before Varennes, the dedication to Lafayette of the second part of *Rights of Man* and his support of the Directoire which contrasted with his 1795 appeal for equal suffrage.

Paine was a foreigner in France, at least until August 1792, but it does not mean that he was foreign to the French Revolution. Yet no other foreigner or foreign-born citizen stayed in France that long and took part in debates to the extent that Paine did. Sometimes seen as the universal citizen of an imagined and real republican world or transatlantic community, sometimes seen as an Briton or as an American depending on the international and diplomatic contexts of the 1790s, but also on the views and intentions of authors or agents of the Revolution, he often acted as the Socratic writer goading and spurring his French contemporaries and has done so to this day. Characterizing Paine is still an issue both for the history of the French Revolution and for transatlantic studies. The historiographical construction of Paine's character or image had nonetheless until now too often relied either on the lack of evidence or on the failure to re-examine the extant evidence which documents his French decade. They reveal the complexity and multi-faceted intellectual personality of this republican author, thinker and activist, at times propagandist, who tried to come to terms with key questions on what a republican regime should be, some of which still prove essential today and are not all answered.

NOTES

1. Thomas Paine, *The Complete Writings of Thomas Paine*, ed. Philip S. Foner (New York: The Citadel Press, 1945), II, 1404.
2. Paine, *Complete Writings*, II, 998.
3. Paine, *Complete Writings*, II, 989–990. 'To the People of Connecticut', Richard Gimbel, 'New Political Writings by Thomas Paine', *Yale University Library Gazette* 30 (1956), 100–102.
4. Paine, *Complete Writings*, II, 989.
5. Paine, *Complete Writings*, II, 1009.
6. Paine, *Complete Writings*, II, 996.
7. Paine, *Complete Writings*, II, 1006.

8. Paine, *Complete Writings*, II, 912.
9. Paine, *Complete Writings*, II, 683.
10. 'The principles on which the American Revolution began, have extended themselves to Europe [...]. The distance of America from all the other parts of the globe, did not admit of her carrying those principles beyond her own situation. It is to the particular honor of France that she now raises the standard of liberty for all nations', Paine, *Complete Writings*, II, 538–539. In his *Letter Addressed to the Addressers*, still in 1792, he viewed the French and American Revolutions as sister revolutions since in both countries the British constitutional model had been dropped, Thomas Paine, *Rights of Man, Common Sense and Other Political Writings*, ed. Mark Philp (Oxford: Oxford University Press, 1995), 350. He confirmed this view in 1796 in his *Letter to Washington*: 'it was the American principle of government that I was endeavouring to spread in Europe', Paine, *Complete Writings*, II, 697.
11. Paine, *Complete Writings*, II, 759.
12. See what he wrote in 1815 in a letter to Lafayette: 'More than a generation will be requisite under the administration of reasonable laws favoring the progress of knowledge in the general mass of the people and their habituation to an independent security of person and property before they will be capable of estimating the value of freedom'. *The Thomas Jefferson Papers, Library of Congress*, <http://hdl.loc.gov/loc.mss/mtj.mtjbib020991>. In 1800 he had already told John Breckinridge about France: 'the people of that country having never been in the habit of self-government are not yet in the habit of acknowledging that fundamental law of nature by which alone self-government can be exercised by a society I mean the *lex majoris partis*. Of the sacredness of this law, our countrymen are impressed from the cradle, so that with them it is almost innate', *ibid.*, <http://hdl.loc.gov/loc.mss/mtj.mtjbib009274>.
13. Paine, *Complete Writings*, II, 1006.

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