

International Archives of the History of Ideas 219
Archives internationales d'histoire des idées

Edoardo Tortarolo

The Invention of Free Press

Writers and Censorship in Eighteenth
Century Europe

 Springer

The Invention of Free Press

THE INVENTION OF
FREE PRESS

Edoardo Tortarolo

Board of Directors:

Founding Editors:

Paul Dibon[†] and Richard H. Popkin[†]

Director:

Sarah Hutton, *University of York, United Kingdom*

Associate Directors:

J.C. Laursen, *University of California, Riverside, USA*

Guido Giglioni, *Warburg Institute, London, UK*

Editorial Board: K. Vermeir, *Paris*; J.R. Maia Neto, *Belo Horizonte*;

M.J.B. Allen, *Los Angeles*; J.-R. Armogathe, *Paris*; S. Clucas, *London*;

P. Harrison, *Oxford*; J. Henry, *Edinburgh*; M. Mulsow, *Erfurt*;

G. Paganini, *Vercelli*; J. Popkin, *Lexington*; J. Robertson, *Cambridge*; G.A.J. Rogers, *Keele*;

J.F. Sebastian, *Bilbao*; A. Thomson, *Paris*; Th. Verbeek, *Utrecht*

Edoardo Tortarolo

The Invention of Free Press

Writers and Censorship in Eighteenth
Century Europe

 Springer

Edoardo Tortarolo
Department of the Humanities
University of Eastern Piedmont
Vercelli, Italy

ISSN 0066-6610 ISSN 2215-0307 (electronic)
International Archives of the History of Ideas Archives internationales d'histoire des idées
ISBN 978-94-017-7345-4 ISBN 978-94-017-7346-1 (eBook)
DOI 10.1007/978-94-017-7346-1

Library of Congress Control Number: 2016930171

© Springer Science+Business Media Dordrecht 2016

This work is subject to copyright. All rights are reserved by the Publisher, whether the whole or part of the material is concerned, specifically the rights of translation, reprinting, reuse of illustrations, recitation, broadcasting, reproduction on microfilms or in any other physical way, and transmission or information storage and retrieval, electronic adaptation, computer software, or by similar or dissimilar methodology now known or hereafter developed.

The use of general descriptive names, registered names, trademarks, service marks, etc. in this publication does not imply, even in the absence of a specific statement, that such names are exempt from the relevant protective laws and regulations and therefore free for general use.

The publisher, the authors and the editors are safe to assume that the advice and information in this book are believed to be true and accurate at the date of publication. Neither the publisher nor the authors or the editors give a warranty, express or implied, with respect to the material contained herein or for any errors or omissions that may have been made.

Printed on acid-free paper

This Springer imprint is published by SpringerNature
The registered company is Springer Science+Business Media B.V. Dordrecht.

Preface

This book had its origin at the Institute for Advanced Study, Princeton, in 2006. Its Italian version, which was published with Carocci in 2011, took shape during my stay there as a member, thanks to the kind invitation from the School of Historical Studies and Jonathan Israel in particular: for 6 months he was a constant source of intellectual stimulus and support. I reworked the text and turned it into English during my time as a Fulbright Distinguished Lecturer at Northwestern University, Evanston, in 2011. For their warm hospitality I am deeply grateful to Regina Schwarz, Bill Davis and Edward Muir. Melissa Wittmeier, Fergus Robson and Martin Thom have been immensely helpful at different stages of the re-writing process, which took longer than originally anticipated and was achieved in 2014.

During troubled times I owe to M., A., D. more than words can ever express.

Torino, May 2015

Contents

1 Was Control of the Press Inevitable?	1
Two Models of Thought.....	1
The Dream of Perfect Control.....	6
Internal Cracks	13
2 The English Paradigm	21
From Censorship to Freedom of the Press.....	21
From Freedom of the Press to the Principle of Self-Restraint	33
3 The Functional Ambiguity of Censorship and the French Enlightenment	51
“We Live in a Country Where License Does Not Prevail”	51
Montesquieu’s Paradox	64
Practice and Theory of the Press.....	69
Respect for Truth as a Precondition of Freedom	76
Rousseau: The Introjection of Censorship	87
Condorcet and a Radical View of Public Interest	95
4 The Royal Censors as Guarantors of Freedom of the Press	99
Malesherbes and the Reform of the <i>Librairie</i>	99
In the World of the Royal Censors	106
Dialogue and Censorship	120
“Freedom to Think and Write” and Economic Progress.....	128
5 Equivocations and New Meanings	135
The “Politics of the Book” in Europe	135
The End of the Paradigm of Functional Ambiguity and Participatory Freedom.....	154

Bibliography 165
 Primary Source..... 165
 Secondary Source..... 175

Index..... 195

Abbreviations

BL	British Library, London
BnF, MS fr.	Bibliothèque nationale de France, Paris, Manuscrits français
DBI	<i>Dizionario biografico degli italiani</i> . Roma: Enciclopedia Italiana Treccani 1960–2012
HJ	The Historical Journal
JMH	Journal of Modern History
PMLA	Publications of the Modern Languages Association
RSI	Rivista Storica Italiana
SVEC	Studies on Voltaire and the Eighteenth-Century

Introduction

Internalist Censorship, Externalist Censorship

One of the most powerful and imaginative metaphors used to describe the development of modern European history is Max Weber's "iron cage". By "iron cage" we understand the process of rational bureaucratisation that takes possession of all forms of life to be inevitable. According to Max Weber, humankind will end up living a life of "congealed spirit" in a thoroughly rationalized capitalist world. Ironically, we are now aware that this metaphor was not really Max Weber's, but rather Talcott Parsons's creation; and that what Weber called the "stahlhartes Gehäuse" should be translated into English as "a shell as hard as steel". This expression refers to the deeply penetrating process of metamorphosis that transforms man in the era of rational modernity. The contrasting implications are clear: it is perhaps possible to break out of a cage, but it is much more difficult to shed a carapace that adheres to our bodies and dictates all our movements, affecting eventually even our thoughts.¹ A detailed analysis of Max Weber's historical sociology, especially in the *Protestant Ethic and the Spirit of Capitalism*, is not directly relevant to a history of censorship institutions, but the main thrust of his argument is, given the crucial role of censorship in constraining the spiritual and intellectual development of Europeans in the early modern period.²

My research on censorship in the eighteenth century is in fact intended to illustrate the general idea that early modern European history can profitably be described in terms of the building up of a variety of systems of control, and likewise in terms of the legitimizing or questioning of their scope, range and efficacy. In Weberian terms, therefore, at a certain point along this development it seemed possible, desirable and even necessary that "a shell as hard as steel" be created and adjusted to the inner life of men and women, encompassing all possible forms of written communication and rendering the oral transmission of thoughts, ideas, and emotions a

¹ Ghosh 1994; Baehr 2002; Ghosh 2008.

² Weber 2011.

sometimes dangerous enterprise. In pursuing this control of written and oral expression, European institutions, secular and ecclesiastical, were inspired by the precedents of the Greek and Latin cultures, where freedom of expression was a serious issue albeit under very different technical conditions.

This book does not claim that Europe has yet another hidden secret to be ashamed of. As a matter of fact, the opposite might well be true. It might indeed be argued that exerting control over the communication of thoughts and observations was not what was new and historically significant, but rather that despite the indeed high levels of physical and symbolic violence inherent in the everyday life of early modern European society, control was challenged by authors, printers, and in many cases members of the governing elites themselves. Those involved strove to achieve a balance between authority and individualism that placed more weight on the latter. As a result, forms of control, and especially pre-publication agencies, were forced to compromise and meet the needs of civil society, instead of disrupting it through recurrent outbursts of violence and haphazard repression. The Greek literary canon that became popular among the educated elites after Humanism featured both the poles: violent repression and consensual limitation of the boundaries of the freedom of speech. The example of Ulysses ostentatiously beating Thersites in the midst of an assembly set a paradigm that framed the early modern approach to the question of freedom of expression: the principle that freedom of speech must be coupled with a sense of respect for authority was widely accepted. The contrast between “Men [who] sat calmly in their places” and “a single man [who] kept on yelling out abuse – scurrilous Thersites, expert in various insults, vulgar terms for inappropriate attacks on kings” has remained as a constant point of reference enabling us to visualize the conduct of those who abused their freedom to speak. Freedom of speech did not mean being at liberty to say anything whatsoever in any and every place.³

Some centuries after the Homeric poem, the historian Thucydides provided a sophisticated example of the workings of freedom of speech within the framework of political freedom. When it became associated with democratic government in fifth-century Athens, freedom of speech was granted to Athenian citizens as a component of newly won political freedoms, but it did not include the right to slander individuals or to repudiate the gods of the city, as Socrates discovered to his cost. The most telling example of this understanding of freedom of speech was the oration Thucydides wrote for Cleon and Diodotus. Here frankness was acceptable because their mutual trust limited the import of their potential dissension, both citizens being committed to furthering the best interests of the Athenian republic and having pledged neither to slander their opponent nor to cast doubts on his loyalty.⁴

George Bernard Shaw may have been right when he affirmed that assassination is the extreme form of censorship. If so, then it is remarkable that as a way to deal with opponents, murder was delegitimized and the right to preserve one’s life came to be central to Enlightenment thought; censorship and pre-publication censorship in particular must be seen, ironically, as a phase of what Norbert Elias called the

³Homer 1924.

⁴Thucydides 1920. *Book 3*.

Process of Civilization.⁵ The practice of censorship might be viewed as a particular form of limited toleration compared to the brutal repression of dissenting voices: nonetheless, an increasing uneasiness with the principle of pre-publication censorship emerged in the eighteenth century and paved the way for a revision of the notion of both control and freedom of the press.

Censorship is elusive in a peculiar fashion. As it is concerned with the suppression or transformation of ideas, expressed in discourses, either written or spoken, in paintings and pictures, and in various forms of conduct, censorship as we now understand it can encompass virtually all possible manifestations of human life in a society upon which some form of power, direct and indirect, can be exercised. It has been rightly argued by David McKitterick that “visual but non-verbal texts, as well as oral ones” were important in the predominantly non-literate or pre-literate society of early modern Europe.⁶ David Freeberg, for his part, has suggested that censorship in the widest sense of the term was strict when applied to etchings and engravings: it was figurative culture that disseminated the most inappropriate thoughts of social as well sexual emancipation from hierarchical control.⁷ Any statement can be censored, at least theoretically, and a positive doctrine of the boundaries of the permissible is unthinkable.⁸ The temptation for the historian to investigate all possible forms of censorship is great: it is advisable to resist this temptation, however, and to focus on the historicity of censorship, on aspects that reflect the specificity of an epoch, of a milieu, of a constellation of world outlooks and, whenever the sources allow us to do so, of individual choices and activities.

It is hardly debatable that in the history of European culture, printed material brought a crucial change that in the long run fundamentally shaped how Europeans thought of politics, religion and culture in general.⁹ The invention of the printing press with moveable type prompted a general awareness that systematic control of communication was becoming necessary and that governments had to devise agencies charged primarily with this task: not only the many *Indices librorum prohibitorum* and the Holy Office set up by the Popes of the Counter-Reformation, but the whole array of power centres established during the age of religious warfare from the 1550s onwards bear witness to this. It seems fair to say that by the late seventeenth century a system of control was established throughout most of continental Europe with similar features and that thenceforth it was gradually delegitimized, adjusted and eventually rendered ineffective until the French Revolution elaborated a new approach, which it, in turn, disseminated throughout Europe. One of the definitive consequences of this revolutionary upheaval was the exclusion of religious institutions from the censorship apparatus. In the post-Napoleonic era, the confronta-

⁵Elias 1939; Elias 1982.

⁶McKitterick 2003: 39.

⁷Freeberg 1989. Chapter Senses and censorship: 345–77.

⁸Benrekassa 1980. Chapter *Savoir politique et connaissance historique à l'aube des lumières*: 31–52.

⁹Despite their obvious shortcomings two books are still relevant in this context: Eisenstein 1979 and Ong 1982.

tion between the censorship machinery, now exclusively state-run, and public opinion took centre stage as an integral aspect of nineteenth-century politics.¹⁰

In fact, developments in both state structure and political thinking during the late eighteenth century and the Napoleonic era substantially remodelled the pattern and forms of control in all of Europe, so much so, indeed, that its previous incarnations were rendered all but incomprehensible. A satirical poster from the final decades of the nineteenth century shows the head-on confrontation that became typical of the modern and liberal understanding of censorship.¹¹ A rally is led by a mole, the head of a censor is a pair of scissors, little children follow. The comment goes: “Süsse heilige Censur, / Lass uns gehn auf deiner Spur; / Leite uns an deiner Hand / Kindern gleich, am Gängelband!”¹² (Sweet saint censorship, / Let’s follow your footprints;/ Take us by the hand/ Like small children, /Keep us in leading-strings!).

Censorship had indeed become central to political struggle in the nineteenth century, concerned as it was with the question of who controls what, as well as with the public debate that dealt with the question of why we have to accept that somebody controls somebody else at all. The liberal movement focused on protecting the press from any encroachments and elevated the principle of freedom of the press to a principle embedded in the constitutional charters. The sensitivity of liberal culture in the West has had a twofold and strikingly divergent outcome as to the function and meaning attributed to censorship that had and still has an impact on historians’ understanding of its role and relevance. It is, therefore, necessary to look just for a moment beyond the boundaries set by the gatekeepers of the historical profession. The meaning of censorship as a notion has widened to an unprecedented degree. In fact, it has got out of control. The main reason for this expansion of the discursive field around censorship is in all likelihood to be found in the Freudian emphasis upon its role. Indeed, Freud gave censorship a central function in his psychoanalytical research.

Censorship is a key function of conscious life in that it diverts excessive stimuli, unacceptable thoughts, to the unconscious, where they reemerge as distorted manifestations of the psychic life. The political analogy was clear to Freud. In *The Interpretation of Dreams*, where Freud presented a full-fledged version of his censorship theory, the dream-thought has to tackle in the psyche of the dreamer the same problem as “the political writer who has disagreeable truths to tell those in authority”. Freud presents censorship as a necessary feature of society. His description of the impact of censorship on the writer is realistic. “If he presents [truth] undisguised, the authorities will suppress his words – after they have been spoken, if this pronouncement was an oral one, but beforehand, if he had intended to make it in print. A writer must be aware of censorship, and to account for it he must soften and distort the expression of his opinion. According to the strength and sensitiveness of the censorship he finds himself compelled either merely to refrain from certain forms of attack, or to speak in allusions instead of direct references, or he

¹⁰ *The Power of the Pen* 2010.

¹¹ *Censorship and Silencing* 1998.

¹² *Der Zensur zum Trotz* 1991: 28; Clemens 2013.

must conceal his objectionable pronouncement beneath some apparently innocent disguise: for instance, he may describe a dispute between two mandarins in the Middle Kingdom, when the people he has in mind are officials in his own country. The stricter the censorship, the more far-reaching the disguise and the more ingenious too may be the means employed to alert the reader to the true meaning".¹³ Freud did not envisage a society without controlling agencies: the people and the ruler must be as juxtaposed as the two contending psychic forces at work in the production of dreams; political censorship and dream-distortion are similarly determined. "One of these forces constructs the wish which is expressed by the dream, while the other exercises a censorship upon this dream-wish and by the use of censorship, forcibly brings about a distortion in the expression of the wish".¹⁴ The practice of censorship provided the model that inspired his description of the structural filtering out of intolerable wishes.¹⁵ In Freud's day, pre-publication censorship had been abolished in Austria as a consequence of the political reforms of 1862, but the memory of its working from 1851 to 1862 and the ruthless Russian censorship provided examples of real and successful censorship.¹⁶ Besides, in the political crisis of 1897 the censor had confiscated two issues of the liberal daily newspaper *Neue Freie Presse* and proved to be a political factor in the building of public opinion.¹⁷ Far from suppressing the life of the emotions and the intellect, censorship, in Freud's theory, acts as a balancing factor that allows wishes to be expressed without disrupting the personality. Censorship promotes an adaptive strategy and capabilities that make political and cultural life possible and productive.

This crucial role has been further expanded in Lacan's influential writings: to him censorship is constitutive of meaning and subjectivity itself, and the access to meaning and subjectivity becomes possible only through the practice of self-censorship. This broadening of the meaning and role of censorship has had an impact on the sociology of knowledge.¹⁸ Bourdieu's notion of censorship is based on an interest in linguistics rather than in psychoanalysis, but he reaches a similar conclusion to Freud as to the pervasiveness of censorship, in its regulation of the field where both form and content are expressed. According to Bourdieu, censorship is perfect when it is invisible, as it is inherent in all forms of perception and expression that make the circulation of discourses within a specific field possible. In reality, structural censorship is total and omnipresent self-censorship. The censor

¹³ Freud 1953. Vol. 4: 142.

¹⁴ Freud 1953. Vol. 4: 143.

¹⁵ See Schorske 1980: 187–8.

¹⁶ "Deliria are the work of a censorship which no longer takes the trouble to conceal its operation; instead of collaborating in producing a new version that shall be unobjectionable, it ruthlessly deletes whatever it disapproves of, so that what remains becomes quite disconnected. This censorship acts exactly like the censorship of newspapers at the Russian frontier, which allows foreign journals to fall into the hands of the readers whom it is its business to protect only after a quantity of passages have been blacked out" (Freud 1953. Vol. 5: 529). On censorship in nineteenth century Austria see Bachleitner 1997; Olechowski 2004.

¹⁷ McGrath 1986: 249.

¹⁸ Lacan 1977. See Mellard 1998.

dissolves in the mechanisms of power and in the formulation of the expression.¹⁹ Like Lacan and Bourdieu, Foucault has frequently employed the concept of censorship while transforming its meaning. For Foucault, censorship expresses itself most perfectly, not negatively, in explicit prohibition, but positively in the formulation of discourses through which power, dispersed across the whole of the society, is practised. This holds true even for societies where complete freedom of thought is proclaimed. What was initially achieved through the occasional suppression of speech acts can be more thoroughly achieved through a “technology of power” that incorporates the production of discourse and knowledge.²⁰ The impact of this reorientation of the idea of censorship has been notable among certain schools of historians. The “New Censorship” theorists stress that censorship is pervasive and unavoidable. For them, the very notion of a sociopolitical context fades into the background, while the production of texts is emphasized, irrespective of the intentions of the individuals involved in their elaboration and of the actual workings of formalized institutions of control.²¹ In consequence, the author’s original intention and intended meaning no longer constituted the central topic of analysis. As a matter of fact, the notion of original authorial intention, at the core of any philological approach to the facts of the past, appears, in this light, to be irrelevant. The notion of a damaging censorship, interfering with the creative act of an author, is integral to the idea of the emergence of the canon and the collective development of accepted paradigms. This can be called an internalist approach as it highlights the structural features of the censorship systems while rendering the actual confrontation between individuals less relevant (not all authors were glad to be included in a canon they did not want to have any part in) and better delineating the links between censorship and other forms of coercion. According to Richard Dutton, the Master of the Revels was a friend as much as a master to the licensed actors of Tudor England.²² Annabel Patterson has defined “censorship as a code, as a tacit contract between writers and the authorities”,²³ and stressed that it was largely unwritten and unpredictable, based as it was on the ability of both parties, power and writers, to guess where the limit of the unspeakable was, and avoid the “equivocations shared by authors and authorities”.²⁴ Contemporary to Ben Jonson, in the early seventeenth century “the critic and the censor were complicit rather than opposed: censors operated as critics, and critics legitimated particular kinds of censorship”.²⁵ Francis Bacon’s *New Atlantis* has recently been singled out as a metaphor of “how openness, freedom from obligation, and textual originality remain inseparable from the forms of censorship, regulation and restraint that in fact produce them. The borders between

¹⁹ Bourdieu 1982. Bourdieu’s theory has inspired Biermann 1988.

²⁰ Foucault 1976.

²¹ Müller 2004. A similar point is made in Rosenfeld 2001: 129. For a juridical approach see Schauer 1998.

²² Dutton 1991.

²³ Patterson 1984: 63.

²⁴ Patterson 1984: 74–5.

²⁵ Burt 1993: 30.

freedom and prohibition, knowledge and censorship, inside and outside, are radically unstable within the space and vision of the institution, collapsing these opposed oppositions into more complex and indeterminate formations, characterized by, for example, the non-self-identical doubleness, the uncanny twinning, of Europe-Bensalem”.²⁶ When the application of the internalist approach is extended beyond the analysis of individual texts, and into the network created by their reception in different cultures, translation can be equated to censorship because “both censorship and translation are strategies to control meaning that are unavoidably insufficient”. “To be for or against censorship as such is to assume a freedom no one has. Censorship *is*. One can only discriminate among its more and less repressive effects”.²⁷

Parallel to these developments in debates about the issue of freedom of the press and censorship, political and cultural events of the twentieth century tell a different story: censorship is associated with oppressive governments as distinct from liberal or democratic governments, freedom of speech and the press are portrayed as desirable and attainable ends, and European history is narrated as a progression from censorship towards unimpeded self-expression.²⁸ Overviews of the history of newspapers are especially prone to adhere to a master narrative that emphasizes the liberating power of the market over state intervention. Censorship is considered to be a powerful but inherently transient hindrance on the way to complete intellectual and political emancipation.²⁹ Censorship is located in a specific agency, which works to control individuals. These individual writers are taken to be historical actors who operate exclusively on their free will when unhindered by the censors. The judiciary, administrators, legislators enacting decrees and laws, and executors of political power all play important roles in the establishment of conditions that allow or restrict critiques of civil and religious government and the founding values of a society. Censorship can therefore at best be depicted as the clash of two competing intellects, which represent coherent and contending worldviews. Its very existence morally sanctions those who act as censors as well as allowing censored writers to identify strongly as victims of an oppressive power. Where no censorship is evident, it is often assumed that the text corresponds to the intention of the author³⁰; where this is not the case, interference from alternative agents can, in theory, be detected and filtered out. Whether it is reasonable or tyrannical, censorship comes from outside and intrudes upon the intentions of individuals. It is necessarily something alien and extrinsic. Leo Strauss’ *Persecution and the Art of Writing* is the most intense, if not necessarily historically accurate, use of this approach, as this research will show. From his perspective the intellectual history of the West is viewed as a constant confrontation between writers and censors taking on different

²⁶Wortham 2002: 196.

²⁷Holquist 1994: 109, 18, 16.

²⁸*Censorship* 2001.

²⁹The following books by Heinrich Hubert Houben exemplify the dichotomic approach to censorship: Houben 1918; Houben 1926; Houben 1928.

³⁰See Firpo 1961.

forms, from classical antiquity to the Arab Middle Ages to early modern Europe. Writers and censors are intrinsically at odds. Their contest is played out in the readers' minds. "Writing between the lines" is seen as the only technique that effectually removes the damage inflicted by censors, because in doing so, the author "can perform the miracle of speaking in a publication to a minority, while being silent to the majority of his readers".³¹ The perceived outcome of this struggle between censors and authors is obvious and foregone. "A careful writer of normal intelligence is more intelligent than the most intelligent censor, as such. For the burden of proof rests with the prosecutor. It is he, or the public prosecutor, who must prove that the author holds or has uttered heterodox views. In order to do so he must show that certain literary deficiencies of the work are not due to chance, but that the author used a given ambiguous expression deliberately, or that he constructed a certain sentence badly on purpose. That is to say, the censor must prove not only that the author is intelligent and a good writer in general, for a man who intentionally blunders in writing must possess the art of writing, but above all that he was on the usual level of his abilities when writing the incriminating words. But how can that be proved, if even Homer nods from time to time?"³² The writer's struggle with censors is so central and crucial that the Enlightenment project to do away with censorship per se and make all texts accessible to all mankind provokes serious misgivings on Strauss' part. Delegitimizing the censors' *raison d'être* was part and parcel of the version of Enlightenment that Strauss so strenuously opposed. Censors belong to an order where knowledge is reserved to a small community of readers who are able to grasp the real meaning of the texts: in this conception censors are as hideous as they are necessary to the working of a just society.

Strauss' essay has not, until recently, been widely incorporated into the historical research,³³ but it is representative of an understanding of censorship that stresses the clear distinction between the censors and censored, while accentuating the opposition between those who wield power, be they civil or ecclesiastical, and those who must endure its effects and have their freedom curtailed.³⁴ Writers and readers are heroes struggling to affirm the truth, which is in jeopardy.

Analyses of the Roman Inquisition, which was accomplished at devising forms of strict censorship, have often painted censors and authors as contending wills. This black-and-white picture has its own Pantheon, a showcase of forbidden, mutilated, expurgated and burnt books: from the writings of Martin Luther and John Calvin to Descartes', from Galileo Galilei's *Dialogo sopra i due massimi sistemi del mondo* (*Dialogue Concerning the Two Chief World Systems*) to the newspapers reporting on the French Revolution and Kant's late writings on religion. Historians of censorship, and intellectual life in general, tend to emphasize censorship as an impediment to political and intellectual progress; this "externalist" approach how-

³¹ Strauss 1980: 22–38, 25. The first version was published in Strauss 1941. See also Van Den Abbeele 1997; Kochin 2002.

³² Strauss 1980: 26.

³³ Jaffro, Frydman, Cattin, Petit 2001. See Paganini 2005: 11–5.

³⁴ For the tension between canon and censorship see Assmann, Assmann 1987: 11.

ever can be subverted by those opposed to the principle of freedom of the press and speech. The same Pantheon would then display the portraits of the hundreds of censors who struggled valiantly to save Europe from the horrors wrought by the printing press.

The flaws of both approaches are now clear. The internalist interpretation, particularly in vogue in the last two decades, has correctly demonstrated the overly dichotomic underpinnings of the externalist idea of censorship and has called attention to the more pervasive forms of censorship that go beyond pre-publication and post-publication controls of the press. The extension of the conceptual framework of censorship has helped to deepen the understanding of freedom of speech and of the press in early modern Europe. However, in their conceptual expansion of the meaning of censorship, internalist approaches tend to lose sight of the specific contexts and individuals involved in the process of significantly altering or suppressing, texts and images, while their insistence on the ubiquity of censorship does not fit easily into an historical analysis that stresses the nexus between impersonal practices and personal, highly individualized choices by all parties to the process.

On the other hand, the externalist approach has unduly valorized both the censors and the censored so that the common understanding that made the operation of censorship possible is excluded from the picture. Censors are portrayed as all-powerful agents committed to the imposition of state and church orthodoxy on writers and engaged in a relentless struggle with the forces of progress. It has exaggerated the censors' efficacy, functionality, and possibly their integrity, as well as authors' commitment to unrestrained freedom of self-expression. It has also underrated, among other things, the importance of practical issues such as copyright protection and the promotion of the local printing industry, which both demanded a certain toleration for morally objectionable but bestselling books. Moreover, the externalist approach necessitates a teleological progression, since it envisages total freedom of expression as the necessary and logical, if possibly distant outcome of the recurring clash between censors and censored.

The approach to censorship theory and practice, proposed here, tries to avoid the pitfalls inherent in both the internalist and externalist approaches, in that it charts the development of control institutions and the behaviour of censors throughout Europe in the early modern age. The time span extends from the invention of the printing press and the ensuing establishment of a system of control until the principle of the freedom of the press was proclaimed and finally integrated into constitutions at the end of the eighteenth and early nineteenth century. The European framework is especially valuable as it shows the common features of the control systems as well as the potential for autonomous developments that took place over the course of three centuries and which resulted in a highly differentiated array of censorship legislations and practices. The different attitudes to the dangers inherent in the circulation of ideas reflected the sensitivity of governing elites to local situations, but also the underlying notion that among governments' duties, control of the circulation of discourses was vital and that the principle of a free press had to face limits and qualifications in practice. The early modern age experimented with control and freedom of the press to an extent that only a comparative investigation

can put in perspective and do justice to. Its final outcome, the declaration of the freedom of the press as an inalienable right of man, inaugurated a new phase in this long process of experimentation and negotiation: it did not do away with the problem of control but the revolutionary assault on ancien regime censorship fundamentally delegitimized a system of censorship that had prevailed for three centuries. Although it came in many forms, of varying degrees of efficacy and thoroughness, censorship was invariably a component of the production of printed texts.

