

# Paine in the Luxembourg: The Whys and Wherefores of his Imprisonment

by Mariam Touba

In a recent visit to Paris (my first) I went to see the Luxembourg palace and gardens. There, a lovely peaceful park with flowers and shade and jogging paths is placed in front of the palace that now serves as home to the French Senate. There is hardly any mention that the palace was also a notorious prison during the Reign of Terror in the era of the French Revolution. It was only one of many prisons and not the worst of them, but it, in particular, housed prominent figures and foreigners; and indeed it was Thomas Paine's involuntary abode from late December 1793 to November 1794.

Why was Paine imprisoned? The reasons given are all plausible: that he was too closely associated with the Girondin faction in the National Convention that lost out to the Jacobins in the power struggle; that he fell under suspicion once he had pleaded to spare the life of Louis XVI; that he was English-born and could be viewed as an enemy alien; that he was an effective propagandist and especially so if he had the chance to return to the United States and write for an English-speaking readership. Paine's great 19th century biographer, Moncure Conway,<sup>1</sup> examined this context at length and nonetheless came to the startling conclusion that Paine's imprisonment was almost entirely the behind-the-scenes work of the American minister to France, Gouverneur Morris.

## The Role of Gouverneur Morris

Even before Conway published his magisterial 1892 biography, Gouverneur Morris's own biographers had to acknowledge that Morris had done virtually nothing to effect Paine's release once he was arrested. This insouciance is even more striking in the context of the Reign of Terror when accusation and imprisonment frequently led to capital punishment by guillotine. It is worth remembering that it is here where Theodore Roosevelt, an aspiring historian publishing an 1888 biography of Morris, calls Paine "the filthy little atheist." Roosevelt's *ad hominem* attack may have been as much inspired by his inability to explain the inexcusable in Morris's behavior than by any particular hatred of Paine. But Conway goes even further in naming Morris as the actual *agent* behind Paine's imprisonment, in what he calls "a conspiracy" within the French foreign ministry. France was at war with a coalition of surrounding enemy nations (Paine's correspondence at the time reflects his efforts to end these wars) and, with failed harvests, she was desperate for American foodstuffs to feed her starving and restive population. American goodwill thus became a matter of grave importance, and these circumstances in 1793 gave Gouverneur Morris, a man with known Royalist sympathies, great power over even the increasingly radical French leadership.

I may be in the minority in still finding Conway's theory both sophisticated and persuasive. Conway was, in fact, on a journey of discovery as he sifted through materials in the French archives and compared them to what Morris had been reporting to his superiors. He found clear examples of Morris's falsification, even in this matter where a man's life was at stake. Morris had, in fact, demonstrated just such cold-bloodedness in his suggestions on how to handle the recall of the French minister to America, Edmond Genêt. President George Washington and administration officials had nothing but disdain for Genêt, but would not send him back to his certain death once his faction had lost favor in Paris. Morris,



Luxembourg Palace and Gardens, Paris

by contrast, not only wanted Genêt returned but hoped to facilitate the new regime's examination of his papers so as to discredit his Girondin compatriots in France just when they were under house arrest and most vulnerable.<sup>2</sup>

But did Morris intend Thomas Paine's death? Quite possibly not, as he may have believed just what he callously speculated to his government in his report about Paine, "I incline to think that if he is quiet in prison he may have the good luck to be forgotten." If so, Morris was grossly overestimating his own powers to control something as historically volatile as the Reign of Terror.

## Robespierre's Intentions

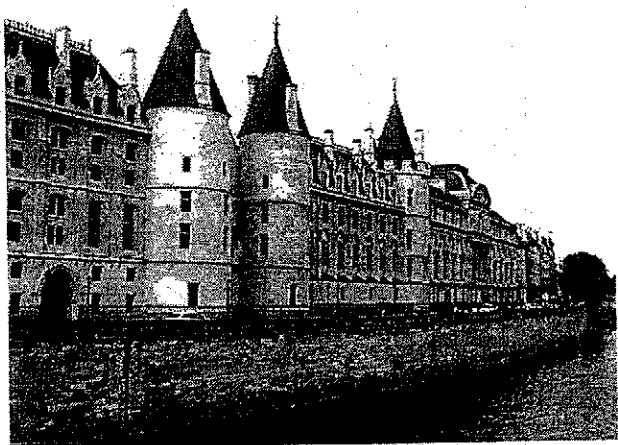
Was Paine actually destined for the guillotine? Here I am not as certain. With the fall of Maximilien Robespierre in July 1794, French officials released edited versions of his papers, and specifically called attention to a memorandum to himself: "To demand that a decree of accusation be passed against Thomas Payne, for the interest of America, as well as of France."<sup>3</sup> According to Conway's plausible reasoning, Robespierre was led to believe—by Morris's threatening insinuations to his foreign ministers—that Paine's influence needed to be removed in order to reestablish good relations with the United States. Robespierre's note is undated, and even Conway expresses some confusion as to when it was entered into Robespierre's journals. Subsequent scholars, however, have dated this particular notebook between September and

