

# *Sources and Interpretations*

## An Unknown Manuscript on the Terror, Attributed to Thomas Paine

Adam Lebovitz

IN the Fonds Brissot of the Archives Nationales in Pierrefitte-sur-Seine, there is a slim manila folder with the following label: “Manuscript for publication of the reflections of Thomas Paine (English member of the Convention) on the French Revolution.” In the top right-hand corner the date is given as 1825. And below the title there is an additional note: “probably never published because unfinished.”<sup>1</sup> What follows is a French-language text of 195 pages, in an unnamed editor’s highly legible script and with a sophisticated editorial apparatus that includes footnotes giving additional context and occasionally contradicting the author. It purports to be, and appears to be, an unknown text by Thomas Paine on the French Revolution and the beginnings of the Terror.

In what follows, I establish the provenance of this text, briefly sketch its contents, and situate it in relation to both Paine’s oeuvre and the volatile political atmosphere of 1793. If the manuscript is in fact authentic, it reveals a very unfamiliar Paine. The author branded “out of his depth” in French revolutionary politics emerges as a close observer of events inside and outside the National Convention; the author called a Jacobin radical by his contemporaries appears as a moderate who rejected both the ends and the means of republican extremism; the author dubbed a hawk impatient for war with Great Britain is recast as a dissenter from the Girondins’ belligerent policy. The manuscript presents

Adam Lebovitz is a Ph.D. candidate in the Department of Government at Harvard University. For advice at every stage of this project, from the initial planning to the final draft, the author thanks Robert Darnton and Eric Nelson. He thanks Yann Fauchois and Deborah Furet for advice on research, and Richard Bourke, Greg Conti, Samuel Moyn, Genevieve Rousseliere, and the anonymous readers at the *William and Mary Quarterly* for detailed comments on various drafts.

<sup>1</sup> “Manuscrit pour publication des réflexions de Thomas Paine [Conventionnel Anglais] sur la Révolution Française \*\* probablement jamais publié puisque inachevé ou traduction!,” 1825, Fonds Brissot (XVIIe–XIXe siècles), Manuscrits, Notes et Divers, Archives Personnelles et Familiales, cote 21, 446AP/21, p. 1, Archives nationales, Pierrefitte-sur-Seine, France. Transcripts from the manuscript retain the original spelling and orthography throughout. All translations from the French are my own.

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a Paine who is recognizable as an uncompromising defender of individual rights and popular sovereignty but who is significantly more cautious and conservative than the revolutionary iconoclast depicted in current scholarship.<sup>2</sup>

OF THE 195 MANUSCRIPT PAGES, the first 17 comprise an introduction by the editor; there are, in addition, scattered annotations in the body of the text itself, nearly always signed “Editor’s Note.”<sup>3</sup> The date of 1825, given by an archivist, comes from this introduction, where the editor writes that “sixteen years have passed since his [Paine’s] death” in 1809.<sup>4</sup> The dating is plausible given that the editor quotes a passage from Paine’s *Prospects on the Rubicon* in French translation, almost certainly taken from the entry on Paine in the 1822 *Biographie universelle, ancienne et moderne*.<sup>5</sup> Therefore, 1822 provides us with a terminus a quo for the composition of the manuscript, though it lacks a clear terminus ad quem.

The provenance of the manuscript, as described in its preface, is complex. To begin with, the editor makes clear that he is not responsible for the translation and did not have access to the English-language original when preparing his edition. Nevertheless, he gives a confident sketch of the text’s origins, which is worth reproducing in full:

During his [Paine’s] detention [on December 28, 1793] the notes he had drafted about these events, and the reflections they suggested to him, were seized and removed from his home along with all of his papers, pursuant to a general order. One of the heads

<sup>2</sup> See J. C. D. Clark, *Thomas Paine: Britain, America, and France in the Age of Enlightenment and Revolution* (Oxford, 2018), 320 (quotation); Richard Whatmore, “Thomas Paine,” in *Constitutions and the Classics: Patterns of Constitutional Thought from Fortescue to Bentham*, ed. D. J. Galligan (Oxford, 2014), 414–37, esp. 432–33; Yannick Bosc, *La Terreur des droits de l’homme: Le républicanisme de Thomas Paine et le moment thermidorien* (Paris, 2016), 243–44. In a book published after this article went into production, Carine Lounissi briefly discusses this text, ultimately dismissing it as a “clever forgery.” As will be clear below, I share some of her reservations about aspects of the document, but the balance of her concerns are unpersuasive and lack sufficient textual support. See Lounissi, *Thomas Paine and the French Revolution* (Cham, Switzerland, 2018), 196–98 (quotation, 197).

<sup>3</sup> There is one unsigned note, but it is clear in context that it is by the editor. See “Manuscrit pour publication,” 83.

<sup>4</sup> “Manuscrit pour publication,” 16 (“seize années se sont écoulées depuis sa mort”).

<sup>5</sup> The *Biographie universelle* is not cited in “Manuscrit pour publication,” but the quotation in it perfectly matches the translation of this passage given in an article by George-Bernard Depping and differs significantly from the only published French translation of *Prospects on the Rubicon*; compare “Manuscrit pour publication,” 5, and Depping, “Paine (Thomas),” in *Biographie universelle, ancienne et moderne*. . . . (Paris, 1822), 32: 375–85, esp. 32: 378, with [Thomas] Paine, *Vues sur le Rubicon*. . . . (Amsterdam, 1788), 27–28, esp. 27.

of the Convention's Bureau des Comités was ordered to examine all the papers found either at the Tuileries, or at the homes of the members arrested by the Convention, and to make an inventory. Among the papers of Thomas Paine were found these fragments on the French Revolution, as well as the first part of the work he has since published under the title *The Age of Reason*. These English-language manuscripts were no doubt returned to him, but certain people who placed great value on everything that fell from the pen of this famous man arranged for them to be translated. It was then discovered that Paine had resumed his observations upon leaving prison, continuing them through the end of the Convention and the installation of the Directory [on October 31, 1795]; it was not difficult to obtain disclosure of these documents from him for the purposes of translation before they were returned to him.<sup>6</sup>

Despite the French text's evident intellectual and historical value, the 1825 editor informs us that it was never published; its translators decided, given its fragmentary character, either to wait for Paine to bring out a complete edition or to incorporate its parts into some future work. Sixteen years after Paine's death, however, it appeared unlikely that a posthumous English edition would be forthcoming, and the editor concluded that "the original manuscript has disappeared" due to the negligence of Paine or his heirs. But because "today no one's property will be infringed, we can finally join this work to the other writings of this author."<sup>7</sup>

At first glance, this narrative is plausible. It is well-known that Paine spent the period from April to December 1793 in a state of semiseclusion,

<sup>6</sup> "Manuscrit pour publication," 15–16 ("Pendant sa détention les notes qu'il avait rédigées sur les événements et les réflexions qu'elles lui avaient suggérées avaient été saisies et enlevées de son domicile avec tous ses papiers par suite d'une mesure générale qui ne le concernait pas seul. L'un des chefs de Bureau des comités de la Convention fut chargé d'examiner tous les papiers qui se trouveraient soit au chateau des Thuileries, soit chez les membres de la Convention dont avait a [*sic*] été ordonnée, et d'en faire un Inventaire. On trouva chez Thomas Paine ses fragments sur la révolution française et la première partie de l'ouvrage qu'il a publié depuis, intitulé *l'age de la raison*. Ces manuscrits étaient en Anglais, ils lui ont sans doute été restitués, mais des personnes qui attachaient un prix à tout ce qui sortait de la plume de cet homme célèbre les ont fait traduire. On apprit ensuite que Thomas Payne avait repris en sortant de prison la suite de ses observations et les avait continuées jusqu'à la fin de la session et l'installation du Directoire; il n'a pas été difficile d'en obtenir de lui la communication et d'en faire une traduction avant de les lui rendre").

<sup>7</sup> "Manuscrit pour publication," 16 ("Il y a lieu de croire que le manuscrit original aura disparu, soit parcequ'il n'aura pas jugé à propos de le mettre au jour, soit parcequ'après lui ceux entre les mains duquel il sera tombé n'y auront attaché aucune importance. Certains aujourd'hui de n'attenter à la propriété de personne, on croit pouvoir joindre cet ouvrage aux autres écrits de cet auteur").

during which he produced the first part of *The Age of Reason*.<sup>8</sup> It has always seemed odd that Paine, the greatest polemicist of the revolutionary epoch, would have refrained from commenting at length on the “rage, terror and suspicion” that marked the Jacobin seizure of power and led to the proscription and execution of his closest allies in France.<sup>9</sup> Paine’s apparent silence is particularly surprising in light of his energetic interventions in French political debate in 1787–93 and 1795–98 and his blistering attacks on the Reign of Terror following 9 Thermidor Year II (July 27, 1794).<sup>10</sup> That Paine would

<sup>8</sup> See Gregory Claeys, *Thomas Paine: Social and Political Thought* (London, 1989), 30; Harvey J. Kaye, *Thomas Paine: Firebrand of the Revolution* (New York, 2000), 114–16; Wil M. Verhoeven, *Gilbert Imlay: Citizen of the World* (London, 2008); Thomas Munck, “The Troubled Reception of Thomas Paine in France, Germany, the Netherlands, and Scandinavia,” in *Paine and Jefferson in the Age of Revolutions*, ed. Simon P. Newman and Peter S. Onuf (Charlottesville, Va., 2013), 161–82, esp. 167. For Paine’s own account of his year at Saint-Denis, see Paine, “Forgetfulness: From the Castle in the Air to the Little Corner of the World,” [1794], in Philip S. Foner, ed., *The Complete Writings of Thomas Paine, with a Biographical Essay, and Notes and Introductions Presenting the Historical Background of Paine’s Writings* (New York, 1945), 2: 1120–26, esp. 2: 1120; Thomas Clio Rickman, *The Life of Thomas Paine*. . . (London, 1819), 130–38.

<sup>9</sup> Thomas Paine, “Letter to George Washington,” July 30, 1796, in Foner, *Complete Writings of Thomas Paine*, 2: 691–723 (quotation, 2: 696).

