

# THE LIFE OF THOMAS PAINE.

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## CHAPTER I.

“KILL THE KING, BUT NOT THE MAN.”

DUMAS' hero, Dr. Gilbert (in “Ange Pitou”), an idealization of Paine, interprets his hopes and horrors on the opening of the fateful year 1793. Dr. Gilbert's pamphlets had helped to found liberty in the New World, but sees that it may prove the germ of total ruin to the Old World.

“A new world,” repeated Gilbert; “that is to say, a vast open space, a clear table to work upon,—no laws, but no abuses; no ideas, but no prejudices. In France, thirty thousand square leagues of territory for thirty millions of people; that is to say, should the space be equally divided, scarcely room for a cradle or a grave for each. Out yonder, in America, two hundred thousand square leagues for three millions of people; frontiers which are ideal, for they border on the desert, which is to say, immensity. In those two hundred thousand leagues, navigable rivers, having a course of a thousand leagues; virgin forests, of which God alone knows the limits,—that is to say, all the elements of life, of civilization, and of a brilliant future. Oh, how easy it is, Billot, when a man is called Lafayette, and is accustomed to wield a sword; when a man is called Washington, and is accustomed to reflect deeply,—how easy is it to combat against walls of wood, of earth, of stone, of human flesh! But

when, instead of founding, it is necessary to destroy ; when we see in the old order things that we are obliged to attack,—walls of bygone, crumbling ideas ; and that behind the ruins even of these walls crowds of people and of interests still take refuge ; when, after having found the idea, we find that in order to make the people adopt it, it will be necessary perhaps to decimate that people, from the old who remember to the child who has still to learn ; from the recollection which is the monument to the instinct that is its germ—then, oh then, Billot, it is a task that will make all shudder who can see beneath the horizon. . . . I shall, however, persevere, for although I see obstacles, I can perceive the end ; and that end is splendid, Billot. It is not the liberty of France alone that I dream of ; it is the liberty of the whole world. It is not the physical equality ; it is equality before the law,—equality of rights. It is not only the fraternity of our own citizens, but of all nations. . . . Forward, then, and over the heaps of our dead bodies may one day march the generations of which this boy here is in the advanced guard ! ”

Though Dr. Gilbert has been in the Bastille, though he barely escapes the bullet of a revolutionist, he tries to unite the throne and the people. So, as we have seen, did Paine struggle until the King took flight, and, over his own signature, branded all his pledges as extorted lies. Henceforth for the King personally he has no respect ; yet the whole purpose of his life is now to save that of the prisoner. Besides his humane horror of capital punishment, especially in a case which involves the heads of thousands, Paine foresees Nemesis fashioning her wheels in every part of Europe, and her rudder across the ocean,—where America beholds in Louis XVI. her deliverer.

Paine's outlawry, announced by Kersaint in Convention, January 1st, was more eloquent for wrath

than he for clemency. Under such menaces the majority for sparing Louis shrank with the New Year; French pride arose, and with Danton was eager to defy despots by tossing to them the head of a king. Poor Paine found his comrades retreating. What would a knowledge of the French tongue have been worth to this leading republican of the world, just then the one man sleeplessly seeking to save a King's life! He could not plead with his enraged republicans, who at length overpowered even Brissot, so far as to draw him into the fatal plan of voting for the King's death, coupled with submission to the verdict of the people. Paine saw that there was at the moment no people, but only an infuriated clan. He was now defending a forlorn hope, but he struggled with a heroism that would have commanded the homage of Europe had not its courts been also clans. He hit on a scheme which he hoped might, in that last extremity, save the real revolution from a suicidal inhumanity. It was the one statesmanlike proposal of the time: that the King should be held as a hostage for the peaceful behavior of other kings, and, when their war on France had ceased, banished to the United States.

On January 15th, before the vote on the King's punishment was put, Paine gave his manuscript address to the president: debate closed before it could be read, and it was printed. He argued that the Assembly, in bringing back Louis when he had abdicated and fled, was the more guilty; and against his transgressions it should be remembered that by his aid the shackles of America were broken.