Continued on page 5, *Paine in the Luxembourg*

...Paine in the Luxembourg, from page 4

December 1793. The "Payne" memorandum seems to fall into Robespierre's recordings of October events, precisely the time when Morris was intimidating functionaries in the French foreign affairs office. We should pause to remember then, that Robespierre's "note to self" was in all likelihood written *before* Paine's imprisonment. "Accusation" would be necessary, since the law granted deputies to the Convention an immunity whereby one could not be removed from the Convention and imprisoned without such a decree of accusation. This immunity would have applied to Paine: although he had ceased to attend the Convention, Paine was at this time still technically a member of the body in good standing. But with the late December decree expelling foreigners from the Convention and imprisoning Paine as a hostile foreign (British) national, Robespierre could get Paine out of the way in a less lethal manner, and he chose this route.

Paine does refer to another threat to himself: the confession of Bertrand Barère, who later apologized to Paine for "having signed the warrant, by saying he felt himself in danger and was obliged to do it." No one yet knows what this "warrant" was, but it may simply refer to Barère's speech in late December paving the way for the decree ejecting foreigners from the Convention and thus providing a virtual warrant for Paine's



*Conciergerie, Paris*

1 Moncure Daniel Conway, *Life of Thomas Paine*, 1892, New York: G.P. Putnam's Sons

2 Morris to George Washington, October 19, 1793, <http://founders.archives.gov/?q=Volume%3AWashington-05-14&s=1511311112&sa=morris&r=3>; twenty-two Girondin leaders were executed on October 31; others remained in hiding. Morris's biographers pass over his chilling suggestions. I would, however, submit that they are the most bloodthirsty words expressed by an American "Founding Father."

arrest. It is worth remarking that Barère, the ultimate survivor and powerful Public Safety Committee member, consulted at length with Paine in August 1793 about American affairs, the grain imports, and Morris's position. The slippery Barère, even more than Maximilien Robespierre, would have come to respect the necessity of appeasing Gouverneur Morris.

### The Chalk Mark

And what of the chalk mark on the cell door that went miraculously unseen, thus sparing Paine and his cellmates in the Luxembourg from a direct path to the guillotine? Paine was honest and heard it from a good source, but he doesn't report it until later.<sup>4</sup> There is a logical and humane explanation for this, as Paine had related that his kind Belgian cellmates, when caring for him in his severe illness, had withheld bad news from him. He was probably informed much later when he went to visit one of these cellmates, Joseph Vanhuele, the mayor of Bruges, in the winter of 1800. The odd story of the chalk mark needs to be understood as a threat distinct from Robespierre's earlier memorandum: overall, prisoners did not go directly from the Luxembourg to the guillotine; instead they were taken before the Revolutionary Tribunal and kept at another prison, the Conciergerie, before going to the guillotine. The trials had become increasingly sham in nature, but they were still part of the process. But, at one point in mid-1794 during the "Great Terror," large numbers of prisoners were tried and executed for forming supposed conspiracies within the prisons, rather than for any antirevolutionary activities before their imprisonment. These were more in the form of mass trials, and the chalk number "4" on Paine's door likely refers to this event since it was meant to include his Belgian cellmates, as well. It was probably not something directed toward Paine specifically, who, had he not been ill, was prominent enough to have occasioned his own "trial."

With his renown and his associations with the damned, his lack of support from his government, and, ultimately, his severe illness in prison, Thomas Paine's escape from death during the Reign of Terror was nonetheless a narrow one. And no one seems to doubt his courage and composure under these circumstances in the most dramatic of times.

3 Paine's translation of "Demander que Thomas Payne soit décrété d'accusation pour les intérêts de l'Amérique autant que de la France:" Robespierre's notebook can be accessed here:

<http://www.gutenberg.org/files/29823/29823-8.txt> and similar sites.

4 "Letters to Citizens of the United States, III," written and published in late November 1802

*Mariam Touba, a member of TPF, is reference librarian at the New-York Historical Society. She was curator of the N-YHS Paine exhibit in 2005. Photos are by Ms. Touba.*



*by Honore Daumier*