<sup>10</sup> For 1787–88, see for example Thomas Paine to Secrétaire Particulier de Loménie de Brienne, Aug. 11, 1787, in Bernard Vincent, “Cinq inédits de Thomas Paine,” *Revue française d’études américaines*, no. 40 (April 1989): 213–35, esp. 215. For 1789–91, see for example A. O. Aldridge, “Condorcet et Paine: Leurs rapports intellectuels,” *Revue de Littérature Comparée* 32, no. 1 (January–March 1958): 47–65, esp. 48–56; Elisabeth Badinter and Robert Badinter, *Condorcet (1743–1794): Un intellectuel en politique* ([Paris], 1988), 336; Richard Whatmore, “‘A gigantic manliness’: Paine’s Republicanism in the 1790s,” in *Economy, Polity, and Society: British Intellectual History, 1750–1950*, ed. Stefan Collini, Whatmore, and Brian Young (Cambridge, 2000), 135–57, esp. 136–37; Mark Philp, “Revolutionaries in Paris: Paine, Jefferson, and Democracy,” in Newman and Onuf, *Paine and Jefferson*, 137–60, esp. 140–41. For the years 1792–93 and Paine’s participation in the Committee of Nine appointed to draft a constitution, see Marcel Dorigny, “Du projet Girondin de février 1793 au texte constitutionnel du 24 juin 1793,” in *Lan I et l’apprentissage de la démocratie*, ed. Roger Bourderon (Saint-Denis, Fr., 1995), 107–18, esp. 110–11. On Paine’s service in the Convention, see Ann Thomson, “Thomas Paine, représentant de l’Amérique républicaine,” in *L’idée américaine au XVIIIe siècle: La Révolution industrielle en Grande-Bretagne (1760–1830)*, ed. Jean-Robert Rougé (Paris, 1992), 69–82, esp. 76–78. For the years 1795–98 and Paine in the Convention, see Paine to [Jean] Pelet de la Lozère (?), Jan. 15, [1795], in Vincent, *Revue française d’études américaines*, no. 40, 225; Bosc, *La Terre des droits de l’homme*, 19–34. On Paine as editor of *Le Bien-Informé* alongside Nicholas Bonneville, see Gary Kates, *The Cercle Social, the Girondins, and the French Revolution* (Princeton, N.J., 1985), 274–75. On the significance of François-Noël Babeuf to Paine’s *Agrarian Justice*, see Manuela A. Albertone, *National Identity and the Agrarian Republic: The Transatlantic Commerce of Ideas between America and France (1750–1830)* (Burlington, Vt., 2014), 217–19. For the Reign of Terror following 9 Thermidor, see Paine to the French National Convention, Aug. 7, 1794, in Foner, *Complete Writings of Thomas Paine*, 2: 1339–41, esp. 2: 1340; Paine, “Observations sur la partie de la Constitution de 1793,” [1794 or 1795], in Vincent, *Revue française d’études américaines*, no. 40, 229; Paine, “Dissertation on First Principles of Government,” July 1795, in Foner, *Complete Writings of Thomas Paine*, 2: 570–88, esp. 2: 582; Paine, “Agrarian Justice,” [1796], *ibid.*, 1: 605–8, esp. 1: 608; Paine to anonymous, Mar. 4, 1797, *ibid.*, 2: 1385–86, esp. 2: 1386; Paine, “Worship and Church

have kept notes criticizing Jean-Paul Marat and Maximilien Robespierre and defending his own republican bona fides from Jacobin calumny is unsurprising.<sup>11</sup> In addition, the introduction's description of the manuscript's chain of custody—that it was impounded by a committee following a search of Paine's apartment—is consistent with Paine's own account of what befell his papers during his internment.<sup>12</sup> And of course, scholars of Paine have long noted that our dossier of his writings is drastically incomplete, owing both to his peripatetic career and to an 1833 fire that consumed what remained of his personal papers. One of the most severe gaps in the documentary record concerns Paine's writings on the Jacobin phase of the revolution—his commentaries on Robespierre, the trial of Marat, and the onset of the Terror, which scholars know to have been lost.<sup>13</sup> Among the missing texts are a plan for a republican constitution dated to 1793, a letter to Marat, and a two-volume autobiography.<sup>14</sup> There has been no suggestion to date in the secondary literature that a manuscript by Paine along the precise lines of that found in the Fonds Brissot—a book-length analysis of the party struggles that ruptured the National Convention from January to July 1793—is missing. There are, nevertheless, strong reasons to suppose that it is authentic.

To begin with, there is the testimony of those who knew Paine best. His friend and fellow radical Thomas Clio Rickman was emphatic that Paine had drafted a detailed history of the revolutionary epoch, including a sharp attack on the Jacobin party, which was never published and was ultimately lost:

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Bells: A Letter to Camille Jordan," 1797, in Moncure Daniel Conway, ed., *The Writings of Thomas Paine* (New York, 1908), 4: 252; Paine, "The Eighteenth Fructidor: To the People of France and the French Armies," 1797, in Foner, *Complete Writings of Thomas Paine*, 2: 594–613, esp. 2: 599; Paine, "To the Citizens of the United States," *National Intelligencer*, Nov. 29, 1802, [1–2], repr. as Paine, "To the Citizens of the United States: Letter III," Nov. 26, 1802, in Foner, *Complete Writings of Thomas Paine*, 2: 918–23, esp. 2: 919–20.

<sup>11</sup> For his increasing disillusionment with the course of the revolution, see Thomas Paine to Thomas Jefferson, Apr. 20, 1793, in Foner, *Complete Writings of Thomas Paine*, 2: 1330–32, esp. 2: 1330; Paine to Georges-Jacques Danton, May 6, [1793], *ibid.*, 2: 1335–38, esp. 2: 1335.

<sup>12</sup> See Thomas Paine, postscript (1794), in Moncure D. Conway, "Newly Discovered Writings of Thomas Paine," *Athenaeum*, Aug. 27, 1898, 291–92.

<sup>13</sup> On these unpublished manuscripts, many of which dealt with the French Revolution, see Moncure Daniel Conway, *The Life of Thomas Paine*. . . . (New York, 1908), 1: xii–xiii, 79.

<sup>14</sup> For the 1793 constitution, see Thomas Paine to the French National Convention, Aug. 7, 1794, in Foner, *Complete Writings of Thomas Paine*, 2: 1340; Paine to James Monroe, Oct. 20, 1794, *ibid.*, 2: 1364–74, esp. 2: 1365; Paine, postscript (1794), in Conway, "Newly Discovered Writings," 291–92; William Cobbett with Madame Bonneville, "Thomas Paine: A Sketch of His Life and Character," [1819], in Conway, *Life of Thomas Paine*, 2: 433–59, esp. 2: 439. For Marat, see Conway, *Life of Thomas Paine*, 2: 53–57. For the autobiography, see Henry Redhead Yorke, *Letters from France, in 1802* (London, 1804), 2: 345.

It is unfortunate for mankind that Mr. Paine, by imprisonment and the loss of his invaluable papers, was prevented giving the best, most candid and philosophical account of these times. These papers 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. For these papers the historian [Edward] Gibbon sent to France, and made repeated application, upon a conviction that they would be impartial, profound, and philosophical documents.

It is well known that Mr. Paine always lamented the turn affairs took in France, and grieved at the period we are now advertising to, when corrupt influence was rapidly infecting every department of the state.<sup>15</sup>

Rickman knew Paine intimately—the second part of *The Rights of Man* was written at his house in London, he visited Paine periodically in Paris, and he was named as one of three beneficiaries of Paine's estate in 1809—and so his statements on Paine's oeuvre should carry significant weight.<sup>16</sup> And what Rickman described here is very close to the Brissot manuscript. In addition, there is the account of William Cobbett, the celebrated Anglo-American polemicist, who offered a précis of Paine's life in 1819. Cobbett never met Paine and in fact bitterly denounced him as an agent of anarchy during the U.S. party struggles in the 1790s. But Cobbett converted to radicalism in the early 1800s, and in 1818 he announced his intention to write a biography of Paine, using original manuscripts purchased from Paine's housemate and friend, Marguerite de Bonneville. In 1819 the two collaborated on a prospectus of the work, written mainly by Cobbett, with notes and corrections in Bonneville's hand. In the short outline, Cobbett and Bonneville referred to a wide range of writings by Paine, including at least a dozen that are still missing today. Among the works cataloged were "the following two pieces Thomas Paine wrote while in Prison [in 1794]: 'Essay on Aristocracy,' 'Essay on the character of Robespierre.'"<sup>17</sup> It seems plausible that there would be substantial overlap between these two essays and the 1825 manuscript, which

<sup>15</sup> Rickman, *Life of Thomas Paine*, 137. Two important caveats: first, it is not clear whether Rickman saw this document himself or was communicating hearsay from Paine, and second, I cannot substantiate the claim that Edward Gibbon inquired after Paine's drafts, although he followed events in France closely and would have looked favorably on Paine's leniency toward Louis XVI. See Edward Gibbon to Lady Elizabeth Foster, Apr. 4, 1793, in John, Lord Sheffield, ed., *The Miscellaneous Works of Edward Gibbon, Esq. . . .*, new ed. (London, 1814), 2: 483–86, esp. 2: 484.

<sup>16</sup> See Wil M. Verhoeven, *Americomania and the French Revolution Debate in Britain, 1789–1802* (New York, 2013), 304.

<sup>17</sup> Cobbett with Bonneville, "Thomas Paine: A Sketch," in Conway, *Life of Thomas Paine*, 2: 433–59 (quotation, 2: 440).

deals at length with both the structure of the ancien régime and the leading personalities of the Jacobin republic. Thus there is confirmation from two intimate associates of Paine, Rickman and Bonneville, that he produced a number of historical and theoretical studies of the Terror in 1793–94, which should bolster our sense of the 1825 manuscript's authenticity.

An additional clue to Paine's authorship of the manuscript is a pamphlet published by Jacques-Pierre Brissot on May 22, 1793, his last public pronouncement before his arrest was decreed by the Convention. It was a desperate rallying cry to his supporters and a bill of indictment against the "anarchists" and "usurpers" of the Jacobin club poised to seize the reins of state. To accentuate his attack on the violent extremists of the left, Brissot invoked the opinion of a friend whose republican credentials were beyond reproach. Given the urgency of the situation, he took the liberty of quoting his friend's writings in manuscript.

I was in England, says Thomas Paine in a work that will soon appear in print, during the massacres of September 2 and 3. Before this deadly event, the principles of the French Revolution had made rapid progress; scarcely had the fatal news of these massacres arrived than a sea-change was felt in public opinion. All the friends of France were in mourning, everyone feared to meet his friend. The enemies of the revolution were triumphant, and their curses and exclamations of horror against France rang out in every public place, rending every soul. Thus all of France, all the revolution, suffered for the criminality of a small number of individuals. In vain did they say that those who perished were guilty; it was answered that a prison was as sacred as an altar, and that whoever violates a prison is capable of betraying his country.<sup>18</sup>

Scholars have not noticed that Brissot was citing a work by Paine that never subsequently appeared in print. Brissot shows us that by the spring of 1793 Paine was drafting a new work on the French Revolution, one that

<sup>18</sup> J. P. Brissot, *A Ses Commettans, sur la situation de la Convention Nationale*. . . . (Paris, [1793]), 15 ("anarchists"), 69–70 ("I was") ("J'étois en Angleterre, dit Thomas Payne dans un écrit qui va paroître, lors des massacres du 2 et 3 septembre. Avant ce funeste événement, les principes de la révolution française faisoient 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 craignoit de rencontrer son ami. Les ennemis de la révolution triomphoient, et faisoient retentir tous les lieux d'anathèmes, et de cris d'horreur contre la France; et ces cris déchiroient toutes les ames. Ainsi toute la France, toute la révolution souffrit pour la s[c]élébratesse de quelques individus. En vain disoit-on que les hommes qui avoient péri, étoient coupables; on répondoit qu'une prison étoit aussi sacrée qu'un autel, et que celui qui viole une prison est capable de trahir sa patrie"). Brissot spoke and read English fluently, and we can assume that this is his own free translation from Paine's original.

would evidently not flinch from harsh criticism of its excesses. Brissot apparently had access to this work in progress and may have acquired a copy of his own. These two facts should be kept in mind when comparing the above passage to a similar extract from the 1825 manuscript:

I spent the whole of 1792 in England, where I had been recalled by personal matters. I was not a witness to the events of this year, either June 20 or August 10, and I learned, trembling with horror, of the massacres of September. To murder is not to punish, since the goal of all punishment is instruction. The less the blood that is shed, the more effective the repressive measures. I am silent about this deadly aberration of the magistrates of the people. They are guilty if they were unaware of it, since it was their responsibility to know about it and to bring it to a halt. They are still more guilty if they knew about it, since this would make them accomplices.<sup>19</sup>

It is immediately apparent that these two passages are sharply divergent with respect to their wording yet deeply similar with respect to their content. Given the obvious differences between the two passages, it is not certain that Brissot was quoting an early version of the 1825 manuscript. Nevertheless, it is easy to see how the disparities might be explained by the differing sensibilities of the two translators and perhaps also by later revisions undertaken by Paine.