“Let then those United States be the guard and the asylum of Louis Capet. There, in the future, remote from the miseries and crimes of royalty, he may learn, from the constant presence of public prosperity, that the true system of government consists not in monarchs, but in fair, equal, and honorable representation. In recalling this circumstance, and submitting this proposal, I consider myself a citizen of both countries. I submit it as an American who feels the debt of gratitude he owes to every Frenchman. I submit it as a man, who, albeit an adversary of kings, forgets not that they are subject to human frailties. I support my proposal as a citizen of the French Republic, because it appears to me the best and most politic measure that can be adopted. As far as my experience in public life extends, I have ever observed that the great mass of people are always just, both in their intentions and their object; but the true method of attaining such purpose does not always appear at once. The English nation had groaned under the Stuart despotism. Hence Charles I. was executed; but Charles II. was restored to all the powers his father had lost. Forty years later the same family tried to re-establish their oppression; the nation banished the whole race from its territories. The remedy was effectual; the Stuart family sank into obscurity, merged itself in the masses, and is now extinct.”

He reminds the Convention that the king had two brothers out of the country who might naturally desire his death: the execution of the king might make them presently plausible pretenders to the throne, around whom their foreign enemies would rally: while the man recognized by foreign powers as the rightful monarch of France was living there could be no such pretender.

“It has already been proposed to abolish the penalty of death, and it is with infinite satisfaction that I recollect the humane and excellent oration pronounced by Robespierre on the subject, in the constituent Assembly. Monarchical gov-

ernments have trained the human race to sanguinary punishments, but the people should not follow the examples of their oppressors in such vengeance. As France has been the first of European nations to abolish royalty, let her also be the first to abolish the punishment of death, and to find out a milder and more effectual substitute."

This was admirable art. Under shelter of Robespierre's appeal against the death penalty, the "Mountain"<sup>1</sup> could not at the moment break the force of Paine's plea by reminding the Convention of his Quaker sentiments. It will be borne in mind that up to this time Robespierre was not impressed, nor Marat possessed, by the homicidal demon. Marat had felt for Paine a sort of contemptuous kindness, and one day privately said to him: "It is you, then, who believe in a republic; you have too much sense to believe in such a dream." Robespierre, according to Lamartine, "affected for the cosmopolitan radicalism of Paine the respect of a neophyte for ideas not understood." Both leaders now suspected that Paine had gone over to the "Brissotins," as the Girondists were beginning to be called. However, the Brissotins, though a majority, had quailed before the ferocity with which the Jacobins had determined on the king's death. M. Taine declares that the victory of the minority in this case was the familiar one of reckless violence over the more civilized—the wild beast over the tame. Louis Blanc denies that the Convention voted, as one of them said, under poignards; but the signs of fear are unmis-

<sup>1</sup> So called from the high benches on which these members sat. The seats of the Girondists on the floor were called the "Plain," and after their overthrow the "Marsh."

takable. Vergniaud had declared it an insult for any one to suppose he would vote for the king's death, but he voted for it. Villette was threatened with death if he did not vote for that of the king. Sieyès, who had attacked Paine for republicanism, voted death. "What," he afterward said—"what were the tribute of my glass of wine in that torrent of brandy?" But Paine did not withhold his cup of cold water. When his name was called he cried out: "I vote for the detention of Louis till the end of the war, and after that his perpetual banishment." He spoke his well prepared vote in French, and may have given courage to others. For even under poignards—the most formidable being liability to a charge of royalism—the vote had barely gone in favor of death.<sup>1</sup>

The fire-breathing Mountain felt now that its supremacy was settled. It had learned its deadly art of conquering a thinking majority by recklessness. But suddenly another question was sprung upon the Convention: Shall the execution be immediate, or shall there be delay? The Mountain groans and hisses as the question is raised, but the dictation had not extended to this point, and the question must be discussed. Here is one more small chance for Paine's poor royal client. Can the execution only be postponed it will probably never be executed. Unfortunately Marat, whose

<sup>1</sup> Upwards of three hundred voted with Paine, who says that the majority by which death was carried, unconditionally, was twenty-five. As a witness who had watched the case, his testimony may correct the estimate of Carlyle:

"Death by a small majority of Fifty-three. Nay, if we deduct from the one side, and add to the other, a certain Twenty-six who said Death but coupled some faintest ineffectual surmise of mercy with it, the majority will be but *One*." See also Paine's "Mémoire, etc.. à Monroe."

thirst for the King's blood is almost cannibalistic, can read on Paine's face his elation. He realizes that this American, with Washington behind him, has laid before the Convention a clear and consistent scheme for utilizing the royal prisoner. The king's neck under a suspended knife, it will rest with the foreign enemies of France whether it shall fall or not ; while the magnanimity of France and its respect for American gratitude will prevail. Paine, then, must be dealt with somehow in this new debate about delay.