How did it arise that throughout Europe a system of control was dismantled? Did, as Venturi has suggested, a common pace of change in political culture and reform influence the way the printing press was managed?³⁵ The censorship system was, in fact, part of a more comprehensive judicial system which informed many of its features. A writer or printer who circumvented censorship offended not only their fellow citizens but the divinely ordained society and polity embodied in the monarch. As such the monarch had the right to prevent the publication of certain words and discourses. Not just plainly subversive but implicitly disruptive voices had to be silenced. Their eventual acceptance means that a fundamental shift had taken place beyond the institutional framework.

Europe and Asia: To What Extent Were They Different?

In the following pages an attempt will be made to reconstruct the main features of the process through which a system of control of the press was created as a response to the invention of movable type. Unsystematically at first, in the early sixteenth century, but with increasing consistency (but never perfectly coherently), censors had to grapple with conditions wherein the spread of printed texts generated as many positive opportunities for their authors and producers as it did potential dangers to the status quo. The growth of a network of printing houses catering to new social and intellectual groups could hardly be completely controlled. The unstable balance between the burgeoning productive activities of writing and publication and the secular and ecclesiastical agencies of control in pre-revolutionary Europe was challenged repeatedly and adapted to new circumstances and governmental demands during the Enlightenment. The system of censorship eventually collapsed and disappeared, if only temporarily and partially, during the revolutionary crisis at the end of the eighteenth century. In the following argument the concept of censorship will generally be employed in its broadest sense, as a means of exerting a preventive check on pre-publication texts by institutions which had outlived their functional efficacy in the eighteenth century.³⁶ While the present argument necessitates the sketching of a broad view of the workings of early modern European censors, it by

³⁵Venturi 1971.

³⁶There has been a recent scholarly interest in the neo-classical notion of censorship as the appropriate instrument to stop forms of behaviour that harm society but cannot be sanctioned by law. Examples of this understanding of censorship range from Bodin and Althusius to Filangieri and the

no means coheres with the overly teleological analysis of the inevitability of the abolition of preventative censorship under the contradictions of an unstable balance of control and production. The objective of this reconstruction is rather to show how the tension between the different components of intellectual production was managed. Each component was experimenting in its own domain with how best to deal with the practical and intellectual consequences of the evident expansion of personal autonomy. Each component was confronted with an incipient reconfiguration of the fundamental values of society (particularly dreaded by conservatives) and with the threat of the social and political cost that a systematic repression of illegal forms of expression would have entailed, as well as with the possibility that society could be emancipated from pre-publication control of printed texts and that authors and printers would be able to self-regulate. The constant flux of these tensions and the never ending process of adjustment to the political, institutional and intellectual developments can be interpreted as an argument for the vitality of the absolutist approach to censorship rather than as evidence of its impending end. Freedom of the press came to be considered an inalienable human right as the consequence of a variety of intersecting developments to be analyzed in the context of a simple question: how was it possible that a crucial pillar of the early-modern European societal equilibrium was radically de-legitimized and eventually dismantled (albeit temporarily) in a relatively short time span?

Before turning to the theory and practice of censorship in early modern Europe and to its demise in the eighteenth century, it might be useful to stress one point that is rarely mentioned in the historiography on censorship and freedom of the press. In exerting strict pre-publication surveillance upon texts intended for the wider public, European institutions were not acting significantly differently from non-European political organizations confronted with complex intellectual and political settings. During what is conventionally known as the early modern period in Europe, other governments, while obviously unaware of the practice and theory of censorship in Catholic and reformed countries, faced the same problem of controlling the spread of texts that might jeopardize the political, religious and social status quo. A fully-fledged comparative history of regulatory decisions from a global perspective remains elusive but a few remarks on the regulation of the printing press and the circulation of published texts in the Chinese Empire and in Japan from the sixteenth through the eighteenth centuries allow the essential features of the European experience to be seen in perspective.³⁷

When the Manchu, Qing dynasty conquered Beijing in 1644 and gradually consolidated its control of Chinese territory, there was a widespread fear that those who remained loyal to the defeated Ming dynasty could disseminate legitimist discourses through their writings by praising Han nationalism against all foreigners, which implicitly included the new Manchu rulers. In 1661 a new edition of an old Ming history was considered to be insulting to the new Qing emperor: its author's bones

deputy at the Convention Piqué (1793). This neo-classical notion will not be treated here. See Bianchin 2005a, 2010.

³⁷ See Darnton 1995a, 2005; Landi 2011b; *La censura nel secolo dei lumi* 2011.

were exhumed and publicly burnt, while the surviving members of his family and all those involved in the publication, including engravers, printers, book sellers, the authors of different prefaces and all those who had purchased copies, were either traded as slaves or beheaded. Under the emperor Kangxi (1662–1722), later under his successor Yongzheng (1723–1735) and above all under Qianlong (1736–1796) control was tightened, despite the increasing stability and acceptance of the Manchu dynasty, and culminated in an attempt to strictly regulate all aspects of intellectual life.³⁸ One consequence of this control project was the 1724 prohibition to profess a Christian faith. Christianity was considered a sect, founded by a rebel to legitimate authority, which would inevitably stir up revolts in China. Moreover, according to the Qing authorities, Christian confessions resembled the rites of the sect of the white lotus and the Jesuits were suspected of carrying out alchemical experiments. The Catholic printing press was very active from the 1650s thanks to Xu Guangqi, whose life was narrated by the Jesuit Couplet in an edifying biography in 1688, but was henceforth repressed and annihilated.³⁹ The prohibition of mentioning or alluding to politically relevant questions even extended to taboo words that were inadmissible in printed texts. In particular the names of the living emperor could not be reproduced and the authors had to leave a blank space or use another character or a character that was purposely modified or incomplete. Usually texts that violated this rule were not destroyed and the character was simply replaced. Nonetheless, these were cases of *lèse-majesté*, a crime against the dignity of the emperor which could also trigger dramatic and unpredictable reactions. This is true also for those texts that *might be read* as offensive to the emperor. Unlike European writings, ideograms can suggest allusions both through their sound and through the shape of the ideogram. In 1726, one line in a text submitted in an examination to enter the bureaucracy meant: “where the people are resting”. If one dash above the first character and one below the last were deleted the meaning would be: “the emperor is beheaded”. The author-suspect in this case died during his interrogation and his text was destroyed. Traditionally, no controls were exerted on erotic texts. Sex was not a taboo subject, but increasingly in the eighteenth century official attitudes towards erotic literature became more rigid and in 1738 a decree was issued forbidding owners of bookshops to provide short-term loans of what were considered to be obscene books. More generally, the literate elites looked upon popular literature with contempt and stressed the value of works conceived as props for morality and which sustained social values. Pornographic books or ghost stories were forbidden but remained preserved in private libraries. A distinctive trait of Confucian culture, unlike Buddhist culture, is that images are disdained and text is exalted as the meaningful core of the book.

Three features of press control and book diffusion in imperial China stand out from a comparative perspective. The first feature relates to the history of xylographic printing by means of engraved wooden blocks which made the circulation of publi-

³⁸ Mote 1998; For a comprehensive review essay focusing on works in Mandarin see Brockaw 2007.

³⁹ Mungello 1999: 42–5.

cations so pervasive that untargeted prohibitions were bound to fail. Proscriptive measures were aimed at political works produced for the literate elite. Control of the printing press did not therefore impact negatively upon book production, which remained quite strong. Under both the Ming and Qing dynasties, the imperial government supported printing shops at provincial and county levels, where authorized editions of the classics, histories, dictionaries and medical books were produced for use in schools and academies.

The second salient characteristic pertains to the concept of censorship itself. In imperial China, censorship could only be a post-publication operation because xylographic printing required neither specialized skills nor sophisticated instruments so that the reproduction of texts was easy which rendered prohibition largely ineffective. Hence no attempt was made to set up a system of pre-publication manuscript control. An imperial decree of 1778, which charged provincial directors with the control of manuscripts, remained a dead-letter.⁴⁰ A list of forbidden books was drawn up only after their publication which reflected the criteria that authors were expected to meet. The absence of a grass-roots system of preventive control led to a repressive approach that was unpredictably ferocious but unsystematic.⁴¹ Extensive self-censorship ensued and increasingly replaced the Confucian principle that one should speak frankly to the emperor. The third feature is the exclusively political nature of the control of the printing press. The notion of order was crucial, while religious eclecticism was accepted, the occasional attack on Taoism and Buddhism notwithstanding. The book as an artifact attracted great respect in imperial China: it was prized as a contribution to stability in the universe as it was evidence that man is different from animals. This deference for books inspired the creation of an association devoted to the cult of printed books. Its members collected and ritually burned all fragments of printed paper they could gather. As late as 1886, a Presbyterian missionary in Suzhou, DuBose, insisted on the ancient origins of this cult and interpreted it as an aspect of Chinese devotion for the “written character” and knowledge expressed in a sacrificial religious rite to the letters, to Confucius, to the god of literature. Such an attitude to books was intertwined with the desire to regulate the printing sector. Associations similar to the one described by DuBose supported the government’s efforts to enforce the prohibition of obscene literature by destroying the wooden blocks engraved with the offensive or offending text. The real aim of these associations was the purification of society and individuals, the preservation of the dignity of the written word and deference for literature and the rejection of commodification.⁴²

In Japan, the development of the system which controlled the circulation of texts was markedly different. Until the end of the sixteenth century, Buddhist monasteries enjoyed an exclusive monopoly over the printing press. The production of printed texts for the general public began in Kyoto in the early seventeenth century, when

⁴⁰ Brokaw 2005: 18 highlights that authorities used to crack down on books they considered to be dangerous.

⁴¹ See Brook 2004: 127.

⁴² McDermott 2006.

temporarily, the printing press with movable type replaced xylographic technology. The latter in turn prevailed and after the mid-seventeenth century successfully supplied a booming market.⁴³

Here, repression of printed literature was occasioned by the anti-Christian campaign and began with the 1630 decree that banned the importation of books from China, including 32 works by Matteo Ricci. The ban was renewed and reinforced in 1676 when a catalogue was drawn up of Christian books not to be imported. In the late seventeenth century, a magistrate in Nagasaki was appointed with the task of stopping Chinese books about Christianity from entering Japan. Pressure mounted with demands for the regulation of production of printed texts by rigorist Confucian sects, especially poems and historical narrations which could easily be used to lead people astray.⁴⁴ The ban was later lifted in order to allow scientific literature from Europe, particularly Holland to be imported. Domestic circulation of printed texts was the responsibility of the guild of book traders, which was officially incorporated between 1716 and 1723. The shogun government only interfered with the circulation of books under exceptional circumstances, the prohibition of books favourable to the Tokugawa dynasty's rivals, for instance.

As soon as the ability of the guild of book traders to manage the increasing quantity of books on the market was proven, decrees were issued inventorizing unacceptable books. In particular, publications critical of the authorities and which 'spread gossip' were targeted. The inventories however were largely ignored by both producers and traders. The situation changed following the edicts of 1721 and 1722 which forbade the publication of new books, with the exception of medical textbooks, poems and religious, non-Christian works, such as Shinto, Buddhist and Confucian texts. Even if a new text seemed worthy of publication, an official authorization was required before printing could proceed. The frontispiece of the book had to include both the author's and printer's names. This preventive censorship was carried out by the guild of book traders. Many of the texts that were deemed unlikely to pass the censor's assessment would be sold on the clandestine market of illegal books or handwritten and circulated in manuscript form.⁴⁵ At the end of the eighteenth century, the bans were renewed and multiplied, indicating that they went unheeded. At the same time, readers' numbers increased: more and more Japanese purchased books and subscribed to bookshops that lent publications for a monthly fee. (There were around 800 such circulating libraries in Edo in the late-eighteenth century).⁴⁶ Legal prints had to display the seal of the censor who had cleared the text for publication. Authors and printers who did not observe this procedure, dating from 1721 to 1722, were persecuted. As in China, calendars and astrological forecasts were forbidden, as they might justify rebellions. Since calendars could prove the harmony of the universe with the government, the government aspired to control their production. Pre-publication censorship and post-publication repression were

⁴³ *Cambridge History of Japan* 1991: 726.

⁴⁴ See Maruyama 1974: 38; Akinari 2009: 13.

⁴⁵ Kornicki 2001.

⁴⁶ *Cambridge History of Japan* 1989: 68.

intended to insulate Japan from contact with Western culture and prevent public criticism of the government. Following a similar trajectory to many European states in the post-Napoleonic period, responsibility for the application of preventive censorship was transferred, from the guild of book traders to the members of the Bakufu Academy in 1842. In consequence, both procedure and criteria were tightened and censorship became even more meticulous and effective under the Meiji.⁴⁷

China and Japan exhibit a variety of combinations where violent and sometimes ruthless repression alternated, or was coupled with, various forms of pressure on writers and printers to exercise the virtues of prudence and self-control.

Seen from this perspective, the history of censorship institutions in these political systems demonstrates that many of the elements which played a major role in early modern Europe were also central to the process in China and Japan. In particular, the creation of a systematic Index of forbidden books in Catholic countries was meant to address the need to regulate the public's reading that the Japanese hierarchy also considered crucial. The semi-public functions performed by the Japanese book traders' guild is also reminiscent of similar arrangements in *Ancien Régime* France to impose discipline in the production and circulation of legal books.

It may be argued therefore that the variety of forms of control, adjusted to social and political settings and to the technical specificities of book production, devised in Europe and Asia were broadly similar in form, timing and their anxiety about the negative effects of the unrestrained articulation and circulation of thoughts in print. This empirical evidence raises the question of how and why some European countries during the early modern era considered it inevitable, or useful, or appropriate to give up the traditional forms of control on the press. As a first approximation, it may be claimed that the tension within the control institutions themselves between contrasting interests and agendas was a source of debate as to the fairness and efficacy of prepublication authorization. Debates around the legal intricacies of censorship lent themselves to discussion of the legitimacy or illegitimacy of control. When it was proven that the attempt to put "a shell as hard as steel" on printing and publication stifled rather than protected or regulated it, when it ground down intellectual and scientific activity rather than sustaining it, significant portions of European societies came to agree that the harm to the commonwealth and the violation of individual rights which resulted from preventative censorship were unacceptable. For a short time at the end of the eighteenth century public institutions had to adapt and conform to dramatic new intellectual and political circumstances.⁴⁸ The following pages will present and analyze a number of examples of how the control system was put under scrutiny and eventually dismantled and of how European governments groped towards a compromise between censors' control and free expression.

⁴⁷ On the long-term effects on book trade during the Tokugawa period see Mitchell 1983.

⁴⁸ For a comprehensive bibliography see *Grundfreiheiten Menschenrechte 1500–1850*. 1992. Vol. 4, chapter 8: *Meinungs- und Pressefreiheit – Freiheit der Forschung und der Lehre*: 257–338; May 2010.

Chapter 1

Was Control of the Press Inevitable?

Two Models of Thought

In the middle of the seventeenth century, a few years apart, the two pre-eminent political philosophers in Europe worked out opposing theories of the proper course of action for political power-holders in their dealings with the written word. Thomas Hobbes and Baruch Spinoza held contrasting views of the nature of communication between human beings which were based on starkly different analyses of society and the civil power. In fact their shared assumption that in the state of nature there could be neither morality nor legality, developed in divergent directions.¹

Before explaining how control institutions were founded and run in practice in post-Gutenberg Europe, a presentation of Hobbes' and Spinoza's ideas on the nature of communication and control will help to outline the intellectual options available to the authorities faced with balancing freedom and control in the period before the revolutionary upheavals of the eighteenth century.

In the *Leviathan*, Hobbes collected all the arguments militating against freedom of the press and thereby created a repertoire of topoi to justify restrictions on free communication. The experience of the English civil war, expounded in *Behemoth*, showed that books instil a love for democratic government and stir up sedition.² The contrast with Francis Bacon's earlier argument is evident.

Francis Bacon had displayed a tolerant attitude towards political critique under the Stuart monarchy and had argued that the prudent discourses of writers and a judicious course of action by the sovereign would together generate a condition of general peace.³ Unlike Bacon, Hobbes claimed that the social contract handed all

¹ See Curley 1991: 318 on freedom of the press.

² Hobbes 1839–1845b. *Behemoth*: 20, 4.

³ "Libels and licentious discourses against the state, when they are frequent and open; and in like sort, false news often running up and down, to the disadvantage of the state, and hastily embraced; are amongst the signs of troubles. Virgil, giving the pedigree of Fame, saith, she was sister to the

the rights that human beings had enjoyed in the state of nature, to the sovereign. Hobbes, however, could not countenance the claim that a diversity of opinions would not hinder the exercise of political power; the right to differ from the sovereign and to criticize his decisions was among those rights which men had renounced upon entering into the social contract and which belonged exclusively to the sovereign: if the political authority cannot force anyone to believe, it can force everyone to obey.⁴

Moreover, in Chap. 18 of the *Leviathan*, Hobbes listed the “Rights of sovereigns by institution” and argued explicitly that

it is annexed to the sovereignty to be judge of what opinions and doctrines are averse, and what conducing to peace; and consequently, on what occasions, how far, and what men are to be trusted withal in speaking to multitudes of people; and who shall examine the doctrines of all books before they be published. For the actions of men proceed from their opinions, and in the well governing of opinions consisteth the well governing of men’s actions in order to their peace and concord. And though in matter of doctrine nothing to be regarded but the truth, yet this is not repugnant to regulating of the same by peace. For doctrine repugnant to peace can no more be true, than peace and concord can be against the law of nature. It is true that in a Commonwealth, where by the negligence or unskillfulness of governors and teachers false doctrines are by time generally received, the contrary truths may be generally offensive: yet the most sudden and rough bustling in of a new truth that can be does never break the peace, but only sometimes awake the war. For those men that are so remissly governed that they dare take up arms to defend or introduce an opinion are still in war; and their condition, not peace, but only a cessation of arms for fear of one another; and they live, as it were, in the precincts of battle continually. It belonged therefore to him that hath the sovereign power to be judge, or constitute all judges of opinions and doctrines, as a thing necessary to peace; thereby to prevent discord and civil war.⁵

Preventative censorship is inherent in the political and social conditions created by the social contract. The same logic held for religious doctrines found to be incompatible with official church teachings: these were unacceptable as they would hinder the operations of the only legitimate power. Since toleration for dissenting confessions was not admissible, the public expression of their doctrines was bound to be repressed. The consequence of Hobbes’ political philosophy was the outright

Giants: Illam Terra parens, ira irritata deorum, Extremam (ut perhibent) Coeo Enceladoque sororem Progenuit. As if fames were the relics of seditions past; but they are no less, indeed, the preludes of seditions to come. Howsoever he noteth it right, that seditious tumults, and seditious fames, differ no more but as brother and sister, masculine and feminine; especially if it come to that, that the best actions of a state, and the most plausible, and which ought to give greatest contentment, are taken in ill sense, and traduced: for that shows the envy great, as Tacitus saith; conflata magna invidia, seu bene seu male gesta premunt. Neither doth it follow, that because these fames are a sign of troubles, that the suppressing of them with too much severity, should be a remedy of troubles. For the despising of them, many times checks them best; and the going about to stop them, doth but make a wonder long-lived” (Of Seditions and Troubles. In Bacon 1857: 124–5). This essay was added to the 1625 edition of the *Essays*, when Charles I ascended to the throne following the death of his father James I. It might be interpreted as calling for more attention to be paid to the elite at court.

⁴For this point see Goldsmith 1966: 214–15; Collins 2007.

⁵Hobbes 1839–1845a. *Leviathan*: 164.

prohibition of free expression. This was informed by his analysis of the function and operation of discourse and communication. Censorship was more than a necessary function of the absolute rule of the sovereign: it played a crucial role in intellectual life.

Hobbes' analysis of language and discourse was in fact logically consistent with his notion that the absolutist state was entitled to control knowledge and imagination. To Hobbes, the press itself did not need to be controlled specifically. The point of friction was that language was God-given to man at Creation but had become so ambiguous and confusing as to seriously threaten social cohesion.

But all this language gotten, and augmented by Adam and his posterity, was again lost at the tower of Babel, when by the hand of God, every man was stricken for his rebellion, with an oblivion of his former language. And being hereby forced to disperse themselves into severall parts of the world, it must needs be, that the diversity of Tongues that now is, proceeded by degrees from them, in such manner, as need (the mother of all inventions) taught them; and in tract of time grew every where more copious.

All languages share common elements and fulfil the same functions: “the first use of names, is to serve for Markes, or Notes of remembrance” that refer to thoughts and objects. The second use is “to signifie (by their connexion and order) one to another, what they conceive, or think of each matter; and also what they desire, feare, or have any other passion for, and for this use they are called Signes”. Words must relate exactly to their objects, no matter if they are “Proper, and singular to one onely thing” or if they are “called an Universall [...] imposed on many things, for their similitude in some quality, or other accident”.

Language is inherent in civilized society but its abuses are disruptive.

Speciall uses of Speech are these; First, to Register, what by cogitation, we find to be the cause of any thing, present or past; and what we find things present or past may produce, or effect: which in summe, is acquiring of Arts. Secondly, to shew to others that knowledge which we have attained; which is, to Counsell, and Teach one another. Thirdly, to make known to others our wills, and purposes, that we may have the mutuall help of one another. Fourthly, to please and delight our selves, and others, by playing with our words, for pleasure or ornament, innocently.

To these Uses, there are also foure correspondent Abuses. First, when men register their thoughts wrong, by the inconstancy of the signification of their words; by which they register for their conceptions, that which they never conceived; and so deceive themselves. Secondly, when they use words metaphorically; that is, in other sense than that they are ordained for; and thereby deceive others. Thirdly, when by words they declare that to be their will, which is not. Fourthly, when they use them to grieve one another: for seeing nature hath armed living creatures, some with teeth, some with horns, and some with hands, to grieve an enemy, it is but an abuse of Speech, to grieve him with the tongue, unlesse it be one whom we are obliged to govern; and then it is not to grieve, but to correct and amend.⁶

⁶Hobbes 1839–1845a. *Leviathan*: 19–20. For the analysis of the tension between words and power see Pettit 2008. On Hobbes as a translator of Thucydides in his role as a critic of the degeneration of language, see Grafton 2007: 138.

To state the truth “consisteth in the right ordering of names in our affirmations” and there can only one such “ordering of names”. Filtering out ambiguities from language is a crucial task. Hobbes was very clear about the negative consequences of a lack in strictness in using language properly.

The Light of humane minds is Perspicuous Words, but by exact definitions first snuffed, and purged from ambiguity; Reason is the Pace; Encrease of Science, the Way; and the Benefit of man-kind, the End. And on the contrary, Metaphors, and senselesse and ambiguous words, are like Ignes Fatui; and reasoning upon them, is wandering amongst innumerable absurdities; and their end, contention, and sedition, or contempt.⁷

More than just controlling the printing sector and stopping seditious books and gazettes, governments had to attend to the use of words. It was their responsibility to shape the language and principles of those sciences to be practised in the universities, from whence these would spread throughout society thanks to the “younge men” educated therein.⁸

The scope of government based on the social contract was therefore much broader than that implied by a purely repressive censorship policy. The prohibition of books that constituted a threat to social peace was just one element of the active strategy of the sovereign to shape the circulation of ideas through educational institutions and to thereby influence the formation of both language and the printing sector. There was a logical connection between this understanding of language and the censorship exercised by the sovereign power. This connection became the implicit premise of absolutist theories on the control of communication.

Spinoza developed an argument in favour of freedom of speech and of the press that provided a clear alternative to the Hobbesian model. He claimed that language was an instrument to accomplish the aim of the state, which is not peace, as Hobbes argued, but liberty. Spinoza was convinced that every individual had a right to their own opinion even after society was established under the social contract. From this he concluded that the government had no legitimate way to check opinions, nor in fact, could it exercise any control over thoughts; the futility of censorship was self-evident.⁹ The final chapter of the *Tractatus theologico-politicus* maintained that freedom is intrinsic to the communication of thoughts and that the state has an interest in protecting freedom of expression. The disagreement with Hobbes is plain, and derived from their opposed understandings of anthropology and their distinct notions of collective organization. For Spinoza opinions are not intrinsically unstable: on the contrary, they express the very essence of what it is to be human. The proper meaning of words can be elucidated, as the *Tractatus theologico-politicus* shows, despite the assertions to the contrary by political and religious power-holders. It could not be otherwise, since the capacity and the right to make judgements is inalienable.

⁷Hobbes 1839–1845a. *Leviathan*: 37.

⁸Skinner 1996: 301.

⁹Cooper 2006.

Since, therefore, no one can abdicate his freedom of judgement and feeling; since every man is, by indefeasible natural right, the master of his own thoughts: it follows that men thinking in diverse and contradictory fashions cannot, without disastrous results, be compelled to speak only according to the dictates of the supreme power.¹⁰

All attempts by government to control the meaning of words and therefore their citizens' discourses were bound to fail since their hypothetical success would undermine the essence of the republic. In fact, given that government could enforce a certain control, citizens had to either use language ambiguously and with ingenuity or to incur penalties up to and including capital punishment, if they wished to hold and express their own ideas. Faced with this choice a generalised rejection would ensue: for, whereas restraining citizens' actions is a legitimate government duty, restraining their words and thoughts is an insupportable abrogation of power. History, Spinoza claimed, has proven this principle beyond any possible doubt.¹¹

At the core of Spinoza's argument lies a respect for the individual and for all humans' innate potential for rationality. This attitude resonated in many writings by those who agreed with Spinoza's argument in the *Tractatus theologico-politicus*, together with his warning that a lack of constraints implies "some inconveniences". Spinoza was obviously well aware that his own system was incompatible with that of Hobbes: as he wrote in a letter to his friend Jelles, in his own philosophy "natural right" is preserved "in its integrity" and cannot be surrendered as part of a compact. This principle applies, too, to the right to judge and communicate thoughts. In this letter to Jelles, Spinoza nonetheless acknowledged again, somewhat grudgingly, that "the most ignorant are ever the most audacious and the most ready to rush into print" and that booksellers are more likely to favour bad books.¹²

The conservative development of Spinoza's political thought in the aftermath of the downfall of the *Pensionnaire* of Holland, Jan de Witt, in 1672 did not affect his attitude towards the principle of the fundamental liberty to formulate and communicate ideas.¹³ Ironically, when the *Tractatus theologico-politicus* was formally prohibited on 19 July 1674, the decree condemned both the *Tractatus*, arguing for the freedom of speech and communication, and Hobbes' *Leviathan*, rejecting it (Lodevijk Mejer's *Philosophia Sacrae Scripturae interpretes* was the third work included in the list).¹⁴

The diffusion of Spinoza's writings was remarkable and does not appear to have been much hindered by censorship institutions, which unanimously considered his works and the *Tractatus* in particular to be a dangerous threat to political and religious order.¹⁵

¹⁰ Spinoza 1891: 258.

¹¹ See Rosenthal 2008.

¹² Spinoza 2007: 1420–1.

¹³ Prokhovnik 2002: 201–20.

¹⁴ Malcolm 2002: 380–1.

¹⁵ Israel 2001: 284–5 and 302–7.

The Dream of Perfect Control

Hobbes' and Spinoza's thoughts on freedom of expression were explicit, straightforward and reflected contrasting visions of political conduct in the mid-seventeenth century. They did not however reflect the realities of the diverse institutional configurations crystallized since the invention and spread of printing and the Reformation and the ensuing religious schism in Europe. Between the Council of Trent and the late seventeenth century, European states undertook to establish systems of preventative control for the press and had used these to reinforce their confessional and political homogeneity and counter the influence of rival faiths or rulers. Control over printed matter would allow a more stringent oversight of what was taught in schools, in academies and in seminaries. These in turn influenced the content of sermons which, since Europe was largely illiterate, were the most important concern. In this, it is worth emphasizing that the strategies pursued by the governments of Catholic, Lutheran and Calvinist states, did not differ fundamentally.¹⁶ In no territory, however, did the institutional framework conform completely to the highly idealised control models that culminated in Hobbes' *Leviathan*.