The fact that Brissot may have possessed an early version of this text might explain how this manuscript, prepared thirty years after Brissot's death, found a home in the Fonds Brissot. The history of the Brissot collection is complex. It was sold to François Mongin de Montrol in 1829 by Brissot's son Anacharsis, was excerpted in Montrol's four-volume *Mémoires de Brissot*, and remained a part of the Fonds Montrol, mixed indiscriminately with the *travaux personnels* of Montrol himself, until its acquisition in 1982 by the Archives nationales.<sup>20</sup> Unfortunately, the inventory of the *Papiers Brissot*, compiled by Anacharsis Brissot in 1829 just before their sale to Montrol, does not contain any clear signs of the Paine manuscript. Neither does the inventory undertaken by Gérard Maintenant in 1978, although he does not pretend to a comprehensive survey and flags cote no.

<sup>19</sup> "Manuscrit pour publication," 21 ("J'ai passé toute l'année 1792 en Angleterre où j'avais été rappelé par des affaires personnelles. Je n'ai pas été témoin des événements de cette année je n'étais présent ni à celui du 20 Juin, ni à celui du 10 Aout, et j'ai appris en frémissant d'horreur les massacres du mois de Septembre. Assassiner n'est pas punir, et tout chatiment des coupables doit avoir pour but d'instruire. Moins on peut verser de sang, plus les mesures repressives sont efficaces. Je me tais sur cette funeste aberration des magistrats du peuple. Ils sont coupables s'ils ignoraient ces assassinats parcequ'ils devaient les connaitre et les empêcher. Ils sont bien plus coupables encore s'ils en ont eu connaissance, car alors ils s'en sont rendus les complices").

<sup>20</sup> F. de Montrol, *Mémoires de Brissot, member de l'assemblée législative et de la Convention Nationale*. . . , 4 vols. (Paris, 1830–32).

34, *Matériaux à placer*, as “very rich in Brissot manuscripts, and in need of an in-depth analytical study.”<sup>21</sup>

What of Paine himself? There are several indications in his writings that he was contemplating a critical history of the revolution in 1793–94. In a Convention speech of January 1793, he anticipated a “*return to America*” after the ratification of a republican constitution, which would leave him the leisure to “employ myself in writing the history of the French Revolution.”<sup>22</sup> His first letter to Gouverneur Morris from the Luxembourg prison, meanwhile, insinuated that he had been incarcerated precisely to prevent him from completing such a history—enemies in the Convention “do not choose [that] I should be in a state of freedom to write my mind freely upon things I have seen.”<sup>23</sup> And just before his release in the autumn of 1794, he repeated these sentiments to James Monroe, recently credentialed as U.S. ambassador in Paris:

I cannot see what motive can induce them to keep me in prison. . . . The supporters of the system of terror might apprehend that if I was in liberty and in America I should publish the history of their crimes, but the present persons who have overset that immoral system ought to have no such apprehension. . . . It was the literary and philosophical reputation I had gained in the world that made them my enemies; and I am the victim of the principles and, if I may be permitted to say it, of the talents, that procured me the esteem of America. My character is the *secret* of my arrestation.<sup>24</sup>

Once again Paine hints that he might be the author of such a manuscript, but with great caution, in general terms, and behind the shield of the conditional tense.<sup>25</sup>

<sup>21</sup> Gérard Maintenant, “Les Papiers de Brissot (Fonds François de Montrol),” in *Actes du colloque: Girondins et Montagnards (Sorbonne, 14 décembre 1975)*, ed. Albert Soboul (Paris, 1980), 325–42 (quotation, 341) (“très riche en manuscrits de Brissot et nécessite une étude analytique en profondeur”). For the 1829 inventory, see *ibid.*, 336. For the 1978 inventory, see *ibid.*, 338.

<sup>22</sup> Thomas Paine to James Monroe, Sept. 10, 1794, in Foner, *Complete Writings of Thomas Paine*, 2: 1345–54 (quotations, 2: 1352). For the French, see “Convention Nationale. Présidence de Vergniaud. Suite de la Séance du Samedi 19 Janvier,” *Gazette Nationale ou Le Moniteur Universel (GN)*, Jan. 23, 1793, in Léonard Gallois, ed., *Réimpression de l'ancien Moniteur*. . . . (Paris, 1840), 15: 242–48 (“d’écrire l’histoire de la révolution française,” 15: 248).

<sup>23</sup> Thomas Paine to Gouverneur Morris, Feb. 24, 1794, in Foner, *Complete Writings of Thomas Paine*, 2: 1338–39 (quotation, 2: 1339).

<sup>24</sup> Thomas Paine to James Monroe, Oct. 4, 1794, *ibid.*, 2: 1355–57 (quotation, 2: 1355). Compare with Paine to Monroe, Sept. 10, 1794, *ibid.*, 2: 1349.

<sup>25</sup> Charlotte Biggs wrote of Paine’s inability “to express the slightest disapprobation of the measures of government, without hazarding his freedom.” [Biggs], *A Residence in France, during the years 1792, 1793, 1794, and 1795*. . . ., ed. John Gifford (London, 1797), 1: 292.

The contents of the Brissot manuscript likewise appear consistent with an attribution to Paine. Much of the text consists of what are presented as Paine's own firsthand observations of proceedings in the National Convention, where he sat as a deputy for Pas-de-Calais.<sup>26</sup> When it reports details of his personal life, it does so accurately.<sup>27</sup> When the manuscript addresses the political issues of the day, it faithfully reproduces the subtle positions Paine adopted in his public and private writings—including his ambivalent defense of the life of Louis XVI, his unequivocal condemnation of the September Massacres, his deep-seated antipathy for paper money, and his aversion to the 1793 constitution reported by Marie-Jean Hérault de Séchelles and Louis-Antoine-Léon de Saint-Just.<sup>28</sup> And the text contains restatements of many of Paine's most celebrated theoretical ideas, including the link between hereditary government and perpetual warfare, the necessity of popular conventions for framing constitutions, the despotic character of the British constitution, and the distinction between society and government.<sup>29</sup> Finally, though it is impossible to attribute a French manuscript to Paine on the basis of its style or diction, this one employs distinctive rhetorical devices and literary references found elsewhere in Paine's oeuvre.<sup>30</sup>

<sup>26</sup> "Manuscrit pour publication," 23 ("une espece de Journal de la Convention française"). Compare with *ibid.*, 58, 161.

<sup>27</sup> For Paine's travels between England and France, see *ibid.*, 20–21. For his service on the Committee of Nine, see *ibid.*, 25, 76. For his limited ability to express himself in French, see *ibid.*, 39. For a new French edition of *Common Sense* published in February 1793, see *ibid.*, 69. For his role in the trial of Marat, see *ibid.*, 113–15, 170. For his objection to a tribute to Benjamin Franklin in the Convention because the violent insurrections of May 31 had betrayed Franklin's principles, see *ibid.*, 170.

<sup>28</sup> For Louis XVI, see *ibid.*, 21, 28–29. For the September Massacres, compare *ibid.*, 22; Paine, "Letter to George Washington," July 30, 1796, in Foner, *Complete Writings of Thomas Paine*, 2: 696–97; Paine, "The Eighteenth Fructidor," 1797, *ibid.*, 2: 609. For paper money, compare "Manuscrit pour publication," 57, 66; Paine, "Dissertations on Government; the Affairs of the Bank; and Paper Money," [1786], in Foner, *Complete Writings of Thomas Paine*, 2: 367–414, esp. 2: 404. For the 1793 constitution, compare "Manuscrit pour publication," 171; Paine, "Observations sur la partie de la Constitution," in Vincent, *Revue française d'études américaines*, no. 40, 226–30.

<sup>29</sup> For hereditary government and perpetual warfare, compare "Manuscrit pour publication," 47; Thomas Paine, "Letter II: In Answer to the Citizen of Rhode-Island on the Five Per Cent. Duty," [1782], in Foner, *Complete Writings of Thomas Paine*, 2: 340–46, esp. 2: 343. For framing constitutions, compare "Manuscrit pour publication," 72; Paine, "Rights of Man, Part Second," in Foner, *Complete Writings of Thomas Paine*, 1: 345–458, esp. 1: 375–80; Whatmore, "A gigantic manliness," 152–54. For the British constitution, compare "Manuscrit pour publication," 115; Paine, "Common Sense," in Foner, *Complete Writings of Thomas Paine*, 1: 3–46, esp. 1: 8; Paine, "Rights of Man, Part First," *ibid.*, 1: 243–344, esp. 1: 279. For society and government, compare "Manuscrit pour publication," 73; Paine, "Rights of Man, Part Second," in Foner, *Complete Writings of Thomas Paine*, 1: 358; Mark Philp, "The Role of America in the 'Debate on France' 1791–5: Thomas Paine's Insertion," *Utilitas* 5, no. 2 (November 1993): 221–37, esp. 227.

<sup>30</sup> For example, the French manuscript employs the metaphor of Joshua at Jericho, a biblical episode that is discussed at length in *The Age of Reason*; see "Manuscrit pour

The text likewise supports the editor's claim that it was drafted between 1793 and early 1795. It opens in the aftermath of the execution of Louis XVI; shortly thereafter the author speaks of "the immortal Washington," an epithet Paine would abandon in 1794 as he gradually became convinced the president was conspiring with French authorities to keep him in prison.<sup>31</sup> These details make it likely that the text was written in its entirety by the time of Paine's arrest. But the time frame can be specified with even more precision. Early in the manuscript, the author notes that he would like to "draw on an argument from the constitutional project drafted by the Committee of which I was a member, a project that is already in the hands of every deputy, and will very shortly be submitted for discussion."<sup>32</sup> The reference is to Paine's service on the Committee of Nine, whose *Plan de constitution* was submitted to the Convention on February 15 and formally opened to debate on April 17, 1793.<sup>33</sup> Because the author states that the constitutional draft has been disseminated to the Convention but not yet debated, this passage must have been composed between these two dates. Similarly, late in the history the author briefly pauses to note the ubiquity of Jacobin propaganda on the walls of Paris: "As I write this, all the houses of the capital carry on their walls this motto, in which I search in vain for any moral or patriotic sense: *unity, indivisibility of the republic, liberty, equality fraternity or death*. One also sees above every building a tricolor flame topped with a liberty cap." The author states that this patriotic design was ordered displayed by the Department of Paris on June 30, so this passage can confidently be dated to late summer.<sup>34</sup> These telling asides,

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publication," 78 ("les murs de Jericho au son des trompettes"); Thomas Paine, "The Age of Reason, Part Second," in Foner, *Complete Writings of Thomas Paine*, 1: 514–604, esp. 1: 545. For Paine's charge that George III was a "German" king and thus a foreigner in England, compare "Manuscrit pour publication," 47 ("Lorsque L'Amerique a refusé l'obeissance à L'Allemand couronné"); Paine, "The Eighteenth Fructidor," 1797, in Foner, *Complete Writings of Thomas Paine*, 2: 608 ("the Anglo-Germanic compact at home, called the Hanover Succession").

<sup>31</sup> "Manuscrit pour publication," 34 ("l'Immortel Washington"). By way of comparison, see Thomas Paine to James Madison, Sept. 24, 1795, in Foner, *Complete Writings of Thomas Paine*, 2: 1378–81 (quotation, 2: 1378). For the aftermath of the execution, see "Manuscrit pour publication," 28–31.

<sup>32</sup> "Manuscrit pour publication," 76 ("Il ne m'est pas encore permis de tirer un argument du projet de constitution qui a été redigé par le comité dont j'ai fait partie; mais ce projet est déjà entre les mains de tous les Deputés, et sera vraisemblablement soumis incessamment à la discussion").