He might, indeed, have been dealt with summarily had not the *Moniteur* done him an opportune service ; on January 17th and 18th it printed Paine's unspoken argument for mercy, along with Erskine's speech at his trial in London, and the verdict. So on the 19th, when Paine entered the Convention, it was with the prestige not only of one outlawed by Great Britain for advocating the Rights of Man, but of a representative of the best Englishmen and their principles. It would be vain to assail the author's loyalty to the republic. That he would speak that day was certain, for on the morrow (20th) the final vote was to be taken. The Mountain could not use on Paine their weapon against Girondins ; they could not accuse the author of the "Rights of Man" of being royalist. When he had mounted the tribune, and the clerk (Bancal, Franklin's friend) was beginning to read his speech, Marat cried, "I submit that Thomas Paine is incompetent to vote on this question ; being a Quaker his religious principles are opposed to the death-penalty." There was

great confusion for a time. The anger of the Jacobins was extreme, says Guizot, and "they refused to listen to the speech of Paine, the American, till respect for his courage gained him a hearing."<sup>1</sup> Demands for freedom of speech gradually subdued the interruptions, and the secretary proceeded :

"Very sincerely do I regret the Convention's vote of yesterday for death. I have the advantage of some experience ; it is near twenty years that I have been engaged in the cause of liberty, having contributed something to it in the revolution of the United States of America. My language has always been that of liberty *and* humanity, and I know by experience that nothing so exalts a nation as the union of these two principles, under all circumstances. I know that the public mind of France, and particularly that of Paris, has been heated and irritated by the dangers to which they have been exposed ; but could we carry our thoughts into the future, when the dangers are ended, and the irritations forgotten, what to-day seems an act of justice may then appear an act of vengeance. [*Murmurs.*] My anxiety for the cause of France has become for the moment concern for its honor. If, on my return to America, I should employ myself on a history of the French Revolution, I had rather record a thousand errors dictated by humanity, than one inspired by a justice too severe. I voted against an appeal to the people, because it appeared to me that the Convention was needlessly wearied on that point ; but I so voted in the hope that this Assembly would pronounce against death, and for the same punishment that the nation would have voted, at least in my opinion, that is, for reclusion during the war and banishment thereafter. That is the punishment most efficacious, because it includes the whole family at once, and none other can so operate. I am still against the appeal to the primary assemblies, because there is a better method. This Convention has been elected to form a Constitution, which will be submitted to the primary assemblies. After its acceptance a necessary consequence will be an election, and another Assembly. We cannot suppose that the

<sup>1</sup> "History of France," vi., p. 136.



present Convention will last more than five or six months. The choice of new deputies will express the national opinion on the propriety or impropriety of your sentence, with as much efficacy as if those primary assemblies had been consulted on it. As the duration of our functions here cannot be long, it is a part of our duty to consider the interests of those who shall replace us. If by any act of ours the number of the nation's enemies shall be needlessly increased, and that of its friends diminished,—at a time when the finances may be more strained than to-day,—we should not be justifiable for having thus unnecessarily heaped obstacles in the path of our successors. Let us therefore not be precipitate in our decisions.

"France has but one ally—the United States of America. That is the only nation that can furnish France with naval provisions, for the kingdoms of northern Europe are, or soon will be, at war with her. It happens, unfortunately, that the person now under discussion is regarded in America as a deliverer of their country. I can assure you that his execution will there spread universal sorrow, and it is in your power not thus to wound the feelings of your ally. Could I speak the French language I would descend to your bar, and in their name become your petitioner to respite the execution of the sentence on Louis."

Here were loud murmurs from the "Mountain," answered with demands for liberty of opinion. Thuriot sprang to his feet crying, "This is not the language of Thomas Paine." Marat mounted the tribune and asked Paine some questions, apparently in English, then descending he said to the Assembly in French: "I denounce the interpreter, and I maintain that such is not the opinion of Thomas Paine. It is a wicked and faithless translation."<sup>1</sup> These words, audacious as mendacious,

<sup>1</sup> "Venant d'un démocrate tel que Thomas Paine, d'un homme qui avait vécu parmi les Américains, d'un penseur, cette déclaration parut si dangereuse à Marat que, pour en détruire l'effet, il n'hésita pas à s'écrier: 'Je dénonce le truchement. Je soutiens que ce n'est point là l'opinion de Thomas Paine. C'est une traduction infidèle.'"—Louis Blanc. See also "Histoire Parliamantaire," xxiii., p. 250.

caused a tremendous uproar. Garran came to the rescue of the frightened clerk, declaring that he had read the original, and the translation was correct. Paine stood silent and calm during the storm. The clerk proceeded :

“Your Executive Committee will nominate an ambassador to Philadelphia ; my sincere wish is that he may announce to America that the National Convention of France, out of pure friendship to America, has consented to respite Louis. That people, your only ally, have asked you by my vote to delay the execution.