Recent scholarship has demonstrated that the emergence of early modern print culture did not completely supplant the practice of circulating handwritten texts. These were easier to produce and distribute without the civil and religious authorities taking notice and were overall a relatively safer way to express unconventional ideas. It was this circulation of manuscripts that allowed for the creation of a corpus of "clandestine texts", handwritten and exchanged among private individuals with a view to developing critical discussion within a socially restricted group in the upper echelons of society.¹⁷ Moreover, the circulation of manuscript texts allowed their authors to retain greater control over their thoughts, which they surrendered when a text was sent to the censors for legitimate publication. They also avoided the alterations likely to occur during the different phases of typographic production, as long as the author and the scribe were in agreement.¹⁸ It is nonetheless evident that the printing press and the profound changes to which it gave rise, in the production, distribution and reception of all sorts of texts marked a sharp break in literate elite attitudes towards the circulation of knowledge in general. An early response came from the Catholic Church, whose policies from the first decades of the sixteenth century onwards, offered a model for European governments. The technical limitations on censorship during the early modern period meant that comprehensive preventative control of the press was an unlikely outcome but one that most governments aspired to nonetheless.

The contradiction between the need for a systematic strategy of control and its limited efficacy remained a lasting feature of the history of censorship in Europe. The gap between goals and achievements notwithstanding, the papal hierarchy was

¹⁶Reinhard 1989: 392.

¹⁷Benítez 2003.

¹⁸Love 1993; Chartier 2005: 76, 117–18.

remarkably successful in gradually setting up institutions the main task of which was to monitor all texts submitted for publication and preventatively filter out the inadmissible, while also elaborating a theory of the necessity of control over the printing press not long after its invention and dissemination.¹⁹

In 1478 Niccolò Perotti, bishop of Siponto and a humanist with ties to Lorenzo Valla, urged Pope Paul III to monitor printers in order to guarantee high quality scholarly publications. Such an opportunity was afforded by the publication of the *Natural History* (*Historia Naturalis*) by Pliny the Elder: Perotti firmly believed that printed texts would soon replace the illuminated codices produced by careful, skilled and well-trained scribes. Printed texts were prone to perpetuate philological inaccuracies and even blatant errors if no preventative measures were taken. At first, however, his concern fell on deaf ears.²⁰ In 1487 Pope Innocent VIII issued the bull *Inter multiplices* with the first ever regulation of the printing press: it was addressed to the whole of Christianity but promulgated only in the German city of Cologne, where the university, under the supervision of the archbishop, was assigned to oversee all printers.

With the proliferation of printing shops in German and Italian cities, bishops increasingly tried, with the help of theology lecturers, members of the monastic orders and pious lay individuals, to exercise control over the output of printed works. In 1501 Pope Alexander VI aimed to centralise control but to no avail. Before the Reformation forced Rome to take an aggressive stance in order to bolster the organizational effort against Protestantism, civil institutions set out to control printing activity out of fear that dangerous books were being produced. Far from effective in practice, in theory the bull *Inter solitudines*, promulgated by Pope Leo X in 1515, forbade printers to publish books without prior authorization.

The development of the printing press and the increasing diffusion of printed books spurred the authorities to try to limit their consequences. In Paris, the Sorbonne and the *Parlement* collaborated from 1521 onwards to inspect, with a view to limiting the circulation of, humanistic texts advocating ecclesiastical reform.²¹

In 1531 officials from these two institutions began searching booksellers' shops for texts that were considered theologically unacceptable. Around the same time the monarchy set out to prevent the publication of texts challenging its authority, particularly those which argued for papal prerogatives and privileges. The publication of the Index of forbidden books (*Index des livres interdits*) in 1544 was an indication of the increasingly systematic and comprehensive control of printing. Ever tighter restrictions failed to stop the circulation, Europe-wide, of prohibited books, as the spread of Erasmus' works testifies. Nonetheless, in some fields control was

¹⁹Thomas Werner has argued that the invention of the moveable-type printing press had a crucial impact on the nature of book control (Werner 2007: 24–46, 529).

²⁰Monfasani 1988; Frajese 2006; Wolf 2006: 13–45.

²¹Higman 1979: 83.

more effective: the publication of vernacular Bibles was banned in 1525 and remained in place until 1565.²²

In Catholic Europe, governments consistently employed indexes of forbidden books as a means of control: these provided the means to curb the circulation of forbidden books while eschewing, for the time being, the creation of a complex and expensive system of preventative censorship. The explosion of book production, “printed books, that are sold now for the price of a loaf of bread”, opened up new fields of interaction between religious and civil authorities, for example, increasing competition over the right to control the population as well as collaboration in suppressing undesirable ideas or conduct.²³

Initially civil institutions led the charge to index banned books. In Milan and Madrid in 1538, in Gand in 1546, in Venice in 1549, in Valencia in 1551, local authorities issued indexes of works they saw as a threat. These indexes lacked homogeneity, were not coordinated and no corresponding attempt was made to regulate book production, all such shortcomings serving to limit their efficacy.²⁴

The example of the Republic of Venice, among the Italian states, is particularly instructive. Here, control of the press was the prerogative of the Council of Ten from 1527 onwards. In 1543 and again in 1547 its members decried the printers who ignored their orders and lamented the production of books and engravings that offended God’s honour and the Christian faith. Since blasphemy was seen as a threat to the foundation of the Republic, the Council of Ten placed the Executors against Blasphemy in charge of monitoring printers, and entrusted surveillance of both ancient and modern texts to its recent creation, the Reformers of the Studio of Padua (*Riformatori dello Studio di Padova*), a body of censors associated with the University in Padua.²⁵

The creation of the Congregations of the Holy Office and the Index in 1542 and 1571, demonstrates the Catholic hierarchy’s prevailing suspicion of books and view of the printing press as a threat to religious orthodoxy. This view demanded that both civil and religious authorities institute preventative censorship of new manuscripts alongside careful censorship of already existing texts. The Congregation of the Holy Office was a manifestation of the theoretical right of the church to regulate book production on the intellectual as well as the commercial level. The creation of such a system, underpinned by Counter-Reformation orthodoxy, was not so straightforward a task as it might have appeared on paper.

The compilation of indexes of prohibited books in 1559, 1564 and (after tortuous, acrimonious and protracted negotiations) 1596, demonstrates the organic development of sometimes overlapping control strategies. A similarly contradictory

²²Soman 1976; Farge 1996; Farge 2008. For the circulation of the Geneva Bible in France in the 1570s see Zemon Davis 1975. Chapter Printing and the People: 85.

²³*Libri manoscritti e a stampa* 1982: 190.

²⁴de Bujanda 1984–1996. For a comparative overview see de Bujanda 2003.

²⁵Jacoviello 1993; Witcombe 2004: 59–68.

overlap was also apparent in the divergent and inconsistent assessment and restriction of Erasmus' writings.²⁶

The consequences of this regulatory effort, from the compilation of indexes to the impossible undertaking of erasing all traces of non-Christian belief from existing human knowledge, have been significant and long-lasting. Expurgation was a chimera which exposed the far-fetched and implausible papal intentions and strategies, the impact of repeated attempts to realize it was, however, very real, and purged books remained, at best, inaccessible for sometimes very long periods.²⁷ The Counter-Reformation ecclesiastical hierarchies insisted that no books should be left to readers without direct or indirect clerical supervision, as books were viewed as foci of heretical infection.²⁸

Unsurprisingly the papal contention that the Catholic Church had the right to intervene in the political arena through control of the press was opposed by the protestant churches which stressed civil authorities' exclusive prerogative to manage censorship agencies.²⁹ In Lisbon, the Portuguese Inquisition published a series of Catholic indexes in 1551, 1564, 1581 and 1624, that were adapted to local conditions; each one further enlarged the canon of forbidden literature while similarly tailored indexes appeared in Liège in 1569, Antwerp in 1570 and Munich in 1569 and 1582.

Clear-cut and unequivocal criteria to establish the orthodoxy or heterodoxy of an individual work could never really be defined, which in practice meant that the scope of admissible literature was severely limited. Even the practice of granting individual permissions to read forbidden books was increasingly restricted in the course of the sixteenth century. The Jesuit scholar, Petrus Canisius, asked the papal hierarchy for greater flexibility in dealing with prohibited books in confessionally mixed territories of the Holy Roman Empire, where he was active as a teacher. The constant interaction between Catholics, Lutherans and Calvinists seemed to require a more flexible approach and Canisius recommended that two indexes be issued, the first listing all forbidden books, the second indicating those that could be used in the Jesuit colleges in the German territories. The Holy Office rejected Canisius' proposal in its entirety in 1559. Other, similar requests were met with the same hard line. In 1573 the papal nuncio in Vienna forwarded the request of a prominent personality at the Habsburg Court to be formally allowed to read non-religious books by protestant authors. The Secretary of State, Tolomeo Galli, flatly replied that "His Holiness is reluctant to concede permissions to read forbidden books, and he is in fact contemplating revoking those already granted, as experience shows that they are cause more harm than they do good, as many were not capable of extricating themselves from the teachings of similar books".³⁰

²⁶ Seidel Menchi 1988.

²⁷ Rebellato 2008a; Frajese 2006: 93–137.

²⁸ Prosperi 1996.

²⁹ Richter 1566: 54. For a survey on expurgation see Fragnito, Gigliola 2000; *Church, Censorship and Culture* 2001 (in particular Donati 2001); Zedelmaier 2003.

³⁰ Both episodes are described in Bietenholz 1996.

This episode sums up a more general trend in the Counter-Reformation. The prohibition of vernacular Bibles in Italian territories reflected and reinforced mistrust towards printed books, while also maintaining clerical control over the interpretation of the fundamental source of Christian beliefs.³¹

Various Catholic indexes of forbidden books were issued by a range of different church agencies, official indexes such the Sixto-Clementine Index of 1593 and the Alexandrine Index of 1664 alongside unofficial lists of locally forbidden books, listed in syllabi that were sometimes acknowledged by Rome. Paradoxically, their spread further blurred the constantly shifting distinction between licit and illicit texts, under the pressure of ever harsher prohibitions.³²

The Counter-Reformation Church's attempts to control printing was evident in the repression of printers and booksellers who produced or imported protestant literature, but also publishers of texts in Hebrew. The burning (auto da fé) of copies of the *Talmud* in Rome and Venice in 1553 and again in Venice in 1568 illustrates the economic and entrepreneurial consequences of the long-term decision to enforce an exclusively Catholic discourse.³³ Knowledge of Hebrew in educated circles in Italy was circumscribed by the scarcity of books and Italian Hebraists were marginalized so far as the European debate was concerned.³⁴ Instead Latin was used to communicate thoughts and ideas that were deemed unsuitable for even the literate public and was reserved, according to the Inquisitor of Genoa in 1597, "for insightful and wise persons".³⁵

Religious concerns were indeed central to all regulation of the book trade. The Spanish Monarchy attempted to enforce tight control over the press by having the Council of Castile collaborate with the Inquisition. The Council of Castile was charged with preventative inspection of manuscripts, while the inquisitorial agencies sought to prevent the diffusion and import of unorthodox prints and unauthorized books. In 1558 and 1559 Philip II tightened the control criteria and promoted closer cooperation between universities, religious orders and the Inquisition with a view to establishing a more pervasive surveillance as well as issuing the first of several Indexes of prohibited books. This two-tier arrangement was particularly effective in preventing the spread of foreign publications in the kingdom until the reformist reign of Charles III, who acted to check and narrow the scope of

³¹ Fragnito 1997; Fragnito 2005.

³² Rebellato 2008b: 89.

³³ Grendler 1977; Bethencourt 1995: 215–39 (criticizing Grendler). A telling example of the efficacy of the Inquisition is provided by the Italian Jew Leon di Modena, who learned in 1637 that a text on Jewish rites he had written 20 years earlier was going to be published outside Venice. He requested to be interrogated by the Inquisition (Pullan 1983: 85). According to Amnon Raz-Krakotzkin (Raz-Krakotzkin 2004) the growing self-control of Jewish authors accounts for the transformation, modernization and development of Jewish culture.

³⁴ Burnett 2012: 241–2.

³⁵ Letter to Agostino Valier, 12 April 1597, cited in Gotor 2002: 238. See, in general, Waquet 1998.

inquisitorial jurisdiction and encouraged the publication of books supportive of independent and sovereign royal power.³⁶

Control of the production and circulation of books was perceived similarly in protestant and Calvinist territories and led to the creation of institutions charged with the supervision of printing and publishing. In Geneva measures were taken immediately following the proclamation of the Reformation. In 1539, a decree of the *Petit Conseil* proclaimed that the *Conseil* itself must explicitly approve every manuscript before its publication and required printers to deposit a legal copy (a requirement with which printers seldom complied). Since 1682 the right to inspect manuscripts, called *droit de regard*, was limited to books with a religious content and it was held by the city magistrates who oversaw the Academy. Tight control of reading habits and the prohibition on the printing or sale of *papisticque*, *lascifz* ou *impudique* (popish, lascivious or shameless) books were seen as crucial for the maintenance of order and morality in the city. These were all the more important since Geneva was a major centre for both the spread of Calvinism and printing for the French market.³⁷

In the Holy Roman Empire, the Habsburg administration, the free cities and individual sovereigns took steps to set up a coherent system of preventative censorship in the 1530s.³⁸ In 1559 the new Queen of England, Elizabeth I, confirmed and reinforced the measures her predecessor, Queen Mary had taken 2 years earlier regulating printing and publishing. These included, among other things, the requirement to obtain permission to print, as stated in the Royal Injunction, which renewed the printing monopoly of the London Stationers' Company. Elizabeth's proclamation of the sovereign's complete control over printed texts was an integral aspect of her drive to soothe the religious discord which followed the Act of Supremacy. The strict regulation of printing and brutal repression of troublesome authors were also involved.³⁹

The gap however, between censorship legislation and its enforcement remained remarkably wide. Officials were aware of it. Referring to the Italian states, where the impact of censorial control was actually at its most effective, in 1575 an assistant of the Master of the Sacred Apostolic Palace, who oversaw the press in Rome, acknowledged dryly that the Church would have had to ensure that quite a few years passed without a single book being published if it were to purge the states of heresy.⁴⁰ Even had the church somehow managed to bring book production and importation to a halt, which was hardly a realistic proposition, it would nonetheless have still needed to continue its raids on private collections to locate and confiscate forbidden works. During his Inquisition, Menocchio, a miller in the Fiuli, confessed

³⁶ Pinto Crespo 1983; Pardo 1991, showing conclusively that the Spanish Inquisition controlled the importation of foreign scientific scholarship very effectively; Conde Naranjo 2006; Sciuti Russi 2009: 3–125; Torres Puga 2010: 207–10.

³⁷ Santchi 1987: 22; Jostock 2007.

³⁸ The most complete survey is offered in Einsenhardt 1970.

³⁹ Clegg 1997; Clegg and Goldie 2009.

⁴⁰ Cited in Rotondò 1973: 1403.

to owning and reading a copy of the Bible in the vernacular the publication of which had long been forbidden.⁴¹ In fact, diplomatic relationships and economic concerns interfered with the church authorities' theologically informed guidelines. Machiavelli's writings were strictly forbidden by the Holy Office. Nonetheless, the Congregation of the Index found itself under serious pressure, given its duty on the one hand to enforce orthodoxy, and the countervailing wish of the Florentine government and printers to publish a number of his works.⁴² Moreover, the Congregation of the Holy Office and of the Index both knew that the redactions they ordered were sometimes utterly ineffective. When Bartolomeo Concini redacted the 1561–1564 edition of the *Storia d'Italia (History of Italy)* by Francesco Guicciardini he deleted a passage on the origins of the temporal power of the popes. This was, however, printed and made available to all European readers in the Latin edition of 1569 edited by Pietro Perna and in the Italian edition published by Soer in Geneva in 1621 and 1636.⁴³ The Congregation of the Index did not even have the manpower necessary to read and redact all the books in print. After its reorganization in 1587, it had a staff of about 40 full-time *consultores*. In order to carry out its expurgatory duties, the involvement of the clergy was also required. The illusory implication was that the whole *res publica Christiana* would take part in revision under the guidance and surveillance of the papal hierarchies.⁴⁴ Just 10 years after the reorganization of the Congregation it became clear that priorities must be set: “the expurgation of books of philosophy and medicine, subjects of great import” must come first as these were considered most useful.⁴⁵ For other genres, the expurgation and the ensuing adjustment to Counter-Reformation criteria, were postponed indefinitely. This de facto adjournment of redaction for an already large and ever-increasing number of works of uncertain status, contributed to a general confusion as to the distinction between legal and illegal books and eventually “conjured up a shadow of demonization” around the mere fact of possessing a book in the vernacular.⁴⁶

Against this background, a common culture developed: controlling what printing houses produced became a concern shared by secular and ecclesiastical agencies, and the asymmetric symbiosis between writers and censors was acknowledged as a part of the process of producing the text with which readers were eventually

⁴¹ Ginzburg 1980: 29; Del Col 1990: 52.

⁴² Procacci 1995; Godman 1998b. The Congregation of the Holy Office prohibited the works by Machiavelli outright (“omnino”), while the Congregation of the Index was expurgating them. The expurgation, however, was undertaken but never completed (Godman 1998a: 303–33). For an overview of Machiavelli and the Countereformation see Proserpi 2003: 368–72.

⁴³ Guicciardini 1953–1954.

⁴⁴ Godman 2000: 73–9; *Censura ecclesiastica e cultura politica* 2001; Caravale 2003.

⁴⁵ Agostino Valier, letter to the Inquisitor in Padua, 26 December 1597, cited in Fragnito 1999: 134, footnote 62.

⁴⁶ Braida 2009: 290.

presented. As such the responsibility of civil authorities to check the diffusion of books was integrated into understandings of what constituted good governance.⁴⁷

The widespread mistrust of books engendered and informed new ideals of intellectual conduct. The humanistic dialogue about the prudence necessary in the production of books (*De cautione adhibenda in edendis libris*) was written by the Venetian cardinal and bishop of Verona, Agostino Valier, in 1593 but remained unpublished until 1719. This personal document, influenced by his close friendship with another senior clergyman, Silvio Antoniano, reflected Valier's confrontation with the Counter-Reformation's predicament.

Valier was uncompromising about banning the printing of books that might corrupt mores and result in readers owning books purely for pleasure, "so that the reading of bad or just useless books does not impede the reading of good writers". It was imperative to enforce compliance with the decrees of the Congregation of the Index not only in Rome but "in all towns where there are presses".⁴⁸ The quantity of books permitted for sale was to be limited as much as possible. Throughout the dialogue, Valier sketched the ideal of the perfect censor: an experienced and knowledgeable reader, he must be alert to implications and sensitive to allusions in the text. But the ideal censor was not expected to be an author himself. Valier understood that sharing the doubts, pangs and elation of the creative process would generate an inappropriate connivance between the censor and the author under review.

Valier's text provides yet more evidence that at the end of the sixteenth century there existed a widespread and inter-confessional consensus that the printing process required constant control at every step. Both preventative censorship, and the ex-post facto surveillance of the works circulated by printers, booksellers and private authors, were affected by this approach.

Internal Cracks

This consensus on the urgent need to control the press could not however, provide a set of shared criteria or guide coordinated action to effectively supervise the publishing sector. Substantial divergences existed between different agencies and civil and religious officials' perspectives varied considerably due to their conflicting agendas. The control institutions intermittently came into conflict and interfered with each other. The occasional stalemate unwittingly allowed printed texts to appear, be it legally or illegally, which kept a growing literate public abreast of political, religious and military news. This development was supported by transformations in typographic production. The growing quantity of books churned out by the printing presses corresponded to the emergence of new forms of published

⁴⁷ Wolf 2004.

⁴⁸ Valier 1719: 5–6, 54 (reprinted in the appendix to Cipriani 2009: 202, 262). In 1598, Valier was the prefect of the Congregation of the Index and requested that the library catalogues of all Italian convents and monasteries be turned in so that Valier could assess their orthodoxy (De Maio 1973).

communication: books on current affairs in lighter format attracted the interest of readers along with a booming production of pamphlets, broadsheets, gazettes and flysheets addressed to new “communities of readers”.⁴⁹ Censorship agencies proved unable to cope with the proliferation of innovative forms of communication. Controlling their production was arduous and, once produced, they eluded most attempts to check their dissemination. The literate would often share what they had read with the illiterate population in market places, taverns and other public spaces. A better way to assess the efficacy of censorial control in the seventeenth century, given that comparative analysis is unreliable due to organizational differences, is offered by moments of crisis and systemic collapse of censorship apparatuses in response to political changes. In such periods polemical discourses might emerge and opinions on the proper duties of control agencies and the responsibilities of authors were expressed more candidly.

The 1606–1607 dispute on the Interdict was one such moment in which the diplomatic confrontation between the Republic of Venice and the Holy See in Rome brought collaboration in preventative censorship between civil authorities and ecclesiastical agencies to a halt. The conflict’s escalation illustrated starkly the extent to which the reading public wanted to be provided with reliable information about, and to openly discuss, the contrasting positions taken by censorship bodies.⁵⁰ The dispute had its origins in Venetian ambitions to limit the political and economic power of the Church in the Republic. While during the clash Venetian authorities had allowed criticism of Roman interference to be voiced, they reasserted control over the public sphere in the aftermath, demonstrating their commitment to censorship. When Sarpi turned his attention to the crisis in 1615, he made it clear that the crucial element was the scope of civil control. The dispute had demonstrated that the Church could influence the conduct of Venetian printers and therefore also the opinions and actions of Venetians. Sarpi argued for more effective secular censorship as the best means of preserving the Republic. Writings which slandered the “good name” of the States demanded repression because they undermined the subject’s trust in the government’s competence.⁵¹ Reinforcing state censorship also engendered a more active role for civil agencies in controlling and limiting the production and diffusion of news among the populace, which could not, under any circumstances, be permitted to learn of the *arcana imperii*, or state secrets. The Inquisition was to be marginalised as much as possible but not completely suppressed. The Inquisition would still, for example, be allowed to maintain its prohibition of Copernicus’ works.

⁴⁹Chartier 1994.

⁵⁰De Vivo 2007. The classic narrative is Bouwsma 1984: 339–416.

⁵¹Sarpi 1958. For a comment see Dooley 1996. A similar point in defence of an absolutist conception of the state was made in Sarpi’s *History of the Inquisition*: “The matter of books seems to be a thing of small moment, because it treats of words, but through these words come opinions into the world, which cause partialities, seditions and finally wars. They are words, it is true, but such as in consequence draw after them hosts of armed men” (cited in Wootton 2002: 134).

such [Copernican] doctrines do not touch in any way the power of the princes nor do they support it, and the temporal authority cannot derive any benefit from their spread [...] therefore I would think that granting the prohibition and suspending the sale of these three books could not cause any public harm.⁵²

Elsewhere too, revolutionary upheavals caused sudden collapses of the censorship institutions that the absolutist monarchies were then establishing. When institutions were weakened, control of the press was one of the first casualties, whereas when civil power was re-established, one of the foremost priorities was the reinstatement of censorship. France and England provide two cases in point. Under the Richelieu ministry French censorship institutions made significant advances in controlling book and pamphlet production as well as preventing the production of assorted ephemera which had expanded with the weakening of the state in the final stages of the wars of religion. The reorganization of the *Compagnie des Libraires* (Guild of printers) in 1618 offered the established printers a welcome opportunity to collaborate with the authorities and remove the threat from unlicensed competitors. No matter how distasteful to accredited printers, the creation of the state monopoly of periodicals, above all the *Gazette de France* that Théophraste Renaudot directed from 1631, proved that the monarchy was serious about curbing public intellectual debates and excluding politics from the public sphere. The turmoil of the Fronde had a critical impact on these attempts to implement monarchical control. The printing press was freed almost entirely and flourished unimpeded between 1648 and 1653. During this period around 5200 texts were published. It is debatable whether this sudden increase in the number of publications was the expression of an already existing mid-seventeenth century public opinion which advocated non-absolutist forms of government to the reading public,⁵³ or whether it merely articulated an internal conflict within French political elites that did not involve the rest of the population.⁵⁴

What is evident, though, is the fact of the monarchy acting swiftly and efficiently to reclaim its prerogatives. The creation of a comprehensive system for monitoring the publishing industry began immediately after Louis XIV had ostentatiously inaugurated his personal rule. The re-establishment of the royal prerogative encompassed both the pre-publication submission of all manuscripts and the strict control of the number of people involved in the various phases of typographical production. This was intended to pre-empt the negative effects of the prohibition of single books and pamphlets. The downsizing process was swift. In 1644 only 4 printers had 4 or more printing presses and 76 printer's shops housed 183 printing presses. By 1686 the revision of the Guild's by-laws was complete. The new regulations limited the number of printing shops to 36, which had two important implications. It became easier both to prevent printers from producing politically and religiously controversial texts and to protect legal publications issued by Guild members from piracy. A structural, double safeguard was therefore created which lasted until the end of the

⁵² Sarpi 1969: 604–5. This passage is discussed in De Vivo 2007: 250–1.

⁵³ Carrier 1989.

⁵⁴ Jouhaud 1985.

ancien régime.⁵⁵ As Hobbes perceived during the English wars and in *Leviathan*, the civil authorities' regulation of the public sphere required more than repression of illegal typographic production, it also demanded regulation of intellectual life as a potential threat to the monarchy. The foundation of the *Journal des Sçavants* in 1665 preceded the reorganization of press control under the newly appointed lieutenant de police la Reynie in 1667.⁵⁶ The French monarchy's policies were hugely significant in defining the interaction between the conception and operation of censorship and literary life under the supervision of monarchical institutions.

In 1640s England the control agencies' collapse was as abrupt as it was short-lived. Paradoxically and unlike the French case, its long-term effect was not the reinforcement of mutual support between the monarchy, eager to control public debates, and the corporation of printers, who wished to consolidate their privileged access to the market. Rather, it led to Parliament abdicating responsibility for deciding whether a manuscript was acceptable or not. It could in fact be argued that the temporary lapse of control over the press allowed the principle of freedom of speech to be extended and applied to published texts as well. Like his rival Francis Bacon, Edward Coke insisted that the right to free speech during Parliamentary sittings should be protected, it being the legitimate expression of the representative of the Commons. The *Institutes of the Laws of England*, published from 1628 to 1644, mentioned "freedom of speech" for the first time and sanctioned the practice by which at the beginning of each session of Parliament, the commons would ask the King to be granted the privilege of free debate, without any fear of being punished for what they said.⁵⁷ Freedom of speech, however, did not imply freedom of the press, which was limited and hemmed in even, in the reporting of debates in Parliament. In the English debate during the civil war classical values were frequently and energetically recalled: among them *parrhesia*, or the freedom to speak frankly and sincerely, this representing a way to contribute positively to the life of the community – which was bound to profit from the expression of its members' most deeply held beliefs.⁵⁸

During the English civil war, freedom of expression was frequently associated with freedom of the press, as the Long Parliament repeatedly attempted to discipline authors and printers. The attempt to revive a system of preventative censorship, the increase in confiscations and public burning of illegal books alongside punitive fines for printers and authors, were all eventually unsuccessful. In fact radical groups argued that freedom to communicate religious convictions in speech or in print was central to the vision of society they were striving to achieve. In 1648 John Lilburne summed up the conclusions arising from a broad discussion and accordingly

⁵⁵ Sonenscher 1989: 14–15.

⁵⁶ Fogel 1989; Burke 1994.

⁵⁷ Stoner 2003: 48; Colclough 2005.