<sup>33</sup> "Discours prononcé dans la séance du vendredi 23 [15] février, par Condorcet, au nom du comité de constitution," *GN*, Feb. 17, 1793, in Gallois, *Réimpression de l'ancien Moniteur*, 15: 456; "Séance du Mercredi 17 avril," *GN*, Apr. 20, 1793, in Gallois, *Réimpression de l'ancien Moniteur*, 16: 172–74, esp. 16: 174.

<sup>34</sup> "Manuscrit pour publication," 168 ("Au moment ou j'écris ceci toutes les maisons de la capitale portent sur leurs murs, cette Inscription à laquelle je cherche envain a trouver un sens moral et patriotique. *Unité, indivisibilité de la republique, liberté, égalité fraternité ou la mort*. On voit egalement audessus de tous les édifices une flamme aux trois couleurs surmontée d'un bonnet de la liberté"). For the first occurrence of this

combined with the author's frequent quotations from the proceedings of the Convention (almost always as transcribed in *Le Moniteur*) and the manuscript's chronological architecture, suggest that it may have been composed in something like real time, as the events it describes transpired.<sup>35</sup> On the other hand, there are indications of possible later revision. For example, the text harshly criticizes Bertrand Barère at several junctures; it was Barère's denunciation of Paine in December 1793 that led to Paine's arrest.<sup>36</sup> And the author offers a prediction about the likely trajectory of the Committee of Public Safety—from despotism to mass executions to violent overthrow—that may also have been rewritten after 9 Thermidor. Indeed, he even foresees his own subsequent persecution and arrest.<sup>37</sup> All of this would seem to indicate a text that was drafted as a rapid response to the events it describes, possibly supplemented by later revisions.

In sum, there are many reasons to suppose that Paine is the author of the manuscript under consideration. His friend and collaborator Rickman confirmed that Paine drafted a detailed "history of the French revolution" that was subsequently lost. His colleague Brissot published a speech in May 1793 quoting loosely from what he called a work in progress by Paine, which

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phrase in the Convention records, see "Les citoyens réunis à la séance des Amis de la République de Vienne, département de l'Isère," in "Séance du Mercredi 26 Juin," *GN*, June 28, 1793, in Gallois, *Réimpression de l'ancien Moniteur*, 16: 750.

<sup>35</sup> By 1797, Paine both read French fluently and read French newspapers habitually and with great interest. For the reminiscences of Marguerite de Bonneville, see Cobbett with Bonneville, "Thomas Paine: A Sketch," in Conway, *Life of Thomas Paine*, 2: 459. Compare with Thomas Paine to James Madison, Apr. 27, 1797, in Foner, *Complete Writings of Thomas Paine*, 2: 1393–95, esp. 2: 1393. Quotations from primary sources comprise approximately one-fifth of the manuscript. See for example "Manuscrit pour publication," 32, and "Lundi 21 Janvier," *Journal de Paris*, Jan. 22, 1793 (erroneously labeled Dec. 22, 1793), 85–87, esp. 86; "Manuscrit pour publication," 110, and "Convention Nationale. Séance permanente du jeudi, 4 avril 1793, au soir," in [Jérôme] Mavidal et al., eds., *Archives Parlementaires de 1787 à 1860*. . . . (Paris, 1902), 61: 311–14, esp. 61: 314; "Manuscrit pour publication," 165, and "Marseille aux Républicains français," June 12, 1793, in L. Blancard, ed., *Inventaire des archives départementales postérieures à 1789: Archives départementales des Bouches-du-Rhône*. . . ., ser. L (Marseille, 1889), 1: 251–53, esp. 1: 252; "Manuscrit pour publication," 189, and "Séance du Lundi 22 Juillet," *GN*, July 23, 1793, in Gallois, *Réimpression de l'ancien Moniteur*, 17: 196. The precision of the quotations may come from either the 1825 editor or the 1794/95 translators, but the extensive reconstruction of Convention debates implies that Paine must have had access to similar kinds of records, as well as the ability to read them.

<sup>36</sup> "Manuscrit pour publication," 32, 34. See also Bertrand Barère in "Convention Nationale. Présidence de Couthon. Suite de la Séance du 5 Nivose [Dec. 25, 1793]," *GN*, Dec. 27, 1793, in Gallois, *Réimpression de l'ancien Moniteur*, 19: 50–54; Conway, *Life of Thomas Paine*, 2: 131. However, Barère is also intermittently praised in the manuscript when the author approves of his actions; see for example "Manuscrit pour publication," 162. Barère and Paine corresponded on friendly terms through the autumn of 1793.

<sup>37</sup> "Manuscrit pour publication," 108. It should be stressed that Paine purported to be writing long in advance of 9 Thermidor, and there is a strong possibility that he was, the accuracy of his forecast notwithstanding. See *ibid.*, 109. For foreseeing his arrest, see *ibid.*, 115.

bears a certain resemblance to the present work. Bonneville, Paine's literary executor, asserted that he devoted himself in prison to the history of the revolution and his impressions of its leading characters. Paine himself hinted repeatedly, if obliquely, that he wished to undertake a work of precisely this kind. And the text articulates Paine's worldview and restates major and minor details of his biography with impressive exactitude.

On the other hand, several factors complicate the attribution of this manuscript to Paine. First, Paine at times flatly denied that he wrote on sensitive political subjects during the Terror. In his "Forgetfulness" letter of 1794, written from prison, the famously fearless author described himself as intimidated into silence: "Pen and ink were then of no use to me: no good could be done by writing, and no printer dared to print; and whatever I might have written for my private amusement, as anecdotes of the times, would have been continually exposed to be examined, and tortured into any meaning that the rage of party might fix upon it."<sup>38</sup> Similarly, he testified in 1795 that he communicated frequently with his Luxembourg cellmate about "the horror which we felt for the character of Robespierre" but burned his notes to avoid detection and execution.<sup>39</sup> If these statements are both correct, then the 1825 manuscript is necessarily from a later date than the editor reports or is not by Paine at all. And yet we know that Paine wrote constantly throughout 1793—not only his revisions to part 1 of *The Age of Reason*, hardly an uncontroversial work, but also several dispatches to the revolutionary government on topics ranging from diplomacy and trade to constitutional reform.<sup>40</sup> Rickman depicted Paine in 1793 as disappearing into his chambers for hours every day to write.<sup>41</sup> It seems likely that, at a time when Robespierre's collaborators still held the reins of government, Paine would have been reticent in his letters from prison to disclose the full extent of his seditious writing.<sup>42</sup>

A second complication concerns the provenance of the manuscript. According to the accounts of Paine and Joel Barlow, French authorities made a thorough search of Paine's papers before taking him into custody.

<sup>38</sup> Paine, "Forgetfulness," in Foner, *Complete Writings of Thomas Paine*, 2: 1124 (quotation). Compare with Thomas Paine to James Monroe, Aug. 17, 1794, *ibid.*, 2: 1341–42, esp. 2: 1341.

<sup>39</sup> See Paine's testimony on Denis Julien, dated 17 Vendemiaire, Year III [Oct. 8, 1794], in Conway, *Writings of Thomas Paine*, 4: xiv–xv. Julien was accused (and acquitted) of being a police spy.

<sup>40</sup> In a letter to Samuel Adams a decade after the fact, Thomas Paine portrayed himself as a romantic hero, writing *The Age of Reason* in the shadow of death to vindicate his faith and explode Jacobin godlessness. See Paine to Adams, Jan. 1, 1803, in Foner, *Complete Writings of Thomas Paine*, 2: 1434–38, esp. 2: 1436. For the dispatches, see Conway, *Life of Thomas Paine*, 2: 67–75, 100–102.

<sup>41</sup> Rickman, *Life of Thomas Paine*, 135.

<sup>42</sup> Paine, "Letter to George Washington," July 30, 1796, in Foner, *Complete Writings of Thomas Paine*, 2: 702.

Barlow, who was summoned by Paine to supervise these proceedings, reported that this “employed us the rest of that night, and the whole of the next day at Paine’s lodgings, and he was not committed to prison till the next evening.”<sup>43</sup> This account prompts two questions: Why did neither Paine nor Barlow mention the “fragmens sur la révolution française” that were, according to the editor of the 1825 manuscript, found “chez Thomas Paine”? And if these notes were indeed found in Paine’s apartment, how is it possible that their content escaped the notice of the commissioners, who assured Paine “that everything they found in my papers . . . showed me to be a man of good morals and good principles”?<sup>44</sup> We can envision a number of possible scenarios, but these questions cannot be answered satisfactorily at present.

Third, though the arguments in the 1825 manuscript accord to a remarkable degree with Paine’s public positions, there is at least one instance in which they defend a position that he repudiated. The author of the manuscript insists that France had no *casus belli* against England in January 1793 and that the expulsion of Bernard-François, marquis de Chauvelin, France’s ambassador to London, did not constitute an act of war. This removal, according to the author, was inevitable after the execution of Louis XVI because no monarchy could “pay homage to the sovereignty of the people” in the form of a republican ambassador without undercutting its own claim of rulership. As such, it was a normal act of diplomacy; it “was not accompanied by any circumstance of which France had a right to complain” and should not be understood as a breach of the peace established between the two nations by their 1787 commercial treaty.<sup>45</sup> The author then depicts the French republic as rashly declaring war on England, “without reflection and carried away by enthusiasm.”<sup>46</sup> In 1797, however, Paine would argue the opposite position in his essay “The Eighteenth Fructidor,” naming England “the provoker of the war” for having “committed hostilities by sending away the Ambassador Chauvelin,” contrary to the terms of the 1787 treaty. “The declaration of war . . . by the Convention,” he opined, “of which I was then a member and know well the case, was made in exact conformity to this

<sup>43</sup> Joel Barlow to James Cheetham, Aug. 11, 1809, in “Joel Barlow’s Account of Thomas Paine,” *Belfast Monthly Magazine* 7, no. 37 (August 1811): 90–93 (quotation, 92).

<sup>44</sup> “Manuscrit pour publication,” 16 (“fragmens”); Paine, postscript, in Conway, “Newly Discovered Writings,” 292 (“everything”). Because Paine intended this postscript to run in the 1794 edition of *The Age of Reason* (it was excised by a nervous Joel Barlow), it is likely that Paine was reporting accurately.

<sup>45</sup> “Manuscrit pour publication,” 46 (“Les Rois ne s’empresseront jamais de rendre hommage à la souveraineté du Peuple. Ils ne le pourraient le faire sans avouer la nullité de leurs droits. Mais le congé donné à l’ambassadeur n’était accompagné d’aucune circonstance dont la France eut à se plaindre”).

<sup>46</sup> *Ibid.*, 48 (“sans réflexion et par enthousiasme . . . avant même qu’on se soit occupé, comment on soutiendrait cette guerre”).

article in the treaty.”<sup>47</sup> Since we find Paine at two junctures, four and a half years apart, fixating on the same narrow and highly technical question of treaty interpretation, we could conclude that this is further evidence of the manuscript’s authenticity. But his complete reversal on the merits of the case should also give us pause.