“Ah, citizens, give not the tyrant of England the triumph of seeing the man perish on a scaffold who helped my dear brothers of America to break his chains !”

At the conclusion of this speech Marat “launched himself into the middle of the hall” and cried out that Paine had “voted against the punishment of death because he was a preacher.” Paine replied, “I voted against it both morally and politically.”

Had the vote been taken that day perhaps Louis might have escaped. Brissot, shielded from charges of royalism by Paine’s republican fame, now strongly supported his cause. “A cruel precipitation,” he cried, “may alienate our friends in England, Ireland, America. Take care ! The opinion of European peoples is worth to you armies !” But all this only brought out the Mountain’s particular kind of courage ; they were ready to defy the world—Washington included—in order to prove that a King’s neck was no more than any other man’s. Marat’s clan—the “Nihilists” of the time, whose strength was that they stopped at nothing

—had twenty-four hours to work in; they surrounded the Convention next day with a mob howling for "justice!" Fifty-five members were absent; of the 690 present a majority of seventy decided that Louis XVI. should die within twenty-four hours.

A hundred years have passed since that tragedy of poor Louis; graves have given up their dead; secrets of the hearts that then played their part are known. The world can now judge between England's Outlaw and England's King of that day. For it is established, as we have seen, both by English and French archives, that while Thomas Paine was toiling night and day to save the life of Louis that life lay in the hand of the British Ministry. Some writers question the historic truth of the offer made by Danton, but none can question the refusal of intercession, urged by Fox and others at a time when (as Count d'Estaing told Morris) the Convention was ready to give Pitt the whole French West Indies to keep him quiet. It was no doubt with this knowledge that Paine declared from the tribune that George III. would triumph in the execution of the King who helped America to break England's chains. Brissot also knew it when with weighed words he reported for his Committee (January 12th): "The grievance of the British Cabinet against France is not that Louis is in judgment, but that Thomas Paine wrote 'The Rights of Man.'" "The militia were armed," says Louis Blanc, "in the south-east of England troops received order to march to London, the meeting of Parliament was advanced forty days, the Tower

was reinforced by a new garrison, in fine there was unrolled a formidable preparation of war against—Thomas Paine's book on the Rights of Man!"<sup>1</sup>

Incredible as this may appear the debates in the House of Commons, on which it is fairly founded, would be more incredible were they not duly reported in the "Parliamentary History."<sup>2</sup> In the debates on the Alien Bill, permitting the King to order any foreigner out of the country at will, on making representations to the French Convention in behalf of the life of Louis, on augmenting the military forces with direct reference to France, the recent trial of Paine was rehearsed, and it was plainly shown that the object of the government was to suppress freedom of the press by Terror. Erskine was denounced for defending Paine and for afterwards attending a meeting of the "Society of Friends of the Liberty of the Press," to whose resolutions on Paine's case his name was attached. Erskine found gallant defenders in the House, among them Fox, who demanded of Pitt: "Can you not prosecute Paine without an army?" Burke at this time enacted a dramatic scene. Having stated that three thousand daggers had been ordered at Birmingham by an Englishman, he drew from his pocket a dagger, cast it on the floor of the House of Commons, and cried: "That is what we are to get from an alliance with France!" Paine—Paine—Paine—was the burden laid on Pitt, who had said to Lady Hester Stanhope: "Tom Paine is quite right." That Thomas Paine and his

<sup>1</sup> "Histoire de la Révolution," vol. viii., p. 96.

<sup>2</sup> Vol. xxv.