⁵⁸ *Parrhesia* could be considered the virtue of frankness and honesty as well as the vice of indiscretion and loquacity: see Saxonhouse 2006; Momigliano 1971; Momigliano 1973; Momigliano 1996: 75 (where he argued that *parrhesia* was necessary for freedom to flourish, while freedom itself without the law was impossible); Foucault 2001, 2008.

rejected the principle that authorities could authorize or deny the right to publish a book, which meant that the licensing system in itself was despotic.

That you will open the press, whereby all treacherous and tyrannical designs may be the easier discovered and so prevented, which is a liberty of greatest concernment to the commonwealth, and which such only as intend a tyranny are engaged to prohibit: the mouths of adversaries being best stopped by the sensible good which the people receive from the actions of such as are in authority.⁵⁹

In 1644 John Milton's *Areopagitica* articulated the most resounding and comprehensive rejection of the principle of licensing of all the writings produced in the course of that decade. The argument was framed as a speech to Parliament in reaction to its decision on 14 June 1643 to reintroduce in theory most of the preventative censorship exercised by the Star Chamber since 1637 under Charles I, that had been weakened and then de facto rendered null and void by the conflict between Parliament and monarchy.⁶⁰ In *Areopagitica* Milton combined several important traditions in a rhetorically powerful tour de force. The appeal to the Greek legacy was evoked in the title, which echoed Isocrates' speech to the Athenian assembly, and in a reference to Euripides' image of Athens as a polity where all free males could speak freely when debating public issues. The Roman tradition of virile masculinity and straightforward expression of opinions was also evoked by Milton alongside the rights of the individual conscience established by Christian doctrine.⁶¹

The Members of Parliament were, however, not particularly impressed by Milton's text, and its impact on the policy of the Long Parliament was negligible. Nonetheless, *Areopagitica* enjoyed a long-lasting popularity in the eighteenth century thanks to numerous paraphrases, reprints and annotated translations.⁶² The heart of Milton's text was a passionate and emotional argument against licensing and preventative censorship in the name of a concept of truth as the expression of a deep individual readiness to be persuaded forged through the juxtaposition and comparison of different ideas and convictions. Milton elaborated his argument within a Christian perspective but used the metaphor of trade to contend that infallibility, the monopoly of truth claimed by the Catholic hierarchy (and implicitly claimed by Parliament), would only hinder the universal enrichment which would arise from the unimpeded exchange of views and opinions. If truth is arrived at through the process of comparison between jarring ideas, then this essential dynamism should be guaranteed by the government, since it represents a modern and positive form of virtue.⁶³ Books were therefore depicted by Milton as the embodiment

⁵⁹ Lilburn (1648) f. 15. The classical discussion is still Hill 1986 (to be used with some caution).

⁶⁰ According to Mendle 1995: 309, the control system collapsed very rapidly during the winter of 1640–1641.

⁶¹ Hoxby 2009.

⁶² See for instance Mirabeau 1788, reprinted in 1789 (Londres), 1792 (Paris: Lejay) and 1814 (Paris: Chaumerot). See Tournu 2002; Shawcross 2007; Tortarolo 2003: 166.

⁶³ As Michael Braddick has remarked, Milton excepted royalists and Roman Catholics from general freedom, but "these exceptions reflected the purpose of free speech – the promotion of virtue in society" (Braddick 2008: 343).

of the human effort to attain truth, thereby acquiring such symbolic power that they should be afforded greater respect even than human life itself. Freedom of the press was linked intrinsically to political virtue and the use of reason. To Milton engaging with the errors in bad books was the only way to increase their readers' virtue. Without the experience of confronting the many vices exposed in malicious publications, adult men would not be able to fortify the republic as they would not have had these opportunities to exercise their reason, their discernment and their self-discipline.

Milton was a master at fashioning evocative metaphors. He also excelled in devising arguments that called into question the legitimacy, decency and practical usefulness of the licensing system. He argued that the censors would ensure that the whole population remained in a state of intellectual minority, unable to make appropriate or responsible decisions. On the other hand, full individual autonomy would more than compensate for the threat posed by the uniformity of opinions enforced by censorship. Bad books would act as a spur for men to search for truth individually. In *Areopagitica* Milton entrusted government with the responsibility to protect the inner space of individual consciences, which he contrasted with the encroachments upon the same inherent in preventative censorship. He saw the negative consequences of the licensing system for society as a whole as empirically observable. The systems of pre-publication control in operation in Catholic countries deprived their inhabitants of protection from the tyranny and oppression engendered by unrestrained application of civil and religious censorship.

When complaints are freely heard, deeply consider'd and speedily reform'd, then is the utmost bound of civill liberty attain'd, that wise men looke for.⁶⁴

The complex web of political allusions, historical and scriptural references, and personal insights was a direct plea for a new attitude to freedom of expression, but it did not amount to a wholesale rejection of a government's right and duty to suppress texts that violated the law and were plainly unacceptable. For Milton, preaching and education were a far more effective means of leading future generations to virtue and truth than the prohibition and suppression of scandalous books. He did not deny the right of civil and political agencies to intervene but limited this to the post-publication repression of exceptionally dangerous books. Like other contemporary thinkers, such as Pufendorf, Milton believed that all human beings had the duty and therefore the natural right to freely conceive of and share their unique perspective on the world.⁶⁵ Milton was aware of the practical repercussions of the moral right and duty to be sincere and straightforward, for the issue of copyright. While writing his 1649 *Eikonoklastes*, which the Commonwealth government had asked him to write in order to refute the immensely popular *Eikon basilike* (allegedly written by Charles I and published on the day of his burial, but most probably authored by his chaplain John Gauden), Milton discovered that the author had plagiarised the prayer uttered by the pagan Pamela in Sir Philip Sydney's *Arcadia*.

⁶⁴Milton 1999: 4.

⁶⁵Haakonssen 1991: 49.

This, according to Milton, made the theft “a trespass also more then usual against human right, which commands that every Author should have the property of his own work reservd to him after death as well as living. Many Princes have bin rigorous in laying taxes on their Subjects by the head, but of any King heretofore that made a levy upon their wit, and seized it as his own legitimate, I have not whom beside to instance”.⁶⁶

In both the *Areopagitica* and the *Eikonoklastes* Milton extrapolated upon complementary aspects of the intricate theoretical and practical issues relating to freedom of the press. Their unsystematic nature notwithstanding, his reflections were path-breaking and his intellectual expansiveness and awareness of empirical realities make him unique in the seventeenth-century debate on the freedom of the press. Like the reflections of various Italian authors of political treatises on “reason of State”, or those of Gabriel Naudé and Gregorio Leti on “the liberty of everybody to talk of things political and of State matters”, Milton’s *Areopagitica* underscored a shared trait of most early modern European societies, namely, the fact that all civil governments and religious institutions believed pre-publication supervision and extensive censorial powers to be necessary for the maintenance of peace and order in society. This trait was itself a reaction to the twin seventeenth-century developments of barely abated religious contentiousness, its spasms of ferocious violence and the relentless diffusion of publications which probed the limits of the *arcana imperii* and generated new fields of public interest and discussion.⁶⁷ Theories of the state deriving from natural law approaches such as those advanced by Leibniz and Christian Wolff were underpinned by the principle that advance oversight by government institutions of what the publishing presses were providing to readers, was wholly legitimate.⁶⁸ Even the critics of pre-publication controls had no choice but to acknowledge this prevailing attitude.

The abolition of preventative censorship and establishment of a free press in the large monarchies seemed increasingly unlikely in the late seventeenth century. On the contrary, it appeared more likely that the criteria of supervision would become more stringent and effective. As the opportunities for religious, diplomatic and military conflict escalated in the aftermath of the Edict of Fontainebleau in 1685 and the Glorious Revolution in 1688–1689, Pierre Bayle acknowledged the danger of Catholic and Reformed intolerance and detailed his suggestions for fellow writers to avoid the pressure of preventative censorship.⁶⁹ Bayle was aware that the degree of freedom that writers enjoyed in the United Provinces was unparalleled in Europe, indeed in the preface to the *Nouvelles de la république des lettres* he wrote that,

⁶⁶ Cited in Zwicker 1996: 56–7.

⁶⁷ Dooley 1999; Infelise 2002.

⁶⁸ See Kunisch 1997.

⁶⁹ Bayle believed that in an age of persecution, both for Catholics and for Protestants, silence in private correspondence was advisable: “God preserve us from the Protestant Inquisition; another five or six years or so and it will have become so terrible that people will be longing to have the Roman one back again, as something to be thankful for” (Bayle 1727–1737. Vol. 4, 671b, letter to Silvestre, 17 December 1691). See Bost 2009.

“had Milton lived in these provinces, he would not had thought it appropriate to issue a book *de Typographia liberanda* [the *Areopagitica*], because he would not have felt that things were enslaved in that respect. Our printing presses are the refuge of Catholics and Reformed alike”.⁷⁰ He also knew that Dutch toleration and the “honest freedom of the press” were unrealistic propositions elsewhere in Europe and that writers and printers were better advised to look for ways to freely express their views that avoided confrontation with governments and censorship apparatuses. Accepting the reality of control was the inescapable premise for most writers. In commenting on the controversial fame of Pierre Charron and reconstructing the complicated story of the publication of his *De la sagesse* [*Of Wisdom*] from the first edition in 1601 to the second, in 1604 (the work was placed on the Index in 1605), Bayle made a more fundamental point inspired by Charron’s contentions. Prudence and constant self-scrutiny would protect freedom of opinion:

Strike out some words that look too crude, use others that mean the same thing but are less offensive, and you will shed your reputation for being an heretic and will be embraced as a true believer: the publication of your work will not be prohibited any more and its sale will be permitted.⁷¹

In the entry *Lucrèce*, Bayle dealt with this suggestion again but with a note of pessimism which originated in the comparison of the toleration of academic speculation in the Athenian republic with the intolerance he saw raging all over Europe. Epicurus chose to adjust to the public cult and to avoid conflict with the priests who in turn exercised a form of toleration by accepting certain double standards on his account. Preaching atheism in school was accepted, provided that atheist beliefs would not influence what “was said on the streets and in the temples” and would not call into question the faith in divine providence that constituted the core of religion.⁷² Similarly Jean Le Clerc expressed his preference for a limited freedom of the press, on condition that nothing be said against the laws of civil society and that atheist books be banned.⁷³

The distinction between private and public communication, between verbal and printed exchange of ideas, between daring but candid and deliberately provocative statements was crucial to Bayle as it was to so many authors who desired a broader public sphere for their intellectual activity. The distinction was, however, intrinsically blurred, fluid and unstable. Civil and religious authorities, printers and writers came to take part in an ongoing confrontation throughout the eighteenth century to determine the contours of equilibrium between these competing concerns.

⁷⁰ Bayle 1684. Preface: Mois de Mars 1684.

⁷¹ Bayle referred to the changes forced upon Charron in the second edition of *De la Sagesse* in 1604 (Bayle 1740. Charron. Vol. 3, 147, footnote O): “Take away some words which seem too harsh and make use of others which signify the same thing, but are not quite so rough, and instead of being reputed an heretic you will pass for a true believer: the impression of your work will be no longer prohibited and the sale of it will be allowed”. See Gregory 1992: 87–8.

⁷² Bayle 1740. *Lucrèce*. Vol. 3, 216.

⁷³ *Bibliothèque choisie* 1708. Vol. 15: 393; *Bibliothèque choisie* 1706. Vol. 10.

Chapter 2

The English Paradigm

From Censorship to Freedom of the Press

The act of Parliament of 1643 that incensed Milton and the radicals and inspired the reformulation of arguments in favour of freedom of the press, also reinforced the alliance between the Anglican Church, the Stationers' Company and the Long Parliament. An act of 1649 forbade printing outside of London, Oxford and Cambridge; a printing authorization had to be requested and placed in the book alongside the name of the author and of the censor. Moreover, as a guarantee of their good behaviour, printers had to deposit 300 pounds with the censorship authorities. In 1655, clandestine and opposition publications thrived despite these tight restrictions: to combat this Oliver Cromwell further increased control, particularly over newspapers. Only the official press survived: "The Public Intelligencer" and the "Mercurius Britannicus". In the latter half of Cromwell's rule, the pressure was so great that the opposition press was effectively muzzled.

After the Restoration, the control system was reestablished largely as it had been before the civil war, with one decisive difference. With the abolition of the Star Chamber in 1641, the power to control the press had been transferred to Parliament. Charles II and James II made serious efforts to regain control over the authorization process for manuscripts, but despite their best efforts, the transfer of competence to Parliament proved irreversible.

Books that successfully passed the censors' scrutiny exhibited a similar formulaic approval to that found throughout Europe: the censor stated that the book then in the hands of the reader did not contain anything "contrary to the Christian faith or the doctrine and the discipline of the Church of England or against the State or government of this realm or contrary to good life or good manners".¹

¹Auchter 2001: xix. See the list of books forbidden in England, Ireland, Scotland and the colonies from 1641 to 1700: Robertson 2010. It includes 2665 items on a variety of different topics. According to Robertson, this accounts for 3 % of the total book production. See also Robertson 2009; McElligott 2007: 193.

The English tradition of press control was deeply ingrained in the production process of books, pamphlets and periodicals. Licensors were essential components of the pre- and post-civil war patronage system. Patrons required that licensors follow carefully the principles that underpinned their literary, confessional or political faction, under the nobleman's guidance. The job of the licensors demanded, therefore, that they had an intimate understanding of the structure of English society as well as clear insights into the diverse elite intellectual orientations and into the entrepreneurial elements which made clandestine publishing risky but alluringly profitable.² Samuel Pepys's diaries vividly describe readers' hunger for texts, printed or in manuscript, that defied conventional morality or that were frankly erotic and sometimes pornographic. They also testify to the widespread interest in forbidden literature during the Restoration and the concern it caused Charles II and his supporters. The founding text of modern pornography, the *Ecole des filles* that Pepys bought as a manuscript in 1668, was eventually published and banned in 1680.³ At around the same time, James Harrington's *Oceana* reiterated the enduring mistrust towards any widening of public debate to include new social groups: the republics in which the people are a political actor with the right to speak freely, are doomed to vanish rapidly.⁴

Roger L'Estrange was in charge of the licensing system for a long time, from 1662 to 1680 and was a model and energetic manager of the literary world. He could, and did, prevent the publication of books and especially of printed news because "it makes the multitude too familiar with the actions and counsels of their superiors, too pragmatistical and censorious, and gives them not only an itch but a kind of colourable right and license to be meddling with the government".⁵ He could shape public debate in its content and contours both by forcing printers to

²Milton 1998.

³Cfr. Pepys 1970–1983. On the purchase of *L'Ecole des filles* (1655), a best-seller of early-modern pornography, on 8 February 1668 and on its cultural context see Laqueur 2003: 181. *L'Ecole des filles* shaped the modern notion of the obscene: it was translated from French into English and published in 1680. It was forbidden as a civil offence (DeJean 2002: 56–83). For its literary and political background see Hume 2005.

⁴"It is affirmed by Cicero in his oration for Flaccus that the commonwealths of Greece were all shaken or ruined by the intemperance of their *comitia*, or assemblies of the people. The truth is, if good heed in this point be not taken, a commonwealth will have bad legs. But all the world knows he should have excepted Lacedaemon, where the people (as hath been shown by the oracle) had no power at all of debate, nor (till after Lysander, whose avarice opened a gulf that was not long ere it swallowed up his country) came it ever to be exercised by them. Whence that commonwealth stood largest and firmest of any other but this, in our days, of Venice, which having underlaid herself with the like institution, owes a great part in not the greatest part of her steadiness unto the same principle; the great council, which is with her the people, by the authority of my Lord Epimonus, never speaking a word. Nor shall any commonwealth where the people in their political capacity is talkative ever see half the days of these, but being carried away by vainglorious men (that, as Overbury says, piss more than they drink) swim down the sink; as did Athens, the most prating of those dames, when that same ranting fellow Alcibiades fell on demagoguing for the Sicilian war" (Harrington 1977: 267–8).

⁵Quoted in Kitchin 1913: 143.

implement changes in texts submitted for publication and by promoting the publication of gazettes and books that were intended to influence public discussion. In his role as Surveyor of the Press, L'Estrange was an active regulator of the public space on both levels of his sphere of action.⁶

L'Estrange had no qualms about getting personally involved in the repression of unlicensed and undesirable book printing. In 1664, he led the search that brought to trial John Twyn, who was eventually sentenced to death by quartering and decapitation for printing and disseminating an anti-monarchical tract. During the hearing, the case was made that “the dispersing of Seditious Books is of great offence against the Kingdom; false Rumours, they are the main incentives that stir up the people to Sedition and Rebellion, that raise discontentments among the people, and then presently they are up in Arms. Dispersing seditious Books is very near a-kin to raising of Tumults, they are as like as Brother and Sister; Raising of Tumults is the more Masculine, and Printing and Dispersing Seditious books, is the Feminine part of every Rebellion”.⁷ According to L'Estrange England badly needed a system of pre-publication censorship. In 1681, when the licensing Act had expired and the Parliament had not yet re-enacted it, he complained about the threat posed by reprints of anti-monarchical pamphlets from the Cromwellian period. The King, the Parliament and the City Council were apparently in serious danger because of this “freedom of press”. According to the Surveyor of the Press’s sources, 30,000 reams of paper had been used to print seditious literature: unmistakable evidence that a conspiracy was being concocted to renew the tragedy of the Civil War and unleash religious fanaticism once again.⁸ To L'Estrange, allowing the unrestrained printing of all texts would lead to the disruption of the post-revolutionary political stability achieved through the Restoration king and polity.

The final crisis of the English system of pre-publication censorship was not provoked by the departure of James II in Autumn 1688 nor by the subsequent agreement between the monarchy and the Parliament in February 1689 articulated in the Bill of Rights.⁹ In fact, during the first years of the dual monarchs, Queen Mary and William of Orange, every effort was made to keep the press under the tutelage of the executive. Edmund Bohun, one of the last licensors to perform the task, was keenly aware of the challenges of his role in the 1680s and 1690s, as personal enmities coincided with ideological confrontations. The continuity of personnel despite dynastic change demonstrates how deeply implanted the licensing system was in political and literary life under the monarchy. Under Charles II, Bohun was a well known, passionate supporter of royalist doctrines¹⁰; he nonetheless became a trustworthy servant of King William and Queen Mary and ended his career as a Crown magistrate in the colony of South Carolina. In his autobiography, Bohun claimed

⁶Zaret 2000: 141; Hinds 2010: 8–9, 36–37 (on L'Estrange's notion of how to “regulate” the press).

⁷*An Exact Narrative of the Tryal and Condemnation of John Twyn*. 1634: 50. Twyn was “hanged until half-dead, emasculated, disembowelled, beheaded and quartered”.

⁸L'Estrange 1681.

⁹See Kraus 2006.

¹⁰Goldie 1977: 573.

that he took the job of censor at the suggestion of his patron, the duke of Nottingham, in 1692, when he was in dire financial straits. Licensing proved to be much more than a sinecure, however, since it demanded personal choices as well as a sense for ambiguities and hidden meanings. In 1684, Bohun wrote a rejoinder to Algernon Sidney in which he sided with Sir Robert Filmer on the vexed question of the patriarchal origins of kingship and on the limits of monarchical rule. On that occasion, Bohun had complained that “the age in which we live permits a licentious Liberty to all, *Rara Temporum faelicitate, ubi sentire quae velis, & quae sentias dicere licet*, to think what they please, and to speak (almost) whatever they think, at least I believe this Rare Felicity, was never more abused, than in the Age in which we live”.¹¹ To Bohun, the suppression of seditious books was a self-evident necessity. Bohun’s autobiography consisted of much self-justificatory, *ex post facto* rationalization of his work and opinions. He claimed that he had intended to carry out his job in collaboration with the printers and hoped to ease the tensions which had mounted under his Whiggish predecessor, Fraser.¹² Bohun was not granted time to prove the seriousness of his intent. The circumstances surrounding his dismissal show that controlling ideas in a period of rapid change was an uncertain undertaking that could put the censor himself on the wrong side (and in jeopardy). On 11 January 1693, after careful consideration, Bohun licensed a manuscript entitled *King William and Queen Mary Conquerors*. According to Bohun, the book’s argument “could only please many of those who are non-swearers”: namely, those subjects who had failed to pledge their allegiance to the new sovereign, in the aftermath of William of Orange’s victory. Its author claimed that William of Orange, a rightful sovereign, had defeated James II, who had threatened the rights of the English people. In Bohun’s political and religious conception of the kingdom, neither rebellion, nor innovation had occurred, matters had merely been put right.¹³

From Bohun’s perspective, it was simply obvious that the book’s contention fitted with his own view of the nature of monarchies and chimed with his own reconstruction of the conquest by William of Orange in the *History of the Desertion* of 1689. None had objected to his Hobbesian approach upon the publication of that tract.¹⁴

Nonetheless, because he was supposedly too busy at work, Bohun failed to realize that the debate taking place in Parliament had fundamentally altered the issue.¹⁵ When *King William and Queen Mary Conquerors* was seized and publicly burnt,

¹¹ Bohun 1684: 3–4.

¹² Bohun 1853: 98, 115–116.

¹³ Bohun 1853, 101. Bohun referred to *King William and Queen Mary Conquerors* 1693. See Goldie 1977: 584–5, Goldie 2006: 44. Randy Robertson has suggested that Charles Blount was the author of *King William and Queen Mary Conquerors* (Robertson 2004. See also Siebert 1965: 260–1).

¹⁴ *The History of the Desertion* 1689. Its Hobbesian character is stressed by Goldie 2006: 45.

¹⁵ “I was bound to read 6 or 8 h in a day; and had few acquaintances in the house; and so, when I was doing the king’s business in my chamber, lost the opportunity of looking to my own security; and trusting too much to the innocency of my intentions and the principles of loyalty and securing the present government, I fell into a mistake, which brought trouble upon me” (Bohun 1853: 110).

Bohun was dumbfounded. Parliament called for a public hearing that turned into a humiliating ritual preliminary to his dismissal. On 25 January 1693, the House of Lords and the House of Commons declared the claim that conquest was a justification to be “highly Injurious to Their Majesties Rightful Title to the Crown of this Realme, inconsistent with the Principles upon which this government is Founded, and tending to the Subversion of the Rights of the People”.¹⁶ Parliament ousted Bohun from his position as licenser because he had not grasped the changing attitudes and discourses which rendered texts newly sensitive (a serious failing for a censor), but as a writer, while he no doubt lost a measure of credibility, his *History of the Desertion* remained in print and uncensored.

The last licenser to hold the post was also confronted with the vagaries of high politics: in 1694, Daniel Poplar allowed the publication of *An Account of Denmark*, an outspoken history of the Danish constitutional reform of 1660, which argued that absolutism had been established by stealth in Denmark. The Danish ambassador at Saint James objected vigorously to its publication and Poplar was threatened with prosecution.¹⁷

The Licensing Act expired on May 3, 1695. The decision not to renew it marked a new approach to the press and the system that was meant to control it. It did not represent, however, the triumph of a coherent set of values which rejected the principle of preventive censorship and extolled the virtues of unhindered self-expression. It arose in fact from Parliament’s decision not to approve the proposals of the ad hoc Committee, of which John Locke was a member from 1 November 1695 until March 1696. From 1696 onwards, attempts were made in the House of Lords and in the House of Commons to pass legislation that would reintroduce the licensing system for books and newspapers: however in neither house did the draft bill reach the required third reading. This might suggest that disagreement among members of Parliament weighed more heavily on the outcome than objections to the licensing system on the basis that it was cumbersome, costly and inefficient.¹⁸ From a contemporary perspective, there was nothing extraordinary in the situation from May 1695 until early 1696, as such lapses in press management had occurred previously. The Printing Act of 1662 set the number of legal printing presses and master printers at 20 and 40 respectively. It was renewed in 1664, and again in 1665. It expired in 1679 and was reenacted as late as 1685 and again in 1693.¹⁹ Trials before the Old Bailey from 1679 to 1685 show that when the licensing system was inactive, the number of prosecutions actually increased for crimes such as offences against the monarchy, irreligion and seditious libelling. In most of these cases, writing, printing and disseminating books was part of the charge. Numerous verdicts also detailed crimes committed by Catholics, many of whose books were forfeited and burnt,

¹⁶ *The Parliamentary History of England*, vol. 5, 756, as cited in Goldie 1977: 574.

¹⁷ Walker 1974: 696. On the *Account of Denmark as it was in the Year 1692*. 1694. London and on Richard Molesworth see Worden 1994: 176; Champion 2011.

¹⁸ *Lords Journals*, vol. 15, 545–6, *Commons Journals*, vol. 11, 340, 354, as cited in Sirluck 1960.

¹⁹ Siebert 1965: 237–8, 260–3; Astbury 1978.

amply demonstrating the continued repression of the book trade even during hiatuses in the legal framing of such questions.²⁰

In 1696, however, the lapse of the licensing system turned out to be irreversible, yet a stringent control was maintained over works produced for the stage. In 1695, contemporaries could not possibly have anticipated the upcoming development, nor was there any systematic endeavour to abolish the licensing system in the name of a free press.

The reflections of those concerned with the operation and control of publishing, provide the historian with examples of a variety of approaches. The economic consequences of the control system were stark and inspired criticism of the link between the Stationers' Company's monopoly and the ideological supervision of the contents of books. In 1692, the anonymous author of a 4-page text criticized the monopoly granted to the Stationers' Company and other privileged printers. He blamed the increase in sales prices on the monopoly and lamented that even the most widespread and essential texts such as the Bible and the classics of ancient Greek and Roman literature could only be printed if provided with a privilege. It was no wonder that the Dutch printers would export books illegally to England and undersell their English competitors.

[...] If the Manufacture of Printing were left free, as other Trades, it would employ above double the number of Printers that are in *England*, and that on Lawful Work too. For, since the Year 1662 (when the Act was made) there have more English Bibles, and other English Books, been printed in *Holland*, by one *Athias* a Jew (among many other Printers there) than have been printed by any four Printers in England in that Time; which *Holland*-printed English Books have been merchandized to us, and to the King's Subjects in our Plantations abroad, which might have been so done from hence, had they been afforded here at the same reasonable Rates: Which they might have been had the Trade been free. Freedom of Printing here would soon produce a Manufacture to export as well to our Plantations as to those very Countries who now furnish us and them [...].

This pamphlet rejected the argument that censorship was necessary to suppress seditious books, which anyway, could easily be imported "by stealth". The author held that heavy fines would be a more effective check on the diffusion of scandalous and rebellious books. Not without a touch of irony, he remarked that "if Books Mechanical, Mathematical, Trade, Cookery, Husbandry, Phisick, Surgery, Geography, and the like, were not required to be Licensed, the Bishops Chaplains would be so much the less disturbed from their Studies; and it is humbly presumed the Government can scarcely be harmed thereby".²¹

Economic concerns were not the only reasons people objected to the Licensing Act. A number of religious texts, often emanating from dissenting groups, argued that communication, as one of God's gifts, should be cherished and not overly regulated by human governments. The aim of speech was the advancement of God's glory or the well-being of humanity: and in every man, said the anonymously authored *Lay-man's Religion*, "God hath placed [...] a inward Check, as a rein upon his Tongue". Self-restraint was recommended as "the prudent management of the

²⁰ See the proceedings under www.oldbaileyonline.org. See Crist 1979.

²¹ *Reasons humbly offered to be considered* 1692: 3–4.