A fourth puzzle concerns the identity of the manuscript’s editor. Though the editor is not identified, there are intriguing biographical clues in a footnote meant to corroborate Paine’s own account of the *journées* of May 31, the popular insurrection that installed the Jacobins in power. “At the time of May 31, I was retired to a small town in the Department of Seine-et-Oise, three leagues from Paris. Maître de Formey, a former *procureur* in the Parlement of Paris, was also living in retirement in a small commune nearby.”<sup>48</sup> The editor, it seems, would have been a contemporary of Paine’s who spent 1793 in a small town outside Paris.<sup>49</sup> Or perhaps this is misdirection. The remainder of this footnote, a capsule biography of the Jacobin militant François Hanriot, in fact plagiarizes substantially from a 1797 history by the revolutionary journalist Louis-Marie Prudhomme.<sup>50</sup> And a careful comparison of the 1825 manuscript with the six volumes of Prudhomme’s *Histoire générale* reveals at least three other instances in which footnotes in the latter were reproduced, either verbatim or in near paraphrase, in the editorial apparatus of the former.<sup>51</sup> There is also one instance in which a long extract from Prudhomme’s history reappears in the main text of the 1825 manuscript, as part of its narration of events in May and June 1793.<sup>52</sup> Taken together, these instances of plagiarism introduce the possibility that Prudhomme, who witnessed the tumults of 1793 and lived until 1830, was the editor (and perhaps even the author) of the text. But

<sup>47</sup> Paine, “The Eighteenth Fructidor,” 1797, in Foner, *Complete Writings of Thomas Paine*, 2: 609 (“provoker,” 2: 609, “declaration,” 2: 609 n. 21).

<sup>48</sup> “Manuscrit pour publication,” 163 n. 1 (“À l’époque du 31 Mai, j’étais retiré dans une petite Commune du Département de Seine et Oise, à trois lieues de Paris. Me. [Maître] Formey ancien Procureur au Parlement était aussi retiré dans une petite Commune voisine de celle que j’habitais”).

<sup>49</sup> This chronology rules out the two most obvious candidates, Anacharsis Brissot (born in 1791) and François Mongin de Montrol (born in 1799).

<sup>50</sup> Compare “Manuscrit pour publication,” 163, and [Louis-Marie Prudhomme], *Histoire générale et impartiale des erreurs, des fautes et des crimes commis pendant la révolution française* (Paris, 1797), 5: 55–56 n. 2.

<sup>51</sup> For the failed Jacobin plot to kidnap and massacre twenty-two members of the Convention on May 20 and 21, compare “Manuscrit pour publication,” 155, and [Prudhomme], *Histoire générale*, 5: 50–51. For plans for a wider purge of deputies, compare “Manuscrit pour publication,” 161, and [Prudhomme], *Histoire générale*, 5: 64. For the founding of the newspaper *Cosmopolite*, compare “Manuscrit pour publication,” 162, and [Prudhomme], *Histoire générale*, 5: 65.

<sup>52</sup> For discussions of actions taken by François Hanriot in the Convention on the pivotal date of June 2, compare “Manuscrit pour publication,” 163, and [Prudhomme], *Histoire générale*, 5: 66–67.

without ruling out this conclusion, we should approach it cautiously for several reasons. First, the biography of Prudhomme does not match what is described in the brief autobiography of the text's editor; far from fleeing the capital during the May *journées*, Prudhomme was arrested at his Paris apartment on the Rue de Marais and held in custody for several weeks.<sup>53</sup> Second, there is no hint in the writings of Prudhomme that he possessed a document of such obvious importance, and it is not at all clear how he would have obtained it, nor how it would have found its way subsequently from Prudhomme's estate to the Fonds Brissot. There is no evidence that Prudhomme was acquainted with either Brissot or Paine, and in fact Prudhomme printed a severe criticism of Paine in 1793 for allying with the Brissotins and being reluctant to vote for the execution of Louis XVI.<sup>54</sup> And third, the 1825 manuscript is not in Prudhomme's handwriting.<sup>55</sup> Although it is certainly noteworthy that several extracts from Prudhomme appear in this text, the *Histoire générale* was treated as a reference text and was frequently quoted in this period without attribution.<sup>56</sup> Moreover, it would not have been unusual for an editor to interpolate source material into the footnotes, or even the body of the text, in the process of translation or revision.<sup>57</sup> So although Prudhomme's involvement is a distinct possibility, we should hesitate at this stage to say anything stronger.

Finally, we know that the manuscript we currently possess is incomplete—not only because it breaks off midsentence on its final page but also because the editor makes clear that Paine recovered these papers on his release from prison and continued his history through the ratification of the Constitution of 1795. All evidence indicates that Paine authored a complete account of French political life from January 1793 to September 1795; the missing material would

<sup>53</sup> L. Prudhomme, *L. Prudhomme aux Patriotes. Le 13, juin 1793*. . . ([Paris], 1793), 3.

<sup>54</sup> "Acte d'accusation contre plusieurs membres de la convention nationale. . . ." *GN*, Oct. 25, 1793, in Gallois, *Réimpression de l'ancien Moniteur*, 18: 200–206, esp. 18: 206, also repr. in *Révolutions de Paris*, no. 217, Nov. 30–Dec. 8, 1793, 12, available at Gallica, Bibliothèque nationale de France, <https://gallica.bnf.fr/ark:/12148/bpt6k1051384k> ("Dans ce même temps, l'anglois Thomas Paine, appelé par la faction à l'honneur de représenter la nation française, se déshonora en appuyant l'opinion de Brissot, & en nous promettant pour son compte le mécontentement des Etats-Unis d'Amérique, nos alliés naturels, qu'il ne rougit pas de nous peindre remplis de vénération & de reconnaissance pour le tyran des Français"). Prudhomme republished this passage in 1824; see L. Prudhomme, *Histoire impartiale des revolutions*. . . (Paris, 1824), 7: 331.

<sup>55</sup> Compare the handwriting in the manuscript with Prudhomme's signature opposite the title page in L. M. B. [Louis-Marie Prudhomme], *Voyage a la Guiane et a Cayenne*. . . (Paris, 1798), [ii], and the script in the engraving "Le Roi passe en revue une Division de la Garde Nationale. . . ." *Révolutions de Paris*, no. 15, Oct. 17, 1789, between pp. 12 and 13, Gallica, <https://gallica.bnf.fr/ark:/12148/bpt6k1050958v.item>.

<sup>56</sup> See [Pierre-Anne-Louis] M[atton] de-la-Varenne, *Histoire particulière des évènements qui ont eu lieu en France pendant les mois de juin, juillet, d'aout et de septembre 1792*. . . (Paris, 1805), 470–71.

<sup>57</sup> See for example Tilar J. Mazzeo, *Plagiarism and Literary Property in the Romantic Period* (Philadelphia, 2007), 12–13, 54–55.

have covered the ascendance of Robespierre, the Thermidorean reaction, and the drafting and ratification of the new constitution. The 1825 manuscript, however, cuts off in July 1793, with the promulgation of the *Loi du Maximum* and the execution of Charlotte Corday. Brissot and Georges-Jacques Danton are still alive. Paine is at liberty. The furies of Year II are only shadows on the horizon. The balance of the story is yet to come.

We can only speculate about why the 1825 manuscript was left incomplete and about the whereabouts of the original 1794 translation. It is unlikely that the publication was suppressed for political reasons in the mid-1820s; Paine was not a particularly controversial figure in Restoration France, and in any event one might have expected a long account by Paine of revolutionary excess to be welcomed in a reactionary milieu.<sup>58</sup> Moreover, if the task of preparing the manuscript for publication was suspended for fear of censorship, it would presumably have been resumed after the liberalizing reforms that followed the July Revolution. Instead, the project seems to have been abandoned by the editor and the manuscript lost in the chaotic shuffle of the Brissot and Montrol papers. The pages of the 1794 translation, meanwhile, have vanished completely. Given that they survived the turbulent decades of the revolution, there is reason to hope that they may one day be discovered. But the partial text that we possess already revises our understanding of Paine's political theory in several significant respects.

THE 1825 MANUSCRIPT IS A CHRONICLE of the major political events in France from January 20 to July 30, 1793, a pivotal six months encompassing the defection of Charles-François de Périer Dumouriez, the trial of Jean-Paul Marat, and the expulsion and arrest of the Girondins. As we have seen, the text, supposedly in the voice of Paine, reproduces his known positions on the great political questions surrounding the birth of the French republic. If it is indeed his work, it offers a valuable new perspective on Paine's mature

<sup>58</sup> Indeed, the editor writes in the introduction that he is "probably little-known to most who will read this work" ("vraisemblablement peu connu de la plupart de ceux qui liront cet ouvrage"); see "Manuscrit pour publication," 4. For a hint that Paine may nevertheless have retained a subversive resonance for the clandestine republicans of Restoration France, see "Préface de l'Éditeur," in Thomas Paine, *Le Sens Commun, adressé aux habitans de l'Amérique* (Paris, 1822), v–vi. The editor's account of his own motivations for publishing this text are explicitly reactionary: "It is precisely this reason that motivates the publication of this work. The imagination of young men is easily exalted in the name of liberty; the very idea of republican government animates their ambition. . . . It is necessary therefore that they know what liberty has meant in France, since ~~it was seated~~ it is often said that it can be erected only on the ruins of a throne" ("C'est précisément ce motif qui a déterminé la publication de cet ouvrage. L'imagination des jeunes gens s'exalte facilement au nom de la liberté, l'idée seule du Gouvernement Républicain anime leur ambition. . . . Il faut qu'ils sachent ce qu'a été la liberté en France, depuis qu'elle a été assésée on a prétendu l'asseoir sur les débris du trône"). See "Manuscrit pour publication," 2. For a contrary view of the political context of 1825, see Lounissi, *Thomas Paine and the French Revolution*, 197–98.

political thought across three dimensions. First, J. C. D. Clark has written that Paine “was precommitted to a theory that ignored the significance of revolutionary violence” and thus “failed . . . to explain why a promising revolution . . . had been so catastrophically blown off course.”<sup>59</sup> But the problem of political violence is the major leitmotif of the 1825 manuscript, addressed in successive commentaries on the execution of Louis XVI, the riots of February 25, and the death of Marat, raising thorny questions in each case about the limits of popular sovereignty and the legitimacy of extralegal violence in times of emergency. If Paine was indeed the author of this text, he was in fact a sophisticated theorist of political violence and its numerous dangers. Second, although it is sometimes said that “Paine delivered relatively little of interest in detailed matters of institutional or constitutional design,” the 1825 manuscript is closely engaged with questions of constitutional theory, fleshing out the ideal of a sovereign convention first sketched in Paine’s *Rights of Man*.<sup>60</sup> Its lodestone is an attack on the populist constitutionalism of the Jacobins, which located sovereignty in ad hoc crowds and mobs rather than in the democratic primary assemblies. Finally, it is often thought that Paine supported France’s declaration of war against Britain and its invasion of the Austrian Netherlands in February 1793; Richard Whatmore, the leading expert on Paine’s international thought, writes that the war was “supported by Paine and his friends and colleagues in the Girondin governments.”<sup>61</sup> But the new manuscript challenges this view by providing a scathing critique of this war as both unjust and unwise, and it associates the projection of state violence abroad with the domestic repression that culminated in the Terror. In short, if the 1825 manuscript is by Paine, our current picture of his politics will have to be revised significantly.

To begin with, the manuscript offers a strikingly forceful opposition to extralegal action and political violence.<sup>62</sup> The author endorses the republican uprising of August 1792 that deposed Louis XVI but deplors the atrocities committed in its wake by the *septembriseurs* and calls for the punishment of their ringleaders.<sup>63</sup> Speaking in the first person, he recounts

<sup>59</sup> J. C. D. Clark, “Thomas Paine: The English Dimension,” in *Selected Writings of Thomas Paine*, ed. Ian Shapiro and Jane E. Calvert (New Haven, Conn., 2014), 579–601 (quotation, 595).

<sup>60</sup> Mark Philp, “Talking about Democracy: Britain in the 1790s,” in *Re-imagining Democracy in the Age of Revolutions: America, France, Britain, Ireland, 1750–1850*, ed. Joanna Innes and Philp (Oxford, 2013), 101–13 (quotation, 113).