"Rights of Man" were the actual cause of the English insults to which their declaration of war replied was so well understood in the French Convention that its first answer to the menaces was to appoint Paine and Condorcet to write an address to the English people.<sup>1</sup>

It is noticeable that on the question whether the judgment on the King's fate should be submitted to the people, Paine voted "No." His belief in the right of all to representation implied distrust of the immediate voice of the masses. The King had said that if his case were referred to the people "he should be massacred." Gouverneur Morris had heard this, and no doubt communicated it to Paine, who was in consultation with him on his plan of sending Louis to America.<sup>2</sup> Indeed, it is probable that popular suffrage would have ratified the decree. Nevertheless, it was a fair "appeal to the people" which Paine made, after the fatal verdict, in expressing to the Convention his belief that the people would not have done so. For after the decree the helplessness of the prisoner appealed to popular compassion, and on the fatal day the tide had turned. Four days after the execution the American Minister writes to Jefferson: "The greatest care was taken to prevent a concourse of people. This proves a conviction that the majority was not favorable to that severe measure. In fact the great mass of the people mourned the fate of their unhappy prince."

<sup>1</sup> "Le Département des Affaires Étrangères pendant la Révolution, 1787-1804." Par Frédéric Masson, Bibliothécaire du Ministère des Affaires Étrangères. Paris, 1877, p. 273.

<sup>2</sup> Morris' "Diary," ii., pp. 19, 27, 32.

To Paine the death of an "unhappy prince" was no more a subject for mourning than that of the humblest criminal—for, with whatever extenuating circumstances, a criminal he was to the republic he had sworn to administer. But the impolicy of the execution, the resentment uselessly incurred, the loss of prestige in America, were felt by Paine as a heavy blow to his cause—always the international republic. He was, however, behind the scenes enough to know that the blame rested mainly on America's old enemy and his league of foreign courts against liberated France. The man who, when Franklin said "Where liberty is, there is my country," answered "Where liberty is not, there is mine," would not despair of the infant republic because of its blunders. Attributing these outbursts to maddening conspiracies around and within the new-born nation, he did not believe there could be peace in Europe so long as it was ruled by George III. He therefore set himself to the struggle, as he had done in 1776. Moreover, Paine has faith in Providence.<sup>1</sup>

At this time, it should be remembered, opposition to capital punishment was confined to very

<sup>1</sup> "The same spirit of fortitude that insured success to America will insure it to France, for it is impossible to conquer a nation determined to be free. . . . Man is ever a stranger to the ways by which Providence regulates the order of things. The interference of foreign despots may serve to introduce into their own enslaved countries the principles they come to oppose. Liberty and equality are blessings too great to be the inheritance of France alone. It is honour to her to be their first champion; and she may now say to her enemies, with a mighty voice, 'O, ye Austrians, ye Prussians! ye who now turn your bayonets against us, it is for you, it is for all Europe, it is for all mankind, and not for France alone, that she raises the standard of Liberty and Equality!'"—Paine's address to the Convention (September 25, 1792) after taking his seat.

few outside of the despised sect of Quakers. In the debate three, besides Paine, gave emphatic expression to that sentiment, Manuel, Condorcet, —Robespierre! The former, in giving his vote against death, said: "To Nature belongs the right of death. Despotism has taken it from her; Liberty will return it." As for Robespierre, his argument was a very powerful reply to Paine, who had reminded him of the bill he had introduced into the old National Assembly for the abolition of capital punishment. He did, indeed, abhor it, he said; it was not his fault if his views had been disregarded. But why should men who then opposed him suddenly revive the claims of humanity when the penalty happened to fall upon a King? Was the penalty good enough for the people, but not for a King? If there were any exception in favor of such a punishment, it should be for a royal criminal.

This opinion of Robespierre is held by some humane men. The present writer heard from Professor Francis W. Newman—second to none in philanthropy and compassionateness—a suggestion that the death penalty should be reserved for those placed at the head of affairs who betray their trust, or set their own above the public interests to the injury of a Commonwealth.

The real reasons for the execution of the King closely resemble those of Washington for the execution of Major André, notwithstanding the sorrow of the country, with which the Commander sympathized. The equal nationality of the United States, repudiated by Great Britain, was in ques-

tion. To hang spies was, however illogically, a conventional usage among nations. Major André must die, therefore, and must be refused the soldier's death for which he petitioned. For a like reason Europe must be shown that the French Convention is peer of their scornful Parliaments; and its fundamental principle, the equality of men, could not admit a King's escape from the penalty which would be unhesitatingly inflicted on a "Citizen." The King had assumed the title of Citizen, had worn the republican cockade; the apparent concession of royal inviolability, in the moment of his betrayal of the compromise made with him, could be justified only on the grounds stated by Paine,—impolicy of slaying their hostage, creating pretenders, alienating America; and the honor of exhibiting to the world, by a salient example, the Republic's magnanimity in contrast with the cruelty of Kings.