Tongue, Hath in all Ages been accounted the most excellent Part of Humane Perfection".²²

From 1679 to 1682, when the Licensing Act had not been renewed, similar arguments had been formulated. William Denton, the translator of Paolo Sarpi into English and doctor at the court of Charles I and Charles II, maintained that Holy Scripture should be examined freely, because the "light of Reason or of Conscience" differentiated humans "from bruits", and that "God's Precepts were not given to Popes, Prelates, priests, Councils, Synods or particular Churches, or to great Clerks only, but to every Individual".²³ In a short appendix to the *Jus Caesaris et Ecclesiae, An Apology for the Liberty of the Press*, Denton turned his criticism of pre-publication censorship against Catholic institutions. His two-pronged argument was a defence of both the natural right to free inquiry in religious matters and the government's prerogative to suppress books and punish authors in contravention of the law even when faced with ecclesiastical resistance. Denton maintained that "to padlock the Press is but a new Trick of Tyranny, rather devised by those whom for shame we cannot own for pious in their Lives, or orthodox in their Doctrines, and indeed, whom it is a reproach to imitate".²⁴

Nonetheless, despite the criticisms it attracted, the licensing system represented stability and continuity with monarchical rule, whereas the absence of pre-publication control would recall the memory of the civil war.²⁵

Fruitful discussion of freedom of the press became possible once preventative control ceased and intervention was manifested, for the most part, as post-publication suppression by civil or religious authorities. In the late 1690s and early 1700s, this became the norm and the debate adjusted to the changed legal context.

Locke's contractual thought has often been cited as the starting point for the history of freedom of the press.²⁶ His conception of men as "by nature, all free, equal, and independent", implied that they rightfully use their own intelligence and communicate their thoughts.²⁷ In fact, when confronted with practical issues, Locke acted more ambiguously than his principles might suggest. Not only was he explicit that, as regards freedom of expression, "people do not have natural rights to unlimited liberty or any specified quantum of liberty", but he also stressed the difference between liberty and license.²⁸

When called upon during the debate around renewing the Licensing Act, Locke wrote,

I know not why a man should not have liberty to print what ever he would speake and to be answerable for the one just as he is for the other if he transgresses the law in either. But gagging a man for fear he should talk heresie or sedition has noe other ground then such as

²² *The Lay-Man's Religion* 1690: 32–3.

²³ Denton 1681: preface.

²⁴ *Apology for the Liberty of the Press* is part of Denton 1681: 1.

²⁵ See Woolf 2003: 341.

²⁶ See Siebert, Peterson, Schramm 1956.

²⁷ Locke 1967 § 95.

²⁸ Waldron 2002: 144.

will make gyves necessary for fear a man should use violence if his hands were free and must at last end in the imprisonment of all whom you will suspect may be guilty of Treason, or misdemeanour.

Locke chose, however, not to argue in favour of the principle of freedom of the press. His critique of the Licensing Act referred rather to three basic claims. According to Locke, the Licensing Act unjustifiably sustained the Stationers' Company monopoly and resulted in the low quality and high prices of English-produced books. Second, the act acknowledged the superiority of the ecclesiastical laws that "seldom favour trade". Third, it encroached on the rights of Englishmen as it granted the unlimited power "to search *all houses*" on "the suspicion of having unlicensed books" and thereby was a violation of property rights.²⁹

Locke's denunciations chimed with the earlier campaign to reform the Licensing Act. They also followed from the core assumptions of the *Epistola de tolerantia*, written in late 1685 and published in Gouda in 1689, in which Locke argued for the separation of civil and ecclesiastical power and conceived of the church as a private society but denied toleration to Catholics and atheists.³⁰ It is obvious that Locke was conversant with Milton's appeal in *Areopagitica*. Moreover, in Autumn 1695 he unconditionally praised Limborch's *Historia Inquisitionis*, a chapter of which lambasted pre-publication censorship as the main element of Roman Catholic oppression of freedom of opinion.³¹ When the committee of which Locke was a member submitted its conclusions to Parliament, their recommendation to renew the act was rejected by MPs. The replacement draft was supported by Locke but did not include his aforementioned arguments, nor did it envisage pre-publication censorship but instead legislated for strict, ex post facto control.

The name of the author and the printer had to appear on the frontispiece and copies of the book had to be submitted to civil or ecclesiastical authorities, depending on the subject it treated. Most importantly, the magistrates could authorise

any person or persons from time to time and at all times to enter into and search any printing house or place where any printing press is kept and the rooms Warehouses and Cellars thereunto belonging or which are employd by any printer or at any other place where they shall be informd upon oath that there is any private printing press and to Seize and take away all or any Coppys or prints of any Treasonable Seditious Atheisticall or hereticall Book pamphlet or paper.³²

The emphasis on ex post facto surveillance of the printing presses matched Locke's concern for the balance between freedom and control that he had discussed in the *Epistola de tolerantia*. The civil magistrates were not entitled to establish articles of faith or forms of devotion by the use of force, nor could they suppress the

²⁹ *Documents Relating to the Termination of the Licensing Act, 1695*. 1979: letters n. 1702–2198: 785–96, 785–6.

³⁰ Locke 2006 (see also Locke 1983: 1–117).

³¹ *The Correspondence of John Locke*. 1976–1989, vol. 5, 204–8 (letter from Limborch to Locke, in which Limborch mentioned that his book was banned "ejusque lectio severissime prohibita sub poenis in indice librorum prohibitorum contentis", 205).

³² *Documents Relating to the Termination of the Licensing Act, 1695*. 1979, 794.

supporting texts. Nonetheless, “No Opinions contrary to human Society, or to those moral Rules which are necessary to the preservation of Civil Society, are to be tolerated by the Magistrate”.³³

Locke’s correspondence from that time shows that the committee members’ prevailing concern was that the government should be “sufficiently secured by it”. Open and unimpeded public discussion was not the foremost priority. However, John Freke and Edward Clarke, members of the committee, were relieved that heresy was defined in such a way as to make its use in court highly unlikely.³⁴

The new and highly unusual situation wherein licensing was discontinued and printers were no longer subject to tight controls, engendered significantly greater freedom to publish, and was a result of Parliament’s rejection of the committee’s proposal in March 1695.

The MPs believed that they disposed of more efficient means of controlling the press than traditional preventative censorship. However, even after numerous failed attempts in Parliament to reintroduce pre-publication licensing, the limits of authors’ and printers’ newly acquired freedom remained uncertain. The lack of preventative censorship was easily offset by post-publication intervention by the executive and judiciary, the nature and extent of which could not be foreseen.

The English book market was unique in Europe, in the strong domestic demand for works critical of the established church and political affairs. Even in the United Provinces, remarked Bernard des Maizeaux in 1700, the reading public was less “libertine” than in England, where demand stimulated the publication of significantly more critical works.³⁵

Foreigners praised or condemned English freedom of the press, according to their individual stance on the matter but none doubted its substantial role in English politics and religion. In England the debate focused on both the damage wrought to state power by the abolition of preventative censorship as well as the impending threats to freedom of the press. The Crown and the government did their utmost to limit the leeway accorded to the press in order to contain opposition. The critical voices that the Licensing Act had managed to partially suppress, grew louder and could now easily reach the market. Catholic conspiracies, atheistic literature and satiric publications lampooning the authorities all caused official anxiety in the unprecedented situation of zero structural, formal control. Thenceforth, the authorities had to round up published texts, printers and authors if they wished to prove their immorality, irreligion or seditious aims. While pre-publication censorship had clearly become abhorrent to much of the public and many authors, nonetheless many procedural initiatives were undertaken to intimidate, influence and steer

³³ Locke 1983: 276–8.

³⁴ *The Correspondence of John Locke* 1976–1989. Letter n. 1860 (John Freke and Edward Clarke to John Locke, 14 March 1695); n. 1862 (John Freke and Edward Clarke to John Locke, 21 March 1695): 291–2 and 294–5.

³⁵ Jacques Bernard to Pierre Des Maizeaux, 10/20 May 1700, BL, Add. MS 4281, f. 86. On the Parliamentary Act against anti-Trinitarians (1698) see Israel 2006: 116–117. Between late 1695 and 1770 some 180 books were banished and often publicly burnt (Robertson 2009: 203).

authors' arguments towards loyalty to the Crown. The religious sphere in particular was deemed a crucial area for government control over the printing industry. The judicial framework was revised in light of this. In 1696 Parliament issued a new statute limiting the courts' ability to try authors for treason. The use of statutes of *Scandalum magnatum*, which made libel against magistrates and high functionaries a criminal offence, became largely untenable.³⁶

The Crown used the Law of Seditious Libel to try to perpetuate control once the Licensing Act had lapsed. Even after 1695, the magistrates in the Old Bailey continued to prosecute insults to the King under the Law of Seditious Libel; this, as the trial records demonstrate, applied serious pressure to authors.

Catholic texts, both open and implicit, were particularly targeted as the fear of the Jacobite threat shaped the contours of what was deemed acceptable in the publishing sector. In 1696, David Edwards "was Indicted for a Misdemeanor, for Printing a most Scandalous label, called, An Anti Curse, which, upon search, was found under the Press; and Mr. Stephens the Messenger did declare that he had taken him several times for such Crimes, and it always proved to be Popish Work that he did Print". The following year, Edward Morgan was similarly "indicted for a Misdemeanour, for getting and procuring great quantities of King James's Declarations, and another Seditious Pamphlet, called The Depredations of the Dutch". The latter print was evidently Jacobite in inspiration. Published anonymously in late 1695, it conspicuously attacked William of Orange and the Dutch party at court. In concluding his treatise, the author, possibly Robert Ferguson, acknowledged "the Acrimony of some Expressions which will be found to occur in the foregoing Leaves" and blamed it on his adversaries: "all the Language I have used is either consecrated by the Tongues or Pens of your *Williamite Divines*, in their Pulpit Invectives against King *James*, and the King of *France*; or else it is all authorised by the Licenced *Pamphlets*, published in way of *Elogie* upon the present Government, and *Satyr* upon the last".³⁷ In 1699, Thomas Moore was fined for writing and printing a *Clavis Aurea, or, A Golden Key*, which rejected free will.³⁸

On many occasions since 1696 the King's Bench had attempted to widen the scope of its jurisdiction and restrain the press whenever this seemed to be advisable. Chief Justice John Holt firmly believed that seditious libel was a crime because it implied an unacceptable criticism of government as such. Furthermore, he viewed ironic pamphlets as dangerous and therefore punishable and he encouraged juries to "read between the lines" to divine the real meaning of suspicious texts. Holt was well aware that permitting irony could open the door to a new barrage of withering criticism.³⁹ On 15 February 1698, the Commons committee established to consider a bill against the Socinians, opined that it was necessary to suppress "all pernicious books and pamphlets which contain in them impious doctrines against the Holy Trinity, and other fundamental articles of our faith, tending to the subversion of the

³⁶Hamburger 1984–1985: 661–765.

³⁷*A brief Account of some of the late Incroachments and Depredations of the Dutch* [1695]: 70–71.

³⁸*Old Bailey Proceedings Online* (www.oldbaileyonline.org).

³⁹Hamburger 1984–1985: 735–8.

Christian religion”.⁴⁰ No decision was made to re-establish pre-publication censorship, but harsher penalties were requested for irreligious books, while authors and printers of controversial texts were to be brought to trial. In 1702 and 1703 the archbishop of Canterbury, Thomas Tenison, attempted to push through a number of bills that would limit freedom of the press.⁴¹ In the years following the lapse of the Licensing Act, Parliament repeatedly acted to investigate and punish violations of High Church doctrine expressed in printed texts on scientific as well as religious matters. MPs were convinced that such scientific and religious inquiry had political implications and they acted accordingly.⁴² From 1703 to 1707 and again from 1710 to 1714, the Tory ministers wanted the Parliament to comply with the requests made by Queen Mary to enact acts reestablishing preventative control. The final attempt came on 17 January 1711 after the publication of *A Tale of a Tub* by Jonathan Swift: “This Evil [of anti-government publications] seems too strong for the Laws now in force: [I]t is therefore recommended to you to find a Remedy equal to the Mischief”.⁴³ Ambitions to restore preventative censorship did not however die there. An unnamed “Tory Author” (in fact Joseph Addison) spoke for many when he wrote: “I believe all we mean by Restraining the Press, is to hinder the Printing of any Seditious, Schismatical, Heretical or Antimonarchical pamphlets”.⁴⁴ Senior figures within the Church of England expressed concerns about the effects of the unfiltered printing of books and pamphlets addressing religious affairs: “The Books containing the Errors and Impieties above mention’d have been the more easily publish’d and dispersed since the Expiration of the Act for restraining the Press; and thro’ the greater Liberty of Printing, which thereon ensu’d, have the Vicious and profane had more Opportunities to scatter their papers for corrupting the manners of Men”.⁴⁵ A “young gentleman of the Temple” was probably inspired by de Bignon’s innovations in France when he suggested that preventative censorship be reintroduced so that “any Book or paper” be licensed and print the license as follows: “*I Have read all and every Part of this Book, &c. and find Nothing in it that, in my Opinion, tends to Heresy, Sedition, Treason, Prophaness, or any Immorality; and therefore I judge it fit to be Printed. Witness my Hand, N.N. and let it be Attested by two or more Witnesses*”.⁴⁶ Jonathan Swift came to support the calls for tighter censorship in a short 1709 piece entitled *Project for the Advancement of Religion, and the Reformation of Manners*. In a Machiavellian vein, with the aim to “reduce Things [...] to their first principles”, he proposed an “Office of Censors” to monitor public

⁴⁰ Thomson 2008: 36.

⁴¹ Thompson 2008: 37–8.

⁴² See Champion 1992.

⁴³ As cited in Hamburger 1984–1985: 750. In 1710 Swift revised his book, originally printed in 1704.

⁴⁴ Addison 1712: 1.

⁴⁵ *A Representation of the present state of religion* 1711: 24.

⁴⁶ *Arguments relating to a restraint upon the press* 1712: 48–9.

conduct, a closer scrutiny of the stage, and a “Law [...] for Limiting the Press”.⁴⁷ Free press, contended the author of a poem on the Queen’s message to Parliament in 1712, sapped the foundations of the commonwealth and fomented factional strife among parties, “still wet with Royal-Blood, and reeking from the Wound”.⁴⁸ Even those whose language was more restrained were undeniably disconcerted by the freedom to criticize ideas and individuals in print, particularly through the burgeoning medium of periodicals, which expanded massively in the first half of the eighteenth century.⁴⁹

Religious and political debates contributed to a renewed campaign to restrain the press. The publication between 1709 and 1712 of books that claimed to treat medical and erotic topics, which critics viewed as barely concealed pornography, added to this pressure. In 1709, the *Gonosologium Novum; or, A new system of all the secret infirmities and diseases natural, accidental, and venereal in men and women* was first published and was brought before the Queen’s Bench as pornography, albeit without a successful prosecution. In 1712, the best-selling, path-breaking and extremely influential *Onania*, by John Marten, was published.⁵⁰

Political and moral order, for which the government and the Church of England had a common responsibility, appeared threatened by the free press and a preventative control (or alternatively, a heavy stamp duty) was called for to check the unruly creativity unleashed since 1695. The defenders of the principle of a free press did so with a variety of arguments, some of which appealed to the religious need for freedom of expression. John Asgill elaborated a defence of a free press underpinned by the “miracle” performed by the invention of moveable type printing. Printed books imitated the wonder of glossolalia as they allowed religious truth to spread all over the earth. He maintained that limiting its diffusion would entail the risk of remaining ignorant of new truths for fear of the missteps inevitable in pursuit of these. Asgill was confident that the obligation to put the name of the author on the frontispiece was adequate to restrain mischievous authors.⁵¹

Asgill was an unpredictable type: a highly regarded economist and a controversial theologian, he was expelled from the Parliament of Ireland for maintaining that the death of Christ permitted humanity to make the transition from life on earth to life in heaven without experiencing death. His theological defence of unlicensed printing however, was an interesting echo of the Miltonian approach.

The printing press proved much more resilient than the stage, to attempts at restraining and silencing oppositional opinions. The case of *The Gotham Election*

⁴⁷ *A Project For the Advancement of Religion, and the Reformation of Manners. Written in the Year, 1709. To the Countess of Berkeley*, was published in Swift 1711: 229.

⁴⁸ *The Press Restrain’d* 1712: 12.

⁴⁹ See Bullard 2009.

⁵⁰ Laqueur 2003: 29. *Gonosologium Novum; or, A new system of all the secret infirmities and diseases natural, accidental, and venereal in men and women* was printed in 1709 and was accused of pornography. The case was brought before the Queen’s Bench and dismissed. In 1712 the best-selling *Onania* was published.

⁵¹ Argill 1712.

by Susanna Centlivre, upholds this general point. Charles Killigrew, who was Master of the Revels from 1677 to 1725 and therefore responsible for permitting or forbidding works in the theatre, denied it approval when the text was submitted. *The Gotham Election* was never performed on stage, but in 1715 Centlivre was allowed to print the play. In the preface, she denied that “this farce was a most impudent notorious Libel upon her Late Majesty”, Queen Ann, and that its plot might offend either party. The preface proved nonetheless to be an opportunity to highlight her support for the link between “our religion and Liberty” and her commitment against “Tyranny and popish Superstition”. The Tory government was criticized for its conduct of the war under “the traitorous Management of late Ministry” and in favour of the “Popish Faction”.⁵² Since the forbidden stage performance would have used non-verbal methods to influence the audience and make its political point, the print version had to achieve the same ends with more explicit instructions, directions and preface.

In the early eighteenth century, the English experiment with freedom of the press remained open to all solutions. The absence of pre-publication controls could unleash political and theological passions in a still unstable society, in which the post-1689 “ferocity of party strife” continued to rage until stabilized through the Septennial Act of 1716 and the preservation of a free press.⁵³

From Freedom of the Press to the Principle of Self-Restraint

Despite the controversy which followed the lapse of the Licensing Act in 1695, the advocates of a free press formulated a set of arguments designed to rebut those who objected to, and feared the liberty accorded to authors and printers. The main points of this defence could be taken from Milton’s *Areopagitica*. Wrenched from their severely puritanical context, they were deployed in a new intellectual and political framework. Instead they supported a vision of society in which freedom of the press would contribute to the refinement of mores and to the progress of civilization and therefore to the development of a rational religion. The procedural elements of a free press were further underlined as a crucial aspect of the political settlement. The judiciary and its supposed prerogative to restrain and intimidate authors and printers was thus viewed as an attempt to impede the search for truth, in the political as well as in the religious sphere. The use of a procedural argument was aimed at the monopoly of truth claimed by the Church of England. The collective and universal search for truth could only benefit the Commonwealth and diminish the unjustified privilege of the establishment. This approach was developed in particular in free-thinking circles, where freedom of the press was adopted as an integral aspect of their vision of society. In *A Letter to a Member of Parliament*, John Toland made it clear that

⁵² *The Gotham Election* 1715. See Kinservik 2002: 47.

⁵³ See Plumb 1967: 157.

Men when they are left themselves without any Clergy at all, are more likely not only to judge for themselves, but to make a truer and a more impartial Judgment, than when they are permitted to know the Sentiments of the Clergy but of one Sect, who then may impose on them what ever out of Interest they think fit [...] Whosoever therefore endeavours to hinder Men from communicating their Thoughts (as they notoriously do that are for restraining the Press) invade the natural Rights of Mankind, and destroy the common Ties of Humanity.⁵⁴

The pretended right to license publication, wrote Toland, afforded excessive power in regulating public discussion to those who exercised the said right. Licensors would necessarily influence the selection of the men entrusted to carry out public charges. Moreover, criticism of, and complaints against officials in situ would not be allowed to appear in print and would not be effective.⁵⁵ In 1698, Toland advocated total freedom of the press while acknowledging that “without Licensers, Atheism, Profaneness, and Immorality as well as Sedition and Treason, may be published”. While he conceded this obvious point, he also focused on the threats coming from “the Pulpit”, from the Church of England: the Commonwealth should punish them “severely”.⁵⁶ Toland aligned himself with the minimal requirement of placing the name of the printer on the frontispiece as the surest means of preventing inappropriate use of the press. This touch of pragmatic realism surfaced in a text the dominant tone of which was set by the republican rhetoric around the incompatibility of a free press with tyranny and slavery. Toland was confronted with the dilemma that would be present in the discussion on freedom of the press for the rest of the eighteenth century. As a procedural value, freedom of the press would eventually favour progress and truth but by its very nature could be misused. Toland was aware that Jacobite propaganda would have free rein to disrupt the Commonwealth. In *Anglia Libera* (1701), Toland proclaimed his loyalty to the Church of England but expressed his disapproval of its monopolistic powers, which were, he claimed, incompatible with the principle of toleration.

I do not think it a Doctrine of this Church to persecute or disturb those of another religion which does not teach or practice any Thing that’s cruel, immoral, or profane [...] [W]here there is no Liberty of *Conscience* there can be no civil liberty, [...] no possibility of Men’s freely informing themselves concerning the true Religion, nor any Refuge or Protection for the Distress, which is the greatest Glory of free Governments.⁵⁷

In 1717, Toland wrote a *Proposal for regulating the news-papers*⁵⁸ and pleaded for a regulated liberty, insisting that licentiousness played into the hands of papists and anti-Hanoverians. The balance between liberty and licentiousness could only be maintained through self-discipline enforced by ex post facto controls. The Miltonian component in Toland’s thought contributed to the formulation of a vision of freedom

⁵⁴Toland 1698: 6–7. The case for Toland’s authorship is argued in Champion 2003: 244 (on the thematic similarity between the Toland’s *Letter* and Milton’s *Areopagitica*).

⁵⁵Champion 2003: 25.

⁵⁶Champion 2003: 18.

⁵⁷Toland 1701: 99–100. See Shapin 1981.

⁵⁸Champion 2003: 246.

of the press in which self-restraint was a prominent element. The strand which connected Milton and Toland was Charles Blount. In his essay of 1679, Blount took advantage of a period of legal inefficacy of the Licensing Act and stressed that the authors of “Libels against the King, the Church, the State and Private Men”⁵⁹ should be punished according to the already existing laws, without recourse to ad hoc licensors. Penalties for the authors of irreligious texts were to be only of a religious nature: if “any Audacious Villain [...] publishes any Atheism, Heresie and Schism, he is liable to an Excommunication, and to be proceeded against accordingly in the Spiritual Court”.⁶⁰ Blount echoed the arguments formulated by Milton in *Areopagitica*, and the reprint of his pamphlet in 1694 constituted an element of the strategy favouring a radical revision of the Licensing Act.

After 1696, the correlation between control of the press and tyranny was increasingly seen as fundamental. In 1704, Matthew Tindal adopted both the thrust and phrasing of Blount’s and Toland’s assertions. He stressed that freedom of the press was conducive to the establishment of a literary culture as a more effective instrument of defining truth in place of oral inquiry and learning. Tindal stated explicitly that the government had to enter the arena of public discussion to prove the soundness of its measures on the same footing as its critics, by engaging in an exchange of written arguments.⁶¹ In a text written in 1699 and reprinted in 1704, *An Essay on the Regulation of the Press*, Defoe argued for freedom of the press in unambiguous terms, clearly expressing the view that “the Press’s restriction” through pre-publication censorship is an attribute of arbitrary power, as “a Government regulated by Laws, and Govern’d according to such Regulations, never willingly put it into the power of any Inferior Officer to Tyrannize over his fellow Subjects”.⁶² The pamphlet containing Defoe’s vindication of freedom of the press was certainly published in agreement with his patron Robert Harley. Harley organized a far-reaching campaign in the press to influence public opinion and strove to guarantee the right of both supporters and opponents of the government to express themselves freely.⁶³ The *Essay on the Regulation of the Press* resonated with Defoe’s personal experience and struck a chord which echoed for many years.⁶⁴ According to Defoe, the legislature should clearly define the boundaries within which writers could act

⁵⁹ Blount 1695: 22.

⁶⁰ Blount 1695: 23.

⁶¹ “As the chief Happiness as well as Dignity of rational Creatures, consists in having the liberty of thinking on what Subjects they please, and of as freely communicating their Thoughts: so all good Governments that have allow’d this Freedom, were so far from suffering by it, that it wonderfully endear’d them to their people. And no Ministry can be hurt by the Liberty of the Press, since they have a number of Dependents, ready upon all occasions to write in justification of their Conduct. [...] The liberty of the Press must keep a Ministry within some tolerable Bounds, by exposing their ill Designs to the people, with whom if they once lose their Credit, they will be very unfit Tools for a Court to work with” (Tindal 1704: 13).

⁶² Defoe 1704: 5.

⁶³ Downie 1979: 100.

⁶⁴ Defoe stood in the pillory and served 3 months at Newgate prison in 1703 for writing and publishing *The Shortest Way with the Dissenters* (Backscheider 1988).

freely. “Such a Law would be a sufficient restraint to the Exorbitance of the Press, for then the Crime would be plain, and Men would be afraid of committing it”.⁶⁵

Pre-publication censorship would have damaged the Dissenters’ cause, which Defoe supported, but he recognized the disruption an unbridled and irresponsible press could cause. This concern chimed with the widespread belief that moral control of published communication was necessary. Censorship retained a certain moral authority, not only in the correction of excessive or dangerous statements, but as a vector of freedom. Reference to neoclassical political theories strengthened the claim that censorship, if properly undertaken, was not inherently repressive. Steele praised the title of censor in 1710. “In a Nation of Liberty, there is hardly a Person in the whole Mass of the People more absolutely necessary than a Censor” in order to regulate the conduct of those who do “not fall within the Cognizance of real Authority”.⁶⁶ As Governor of Drury Lane, he had the practical means to pursue his understanding of the compatibility of freedom and good order. Steele consistently opposed libel: he maintained that personal attacks were unacceptable but encouraged satire as a correction to general vice.

The Lockean idea of intellectual property as the fruit of individual exertion, which ought to be safe from the licensors’ interference, did not figure prominently in the aforementioned texts. Rather, they stressed the positive contribution to the search for truth and the defense of liberty as a collective endeavour, appropriate in a protestant country. Liberty gave rise to the conditions necessary for the pursuit of truth, and its beneficial influence refined human skills and tamed the passions that might jeopardize society. Shaftesbury’s 1699 *Characteristics* pleaded for free debate and for the creation of a “public world of critical discussion”,⁶⁷ and demanded the refinement of those passions which agitate society, and the education of critical judgment. Toleration and respect were as necessary for free discussion as laughter and ridicule: these were all ways to express criticism without impeding communication. Therefore, not only was pre-publication censorship to be rejected, but according to Collins, who elaborated on this topic in 1729, any prosecution by the Magistrates would be unnecessary.⁶⁸ In that same year 1729, Thomas Woolston was sentenced to serve 1 year in jail and pay an exorbitant penalty (which he could not pay: he died in prison in 1733) for publishing works which denied miracles and Christ’s resurrection.⁶⁹

While he resolutely opposed any form of pre-publication censorship, Shaftesbury especially maintained the connection between liberty and politeness: “All politeness is owing to liberty. We polish one another, and rub off our corners and rough sides by a sort of amicable collision. To restrain this, is inevitably to bring a rust upon

⁶⁵Defoe 1704: 15, 18.

⁶⁶*The Tatler* 1710. 144: 11 March, 2: 318–19, as cited in Kinservik 2002: 52–3.

⁶⁷Hampsher-Monk 2002: 92. See Klein 1994.

⁶⁸Collins 1729: 21–22.

⁶⁹Israel 2001: 98.

men's understandings".⁷⁰ But while conversation among peers was to follow shared rules of self-regulation which ensured the preservation of liberty and avoided giving offense, Shaftesbury carefully defined the policy which should guide an author in publishing his thoughts. Introspection and self-control were essential while spontaneity was frowned upon, and what Shaftesbury called "private exercise, which consists chiefly in control" was extolled. "But where instead of control, debate, or argument, the chief exercise of the wit consists in uncontrollable harangues and reasonings, which must neither be questioned nor contradicted, there is great danger lest the party, through this habit, should suffer much by crudities, indigestions, choler, bile, and particularly by a certain tumor or flatulency, which renders him of all men the least able to apply the wholesome regimen of self-practice".⁷¹ In general, Shaftesbury was irritated by unrestrained, unchecked, "unpolite" forms of communication. He was adamant that government should refrain from intervening in authors' work. "The only danger is, the laying an embargo. The same thing happens here, as in the case of trade. Impositions and restrictions reduce it to a low ebb. Nothing is so advantageous to it as a free port".⁷² English writers were free, more so than in any other European country, but this made their self-restraint and the critics' task all the more crucial to the production of enduring and useful works. Censorship had been abolished but the need for some form of control seemed more urgent than ever.