<sup>61</sup> Whatmore, “A gigantic manliness,” 433.

<sup>62</sup> “Manuscript pour publication,” 21. Compare to Thomas Paine, “The Constitution of 1795,” July 7, 1795, in Foner, *Complete Writings of Thomas Paine*, 2: 588–94, esp. 2: 593: “Citizens, a great deal has been urged respecting insurrections. I am confident that no man has a greater abhorrence of them than myself, and I am sorry that any insinuations should have been thrown out upon me as a promoter of violence of any kind.”

<sup>63</sup> “Manuscript pour publication,” 18–25. For the complicity of the National Convention in perpetrating the massacres and protecting those who committed them, see *ibid.*, 53–57.

Paine's role in the trial of Louis Capet, in which Paine advocated imprisonment for the duration of war and exile to America. He calls the king's ignoble death on the scaffold "a great crime committed fruitlessly."<sup>64</sup> Then he adds a pointed warning about the sterility of political violence in republics: "It is not blood that lights the sacred fire of freedom. It is not with bayonets and cannons that we inspire in men the desire to be free. The blood of kings gives new vigor to the tree of kingship, and recovers all the losses of the hydra of despotism."<sup>65</sup> The author's darkening feelings about the National Convention—and the rising power of the Jacobins—reflect his opposition to political violence in the service of revolutionary ends. His allegiance to the wing of the Convention led by Georges-Jacques Danton and the Girondists, which was "more moderate and wiser," or rather "less extravagant . . . since neither was characterized by legislative wisdom," was grounded in his qualified rejection of political violence.<sup>66</sup> "Neither of the two parties remained in their prescribed limits; neither occupied themselves with making a constitution and creating a republican government. But the Girondins were less given to excess. Their party had good orators, wise and moral people who never sought to enrich themselves, and who, if they wanted to consolidate all authority under the name of the Convention, also wanted to conserve and maintain public order . . . in addition to backing the hierarchical subordination of powers, this party proposed violent measures only against émigrés and royalists."<sup>67</sup> The contrast is with the parti

<sup>64</sup> Ibid., 29 ("un grand crime infructueusement commis"). Compare with *ibid.*, 31 ("Hommes timides et sans énergie! Vous m'avez prouvé qu'il fallait plus de courage pour refuser d'envoyer Louis à l'échafaud que pour le condamner, . . . si vous aviez suivi l'impulsion de votre conscience, vous ne trembleriez pas"). For Paine's official statements, inevitably more guarded, see "Convention Nationale. Présidence de Vergniaud. Extrait de l'opinion de Thomas Payne, sur l'affaire de Louis Capet, adressée au président de la Convention nationale," *GN*, Jan. 18, 1793, in Gallois, *Réimpression de l'ancien Moniteur*, 15: 156–58, esp. 15: 156; "Discussion sur la question du sursis proposé à l'exécution du jugement porté contre Louis Capet," *GN*, Jan. 23, 1793, *ibid.*, 15: 243–48, esp. 15: 248. For a more forthright statement, see "Letter from Mr. John King to Mr. Thomas Paine," Apr. 9, 1793, [London] *Morning Herald*, Apr. 17, 1793, [3]: "If the French kill their king, it will be a signal for my departure, for I will not abide such sanguinary men.' These, Mr. Paine, were your words at our last meeting."

<sup>65</sup> "Manuscrit pour publication," 41 ("Ce n'est pas dans le sang que s'allume le feu sacré de la liberté, ce n'est pas avec des bayonnettes et des canons qu'on inspire aux hommes le désir d'être libres. Le sang des Rois donne une nouvelle vigueur à l'arbre de la Royauté, et répare toutes les pertes de l'hydre du Despotisme"). Compare with *ibid.*, 164 ("l'hydre de l'anarchie").

<sup>66</sup> "Manuscrit pour publication," 80 ("On a déjà du remarquer qu'elle était visiblement divisée en deux partis, dont l'un plus modéré et plus sage, où pour mieux dire moins extravagant, [car la sagesse législative n'était le caractère ni de l'un ni de l'autre,] paraissait avoir pour chef Robespierre soutenu pour la commune de la Danton soutenu par les Députés du Département de la Gironde, et l'autre Robespierre et Marat soutenus par la Commune de Paris, et toujours prêt à exciter des insurrections"). Compare with *ibid.*, 88.

<sup>67</sup> Ibid., 108 ("Aucun des deux partis ne se renferment dans les bornes, et ne s'occupait de faire une constitution et de créer un Gouvernement Republicain. Mais

Montagnard, led by Marat and Maximilien Robespierre, that sought not to persuade the Convention with oratory and argument but to frighten it into submission with exaggerated dangers, wild accusations of *lèse-révolution*, and extralegal street demonstrations. This ruthless style of parliamentarism was a preview of their political vision more generally, which was constructed on the pillars of political violence and emergency power. The author upbraids the radical wing for exploiting the killing of the *conventionnel* Louis-Michel Lepeletier de Saint-Fargeau by turning his extravagant state funeral into an occasion for mob action against suspected émigrés. Later, the manuscript charges Marat with inciting the bread riots of February 25—in which a crowd of women protested high prices and scarcity by pillaging the shops of Paris—and petitions for his prosecution on the basis of his incendiary editorializing against speculators and monopolists.<sup>68</sup> “The most violent means—insurrection, looting, and murder—are in their eyes the only means of saving the republic.”<sup>69</sup>

In his brief against political violence, the author resists with particular vehemence an argument made on the floor of the Convention by Roussillon, a speaker from the Jacobin club of Marseille, in defense of the September Massacres. For Roussillon there was nothing to apologize for; he exulted that “the courage of citizens and fédérés has overthrown despotism, and conducted the assassin-king from the throne to the scaffold.” He admitted that things may have gone to extremes, but the times were themselves extreme. Indeed, he appealed to something like a populist version of *raison d'état*: “We must obey the law, no doubt; but if it is a bad law we have the right to protest against it, and to invoke the supreme law, the safety of the people.”<sup>70</sup> Writing in the voice of Paine, the era's most famous theorist of revolution, the author replies indignantly. There is no general obligation, he writes, to obey the law; in autocratic regimes the people have every right to resist unjust legislation with force. “But this principle,” however, “is true for people who groan under the weight of tyranny, but not for the individual

les Girondins donnaient moins dans les excès. Leur parti avait de bons orateurs, des gens sages et probes qui ne cherchaient point à s'enrichir, et qui, s'ils voulaient avoir toute l'autorité sous le nom de la convention, voulaient aussi la conserver, et maintenir l'ordre public et la tranquillité parmi le peuple, ainsi que la subordination hierarchique des pouvoirs, ce parti ne proposait de violentes mesures que contre les Emigrés et les Royalistes”).

<sup>68</sup> *Ibid.*, 37–44, 65–69.

<sup>69</sup> *Ibid.*, 109 (“Les moyens les plus violents, l'insurrection, le pillage et le meurtre sont à leurs yeux les seuls moyens capables de sauver la République”). Compare with *ibid.*, 103, 120.

<sup>70</sup> “Séance du vendredi 8 Février,” *GN*, Feb. 10, 1793, in Gallois, *Réimpression de l'ancien Moniteur*, 15: 394–400, esp. 15: 395 (“le courage des citoyens et des fédérés a terrassé le despotisme, et le roi assassin est descendu du trône pour monter à l'échafaud”; “Nous devons obéir à la loi, sans doute; mais si elle est mauvaise, nous avons le droit de réclamer contre elle, et d'invoquer la loi suprême, qui est le salut du peuple”); “Manuscrit pour publication,” 54–55.

offended by a general law made for the good of society.” The radicals made a fatal error, the author holds, when they failed to draw this distinction and attempted to import into free states principles of opposition designed to combat monarchs.<sup>71</sup> In a democratic republic, laws may be mistaken or imprudent, but they cannot be oppressive.<sup>72</sup> And so the tactics of political violence and mob action that may be necessary to overthrow tyrannical government are necessarily illegitimate in a republic.

Second, the manuscript presents a multifaceted argument about constitutional legitimacy. Despite Paine’s prominent role in the drafting committees convened at Philadelphia in 1776 and Paris in 1792 and his reputation as a preeminent theorist of republicanism, he is rarely considered a constitutional theorist of the first rank. And yet the 1825 manuscript is preoccupied with questions of popular sovereignty, authorization, and the nature of public power, and the document makes a compelling case that it was the fundamental misprision of these ideas that made the Terror possible. Thus, against those who maintain that by its very nature an elected constitutional assembly possesses unlimited sovereign authority—“full powers in order to save liberty,” in the words of the deputy Jean-François Goupilleau—the author holds that there are in fact important limits on its jurisdiction.<sup>73</sup> It is a body entrusted with a single task—drafting a constitution—and although in conditions of anarchy it has the right to maintain public order, it is barred from legislating: “The deputies who sit in the Convention make a capital error if they believe they have received from the people the power to do whatever they think fit. They were sent to write a constitution, and to present it for acceptance by the people, and nothing more. They are permitted to make whatever rules are demanded by circumstances for the regulation of order, and to prevent public tranquility from being disturbed . . . and to defend it if it is attacked. But these rules are not definitive until the ratification of the constitutional act.”<sup>74</sup> The logic is straightforward: a convention

<sup>71</sup> “Manuscrit pour publication,” 55 (“mais ce principe vrai pour les peuples qui gemissent sous le poids de la tyrannie, ne l’est pas pour le particulier froissé par une loi generale faite pour le bien de toute la société”). Compare with Paine, “To the Citizens of the United States,” in Foner, *Complete Writings of Thomas Paine*, 2: 918: “Had America been cursed with John Adams’s *hereditary Monarchy* . . . she must have sought, in the doubtful contest of civil war, what she now obtains by the expression of public will. An appeal to elections decides better than an appeal to the sword.”

<sup>72</sup> “Manuscrit pour publication,” 63. Compare with Paine, “Dissertation on First Principles of Government,” July 1795, in Foner, *Complete Writings of Thomas Paine*, 2: 585: “Nothing, therefore, can justify an insurrection, neither can it ever be necessary where rights are equal and opinions free.” See also Eric Foner, *Tom Paine and Revolutionary America* (New York, 1976), 97.

<sup>73</sup> “Suite du troisième appel nominal sur le jugement de Louis Capet,” *GN*, Jan. 20, 1793, in Gallois, *Réimpression de l’ancien Moniteur*, 15: 189–224 (quotation, 15: 208).

<sup>74</sup> “Manuscrit pour publication,” 77 (“Les Députés qui siègent à la Convention commettent une erreur capitale s’ils croyent avoir reçu du Peuple le pouvoir de faire tout ce qu’ils jugeront à propos. Ils ont été envoyés pour rediger une constitution et

is invested only with the power to write a constitution, which is subject to ratification by the “general will of the people.”<sup>75</sup> In times of exigency—such as those confronting France in early 1793—an assembly can exceed this narrow mandate to maintain some semblance of public order. But its actions are provisional, not legal, and therefore are subject to several specific limitations. It cannot take any measures that the future constitutional government would find impossible to reverse, nor can it judge individual cases, because it is not organized as a judicial tribunal and the absence of fixed laws would render any trial capricious and *ex post facto*.<sup>76</sup> And it cannot violate the laws of nature, which obtain even where legal government has been dissolved: “They exist before all governments and under all governments, because it is in the interests of all men that they be obeyed.”<sup>77</sup> Applying this framework, the manuscript declares a number of decrees passed by the Convention invalid, including a March 1793 order on the *mort civile* of émigrés—the confiscation of their property and their permanent exclusion from the territories of France.<sup>78</sup> The Convention’s refusal of these intrinsic limits—its belief that it could govern with *plein pouvoir*—made its arbitrary turn inevitable. And this leads the author, an avowed republican, to make an arresting concession: “Voltaire once said that he would rather be devoured by a lion than by 4 or 500 rats. And if the Convention wishes to present the people with as many tyrants as it has members, it will justify the words of Dumouriez, and will itself kill the republic.”<sup>79</sup>

The mechanisms that made this turn possible are dissected in a long passage on the founding of the Committee of Public Safety, which underlines the author’s distaste for the precepts of emergency government. The committee, erected in the panicked aftermath of Dumouriez’s desertion and directed initially by Danton and Bertrand Barère, had been unwisely accorded the secretive, plenary powers of an oligarchy—“the arbitrary and inquisitorial authority of the Council of Ten of the Republic of Venice.”<sup>80</sup>

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la présenter à l’acceptation du Peuple, et rien de plus; ils peuvent faire les règlements queles criconstances commanderont pour le maintien de l’ordre, pour empêcher que la tranquillité publique soit trouble, . . . et le défendre s’il est attaqué, mais rien ne peut être définitif avant la sanction de l’acte constitutionnel”). Compare with *ibid.*, 25, 89.