This paradigm of literary production as subject only to authors' self-control was projected back on to the very beginnings of the English printing trade. Caxton, the first successful English printer, was praised as a free entrepreneur whose loyalty to King Edward VI was born of respect and gratitude. Above all he was seen as "an honest, modest Man; greatly industrious to do good to his Country, to the best of his Abilities, by spreading among the People such Books as he thought useful to religion and good Manners [...]".⁷³ There was less room for men like Caxton in eighteenth-century English printing: the commercialization of publishing had created niche markets, resistant to governmental or judicial interference and patronage was, for the most part, superseded by an economic, market-based nexus between readers and authors.

Nonetheless, the deference owed to social superiors was maintained by eliminating passages from posthumously published works which criticized living persons of high standing.⁷⁴ A case in point was Bishop Burnet's posthumous history of England from the Revolution to 1705. The text was significantly altered by Delafaye before

⁷⁰Ashley Cooper, 3rd Earl of Shaftesbury Anthony. 1999. Vol. 1, 39–40. See also the following passage: "'Tis only in a free Nation, such as ours, that Imposture has no Privilege; and that neither the Credit of a Court, the Power of a Nobility, nor the Awefulness of a Church can give her Protection, or hinder her from being arraign'd in every Shape and Appearance." (10).

⁷¹Ashley Cooper 1999: 85–8.

⁷²Ashley Cooper 1999: 39.

⁷³Middleton 1735: 20.

⁷⁴Pocock 1976.

it could be granted royal privilege. Ironically, the redaction of passages which accused Stoupe of being a “frantic” Deist, and which criticized Louis XIV as too pusillanimous to be regarded as a courageous sovereign, was insufficient to avert biting criticism.⁷⁵ Townsend and Walpole’s letters from 1723, concerning Burnet’s manuscript, show that permission to dedicate a work to the king and obtain royal privilege were valued by many authors and literary figures. They also demonstrate that the resentment of Burnet’s caustic turn of phrase on the part of influential men at court and in Parliament could prevail over the ambition to print the complete text.⁷⁶

The lapse of the Licensing Act shifted the burden of editorial responsibility entirely to the printers. This affected their relationships with political and judicial power-holders and changed the printers’ view of the market. The statute of Anne in 1709 constituted a further step towards authorial independence.

From this resulted the modern notions of copyright and the principle of authorial literary property. The specific terms of this act limited printers’ rights over texts they

⁷⁵“Fo. 65 l. 12 after appearance: “but he was more a frantic Deist, than either protestant or Christian”, ff. 16–17; “fo. 322 l. 12 distance; where he took the care that he has always done, to preserve himself”, 30. Here are further passages that were deleted. “Fo. 26 line 20. For he [Spotswood] was a frequent player at Cards, & used to eat often in Taverns; besides that, all his Livings were scandalously exposed to Sale by his Servants”. On Conde: “fo. 72 l. 5 à fine: as an impious & immoral man”. On the Dutch: “fo. 207, l. 18: that way. It was true, there seem’d to be among them too much coldness and indifference in this matters of Religion: But I imputed that to their phlegmatic tempers, that were not apt to take fire, rather than to the Liberty they enjoy’d” (f. 24). On Charles I: “fo 298, l. 30: anger. And this I owe to truth to say, that, by many indications that lay before me in those letters, I could not admire either the Judgment, the Understanding or the Temper of that unfortunate Prince. He had little regard to Law, & seemed to think he was not bound to observe Promises or Concessions that were extorted from him by the Necessity of his Affairs. He had little Tenderness in his Nature; & probably his Government would have been severe, if he had got the better in the War. His Ministers had a hard time under him. He loved violent Counsels, but conducted them so ill, that they saw they must all perish with him. Those who observed this, & advised him to make up matters with his Parliament by concessions, rather than venture on a War, were hated by him; even when the Extremities to which he was driven made him follow their Advices; tho’ generally too late, & with so ill a Grace that he lost the Merit of his Concessions in the awkward way of granting them. This was truly D. Hamilton’s fate, who in the beginning of the Troubles went in warmly enough into acceptable Counsels. But when he saw how unhappy the King was in his conduct, he was ever after that ag.t [against] the King’s venturing on a War, which he always believed would be fatal to him in conclusion” (ff. 27–28). On Oates: “fo. 424 l. ult. Conversed much with Socinians, & he had been” (f. 35) (BL, Add. MS 36270, ff. 11–47). The final and expurgated version was printed as *History of my own Time*. 1724–34. London. Burnet had conversations with Jean-Baptiste Stoupe: on Stoupe see Popkin 1991: 175 footnote 26.

⁷⁶See in particular the letter from Whitehall by Sir Robert Walpole to Lord Townsend, 13 August 1723: “I am very much solicited to recommend to his Majesty the Licensing the first Volume of the late Bishop of Salisbury’s Works, & likewise to ask his Majesty’s leave to dedicate the Work to him. I should acquaint your Lordship that they would license this work, but the most discreet among us did care to set their names to the Work of an Author whose Indiscretion they had some apprehension about, & were not quite sure what personal Reflections might be scattered in such a piece, but I am very much importuned by Mr West & Mr Burnet to recommend this Request of theirs, & it seems the License amounts to no more than the property in the sole printing” (BL, Add MSS 36270, f. 9).

acquired to 14 and 21 years for living and dead authors respectively, renewable only once. Parliament had thereby voided the traditional transfer of ownership from author to printer and consecrated authorial intellectual property. In doing so, Parliament also helped to cultivate the feeling that censorial intervention in the production of a text was likewise unacceptable.⁷⁷ A crucial corollary to this more straightforward relationship between author and text amplified the author's responsibility in all respects. This included the use of a text in unexpected contexts, for which the author could now be called to account.⁷⁸ Therefore the statute of Anne must be understood as an innovative check on unhindered authorial autonomy.

The set of regulations (and lack thereof) that defined the status of printers and writers in early eighteenth-century England was unique in Europe.⁷⁹ Even in England, however, the government kept a watchful eye on theatrical performances.

When, in 1737, Parliament passed Walpole's Stage Licensing Act, freedom of expression in theatre was severely restricted. Non-patent theatres were outlawed and all new plays had to be reviewed by the Lord Chamberlain prior to their performance. Moreover and most importantly, the Lord Chamberlain's power was virtually unbounded as the Stage Licensing Act stated that he could prohibit any play whenever "he shall think fit".⁸⁰ Opposition writers were deeply concerned that the Stage Licensing Act was just the first step in Walpole's plan to crack down on civil liberties. Fielding denounced it as "an Infringement on *British Liberty*" as soon as news of the impending act circulated.⁸¹ In fact, while attacks against Walpole and on the prerogatives of the Examiner of Plays continued, new ways to circumvent theatrical censorship were invented. One of these was the creation of a new genre combining sung recitatives and spoken declamations that fell outside the accepted definition of drama and was not subject to the preventive control of the Examiner of Plays.⁸²

Walpole did not conceal his deep distaste for what he perceived as the violent and licentious nature of the English press.⁸³ The tight grip on the content of theatrical performances was not enough to cast any doubt on the fundamental independence of English literary life in general. However it did highlight the differentiated impacts of oral discourses delivered directly to the audience and the printed word, since the latter necessarily implied reflection and thence moderation. In 1742, an "Independent Briton" urged that theatres be allowed to stage pieces freely and claimed that freedom of the press be secured, as "The *Liberty of the Press* is at present very precarious, and that which is urged to prove it *otherwise*, will, when duly weigh'd, shew it to be *precarious*".

⁷⁷Rose 1998.

⁷⁸See the Foucaultian approach in Greene 2005.

⁷⁹Langford 2000: 267–275.

⁸⁰Kinservik 2002: 95.

⁸¹*Craftsman* 1737. 18 May, as cited in Kinservik 2002: 92.

⁸²Worrall 2006: 10.

⁸³Plumb 1956: 149.

Our *Creator* has left our *Thoughts free*, and placed them out of the Reach of *Restraint* from others, which he is *all wise*, that no kind of *Restriction* on *Sentiment*, is necessary to serve *good Purposes*. If Men write *Falsities* against the Government, they may be refuted either in a *legal* or in a *rational* Way, and I am not against either of these *Methods*. But if a Thing cannot be proved either *false* or *mischievous*, I do not think that *publishing* of it ought to be *criminal*.⁸⁴

During Walpole's time in office, the literate public was kept abreast of any ministerial interference with the constitutional status of the free press, by a combative and jealous slew of periodical publications. *An Apology for the Liberty of the Press* was published in the "Old England Journal" on 2 April 1743. It argued that the Walpole government as well as the English constitutional equilibrium, were sustained by freedom of the press (which underpinned freedom as understood in the English context). It was precisely because the people's prerogatives were "actively confined to *Deliberative* and *prudential* considerations and to a periodical Election of those who are to judge for them" that the function of the free press was crucial.

The *executive* power of the Government here, being absolutely independant [sic] of the people in every sense, and the *legislative* power being but partially and mediately dependant [sic] on them, the people of England without the *Liberty of the Press* to inform them of the *Fitness* and *Unfitness* of measures, approv'd or condemn'd by those whom they have *trusted*, and *whom they may trust again*, would be in as blind a state of subjection, as if they lived under the most arbitrary and inquisitorial Government.⁸⁵

This and similar statements amply demonstrate that the lapse of the Licensing Act in 1695 and the ensuing changes had redefined public consciousness in English political culture and practice. By the mid-eighteenth century, the literate public was privileged with an unprecedented range and diversity of news and opinion, up to and including religious discussion. This vast change reflected the brave new world of free printing and particularly the expansion and proliferation of periodicals.⁸⁶ In 1770 Jean-Louis de Lolme, a Genevan political refugee who had resided in London since 1768, codified and analysed the fragile equilibrium within the English literary, political and political systems in order to understand its operation and ascertain its possible utility as a model for Republican civic institutions in Europe. De Lolme's analysis failed to take account of the internal contradictions which affected both the operation of, and the debate around the English system of a free press. Despite his insightful framing of the role of a free press within a constitutional, parliamentary monarchy, his analysis ignored the ambiguous effects of an uncensored press driven by commercial concerns. For de Lolme, the key achievement of the Glorious Revolution of 1688–1689 and the cornerstone of its relevance to republican institutions was freedom of the press: it was this constitutional principle which enabled the particular variety of English liberty to thrive.⁸⁷

⁸⁴ *The Independent Briton* 1742: 15, 13.

⁸⁵ As cited in Harris 1993: 31–2.

⁸⁶ Colley 2005: 40–2. See Speck 1977: 92.

⁸⁷ De Lolme 1853: 50. *An Essay on the Liberty of the Press* 1755: 6–7 argues that freedom of the press is among those natural rights that civil society has not suppressed. On De Lolme see

De Lolme used an argument that was widely accepted in the eighteenth-century debate. He did not reject the right to impose some form of censorship on the press, but instead shifted this right from individual censors to the innumerable and anonymous individuals who constituted the free and unobstructed members of the reading public. He viewed readers as impartial censors whose approbation or otherwise of texts necessitated total freedom and unmoderated information. This de-individualization of the task of censorship inverted the traditional understanding of its role in society and turned censorship into a vital and collective function. According to this understanding, all magistrates were accountable for their decisions:

Every subject in England has not only a right to present petitions to the king, or to the houses of parliament, but he has a right also to lay his complaints and observations before the public, by means of an open press: a formidable right this, to those who rule mankind; and which, continually dispelling the cloud of majesty by which they are surrounded, brings them to a level with the rest of the people, and strikes at the very being of their authority. [...] Is it a liberty left to every one to publish any thing that comes into his head? to calumniate, to blacken, whomsoever he pleases? No; the same laws that protect the person and the property of the individual, do also protect his reputation; and they decree against libels, when really so, punishments of much the same kind as are established in other countries.⁸⁸

De Lolme's analytic configuration of the English constitution placed press freedom at the very core of the arrangement, presuming political practice to be process-driven and emphasizing its procedural nature. In fact, "the liberty of the press [...] enables the people effectually to exert those means which the constitution has bestowed on them, of influencing the motions of the government [...] Time, and a more favourable situation, are therefore the only things wanting to the people; and the freedom of the press affords the remedy to these advantages. Through its assistance every individual may, at his leisure and retirement, inform himself of every thing that relates to the questions on which he is to take a resolution. Through its assistance, a whole nation as it were holds a council, and deliberates, slowly indeed (for a nation cannot be informed like an assembly of judges), but after a regular manner, and with certainty. Through its assistance, all matters of fact are at length made clear; and through the conflict of the different answers and replies, nothing at last remains but the sound part of the arguments".⁸⁹

The decisions taken by Parliament were in their turn, submitted to the scrutiny of the free press. This was exceptional and set England apart from the absolute monarchies on the continent.⁹⁰ Alongside trial by jury, freedom of the press guaranteed this modern expression of democracy. Juries and a free press were seen as the foundations of the nation, its people and of the "continual sense of their security".⁹¹

Whatmore 2012: 112–133 (on freedom of the press 123); Kraus 2006: 186–93; Michelon 1969. Surprisingly, the most recent (and very accurate) essay on De Lolme by Iain McDaniel does not refer to freedom of the press at all (McDaniel 2012).

⁸⁸De Lolme 1853: 200–201.

⁸⁹De Lolme 1853: 209.

⁹⁰De Lolme 1853: 274–5.

⁹¹De Lolme 1853: 276. This point is raised in Libermann 2006: 340.

De Lolme's work essentially constitutionalized freedom of the press, which became an integral and necessary element of the political workings of the English parliamentary monarchy. This constitutional vista however merely underlined the uneasy relationship between Parliament and a free press, the former being at least in theory subject to a public opinion which itself existed only by virtue of the latter.⁹²

De Lolme developed a paradigm that strongly emphasized the role of the press and which influenced the understanding of this issue on the Continent. He elaborated a highly idealized image of the English political system that ignored a complex and fluid balance of forces at work. He also disregarded the more cautious attitude of the leading authority in English jurisprudence, William Blackstone, who viewed the core of English liberty as lying in the accommodation of political liberty with parliamentary sovereignty.⁹³

Blackstone dealt with the limits of freedom of the press in his influential *Commentaries on the Laws of England*, published between 1765 and 1769. In the eleventh chapter of Book IV, devoted to the "Offences against the Public Peace", he stated that "The liberty of the press is indeed essential to the nature of a free state: but this consists in laying no previous restraints upon publications, and not in freedom from censure for criminal matter when published".⁹⁴ Libel of any sort was considered to be a personal offence the range of expressions of which was extremely broad and inclusive: "Of a nature very similar to challenges are libels, libelli famosi, which taken in their largest and most extensive sense, signify any writings, pictures or the like, of an immoral or illegal tendency; but in the sense under which we are now to consider them, are malicious defamations of any person, and especially a magistrate, made public by either printing, writing, signs, or pictures, in order to provoke him to wrath, or expose him to public hatred, contempt, and ridicule. The direct tendency of these libels is the breach of the public peace, by stirring up the objects of them to revenge, and perhaps to bloodshed".⁹⁵

Blackstone drew two relevant consequences from this definition. The first one regarded the criminal nature of all libellous statements, even if they were uttered in private. The second consequence related to the truth or otherwise of the facts supporting the libellous statements. "The communication of a libel to any one person is a publication in the eye of the law: and therefore the sending an abusive letter to a man is as much a libel as if it were openly printed, for it equally tends to a breach of the peace. For the same reason it is immaterial with respect to the essence of a libel, whether the matter of it be true or false; since the provocation, and not the falsity, is the thing to be punished criminally: though, doubtless, the falsehood of it may aggravate its guilt, and enhance its punishment".⁹⁶

Unlike civil actions, the focus of a criminal prosecution was on the public impact of a given text, while its truth or falsity was irrelevant. Blackstone conceded that

⁹²For a different approach see Wootton 1994.

⁹³Lubert 2010.

⁹⁴Blackstone 1979: 151.

⁹⁵Blackstone 1979: 150.

⁹⁶Blackstone 1979: 150.

capital punishment for libellers as given in the Roman Twelve Tables was exceedingly harsh. A consideration for “liberty, learning, and humanity” inspired English law. Nonetheless, “Blasphemous, immoral, treasonable, schismatical, seditious, or scandalous libels are punished by the English law, some with a greater, others with a less degree of severity; the liberty of press, properly understood, is by no means infringed or violated”.⁹⁷ In this understanding of freedom of the press, one which was regarded as wholly proper by contemporaries, preventative licensing was not permissible. Traces of Milton’s arguments can be discerned in Blackstone’s contention that licensors had been granted exorbitant power, in their ability “to subject all freedom of sentiment to the prejudices of one man, and make him the arbitrary and infallible judge of all controverted points in learning, religion, and government”. Since “the preservation of peace and good order, of government and religion, the only solid foundations of civil liberty,” was to be actively pursued as an overriding priority, the magistrates’ task was the prompt persecution of any infringement of the law. Quoting a well-known Swiftian dictum, that “a man may be allowed to keep Poisons in his Closet, but not to vend them about as Cordials”, Blackstone underlined the importance of repressive power as a guarantor of the measured development of a fundamentally free society. The said society was to strike the perfect balance between unrestrained public debate and the safeguarding of public order founded on unreserved obedience to the law.⁹⁸

Throughout his successful career as a philosopher and historian, David Hume reflected on the consequences of a free press without reaching a definitive conclusion as to its nature. Overall, he prized freedom of the press as the freedom to criticize political measures taken by the government: as such, freedom of the press constituted an element of a more general English notion of civil liberty. Echoing European perceptions of English politics, Hume was glad to stress that “Nothing is more apt to surprize a foreigner, than the extreme liberty, which we enjoy in this country, of communicating whatever we please to the public, and of openly censuring every measure, entered into by the king or his ministers”.⁹⁹ For the sake of his own argument, Hume downplayed the extent of the freedom that the press enjoyed in the United Provinces. He claimed that freedom of the press was a consequence of the mixed form of government existing in England “which beget a mutual watchfulness and jealousy”.¹⁰⁰ It could be viewed, therefore, as a component of the specifically English constitutional balance and as a precondition of the peculiar balance between monarchy and republic that was nurtured by the prevailing distrust between citizens. In his conception this was similar to the way in which the division of parts of Europe into small and free states was favourable to the rise of the arts and sciences.¹⁰¹ In order to survive as a mixed monarchy, England “is obliged, for its

⁹⁷ Blackstone 1979: 151.

⁹⁸ See Swift 2010: 143.

⁹⁹ Hume 1882. *Of the Liberty of the Press*. Vol. 3: 94. See Forbes 1975: 183–6; Hanvelt 2012.

¹⁰⁰ Hume, David. 1882. *Of the Liberty of the Press*, vol. 3: 96.

¹⁰¹ “Reputation is often as great a fascination upon men as sovereignty, and is equally destructive to the freedom of thought and examination. But where a number of neighbouring states have a

own preservation, to maintain a watchful *jealousy* over the magistrates, to remove all discretionary powers, and to secure every one's life and fortune by general and inflexible laws".¹⁰² A free press prevented ministerial despotism or encroachments on men's rights as it stirred up "the spirit of the people", "in order to curb the ambition of the court; and the dread of rousing this spirit must be employed to prevent that ambition".¹⁰³ In the different editions of his *Essays* from 1740 to 1770, Hume developed this point into an argument to demonstrate that freedom of the press was "the common right of mankind" as it was "attended with so few inconveniences" that it could prove injurious only to an ecclesiastical government.¹⁰⁴ From being a peculiarly English means of checking the power of magistrates, freedom of the press became the essential feature of good government. Hume shared the distinction between orality and written texts put forward by Rousseau in his *Lettres de la montagne*¹⁰⁵:

A man reads a book or pamphlet alone and coolly. There is none present from whom he can catch the passion by contagion. He is not hurried away by the force and energy of action. And should he be wrought up to ever so seditious a humour, there is no violent resolution presented to him, by which he can immediately vent his passion. The liberty of the press, therefore, however abused, can scarce ever excite popular tumults or rebellion.

Hume praised and defended freedom of the press through his argument that it was bound to accustom the people "to think freely" but that it was also inherently harmless. "And it is to be hoped, that men, being every day more accustomed to the free discussion of public affairs, will improve in the judgment of them, and be with greater difficulty seduced by every idle rumour and popular clamour". In the development of his original argument, the parallel with Holland underpinned Hume's contention that historical contingencies could lead to the uncovering of fundamental truths.

Before the United Provinces set the example, toleration was deemed incompatible with good government; and it was thought impossible that a number of religious sects could live together in harmony and peace, and have all of them an equal affection to their common country, and to each other. England has set a like example of civil liberty.¹⁰⁶

A return to the licensing system or steps such as "giving to the court very large discretionary powers to punish whatever displeases them" were tantamount to

great intercourse of arts and commerce, their mutual jealousy keeps them from receiving too lightly the law from each other, in matters of taste and of reasoning, and makes them examine every work of art with the greatest care and accuracy" (Hume, David. 1882. *The Rise of Arts and Sciences*. Vol. 3: 182).

¹⁰² Hume 1882. *Of the Liberty of the Press*. Vol. 3: 96.

¹⁰³ Hume 1882. *Of the Liberty of the Press*. Vol. 3: 97.

¹⁰⁴ Hume 1882. *Of the Liberty of the Press*. Vol. 3: 97.

¹⁰⁵ The Athenian democracy found it necessary to devise ways to control "the entire liberty of speech" granted to all members of the popular assembly (Hume 1882. *Of Some Remarkable Customs*. Vol. 3: 376).

¹⁰⁶ Hume 1882. *Of the Liberty of the Press*. Vol. 3: 97.

turning a free government into “a despotic government”.¹⁰⁷ Yet, in the 1770 edition of his *Essays*, Hume’s glowing justification of freedom of the press as a signal achievement of modern civilization was replaced with the gloomy characterization of the “unbounded liberty of the press” as a necessary, if lesser evil which afflicted mixed forms of government.¹⁰⁸ The political turmoils of London in the late 1760s may have been the main reason why Hume’s opinions on liberty of the press developed in this way.¹⁰⁹ However, he never became an advocate of pre-publication censorship and maintained that only free governments were conducive to excellence in the arts and sciences.¹¹⁰ Those who inquired into the science of politics contribute to “public utility”, provided that they were “free from party-rage and party-prejudices”¹¹¹: Hume implied (in this case as in others), that an unrestrained debate was necessary to the advancement of such knowledge, the importance of which, he insisted, could not be underestimated. However in a private letter to Turgot in 1768, on the turbulence surrounding Wilkes, he acknowledged that “the Abuse of Liberty, chiefly the Liberty of the Press” was the main cause of the said popular upheavals.¹¹² In the “Wilkes and Liberty” movement, Hume determined that the lack of self-restraint was a fundamental aspect of a free press. The Wilkes crisis led him to believe that written texts could, in fact, have the same effect as the spoken word in stirring a mob to violence.

An investigation of the course of English history led Hume to consider that the “unbounded liberty of the press” was indeed a danger, but should not be contained by legislation, but by the considerate behaviour of all those who enjoy it as a means to check the encroachments of the magistrates upon the rights of Englishmen. Tension between parties and principles was inherent in English politics after 1688–1689 and provided the distinct, dynamic balance between court and country. Freedom of the press was practiced in England precisely because it maintained civil order; however, the need for order rendered any abuse of such freedom unacceptable. He insisted that no restraints should be placed on the freedom to reason “with regard to religion, and politics, and consequently metaphysics and morals”. Hume was aware that monarchies are intrinsically prone to discourage critical inquiry into the “superstitious reverence to priests and princes”.¹¹³ The section “Of Miracles” in the *Inquiry Concerning Human Understanding* and his *Natural History of Religion* bear witness that Hume did not shy away from public controversy and was willing to expose himself to personal disputes in order to publicly expose superstitions and lies.

As an essential component of civil liberty, freedom of expression guaranteed that liberty would prevail over the ideological challenges aired by a free press. Similarly

¹⁰⁷ Hume 1882. *Of the Liberty of the Press*. Vol. 3: 98.

¹⁰⁸ Hume 1882. *Of the Liberty of the Press*. Vol. 3: 98.

¹⁰⁹ Brewer 1976.

¹¹⁰ Hume 1882. *The Rise of Arts and Sciences*. Vol. 3: 180.

¹¹¹ Hume 1882. *Of Civil Liberty*. Vol. 3: 157.

¹¹² David 1932. Letter to Turgot, 16 June 1768, n. 41. Vol. 2: 180–181.

¹¹³ Hume 1882. *The Rise of Arts and Sciences*. Vol. 3: 187.

to toleration, a free press was the best approach to the technological and cultural innovations of the period in all cases excepting grave threats to public safety.¹¹⁴ Personal slander was a case in point,¹¹⁵ addressed by Adam Smith, who included written defamation among the offenses against natural rights since these included the right to maintain one's good name.¹¹⁶ In a retrospective survey of his career in 1768, Hume congratulated himself that in his writings, he had always avoided "Licentiousness, or rather the frenzy of liberty", while nonetheless admitting that this was a "tempting extreme".¹¹⁷ Two years later, the revision of his *History of England* offered the opportunity to self-censor his earlier opinions and to "either soften or expunge many villainous seditious Whig Strokes, which had crept into it".¹¹⁸

Hume admired England's peculiar constitution, based as it was, on a consensus reached after generations of domestic strife. He saw the free circulation of ideas as part of this, but insisted that it should not be allowed to erode popular support of the constitution and therefore destroy its legitimacy and foundation.¹¹⁹ English history informed Hume's understanding of what freedom of the press really meant and in what respect it differed from licentiousness. In his *Discourses on Government*, Algernon Sidney

had maintained principles, favourable indeed to liberty, but such as the best and most dutiful subjects in all ages have been known to embrace; the original contract, the source of power from a consent of the people, the lawfulness of resisting tyrants, the preference of liberty to the government of a single person.

Stuart despotism was apparent to Hume, not only in the illegal sentence pronounced against Sidney, but also in the prohibition that these thoughts be "published [...] to the world".¹²⁰ The fact that at the same time "Sir Samuel Barnadiston was fined ten thousand pounds; because in some private letters which had been intercepted, he had reflected on the government" was taken by Hume as another reason to condemn Stuart despotism, since "private friendship and correspondence" belonged to the sphere of absolute freedom, inviolable to the government.¹²¹

¹¹⁴This point is raised in Jordan 2002: 705, in an analysis of Hume's historical works.

¹¹⁵In a letter to William Strahan on 25 June 1771 Hume deplored that under Lord North "all Laws against Libels [are] annihilated", letter to William Strahan, 25 June 1771, n. 456 (Hume 1932. Vol. 2: 245).

¹¹⁶Haakonsen 1981: 118.

¹¹⁷"Licentiousness, or rather the frenzy of liberty, has taken possession of us, and is throwing everything into confusion. How happy do I esteem it, that in all my writings I have always kept at a proper distance from that tempting extreme, and have maintained a due regard to magistracy and established government, suitably to the character of an historian and a philosopher!" (Letter to the Comtesse de Boufflers, 23 December 1768, n. 423, Hume 1932. Vol. 2: 191).

¹¹⁸Letter to Sir Gilbert Elliott of Minto, 21 February 1770, n. 439, Hume 1932. Vol. 2: 216.

¹¹⁹Stewart 1992: 251.

¹²⁰Hume 1983. Vol. 6: 342.

¹²¹Hume 1983. Vol. 6: 344.

Radical philosophical skepticism might result in the discovery of truths with unsettling implications that Hume could not state publicly without the risk of jeopardizing public peace. It has been emphasized that his arguments against the immortality of the soul and the possibility of miracles did not lead Hume to atheism or to the logical conclusion that religious beliefs were, *per se*, untenable.¹²² It is plausible to claim that he considered atheism incompatible with a consistent, skeptical mode of thought. It is also evident that he preferred to allow his readers to reach a thorough understanding of his opinions through sympathetic inference and interaction rather than through any explicit statement of these. Self-restraint in no way contradicted freedom of the press as Hume understood it. This is demonstrated by his reluctance to avail himself fully of freedom of the press when he published his reflections on suicide. He was convinced that suicide was morally legitimate and that strong arguments militated against the immortality of the soul. However he eventually declined to publish his essays, having first submitted the manuscript to a printer only to withdraw the printed copies in 1755. In 1772 Hume was informed that his essays on suicide and the immortality of the soul might nonetheless reach the marketplace. While “not extremely alarmed at this Event”, all the same he was ready to exert all possible means to prevent publication, to prevent these essays from reaching the public.¹²³ In Hume’s conception, concealing, rather than suppressing a text, was a tribute both to prudence and to truth. Printing a text could not in itself guarantee that humankind would escape superstition and ignorance, as he maintained against Turgot’s view to the contrary.¹²⁴

Gibbon expressed himself similarly when the first instalment of the *Decline and Fall of the Roman Empire* appeared in 1776. Had he foreseen the harshness of public reactions to the 15th and 16th chapters on Christianity, he would have revised their content accordingly, in order to spare himself many enemies in exchange for a handful of new friends.¹²⁵ For Hume and Gibbon alike, this was the pragmatic consequence of Adam Smith’s observation in the *Theory of Moral Sentiments*, that one must be honest but know too where the limit lies between the respect for truth and its degeneration into “petulance or rudeness”.¹²⁶

By the second half of the eighteenth century, freedom of the press had become a central tenet of English politics and was widely but not uncritically accepted as inevitable and self-evident. This acceptance did not mean that its limits had become

¹²² Gaskin 1993: 321.

¹²³ Letter to William Strahan, 25 June 1772, n. 465. Hume 1932. Vol. 2: 252–254.

¹²⁴ “I know you are one of those, who entertain the agreeable and laudable, if not sanguine hope, that human Society is capable of perpetual Progress towards Perfection, that the Encrease of Knowledge will still prove favourable to good Government, and that since the Discovery of Printing we need no longer Dread the usual Returns of Barbarism and Ignorance” (Letter to Turgot, 16 June 1768, n. 417. Hume 1932. Vol. 2: 180).

¹²⁵ “Had I believed that the majority of English readers were so fondly attached even to the name and shadow of Christianity; had I foreseen that the pious, the timid, and the prudent would feel, or affect to feel, with such exquisite sensibility; I might, perhaps, have softened the two invidious chapters, which would create many enemies, and conciliate few friends” (Gibbon 1896: 316).

¹²⁶ Smith 1976: 214–5.

clearly delineated and the hostility aroused by certain works inspired continued debate on its relevance, and potential threats to liberty in general.

Samuel Johnson had a strong personal dislike for David Hume but shared some of his fundamental views on the nature of society, including its non-contractual origin. Unlike Hume, he was consistently skeptical that freedom of the press was the crux of the English system of political liberty. Even Johnson, however, reacted to the contingencies of political events when reflecting on the function of the press and its proper limits. In 1739, he criticized Walpole's policy against opposition writers in *A Complete Vindication of the Licensors of the Stage*. In 1756, at the outset of the 7 Years War, he defended the right of the English people to be fully informed of national affairs.¹²⁷ Later, in the 1760s and 1770s during the troubles surrounding Wilkes, he maintained that the "unbounded" liberty of the press was one of the causes of the crisis. Ironically, it was in his biography of Milton that he questioned the core value of *Areopagitica*, that writers should always be free to publish their thoughts, stipulating that they be punished if their works should result in any damage to society.

[Milton] published at about the same time as his *Areopagitica*, a *Speech of Mr. John Milton for the liberty of unlicensed Printing*.

The danger of such unbounded liberty, and the danger of bounding it have produced a problem in the science of Government, which human understandings seems hitherto unable to solve. If nothing may be published but what civil authority shall have previously approved, power must always be the standard of truth; if every dreamer of innovations may propagate his projects, there can be no settlement; if every murmurer at government may diffuse discontent, there can be no peace; and if every sceptick in theology may teach his follies, there can be no religion. The remedy against these evils is to punish the authors; for it is yet allowed that every society may punish, though not prevent, the publication of opinions, which that society shall think pernicious: but this punishment, though it may crush the author, promotes the book; and it seems not more reasonable to leave the right of printing unrestrained, because writers may be afterwards censured, than it would be to sleep with doors unbolted, because by our laws we can hang a thief.¹²⁸

In his conversations with James Boswell, Johnson returned to the issue of freedom of the press with the aim of downplaying its bearing on the English political balance. He claimed that a limitation of freedom of the press would not in fact interfere with the real object of government, the protection of the "private happiness of the nation".¹²⁹ Despite Johnson's objections, the constitutionalization of the free press, described and theorized by de Lolme in the 1760s was integral to the self-

¹²⁷ Greene 1989: 144.

¹²⁸ Johnson 1972. Vol. 1: 77. See Rees 2010.

¹²⁹ "They make a rout about UNIVERSAL liberty, without considering that all that is to be valued, or indeed can be enjoyed by individuals, is PRIVATE liberty. Political liberty is good only so far as it produces private liberty. Now, Sir, there is the liberty of the press, which you know is a constant topick. Suppose you and I and two hundred more were restrained from printing our thoughts: what then? What proportion would that restraint upon us bear to the private happiness of the nation?" (Boswell 1832. Vol. 2: 250).

conception of English politics and society and in consequence, it had survived the recurring appeals for regulation. Even the dramatic revolutionary crisis of the 1790s, which added a repressive tinge to political perspectives, could not turn the clock back to the uneasy coexistence of licensors, authors and printers. In fact, the notion of freedom of the press was extended to include the right to criticize not only the government and Parliament but the very constitution of England itself.¹³⁰

¹³⁰Hellmuth 2007.

Chapter 3

The Functional Ambiguity of Censorship and the French Enlightenment

“We Live in a Country Where License Does Not Prevail”

In 1769, the French translation of a major investigation of the Ottoman Empire was printed in Paris with the place of publication falsely given as London. The following year, *Observations on the Religion, Law, Government and Manners of the Turks* by the English ambassador in Istanbul, James Porter, were republished in Neuchâtel.¹ The translator was probably Claude-François Bergier and in all likelihood it was he who inserted a note summing up the enlightened critique of the unacceptable forms of control over thoughts and words inherent in despotism: “Every nation in which freedom to think and to speak will be hampered through laws or fear, will be forever ignorant, hopelessly biased, a slave to superstition, led by fanaticism”.² Bergier, or whoever authored the note, did not claim that communication should be unconditionally free, unconstrained by civil laws or unmoderated by the discipline imposed through careful consideration of consequences. This position actually reflected the prevailing sentiment among Enlightenment thinkers who held a variety of often substantially differentiated approaches to the issue of printed expression. A detailed analysis of their writings will show that the genealogy of modern freedom of the press is highly complex, the full comprehension of which requires attention to individual nuances.

Forbidden literature has long attracted the attention of historians of eighteenth-century French political thought and cultural forms, which has more recently been applied to other European countries. The analytical investigation of texts illegally imported into France and the detailed reconstruction of their production and circulation has brought out the importance of clandestine networks. The emphasis placed

¹Porter 1768.

²Porter 1770: 14. Claude-Francois Bergier was a lawyer and translated a number of English works into French. It was probably Bergier whom Diderot targeted in a vitriolic remark in the *Neveu de Rameau* (Diderot 1994. Vol. 12: 92). See also Minuti 2006: 124.

upon this part of the publication process has overshadowed the importance of the legal process. This consisted of assessment of manuscripts and the permitting of publication, with a privilege that protected printers from pirated editions threatening profitability. Furthermore this process ensured that texts conformed to the basic tenets of monarchical political culture.³

The extent and depth of dissent within the French monarchy and the struggle to express it have been clearly outlined. The repressive apparatus operated by the Gallican church, the *Parlements* and royal institutions, with its shifting internal balance between efficacy and symbolic demonstrations of authority, has been extensively studied with a view to penetrating the varieties of oppositional discourses.⁴ Between these two fields of research lies the as yet inadequately addressed issue of uncertainty on the part of authors and printers as to what was publishable or not. This constituted the main focus of writers but also of the censors, whose decisions shaped the legal book market on a case-by-case basis. Texts which slandered or blackmailed members of the social elite, books which exposed the *arcana imperii* to public scrutiny, *livres philosophiques* that contained pornography, unchristian beliefs or forms of materialism, were not liable for a royal privilege and consequently were not submitted to the censors, not even for an informal *permission tacite*. Their entire life cycle occurred outside the institutions which governed the book trade and they therefore had to adapt to the different standards of that alternative set of rules governing the publication of books which were illegal from the very beginning.⁵ The *nouvelles à la main*, handwritten collections of news produced in a proto-industrial manner, similarly eluded the requirement for preventative permission from royal censors and instead were subjected to ex post facto repressive control.⁶ The authors of these various literary products knew that they could not fit into the paradigm created by the French monarchy. Their refusal to test the limits of royal censorship demonstrates that for these authors the rules of acceptability were clear enough: challenging them would, without exception, entail dangerous repercussions. This was not the case, however, for the authors who preferred to remain within permissible culture and strove to enjoy the protection of monarchical institutions afforded by a royal privilege. Even for such authors, obtaining permission to publish from the royal censors or the *Directeur de la Librairie* himself, carried a certain risk and was not entirely straightforward.

³ See Darnton 1991; Darnton 1995b; Darnton 1995c (which lists the 720 forbidden books that were best-sellers in France after 1769). Darnton's approach and conclusions are discussed and questioned in *The Darnton Debate* 1998. An excellent overview of the forbidden literature is Gersmann 1993. Simon Burrows has focused on the forbidden literature written by French authors in London, arguing (unlike Darnton) that it did not intend to attack the culture of the Bourbon monarchy per se and that it was rather one of the ways in which monarchical culture expressed itself (Burrows 2006). See also Israel 2001: 97–118.

⁴ See in particular de Negroni 1995.

⁵ Pornographic literature has been investigated in de Baecque 1989; Goulemot 1991 and more generally in the essays collected in *The Invention of Pornography* 1993.

⁶ See *De bonne main* 1993; *L'information à l'époque moderne* 2005.

Writers and publishers who declined to publish illegally, preferring to operate within the legal system, were faced with a framework which was much less clear-cut than it appeared. The supposed juxtaposition of permissible and impermissible that theoretically dictated writers' and censors' decisions did not hold true in practice and was frequently reconfigured. A fluid and often unpredictable negotiation among the different parties involved persuasion and power, prestige and cunning, which were deployed formally and informally, before texts could be published, altered or definitively forbidden. An overview of the theories of censorship prevailing during the eighteenth century and the resultant major cases of repressive intervention against unacceptable texts will reveal where conflicts occurred and why the censorship apparatus required reforms to meet the expectations of both censors and writers. The increasing ambiguity of both the criteria and the practice of censorship had become intolerable to both censors and authors, and changes to the status quo were plainly required. For the greater part of the eighteenth century the French monarchy was understood to have the most effective control over its territory of all the states in Europe. The diffusion of French as the continent's common language facilitated printing entrepreneurs in the establishment of publishing houses in Switzerland, the German states and the United Provinces. These produced books, journals and pamphlets intended for sometimes legal but mostly illegal circulation, with France as the main market. When they penetrated France, these printed products competed with those privileged by the *Librairie*, and put the censorship apparatus under intense pressure. They did so by posing questions as to its efficacy as a repressive agency, which had to simultaneously collaborate with the printers' guild and delineate respective boundaries in the control of literary circulation with ecclesiastical institutions. These different institutions all had their own interests which impacted on the overall capacity to control the distribution of printed matter.⁷

In contrast to other European Catholic states, the French monarchy employed a secularized system of control. Neither the Assembly of Clergy nor the Archbishop of Paris nor the Faculty of Theology of the Sorbonne could directly intervene in granting a permission to publish a work. The censors charged with theological texts were appointed by and were subject to the *Directeur de la Librairie*. Indirectly, however, the religious implications of all texts in circulation in France were carefully assessed, before publication for legal works and after if imported clandestinely. The papal bull *Unigenitus Dei filius*, promulgated by Pope Clement XI in 1713 to combat Jansenism, was the most resounding instance since it sparked off a conflict between the monarchy and the sovereign courts which smouldered for much of the century. It was “first and foremost a problem of censorship”, exacerbated by the role of the Archbishop of Paris, the cardinal de Noailles, who was a covert supporter of the Jansenist movement.⁸ De Noailles' appeal to an ecumenical

⁷The functioning of censorship in eighteenth-century France is best described in two essays by Daniel Roche (Roche 1990). Less well-known but extremely informative are Cerf 1967 and Mass 1981. Chapter Die Kontrolle der Literatur im Ancien Regime: 5–32. They have not been superseded by Minois 1995.

⁸de Negroni 1995: 106.

council to redress the condemnation of Jansenist tenets, was rejected by the Pope. The cardinal's correspondent, Beauvois, privately reported to Pierre Des Maizeaux that the unauthorized publication of a Papal text which was harshly critical of the Jansenists, had unleashed a wave of symbolically charged public rites that were stirring up popular passions. According to Beauvois, this consisted of the public burning of a letter by the Jesuits in support of the Papal text, and by a pledge to celebrate a mass every year in an attempt to divert divine rage over the public burning of this anti-parliamentarian writing. The illegal publication revived political and theological conflicts that seriously threatened the stability of monarchical institutions already weakened during the Regency and confronted with a resurgent parliamentary opposition.⁹ Morals and political loyalty were expressed in terms of religious devotion to the protector of the Catholic faith, the only officially permitted faith in the kingdom since the edict of Fontainebleau of 1685 repealing the 1598 edict of Nantes which had established a form of religious toleration.

The royal censors were the King's representatives and drew their power from him through the *Librairie*, the institution charged with overseeing the book trade. The monarchy was successful in rejecting the attempted encroachment upon French sovereignty by the papal congregation of the Holy Office. In the absence of a pervasive ecclesiastical bureaucracy monitoring the production and consumption of books, the French monarchy experimented with a variety of instruments to control public communication. While not always successful, the strategy of control focused consistently on the *lieutenant de police* in Paris, whose duties included the supervision of authors and printers. The *Librairie* was formally assigned the monopoly of pre-publication control. However, it was in fact a configuration consisting of three powers of varying efficacy that decided upon the publication of a text. These were: the royal censors, who had the last word (or assumed they had) on a publication, the Faculty of Theology and the Archbishop of Paris, and the Parliament of Paris. These ecclesiastical and judicial powers could take the initiative of requesting the suppression of books already authorized or circulating semi-officially: their probable

⁹ Beauvois to Pierre Des Maizeaux, Paris, 21 March 1717/1718, BL, Add. Mss. 4281: "Some briefs from Rome arrived last Sunday with the censures of the inquisition of that place. The 1. condemning the appeal as heretical, & ignominious to the Holy See. The 2. condemning Cardinal de Noailles's appeal as tending to heresy, & injurious to the Holy See. Some copies of these censures being early spread ahead, the Parliament of Paris put out an Arrest against the publication of these censures, & enjoying any farther altercation relating to the Constitution [Unigenitus]. This Arrest oblig'd the curates, or rather rectors of Paris to wait in a body upon their Archbishop [...], & to obtain from the Regent, that they might have the Liberty to repel the objections, & calomnies of their antagonists the Molinists; but his Em.ce did not receive them very graciously. The Archbishop of Reims having publish'd a letter against the protesting bishops, this letter was ordered by the Parliament to be publicly burnt. Whereupon Monsieur de Rheims hath put out a very warm letter. Wherein he insults the parliament in these 2. instances. 1. He declares that he will have this arrest register'd in his officiality as a standing monument of the injustice of his adversaries; 2. That he hath settled a mass to be celebrated yearly in his chappel on the day that his letter was burnt to avert God's judgments on those that have order'd his letter to be burnt. Time will discover how the Parliament here will relish these proceedings". See Alamagor 1989. See the overview of the whole question in Van Kley 1996: 85–7 and Doyle 2000. *Jansenism*: 50.

reaction to the publication of any book was taken into consideration when the royal censors were assessing a manuscript for approval. Each of them, the *Librairie*, ecclesiastical and judiciary institutions, tried to gain a position of power that would legitimize its judgment as the most authoritative, the most loyal to the principles of the monarchy and the firmest bulwark of a morality which might be undermined by the publication of a dangerous book. The printers' guild, which acted as an instrument of control and self-control, was at the same time the victim of intimidation and the target of repressive procedures. It also represented a crucial factor in economic life, especially in Paris where its political influence was substantial, particularly because of the importance of big publishers who could invest significant capital in publishing ventures which were resented by smaller and financially less secure publishers.

By the eighteenth century, the makeup of the censorship system reflected the gradual development of absolutist monarchical institutions in France since the early seventeenth century. It was therefore a multilayered structure, in which the royal censors came to prevail after a series of reshuffles as the importance of public communication, journals and books increased. Despite the challenges they faced, the royal censors emerged as one of the most important and effective censorship instruments of the French monarchy. Under Richelieu's guidance, the development of absolutist institutions laid the foundation for a system that aimed to concentrate the control of all forms of communication in the hands of the monarchy and its representatives. A bureaucratic approach supplemented the established practice of punishing individual enemies, such as the pamphleteer Mathieu de Morgues, who was convicted by the *Chambre de l' Arsenal* in 1635 “for writing ‘impious letters’ against the glory of God [and] the respect due to the head of His Church, for cabals against the King and for fomenting attempts on the life of Cardinal Richelieu”.¹⁰ The imposition of a monopoly of control in the hands of royal institutions was begun, but not fully realized in the seventeenth century. Attempts were made to use the newly founded *Académie Française* as a royal instrument to grant or refuse permission to publish. These failed in the face of stiff resistance by the Parliament of Paris, which remained resolute in its claim to participate in the assessment of manuscripts for publication.¹¹ Under Richelieu and then during the eighteenth century, the monarchy's purely repressive approach was complemented by a consistent strategy of active intervention in the literary field. Writers and printers favourable to the monarchy received preferential treatment, their enterprises were protected as the monarchy closed the domestic market, intellectually and economically, to outside influences. The generous distribution of sinecures, in particular, was used to encourage the emergence of a well-disposed periodical press.¹² It would clearly have been inadequate to regulate the production of texts by relying exclusively on pre-publication control of manuscripts. A potentially more efficient way to infuse intellectual creativity with the monarchy's values included, among other things, fostering

¹⁰ As quoted in Kitchens 1982: 346.

¹¹ Martin 1969. Vol. 1: 439.

¹² See in general Censer 1994.

networks on a daily basis, exerting informal pressure on writers, playwrights and theologians, the meticulous granting and retracting of privileges, and mediating personal antipathies and jealousies. These tactics opened up wider fields for royal interference but blurred the criteria that authors were expected to follow and eventually shifted perceptions of the boundaries between permissible and impermissible. Interference by powerful royal agents could be resented as inappropriate, and raised questions about the whole system of patronage within the educated elite. Since its inception, the control system contained the potential for functional ambiguity that grew throughout the eighteenth century and challenged the dichotomy between licit and illicit texts.

The system developed by the French monarchy remained unpredictable when the institutions were involved in conflicts with authors or among themselves, while issues at various levels of the publishing process were open to interference as institutions jockeyed for influence.¹³ This was exacerbated when authors preferred to avoid coming into conflict with royal, religious or judicial institutions, since the resultant and often repeated prohibitions could undermine the credibility of authorities and authors. In such instances continued disputes might well be bitter and yet nonetheless end undramatically if not in a manner that left all parties unruffled. In 1679 Isaac La Peyrère twice rewrote *Des Juifs élus, rejétés et rapelés*, as he strove to meet the censors' demands. By the time of his death, Peyrère's text had not been granted publication permission and was preserved only as a manuscript.¹⁴ Between 1676 and 1678, the well-known scholar, Pierre-Daniel Huet, became involved in a lengthy confrontation with Bossuet about the orthodoxy of the *Demonstratio evangelica*. Their dispute was only resolved when the manuscript was examined by four bishops and a royal censor and was eventually published with a privilege.¹⁵

A few years later, the case of Richard Simon showed how such disputes could escalate dramatically. The censors' reactions in this case proved unpredictable and exasperating and testified to the inadequacy of the repressive system in its total suppression of a text deemed unacceptable. The alleged harshness was complemented by structural inefficacy. In April 1678 Simon's *Histoire du Vieux Testament*, a path-breaking inquiry into biblical criticism, was ready for publication. Simon, as member of the Oratorians, received the approbation of Esmé Pirot, *syndic* of the Sorbonne and official censor of theology books, and of the Père de Sainte Marthe, general of the Oratory, as requested.¹⁶ Despite his absence in Flanders commanding the French military expedition, King Louis XIV was expected to accept the dedication shortly, which would have legitimized the publication and authority of Simon's scholarly undertaking. The dedication would be bound in to the 1300 copies that were already in store and ready for distribution. At this point, Simon had fulfilled the formal

¹³ André Cheviller made an interesting attempt to reconstruct the role of the university in the control system based on the collaboration between the monarchy, the Faculty of Theology and the Compagnie des libraires: Cheviller 1694.

¹⁴ Popkin 1987: 19.

¹⁵ Shelford 2006.

¹⁶ Le Brun 1975.

requirements known to him and usually demanded of authors. It was, once more, Bossuet who intervened successfully in the publication process. His examination of the table of contents and preface to the three volumes convinced Bossuet that Simon was underhandedly advocating libertinism and he pushed for the privilege to be revoked. Accordingly the *Histoire du Vieux Testament* was forbidden and Simon expelled from the Oratory. Between 18 and 22 July 1678, all but 20 copies were forfeited and pulped. Some of the remaining 20 copies would appear to have been shipped to London, Rotterdam and Amsterdam. In the 1680s English and Dutch printers produced a number of editions that proceeded to spread throughout Europe.¹⁷ Bossuet’s personal intervention against Simon and the subsequent publishing history of the *Histoire du Vieux Testament* lent the text a critical, unorthodox slant that had not been intended by its author. As has been pointed out, Simon actually “disparaged Dutch freedom of expression as corrupt and unprincipled”.¹⁸ In this instance, the functional ambiguity inherent in the French system was glaringly obvious. By successfully accusing Simon of undermining Catholic orthodoxy Bossuet had exerted his political and intellectual power and actually prefigured a later discussion of the book that was heavily biased. He could not however completely stifle Simon’s thought or its echo. Bossuet manipulated the functional ambiguity of the French system but despite the overwhelming power his position afforded him, he was conditioned by that same ambiguity that did not allow for total control.

The quarter century preceding the death of Louis XIV witnessed the consolidation of this functional ambiguity. Texts dealing with a variety of disciplines, from religion and theology to morals and fiscal policy, such as the *Réflexions morales sur le Nouveau Testament* by Quesnel, were published with the censor’s privilege, only to be retroactively forbidden, confiscated and subjected to practical and symbolic persecution after their initial, legal public availability.¹⁹ Loopholes in the control of the book trade were filled haphazardly, and both lay and ecclesiastical communities endured the unwelcome consequences of the confiscation of valuable but forbidden books, imported from abroad.²⁰

The reorganization of the censorship system begun by the Chancellor Louis II Phélypeaux de Pontchartrain was continued by his nephew, the abbé Jean-Paul Bignon. In his capacity as director of the *Librairie*, he acknowledged that from the perspective of the absolutist monarchy, functional ambiguity was the major source of the control system’s apparent weakness. To remedy this, his reorganization focused on the establishment of specialized censors, of whom there were 56 between 1699 and 1704, and on the professionalization of their role and responsibility by

¹⁷ Lacombe 1985.

¹⁸ Simon, Richard. *Lettres choisies*: 47 and 59 as quoted in Israel 2001: 100. In fact Simon had worked for the Roman Congregation of the Index on the controversy between Isaac Vossius and Georg Horn about the biblical chronology (Cavarzere 2011: 168).

¹⁹ Birn 1983.

²⁰ Cfr. Gay 1876; Sauvy 1972 (based on the detailed analysis of the papers in BnF, MSS fr., 21930) and Israel 2001: 101–3, that focuses on the forfeiture of Dutch books owned by the librarian Joseph Huchet and the booksellers brothers Cocquaire.

defining their duties and guidelines more precisely. The main features of Bignon's reorganization took root in 1700 and lasted until the revolution of 1789.²¹ In 1702, Phélypeaux de Pontchartrain issued a series of decrees that excluded ecclesiastical institutions and the Parliament of Paris from any role in preventative censorship and centralized the control institutions charged with overseeing book production and trade in Paris. The repression of illegal commerce in Rouen, Champagne and Lyon was harsh and intended to demonstrate the regime's resolve.²² Under Pontchartrain and Bignon a conscious effort was made to improve the censors' intellectual quality: outstanding writers and scientists such as Bernard Fontenelle, Gilles Filleau des Billettes and Pierre Bourdalot were summoned to serve as royal censors. In addition, Bignon strengthened the links between pre-publication control, state-sponsored academies, in particular the *Académie des Inscriptions*, and the privileged periodical press, particularly the *Journal des Sçavants*, whose editor, collaborators and censors were appointed by Bignon in 1702. Bignon himself supervised closely the activity of the collaborators of the *Journal des Sçavants*.²³ Authors, academics, and privileged journalists, all had to collaborate with the monarchy and be familiar with its cultural guidelines if they wished to remain influential.

Bignon was keenly aware that his function in the literary world was to support the monarchy, and he reflected at length on the consequences of censorship (or lack thereof) on social mores. In a letter to Des Maizeaux, Bignon proudly sketched the positive meaning of preventative censorship as practiced in France and described the multiple levels where censors were required.

We live in a country where license does not prevail as in some neighbouring states. It is absolutely not left to the caprice or passions of the authors to spread among the public whatever they wish. We are careful to prevent the press from falling into the hands of exceedingly shallow and quarrelsome persons whose writings could damage the principles of faith, or the tenets of morals or the reputation of individuals. Given these principles You will see that the Satyre sur l'Equivoque would never be admitted here under the seal of public authority.

Bignon was referring to the prohibition on the publication of a new posthumous edition of the works of Boileau, who had died in 1711. This edition was to include the satire XII *Sur l'Equivoque* against bad critics that Bignon considered unworthy of its author.

Given the reputation of [Boileau], I wished this piece had disappeared with him. His advanced age had drained him; he was no longer the same as in the prime of his productions. He should have given up poetry. At least he would not have shown so little precision and too much passion in this last work of his. Is it possible to present a satire on equivoca-

²¹ Martin 1969. Vol. 2: 764–9; Hanley 1980.

²² Birn 2007: 42–6. On the reform of 1702 see Woodbridge 1976; *Dictionnaire des Journaux*. Vol. 2: 650; Van Damme 2005: 103–24.

²³ Clarke 1973. On Bignon see Bléchet 1991b.

tion hinging exclusively on misunderstandings, in which the public approves only of insults that a philosopher would have rightfully refrained from uttering?²⁴

Boileau’s satire was forbidden and stripped of privilege to avoid displeasing the Jesuits (whom Boileau in fact attacked), but an anonymous (and clandestine) version appeared in 1711. In the preface, Boileau stated his right to appeal to the public directly: it is only the public, he wrote, that is entitled to say if an author has succeeded or not in his endeavour.²⁵ It was precisely this trust in the reading public as the ultimate arbiter of merit and utility, that clashed with Bignon’s absolutist approach to public communication. Writing to Le Clerc in 1709, Bignon rephrased his conception and acknowledged that “quarrels among men of letters can be very useful. One only has to wish that, in their disputes, they are pursuing exclusively the interests of society and that, while objecting to opinions, they respect the persons”.²⁶ The “Republic of letters” was the framework within which the literati could, following widely understood and freely accepted rules, discuss the limits and extent of censorial control.