<sup>75</sup> *Ibid.*, 33 (“volonté générale du peuple”).

<sup>76</sup> Compare with *ibid.*, 22.

<sup>77</sup> *Ibid.*, 74 (“Elles existent avant tout gouvernement et sous tous les Gouvernement[s], parceque l’intérêt de tous les hommes les force à y obéir”).

<sup>78</sup> *Ibid.*, 76.

<sup>79</sup> *Ibid.*, 99 (“Un auteur celebre en France, Voltaire, a dit qu’il aimerait mieux etre dévoré par un lion que rongé par 4 ou 500 rats. Et si la Convention veut donner au Peuple autant de tyrants qu’elle a de membres, elle justifiera le propos de Du Mouriez et tuera elle même la Republique”). For the original, see Voltaire to [Jean-François] de Saint-Lambert, Lettre 273, Apr. 7, 1771, in *Oeuvres complètes de Voltaire* (Gotha, Ger., 1789), 66: 477–78.

<sup>80</sup> “Manuscrit pour publication,” 107 (“l’authorite arbitraire et Correspondence Générale, inquisitoriale du Conseil des Dix de la Republique de Venise”).

In consolidating “all the power in the hands of this committee” without any supervisory body to which it owes an account, the committee will doubtless exercise an unlimited “despotism” over the Convention. Writing in early 1793, the author uncannily predicts the likely consequences: “The National Convention will have no means of forcing conformity with the measures it has taken, and when it is forced to do so it will succumb to the preponderant influence of a committee that will possess every means to make itself feared by individuals. The majority will obey, and the dissenters will be sacrificed to the vengeance of the Decemvirs, until the very scale of their crimes carries them, by public indignation or powerful conspiracy, from their curule chairs to the scaffold.”<sup>81</sup> An unaccountable body, restricted in membership and given sweeping powers to rescue the state from existential crisis, he avers, can only end in cataclysm.

But if the author is alarmed by the Convention overstepping its bounds, he is equally anxious that it will abdicate sovereignty to pretended tribunes of the people—political clubs, sansculotte mobs, and the Paris municipal government. The controversy over the location of sovereignty following the death of the king was perhaps the most salient political question in the young republic. Girondins regarded the National Convention as the sole site of legitimate authority; Montagnards appealed to the Paris sections and sansculotte crowds, both dominated by a hard core of radical activists, as the true voice of the people. It was, after all, the Paris street, and not the national legislature, that overthrew the crown and established the republic in the *journées* of August and September. Robespierre, in a laudatory address to the Paris Commune, had made this point succinctly: “Chosen to defend liberty at the moment of crisis, when cowards hid themselves away . . . of all the representatives of the people, they alone *were* the people, in every respect.”<sup>82</sup> The notion that the general will might be expressed not in the national assemblies but in ad hoc mobs working with the Paris municipal government was anathema to the Girondins, for reasons both practical (they controlled a floor majority in the Convention) and principled (the

<sup>81</sup> Ibid., 107 (“power”), 108 (“National Convention”); “La Convention nationale elle même n’aura aucun moyen de forcer son comité à lui rendre compte des mesures qu’il aura prises, et lors qu’il sera forcé de le faire, elle succombera sous l’influence prépondérante d’un comité qui aura tous les moyens de se faire redouter des Individus; la majorité obéira et les dissidents seront sacrifiés à la vengeance des Décemvirs, jusqu’à ce qu’a ce que la mesure de leurs crimes etant comblee, l’indignation publique ou une conjuration puissante les porte des leurs chaises curules à l’échaffaud”).

<sup>82</sup> Maximilien Robespierre, “Adresse des Représentans de la Commune de Paris à Leurs Concitoyens,” Sept. 1, 1792, in Marc Bouloiseau, Georges Lefebvre, and Albert Soboul, eds., *Œuvres de Maximilien Robespierre, Octobre 1791–September 1792* ([Paris, 1954]), 8: 449 (“Choisis pour défendre la liberté dans le moment de la crise, où les lâches se cachoient . . . de tous les mandataires du peuple, eux seuls ont été peuple, sous tous les rapports”), emphasis added; Peter McPhee, *Robespierre: A Revolutionary Life* (New Haven, Conn., 2012), 125–26.

distinguishing mark of Girondist thought was its commitment to plebiscitary democracy).<sup>83</sup>

The manuscript diagnoses the problem in a mocking restatement of the Jacobin position:

The Convention was situated in the middle of a city with a great number of club meetings, which without any commission or public character claimed the right to deliberate, issued decrees, and boldly presented them to the Convention as the will of the sovereign people. The National Convention and the government were no more than delegates to whom orders could be issued from all sides. Likewise, the assembly of representatives of the people was no more than a rubber stamp for what is decided in the 48 sections and 48 revolutionary committees of Paris, the central committee, the general council of the Paris commune, the Jacobins and their committee, the Cordeliers and their committee, . . . and other assemblies.<sup>84</sup>

In other words, a hydra of private interests, nested in a single city, now asserted that it spoke on behalf of the nation and arrogated to itself the right to instruct its elected representatives. As the author puts it several pages later, “a fraction of a single city . . . dares to speak on behalf of the people.”<sup>85</sup> This masquerade of democracy is in fact “a monstrous aristocracy,” a tyranny “more dangerous . . . than kingly despotism, because it invokes the name of the people to oppress them more surely.”<sup>86</sup> True to form, the

<sup>83</sup> See Richard Tuck, *The Sleeping Sovereign: The Invention of Modern Democracy* (Cambridge, 2016), 149–69.

<sup>84</sup> “Manuscrit pour publication,” 125–26 (“La Convention était placée au milieu d’une ville dans laquelle s’étaient formées un grand nombre de réunions d’hommes, qui sans mission et sans caractère public prétendaient avoir le droit de délibérer, prenaient des arrêtés et venaient audacieusement les présenter à la Convention comme la volonté du peuple souverain. La Convention nationale et le Gouvernement n’étaient plus que des délégués, auxquels on apportait des ordres de toutes parts, et l’assemblée des représentants du peuple un moule à décrets pour sanctionner tout ce qui émanait des 48 sections et des 48 comités révolutionnaires de Paris, le comité central, le Conseil Général de la Commune, les Jacobins et leur comité, les Cordeliers et leur comité, . . . et autres assemblées”).

<sup>85</sup> *Ibid.*, 135 (“une fraction d’une seule ville qui cependant osait parler au nom du Peuple”). Compare with *ibid.*, 153 (“Marat . . . could agree to attribute [this] to the people, that is to say the sans-culottes”; “Marat . . . pouvait convenir d’attribuer au Peuple c’est à dire aux sans culottes”), 123 (“the party called the Mountain founded itself principally on the authority of the municipality of Paris, and on the people who were roused to act first on one pretext, then on another”; “le parti qu’on appelait La Montagne s’appuyait principalement sur l’autorité municipale de Paris et sur le peuple qu’on faisait agir tantôt sous un prétexte, tantôt sous un autre”).

<sup>86</sup> *Ibid.*, 62 (“une aristocratie monstrueuse, aussi contraire à la liberté du Peuple et plus dangereuse pour lui que le despotisme des Rois, parcequ’elle se sert du nom du peuple pour l’opprimer plus surement”).

author argued, the Montagnards refused every motion of the Girondins to reconvene the primary assemblies for new elections; “this proposal made them tremble.”<sup>87</sup> The pervasive and deliberate confusion of popular societies and the sovereign people, crowds and conventions, is what made possible the coup d’état of May 31 and set the stage for the Terror.<sup>88</sup>

A third major theme in the manuscript, one that flows naturally from its reflexive suspicion of political violence, is its strident opposition to offensive war and its refusal to countenance armed conflict in pursuit of republican liberty. The author is no pacifist; he emphasizes that a “people who have recently won their liberty must be prepared to defend it, with arms in hand.”<sup>89</sup> But offensive war is unworthy of republics; it is the foreign policy of avaricious monarchs, who wield it as a pretext to augment their revenues and who are insulated from its horrors by their complete separation from the lives of their subjects. Thus far, the manuscript is merely paraphrasing Paine’s earlier argument in *The Rights of Man*.<sup>90</sup> But it then broaches a novel question, raised by French republicans after the military triumphs of late 1792: under what conditions is it possible to wage a war of liberation?<sup>91</sup> The answer is definitive: such a war is debarred in theory and folly in practice. In support of this position, the author gestures at the horrifying circumstances of the French occupation of Brabant, which was “treated like a conquered nation.” On arriving, the armies of Dumouriez announced themselves “as liberators who came to deliver the Belgians from monarchical slavery” but then turned instantly to pillage. With mounting disgust, the manuscript recounts the looting of churches for valuable artifacts and the impoverishment of peasants whose modest goods were seized “without respect for the right of property, without regard for public worship.” When suspected of resistance, citizens of this newly liberated nation were placed outside the law and dealt with under military justice. When the occupied provinces dispatched ambassadors to plead their case at the bar of the Convention, they were imperiously dismissed.<sup>92</sup>

<sup>87</sup> *Ibid.*, 120 (“la convocation des assemblées primaires pour de nouvelles élections. Ce n’était pas ce que voulait La Montagne. Cette proposition la fit trembler”).

<sup>88</sup> *Ibid.*, 160 (“Celle a été l’issue de cette longue et scandaleuse lutte entre le coté gauche et le coté droit, entre la Montagne et les Girondins. . . . Le parti qui a triomphé, n’a obtenu la victoire qu’en appelant à son secours la population. . . . la Convention a subi le joug d’une autorité usurpatrice”). By way of comparison, see William Doyle, “Thomas Paine and the Girondins,” in *Officers, Nobles, and Revolutionaries: Essays on Eighteenth-Century France* (London, 1995), 209–19, esp. 215–16.

<sup>89</sup> “Manuscrit pour publication,” 47 (“Un peuple qui vient de reconquérir la Liberté, doit se préparer à la défendre les armes à la main”).

<sup>90</sup> Paine, “Rights of Man, Part First,” in Foner, *Complete Writings of Thomas Paine*, 1: 341–44; Paine, “Rights of Man, Part Second,” *ibid.*, 1: 355–67.

<sup>91</sup> Compare with Jonathan Israel, *Revolutionary Ideas: An Intellectual History of the French Revolution from “The Rights of Man” to Robespierre* (Princeton, N.J., 2014), 338.

<sup>92</sup> “Manuscrit pour publication,” 48 (“treated”), 49 (“without respect”) (“Le Général Du Mouriez traita le Brabant en pays conquis. . . . Les français s’annonçaient au peuple

For the author, there are two lessons to be drawn from this grim spectacle. First, wars for liberation are inherently self-defeating, when they are not merely alibis for domination. Liberty, by its very nature, cannot be imposed by force; “efforts to liberate them against their own wishes and by force of arms could only seem like oppression to those who preferred their slavery to our freedom.”<sup>93</sup> And second, imperial adventures will inevitably corrode domestic liberties. This was literally true in the sense that French military reversals in the Low Countries became the pretext for the *levy en masse* and thus the further militarization and regimentation of public life.<sup>94</sup> But the author argues that this was true in a more capacious sense as well—that the movement to export revolution was part of the same fusion of sovereignty and violence in the French political imagination that gave birth to the Terror. He explains at length:

If the Almighty were to place his lightning in the hands of these men, the whole earth would soon be a desert. A spirit of destruction hangs over France. It would seem that the French people have instructed their representatives not to give France laws and a government, but to annihilate everything that exists, France excepted. . . . It is necessary, it seems, to carry fire and sword across Europe, to treat every people in the manner of Brabant, to overturn every throne without consulting the peoples of Europe, and to force them to submit to the French Revolution. That is to say, it seems necessary to spread disorder and anarchy. And this is how the men charged with giving laws and a government to a great nation have begun their commission. . . .

I cannot disguise the fact that there are in the very heart of the Convention men who wish to reign by anarchy, to keep the people in a continual state of insurrection, to strike in the name and by

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Belge comme des libérateurs qui venaient les affranchir et les delivrer de l'Esclavage Monarchique”; “Sans respect pour le droit de propriété, sans egard pour le culte public de la nation, sans ménagement pour les individus qu'on mettait ainsi hors d'état de se procurer même les premiers besoins de la vie. Un conquérant avide d'or et de sang qui se serait emparé de la Belgique . . . n'aurait pas commis plus de desordres que les Français qui osaient se proclamer les libérateurs de ces provinces”).

<sup>93</sup> *Ibid.*, 27–28 (“Les efforts que l'on ferait pour les affranchir malgré eux et à main armée, ne seraient qu'une véritable oppression aux yeux de ceux qui préféreraient leur esclavage a notre liberté”). For comparison, see *ibid.*, 72 (“They make themselves Don Quixotes of the republic, they wish to seek out adventures until they have dethroned every king, and forced every people to recognize the French Dulcinea as the most beautiful of the beauties”; “Ils se font les Don quichottes de la République, ils veulent courir les aventures jusqu'à ce qu'ils aient détrôné tous les Rois et forcé tous les peuples à reconnaître la Dulcinée française pour la belle de toutes les belles”).

<sup>94</sup> *Ibid.*, 81.

the hand of the people all those who wish to restore order, and to replace justice with terror.<sup>95</sup>

A contrast is often drawn between the Brissotins and Jacobins along two axes: the crusading foreign policy embraced by the former, and the rigorous application of political terror that came to define the latter. These were the battle lines along which the party struggles of early 1793 were so ferociously contested. But for the author, writing in the voice of Paine, this opposition is in some sense mistaken. Brissotin expansionism and Jacobin terror were two sides of the same coin, two expressions of the fervent belief that republican virtues could be instilled only with the point of a bayonet or the edge of a guillotine blade.

It might have been expected that Paine's critique of French republican excess would have been echoed by the radical press in the United States, where party struggles did not escalate to the lethal violence of the French republic. But in the manuscript's hostility to all forms of populist violence, it was out of tune with the new nation's radical movement, which did not hesitate to justify and even to celebrate the Girondin and Jacobin positions on war and repression. Paine's friend Benjamin Franklin Bache published a translation of Robespierre's speech on virtue and terror in his *Aurora General Advertiser* in 1794, with implicit approbation. The staunchly Jeffersonian *National Gazette* commended the directors of the September Massacres for making "an example of two or three thousand scoundrels."<sup>96</sup> And Secretary of State Thomas Jefferson himself reproached his friend William Short, then resident in Paris, for having censured the violent comportment of "the Jacobins of France" in his letters back to Philadelphia. Jefferson characterized the September Massacres as a "struggle which was necessary, [in which]

<sup>95</sup> *Ibid.*, 52–53 ("La terre entiere serait bientôt un désert si le tout puissant voulait remettre sa foudre entre les mains de ces messieurs. Le genie de la destruction plane sur la france. Il semble que le peuple francais ait chargé ses représentans non pas de donner à la France des loix et un Gouvernement, mais d'aneantir tout ce qui existe, la France exceptée. . . . Il faut porter le fer et le feu dans toute l'Europe, traiter tous les peuples comme l'on a traité le Brabant, renverser tous les trônes sans consulter les Peuples, les forcer a se soumettre à la Revolution française, c'est a dire porter partout le désordre et l'anarchie. Et ce sont les hommes chargés de créer une legislation et un Gouvernement à une grande nation, qui commencent ainsi leur mission. . . . Je ne puis pas me le dissimuler, il existe dans le sein même de la Convention des hommes qui veulent régner par l'anarchie, tenir le peuple dans un état continuel d'insurrection, frapper au nom et par la main du peuple tous qui voudront ramener l'ordre, et remplacer la terreur par la justice").

<sup>96</sup> See "The great scene that has passed," [Philadelphia] *National Gazette*, Nov. 7, 1792, [10], repr. in Philipp Ziesche, *Cosmopolitan Patriots: Americans in Paris in the Age of Revolution* (Charlottesville, Va., 2014), 54 (quotation); "Spirit of the Times," [Philadelphia] *Aurora General Advertiser*, Dec. 15, 1794, [2]; Rachel Hope Cleves, *The Reign of Terror in America: Visions of Violence from Anti-Jacobinism to Antislavery* (New York, 2009), 69.

many guilty persons fell without the forms of trial." Jefferson conceded that ranged among the dead were some number of innocents as well. But this could be excused, for "the liberty of the whole earth was depending on the issue of the contest," and "rather than it should have failed, I would have seen half the earth desolated."<sup>97</sup> In keeping with this sentiment, American radicals of all stripes supported France's European wars with an exuberance best captured in a letter from the disillusioned law student John Randolph to his stepfather, St. George Tucker. Randolph called the French republic "the noblest cause in the world" and asked to be released from his academic commitments so that he might go abroad to enlist in its army. "I dream of nothing else. I think of nothing else; what . . . do you suppose, then, I should make of old Coke, when my thoughts are dwelling on the plains of Flanders?"<sup>98</sup> Jefferson, Bache, and the young Randolph are often presumed by historians to have been Paine's strongest ideological allies in America. But on the critical question of political violence in the French Revolution, they diverged from him sharply.

In fact, if the 1825 manuscript finds an echo in the United States, it is not in the Democratic-Republican literature of the 1790s but in the contemporary writings of the Federalists. It was Noah Webster who decried the "bloodthirsty" libels of Marat, the usurpation of constitutional powers by private political clubs, and the overwhelming "violence" of the Jacobin party. And it was Alexander Hamilton who lamented the killing of Louis XVI, the failure to arrest and prosecute the *septembriseurs*, and the fratricidal war for "liberty" waged by France in the Low Countries.<sup>99</sup> The following year Hamilton applied these lessons to the Whiskey Rebellion, which he presented as a kind of Jacobinism in embryo: it was "the *will* of a *faction*, against the *will* of [the] *nation* . . . the violence of a lawless combination against the sacred authority of laws."<sup>100</sup> The author of the present manuscript would have been bound to agree.<sup>101</sup>

<sup>97</sup> Thomas Jefferson to William Short, Jan. 3, 1793, in John Catanzariti, ed., *The Papers of Thomas Jefferson* (Princeton, N.J., 1992), 25: 14–17 (quotations, 25: 14).

<sup>98</sup> John Randolph, quoted in Henry F. May, *The Enlightenment in America* (New York, 1976), 246.

<sup>99</sup> [Noah Webster], *The Revolution in France, Considered in Respect to Its Progress and Effects* (New York, 1794), 29 ("bloodthirsty"), 68 ("violence"), 7; Alexander Hamilton to unknown recipient, [May 18, 1793], in Harold C. Syrett, ed., *The Papers of Alexander Hamilton* (New York, 1969), 14: 473–76 ("liberty," 14: 475).

<sup>100</sup> Alexander Hamilton, "Tully No. II," Aug. 26, 1794, in Syrett, *Papers of Alexander Hamilton*, 17: 148–50 (quotation, 17: 149).

<sup>101</sup> Although leading Democratic-Republican intellectuals were often inclined to excuse political violence and mob action in France, when they confronted a similar kind of insurrection against the legal order during the Whiskey Rebellion they castigated it as "an outrage upon order and democracy" and "rallied the democrats of Philadelphia to join Hamilton and Washington's march west against the rebels en masse." See Jeffrey L. Pasley, "Whiskey Chaser: Democracy and Violence in the Debate over the

IN SUM, IT IS PREMATURE to conclude definitively that Thomas Paine was the author of the 1825 manuscript, but there are highly persuasive reasons to accept the attribution. There is credible external evidence—a 1793 quotation by Jacques-Pierre Brissot, elliptical references in Paine's correspondence, and biographical accounts written by those who knew him best. And there is cogent internal evidence, including the text's accurate recitation of known historical details and the consistency of its ideas with Paine's established patterns of thought. Nevertheless, several mysteries remain. We do not know the identity of the original translator or translators who apparently obtained this text in 1794 and 1795 and rendered it into French. We do not know the identity of the 1825 editor, although we have a number of threads that can be followed in future research. We possess neither the English original of the manuscript nor the original French translation executed in 1794 or 1795. There is no question of the text being mistakenly misattributed to Paine by its editor; the manuscript is written explicitly in his voice and persona. But given the gaps in the documentary record, the question naturally arises whether this manuscript might be a deliberate forgery. Answering in the affirmative would entail believing, first, that the French counterfeiter possessed a full mastery of the details of Paine's life and opinions; second, that the prospect of an analysis by Paine of the events of 1793, published decades after the events it describes, would have been sufficiently valuable (commercially or ideologically) to justify the immense labor of invention and falsification, including the byzantine strategy of producing false footnotes to contradict the analysis of the invented text; and finally, that after the painstaking completion of two hundred manuscript pages, the forgery was capriciously abandoned, withheld from publication, and mingled with the otherwise genuine papers of the Fonds Brissot. Absent some plausible account of the motivations and means for carrying out such an intricate deception, there seems to be no good reason to be drawn to such a hypothesis.

If the manuscript is authentic, it forms an indispensable part of the intellectual history of the revolutionary Atlantic. It grounds Paine's political thought definitively in the milieu of the French republic, where, despite his decade of residency, his prolific career as a writer and editor, and his influence on the framing and ratification of three constitutions, he is often treated as a tourist. And it corroborates the optimistic prediction of Charlotte Biggs in her diary for January 1794, when she noted the

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Democratic-Republican Societies and the Whiskey Rebellion," in *Between Sovereignty and Anarchy: The Politics of Violence in the American Revolutionary Era*, ed. Patrick Griffin et al. (Charlottesville, Va., 2015), 187–215 (quotations, 208). Their rhetoric and actions are further evidence that the author of the 1825 manuscript was giving voice to an authentic strain of 1790s radicalism, which had purchase in both the United States and France.

somber circumstances of the author's arrest: "Mr. Paine's persecutions in England made him a legislator in France. Who knows but his persecutions in France may lead to some new advancement, or at least add another line to the already crowded title-pages that announce his literary and political distinctions!"<sup>102</sup>

<sup>102</sup> [Biggs], entry for Jan. 6, 1794, in Gifford, *A Residence in France*, 2: 11-18 (quotation, 2: 18).