Boileau appealed to a vision of the relationship between authors and readers that the *Librairie* fully intended to discourage. It pursued this objective through the methodical elimination of functional ambiguity in the control system, wherever possible.

The *Bureau de la Librairie* focused on whether the texts under consideration were in accordance with the set of beliefs supported by the monarchy as well as on their literary form, which was expected to be respectful, sober and self-controlled and excluded what Boileau called “la rage poétique”. Since they saw themselves as part of the world of literary production, the royal censors regarded it as their responsibility to protect ‘decent’ forms of expression that qualified authors as full-fledged members of the literary elite.²⁷ By the same token, scientific censors were expected to allow the publication of books that supported prevailing theories. From the outset, de Pontchartrain’s reforms paid special attention to books for popular audiences as potentially dangerous.

The relationship between censorship and the *Académie française*, the *Académie des inscriptions*, the *Académie des sciences*, the *Journal des Sçavants*, was apparent to many of the censors, including de Vertot and Dacier.²⁸ Bignon himself was both a censor, involved in restraining and suppressing the circulation of texts he considered unacceptable, and a member of the literary elite, engaged in promoting the

²⁴BL, Add. Mss. 4281, ff. 215–6, letter 14 June 1714.

²⁵Boileau 1711: 8. See Moriarty 1994; Braider 2012. Chapter Des mots sans fin: Meaning and the End(s) of History in Boileau’s Satire XII, ‘Sur l’Equivoque’: 201–242.

²⁶Bignon to Le Clerc, Paris, 25 February 1709, Universitaetsbibliothek Amsterdam, C19c, as quoted in Goldgar 1995: 207.

²⁷Russo 2007.

²⁸Martin 1969. Vol. 2: 765.

circulation of original thoughts within the republic of letters.²⁹ The fundamental functional ambiguity in the French system was based on the unstable coexistence of two elements that in retrospect may seem to have been irreconcilable but which actually strove – in vain – to strike a durable balance. The exclusion of Catholic institutions (especially of the Congregation of the Holy Office) from active participation in pre-publication assessment turned the *Librairie* into a tool in the hands of the monarchy. However it also provided writers of different genres, scholars and natural scientists with a degree of autonomy. This was contingent upon their recognition of the absolute monarchy, its institutions and the King's implicit acknowledgement of their skills, via his appointed arbiters of the public sphere, the *Directeur de la Librairie* and the royal censors.

The duplicity inherent in maintaining both intellectual autonomy and obedience to monarchical institutions was manifest in this arrangement. Bernard le Bovier de Fontenelle, whose *Histoire des oracles* proved theologically controversial, was a censor under Bignon and supported de Pontchartrain's repression of the Rouen printers despite having previously had to fight for the publication of his own subtly heterodox writings. Fontenelle saw nothing to be ashamed of in such double standards. He believed that a conscientious censor could prevent indecent writings from being published, because he saw "man as an animal guided by passions who has to be ruled, and restrained if necessary by philosophy".³⁰ This was why Fontenelle did his utmost to stop the publication of the Count of Gramont's memoirs, written by Gramont's brother-in-law Anthony Hamilton, since he deemed them indecent and unfitting as their author narrated erotic intrigues at the court of Charles II. His ideal royal censor would ensure that a mighty aristocrat had to show to be possessed of a moral sense and to uphold the standards needed for the stability of society. Ironically, Gramont prevailed over Fontenelle's moral qualms and his prohibition: the *Mémoires* were published in 1713.³¹ Nonetheless, being a royal censor lent the officeholder a certain amount of leeway for independent decisions which Fontenelle took advantage of to overcome the obstacles preventing the publication of controversial works such as *Les Amazones* by Madame du Boccage and *La Vie de Molière* by Voltaire, in 1739.³²

Since the manuscripts were usually destroyed after the censor's approbation and the publication of a book, we are rarely able to assess the logic and the efficacy of the censor's intervention through an analysis of his handwritten comments. A significant exception to this is the manuscript of *Essays* by Lord Bacon that the publisher Emery submitted to the censor Jean-François Du Resnel du Bellay in 1734. The handwritten translation by the Abbé Goujet is preserved at the *Bibliothèque de*

²⁹ His correspondence with Des Maizeaux deals with issues of censorship and book trade: BL, Add. Mss. 4281. See also Bléchet 1991a and Bléchet 1990. In 1718 the Regent authorized Bignon to acquire for the Royal Library all books from Holland without the permission of the Chambre syndicale (Bléchet 1992: 35).

³⁰ Adkins 2000.

³¹ *Mémoires de la vie du Comte de Gramont* 1713. Philibert, count of Gramont, died in 1707.

³² Voltaire 1877–1885. Vol. 23: 87–126.

l’Arsenal. It allows us to catch a glimpse of the ideal case of a censor-scholar working on a manuscript. Du Resnel himself was an esteemed scholar patronized by the Prince of Orléans, and his knowledge of the English language and literature made him ideally suited to this task. He carried out his assignment with exactitude. He approved every single page with his signature and ensured that no blank space remained, in which the printer could insert any unapproved text. When he was done with his work, Du Resnel wrote a formal note of approval: “J’ay lu par l’ordre de Monseigneur Le Garde des Sceaux un manuscript intitulé essays du chevalier Bacon et j’ay cru qu’on pourroit en permettre l’impression à Paris ce quatorze aout mil sept cent trente quatre. Du Resnel”.

Despite having facilitated its publication, Du Resnel du Bellay was not happy with Bacon’s book. A devout member of the Oratorian order and the translator of Alexander Pope’s writings, Du Resnel did his best to expunge from the French version all passages that he thought contrasted with the official beliefs of the Church and did not hesitate to rewrite sentences and insert orthodoxies into Bacon’s original.³³ Du Resnel deleted gnomic quotations from Machiavelli and cast a veil over dramatic and controversial passages from French history, like the Wars of Religion, which the authorities would prefer French readers to forget. Du Resnel took particular care to delete passages that argued for the merits of atheism over superstition, such as Chap. 17, which was entirely devoted to the discussion of the effects of superstitious opinions. Only two pages survived intact: the rest was mercilessly redacted. Similar treatment was meted out to much of the preceding chapter on atheism, not forgetting a few lines in the chapter on death, expressing admiration and empathy for great figures of antiquity who took their own lives.³⁴ Du Resnel

³³Bacon 1734. Avec approbation et privilege du Roy. See Candler Hayes 2009.

³⁴The censor deleted the following section: “IT WERE better to have no opinion of God at all, than such an opinion, as is unworthy of him. For the one is unbelief, the other is contumely; and certainly superstition is the reproach of the Deity. Plutarch saith well to that purpose: Surely (saith he) I had rather a great deal, men should say, there was no such man at all, as Plutarch, than that they should say, that there was one Plutarch, that would eat his children as soon as they were born; as the poets speak of Saturn. And as the contumely is greater towards God, so the danger is greater towards men. Atheism leaves a man to sense, to philosophy, to natural piety, to laws, to reputation; all which may be guides to an outward moral virtue, though religion were not; but superstition dismounts all these, and erecteth an absolute monarchy, in the minds of men. Therefore theism did never perturb states; for it makes men wary of themselves, as looking no further: and we see the times inclined to atheism (as the time of Augustus Caesar) were civil times. But superstition hath been the confusion of many states, and bringeth in a new primum mobile, that ravisheth all the spheres of government. The master of superstition, is the people; and in all superstition, wise men follow fools; and arguments are fitted to practice, in a reversed order. It was gravely said by some of the prelates in the Council of Trent, where the doctrine of the Schoolmen bare great sway, that the Schoolmen were like astronomers, which did feign eccentrics and epicycles, and such engines of orbs, to save the phenomena; though they knew there were no such things; and in like manner, that the Schoolmen had framed a number of subtle and intricate axioms, and theorems, to save the practice of the church. The causes of superstition are: pleasing and sensual rites and ceremonies; excess of outward and pharisaical holiness; overgreat reverence of traditions, which cannot but load the church; the stratagems of prelates, for their own ambition and lucre; the favoring too much of good intentions, which openeth the gate to conceits and novelties; the taking an aim at divine

wanted to dissociate dangerous thoughts on morals and religion from the prestige surrounding Chancellor Bacon. The pages in which Bacon suggested that religious dissension, the scandalous lives and conduct of the clergy and even economic prosperity, all encourage atheism could not be printed.³⁵ The translation, published with a royal privilege, was an improvement on Jean Baudouin's very selective rendering from the early seventeenth century, with the title *Les Essays politiques et moraux de messire François Bacon* (1619), but remained incomplete, reflecting Du Resnel's concern for Catholic orthodoxy. Nonetheless, Du Resnel explicitly approved the preface inserted by the publisher, Hémery. This was remarkable because of the publisher's reference to censorship in his account of the shortcomings of the first French version. In fact, the preface stressed that Bayle rightfully held Bacon's essays in high esteem, but also acknowledged that some "reductions" were necessary on the advice of "a man of some discernment" (quite clearly the censor himself) "to adjust [Bacon's text] to our customs and the laws valid in the kingdom". "Freedom of thought is tolerated in France as it is in England: but here it is contained within the limits of wisdom and restraint, whereas it is taken to a shameful excess in England; and the most judicious Englishmen are inclined to acknowledge and wish that our prudence and our forethought were imitated".³⁶

The principles established by the monarchy encompassed dual perspectives to which Du Resnel du Bellay had to adhere. The *Code de la Librairie* was enacted in 1723 for Paris and extended to the rest of the kingdom in 1744. It formally distinguished between legal books, printed with the royal privilege that came with the *Librairie's* approval, and clandestine books, which had either not been submitted for, or not been granted authorization. The *Code* recognized that the royal censors' duty to repress the circulation of pirated editions, usually for a period of 10 years, was integral to the privilege and was a crucial protection of the economic interests

matters, by human, which cannot but breed mixture of imaginations: and, lastly, barbarous times, especially joined with calamities and disasters. Superstition, without a veil, is a deformed thing; for, as it addeth deformity to an ape, to be so like a man, so the similitude of superstition to religion, makes it the more deformed. And as wholesome meat corrupteth to little worms, so good forms and orders corrupt, into a number of petty observances. There is a superstition in avoiding superstition, when men think to do best, if they go furthest from the superstition, formerly received; therefore care would be had that (as it fareth in ill purgings) the good be not taken away with the bad; which commonly is done, when the people is the reformer".

³⁵Bibliothèque de l'Arsenal, 2865, f. 184. *Les causes de l'Atheisme sont les divisions dans la religion. J'entends qu'il y en a plusieurs. Car une seule donne du zèle aux deux parties, mais plusieurs introduisent l'Atheisme. Le scandale que donnent les prestres en est encore une cause, lorsqu'il est au point dont parle S. Bernard. Non est jam dicere ut populus sic sacerdos, quia nec sit populus ut sacerdos. Une troisième est la coutume profane de plaisanter sur les choses saintes, qui a détruit peu à peu la révérence due à la religion. Enfin en temps savant, la paix et l'abondance jointe ensemble. Car les troubles et l'adversité rament l'esprit de la religion.*

³⁶"Il est vrai que nous avons fait quelques retranchemens dans la traduction que nous publions; mais outre qu'ils sont en très petit nombre, nous ne les avons faits que sur l'avis d'un homme d'esprit qui les a jugé nécessaires pour se conformer à nos mœurs et aux loix reçues dans le royaume; et par respect pour la vérité qui s'y trouvoit blessée. La liberté de penser est soufferte en France comme en Angleterre: mais ici elle est resserrée dans les bornes de la sagesse et de la modération, au lieu que l'on n'ignore pas qu'elle est souvent portée à un excès condamnable en Angleterre; et les Anglois les plus judicieux ne font pas difficulté d'en convenir, et de souhaiter que l'on imitat à cet égard notre prudence et notre reserve" (Bacon 1734: xiii–xiv).

of the publishers and by extension, the authors. The *Code* also stated that the royal censors should prevent the publication of texts that were “against religion, service to the king, the good of the state, the purity of customs, the honour and reputation of families and of individuals”.³⁷ Du Resnel du Bellay complied thoroughly with these guidelines in reviewing the implications of Bacon’s book for philosophy and religion. He also addressed the monarchy’s second concern, as expressed in the *Code*, namely that the economic interests attached to the printing trade be properly considered. Du Resnel du Bellay, like other censors, was keenly aware that his decisions had important economic consequences. Deleting unacceptable opinions and occasionally rewriting original sentences, as with Bacon’s *Essays*, could render a text both compatible with the existing ideological system and profitable to the legal printing industry. Moderate censorship was intended to impede foreign publishers and their imports as well as to promote legal, domestic printers. Much as in the case of *permissions tacites* that were granted increasingly frequently as the century wore on, Du Resnel du Bellay’s approach reflected the ambiguity of the system, caught between pragmatism and ideology. Despite his elaborate intervention in 1734, however, Bacon’s work did become a source of inspiration for the defiant *philosophie* of the 1740s and 1750s.

The censorship system established by the French monarchy continued to be used right up until 1789. It shared some key features with the control mechanisms of other European states. A difference was evident, however, which made the *Librairie* model a paradigm to be imitated by Catholic monarchies where censorship institutions were dominated by and represented the Church. As a formally monarchical and secular institution, the *Librairie* represented the most sophisticated attempt to modernize and centralize censorship. As with other European institutions, the *Librairie* relied heavily on semi-legal publication permissions in the form of *permissions simples* and *tacites*, granted on behalf of the *Directeur de la Librairie*. The handful of periodicals which enjoyed a royal privilege actually provided the reviews which informed the public about such decisions and played an important role in the growing availability of books that were not perfectly legal.³⁸ In quite a few cases repressing non-authorized publications seemed undesirable and the *Librairie* did not seriously attempt it.

In fact, the close relationship between the personnel of the *Librairie* and the authors willing to submit to and profit from the privileging procedure meant it was difficult to elaborate an explicit call for freedom of the press based on the abolition of pre-publication censorship.³⁹ All those writers who viewed the absolute monarchy as a potential ally in the struggle against superstition and obscurantism regarded some form of enlightened control of the press as a useful tool, not to be renounced lightly.

³⁷ Saugrain 1744: 341. Barbara de Negroni has emphasized that French censorship was predominantly applied to the Jansenist literature (de Negroni 1995). In fact the guidelines provided by the *Code de la Librairie* were enforced haphazardly, according to Thierry Rigogne, who claims that the *Code de la Librairie* failed its objective (Rigogne 2007: 47–64).

³⁸ See the excellent overview in Infelise 2009. Diderot’s and Condillac’s works published with a *permission tacite* were reviewed in the official periodicals: see Moureau 2006: 303.

³⁹ *Freedom of Speech* 2012.

Even some clandestine literature, printed abroad and intentionally subversive though it no doubt was, contained a paradoxical defence of pre-publication censorship. Jean-Baptiste Boyer, marquis d'Argens, published the *Lettres juives* in the United Provinces between 1738 and 1742 in full knowledge that a request for a printing privilege was pointless. The *Lettres juives* were publicly burnt in Rome by the Inquisition for promoting deism; their dissemination was forbidden in France and d'Argens settled in Potsdam at the court of the king of Prussia Frederick II.⁴⁰ Far from pleading for a liberal approach to publishing and censorship, the *Lettres juives* blamed seditious libels for the assassination of Henry IV in 1610, suggesting that the monarchy should monitor subversive writings carefully. Ironically, d'Argens wrote of an Englishman who criticized the unbounded liberty to spread outrageous satires and obscene literature. In his mind, printers and readers were generally able to elude the regulations aimed at suppressing what were seen as abusive and deceptive books liable to mislead the common people. D'Argens argued ambiguously that "the truly wise men" were morally obliged to stop obnoxious literature: eschewing any regulative function was tantamount to actively harming the common good, as though one was forgetting "what we owe to ourselves and to our fellow creatures".⁴¹

Montesquieu's Paradox

The functional ambiguity typical of French preventative censorship could actually prove very attractive to writers who were offered the opportunity to collaborate in the process of promoting and shaping the public sphere and to minimize if not eliminate conflict with the absolute monarchy. The figure who was the most consistent exception to this attitude was Montesquieu, whose seminal *Esprit des lois* was first and foremost an anti-absolutist tract.

In the *Esprit des lois* readers could find one of the most unabashed justifications for freedom of speech and of the press; although scattered throughout his oeuvre, there is in his greatest work a constant concern to protect the right of free men to communicate their thoughts. Montesquieu applied three arguments to the question of the free communication of ideas: the nature of communication; the advantages accruing from free speech and the consequences of freedom of communication. His underlying assumption was that verbal and written communication demarcated the free public sphere where free governments could not by rights encroach. While he conceded that written texts were slightly more permanent and durable than spoken words, Montesquieu's skepticism led him to insist that both oral and written communication were subject to a variety of conditions that made it ultimately impossible to determine whether an opinion had led to civil disorder. He seriously questioned whether speech could have a decisive impact on social events, as befits an epistemology based on the complexity of factors which shaped human experience and

⁴⁰Delpiano 2007: 81; Weil 1999: 19.

⁴¹d'Argens 1766. Vol. 7: 93. The campaign against the king Henry IV is described in Vol. 1: 144.

which rejected monocausality. His interpretation of the consequences of public discourse was such that the death penalty, even for extreme cases such as *lèse-majesté*, could not be justified as punishment since words in themselves are not dangerous. In book 12, Chap. 13 of *Esprit des lois* he supported his point using historical examples. Roman liberty was doomed once Augustus and Tiberius had elevated satirical words to being a crime of *lèse-majesté* and punishable accordingly.⁴² Montesquieu poked fun at the prohibition on predictions of the king's death, since such predictions were commonplace in the almanacs read by the lower classes.⁴³ According to Montesquieu, the context of a discourse affects its meaning to such an extent that no two of them ever conveyed precisely the same sense; furthermore, silence could be more telling than words. He insisted that the difference between indiscretion and *malice* was remarkable but amounted to very little upon consideration of the expressions actually used. Demagogues fomenting civil unrest through discourses would be persecuted because of the civil unrest following their words, not because of the words themselves. While he acknowledged that words might indicate criminal actions he insisted that they were not in themselves criminal but that: "[they] remain only in idea" ("elles ne restent que dans l'idée").⁴⁴ Only the actions which followed them could reveal the meaning of the words. He denied that discourses about religion were the business of civil government, which implied that blasphemy should not be punishable by law. According to the principle that the nature of the crime should determine the nature of the punishment, attacks on religious opinions could not be punished by government. Readers could easily follow Montesquieu's argument to its logical conclusion and, with sound logic, argue that pre-publication censorship was illegitimate.⁴⁵ His second broad argument was that governments could profit from freedom of speech. They should not only tolerate but encourage lively communication among men as a necessary component of a free society which tolerated and encouraged diversity and variety over stultifying uniformity.⁴⁶ England, Montesquieu maintained, proved this assumption; in general, a government was free if it encouraged the people to think for themselves regardless of the value of

⁴² Montesquieu 1762. Vol. 1, 212 (see Montesquieu 1989: 199; Montesquieu 2011).

⁴³ Montesquieu 1762. Book 12, Chap. 10 ("There was a law passed in England under Henry VIII by which whosoever predicted the king's death, was declared guilty of high treason. This law was very indeterminate; the terror of despotic power is so great it even turns against those who exercise it. In this king's last illness, the physicians would not venture to say he was in danger; and surely they acted very rightly". Vol. 1: 210; for a slightly different translation see Montesquieu 1989: 197).

⁴⁴ Montesquieu 1762. Book 12, Chap. 12. Vol. 1, 210. The 1989 translation reads: "Speech does not form a corpus delicti: it remains only an idea" (198).

⁴⁵ Montesquieu 1762. Book 12, Chap. 4. Vol. 1, 201–204 ("In things that prejudice the tranquillity of the state, secret actions are subject to human jurisdiction. But in those which offend the Deity, where there is no public action, there can be no criminal matter; the whole passes betwixt man and God, who knows the measure and time of his vengeance", 202).

⁴⁶ Montesquieu 1762. Book 29, Chap. 18. Vol. 2, 280 («And does not a greatness of genius consist rather in distinguishing between those cases in which uniformity is requisite, and those in which there is a necessity for differences?»). On Montesquieu's dread of uniformity see Tomaselli 2006: 28–31.

their thoughts. He deemed satires of men in high places to be the essence of democratic governments; though prohibited under monarchies, they were not really considered to be crimes there. Satirical texts helped subjects to accept their fate and provided a peaceful outlet for their misery which did not seriously threaten the government. In despotic states the absence of satire gave evidence of inhumane moral destitution. He blamed the moral pettiness of magistrates for rendering satire so intolerable to aristocratic governments. At the opposite end of the political spectrum, England showed conclusively that free speech and a free press were among the most fundamental liberties. Such freedoms improved the citizens' ability to think for themselves and aided the clergy where unjustified civil privileges were denied.⁴⁷ Montesquieu's third argument was that freedom of speech was beneficial to governments because their existence and stability were determined by their subjects' opinion of the government. He proposed that being free (and therefore consenting to be governed without overt resistance) depended on the impression of being free.⁴⁸ Montesquieu's broader idea of the "spirit of the nation" requires the citizenry to be "possessed of judgment, and a facility in communicating their thoughts" ("une facilité à communiquer ses pensées"), a crucial factor in the people's good character, which free governments must value and preserve.⁴⁹

More clearly and unequivocally than other thinkers of the French Enlightenment, Montesquieu argued for full freedom of speech. His experience of persecution over the *Lettres persanes* and his realistic expectation of trouble from the Roman Inquisition and French censorship, might have discouraged Montesquieu from pleading openly for complete freedom of speech and publication but instead seem to have inspired him. The crux of his argument was clear, and all the more so if viewed as a part of an oeuvre that advocated a more humane and equitable judicial system to replace the status quo. Montesquieu's arguments would have rendered any involvement in state censorship utterly incongruous. He rejected absolutist claims to control literary life and saw these as a step towards tyranny.

Montesquieu had, however, been very cautious in his treatment of the ecclesiastical and state institutions responsible for assessing his books. Twice he underwent the requisite procedure for grant of a royal privilege for his *Le Temple de Gnide* in 1725. He complied adequately for the censor Blanchard de la Valette to finally concede, while in 1734 Lancelot granted approval for his *Considérations sur les Romains*. Montesquieu had first-hand experience of the difficulties an anonymous and unauthorized publication like the *Lettres persanes* could create for an author. When he decided that it was high time to publish *L'Esprit des lois*, he was resolved

⁴⁷Montesquieu 1762. Book 19, Chap. 27. Vol. 1: 343 ("The clergy not being able to protect religion, nor to be protected by it, not having power to constrain, seek only to persuade: their pens, therefore, furnish us with excellent works in proof of a revelation, and of the providence, of a supreme being").

⁴⁸Cambier 2010: 206–12 on the "superbe puissance d'opiner", that is the function that opinion performs in creating a social reality, no matter how unstable, as its perception is an inherent part of reality itself.

⁴⁹Montesquieu 1762. Book 19, Chap. 5. Vol. 1: 322.

to eschew any negotiations with the royal censors. After an unsuccessful attempt to have it printed in the United Provinces, he turned to Jacques Barrillot, originally from Lyon, who had set up a small printing shop in Geneva, and to Jacob Vernet, an instructor in the humanities at the Academy in Geneva, to whom he entrusted the publication of his magnum opus. Montesquieu's relationship with Vernet was particularly complex since the latter was not content with supervising publication but intended, paradoxically, to act as an editor who, like some royal censors, paid attention to the content and style of the text in order to facilitate and influence the entire publication process.⁵⁰ Montesquieu had *cartons* inserted to replace pages that Barrillot had already printed and went to some lengths to rephrase or delete passages that might excite controversy and hinder the circulation of the work. Montesquieu changed a passage in book 2, Chap. 4 on the nature of the monarchical system, which states that only one person rules. In the final version, Montesquieu added that the intermediate powers, which distinguish monarchy from despotism, are "subordinate" and "dependent" and that "in effect, in the monarchy, the prince is the source of all power political and civil". The epithet "subordinate" was added in the manuscript version, while "dependent" and the following sentence were inserted in *cartons* after the printing process had begun.⁵¹ Montesquieu had, later statements reveal, resolved to eliminate a whole chapter on the *lettres de cachet*, despite Vernet's opposition: "The topic was delicate. Montesquieu hesitated for a long time whether he should have this chapter published, but, after due reflection, he concluded that neither the ministers of the French king nor the public were ready to listen to the great truths that he was bound to say on that subject".⁵² The publication of *L'Esprit des lois* was achieved under the constant supervision of Montesquieu through Vernet, with a view to defending the author's originality and creativity while anticipating and neutralizing hostile reactions. In 1748 Champeux, the French resident of Geneva, wrote a note to the French Chancellor d'Aguesseau, stressing Montesquieu's wise self-restraint: "Full of refined, just and deep perspectives, expressed with appropriate perspicuity and concision". Champeux was sympathetic to Montesquieu's decision to publish abroad, as it was common among the most prestigious scholars to refuse, as Champeux pointed out, "to submit to the redundant formalities that are complied with in France". Nothing, continued Champeux, in *L'Esprit des lois* would "besmirch" the monarchy.⁵³ The outcome of Champeux's report, combined with support from Montesquieu's friends, was that in 1749, despite some doubts, d'Aguesseau granted a *permission tacite* that allowed publication in Paris and Lyons albeit with a false location given. The care Montesquieu took to dodge a head-on confrontation could not prevent attacks from the Jesuits, the

⁵⁰Gargett 1994: 81 underlines Vernet's strong personality, while Catherine Volpilhac emphasises his ungrounded claim to have edited Montesquieu's work (Volpilhac 1991: 124–46).

⁵¹Shackleton 1961: 279, brings evidence that Montesquieu changed his text at the very last moment. A more detailed analysis is in Shackleton 1976 and in Derathé 2011: xiii–xiv. See Montesquieu 1762. Book 2, Chap. 4. Vol. 1: 16 (Montesquieu 1989: 17).

⁵²Saladin, *Mémoire historique*, as quoted in Gargett 1994: 86.

⁵³Desgraves 1986: 344; Desgraves 2002.

general assembly of the clergy, and the Sorbonne, all of which examined the work in 1750 and 1751 and detected 13 passages to be condemned. However he avoided the worst consequences without recanting his deepest convictions thanks to his conciliatory responses to criticism.⁵⁴ In Rome, in 1752, the French ambassador Nivernais tried in vain to avert condemnation by the Congregation of the Index.⁵⁵

Montesquieu's strategic moves throughout his career show that avoiding a clash with ecclesiastical and civil authorities was a serious concern for many scholars. These men had to be ready to pay the price of self-restraint in order to ensure the diffusion of their works, and they were willing to view their own texts from the perspective of a hostile reader. In the 1740s, examples abounded of writers who ostentatiously disregarded the precautions taken by Montesquieu. In 1749, Diderot spent 3 months in prison at Vincennes for publishing the *Lettre sur les aveugles à l'usage de ceux qui voient*, and Lamettrie had to leave France for heedlessly defying the censorship institutions as well as the prevailing opinion in the Republic of Letters.⁵⁶ The unstable balance in French censorship and the demand stimulated by Parisian intellectual life meant that publication opportunities, with or without formal approbation, were legion as long as authors took the minimum precautions and exploited the system's ambiguities to fend off attacks on their work. Buffon set the example in 1749 with a decidedly innovative interpretation of man's place in the cosmos and its history, including controversial issues like the world's eternity and the formation of the planets. Crucial to this was Buffon's high standing in the hierarchy of French scientific and social networks, which gave him great latitude to express himself. The publication of the first three volumes of the *Histoire naturelle* with the *Imprimerie royale* and at royal expense was therefore possible because Buffon was since 1739 the *intendant du Jardin du Roi*. He was helped by his membership of the Academy of the sciences, which in theory exempted him from official censorship (but not from inspection of his text by his colleagues at the academy). However, the protection afforded him by Maurepas and d'Argenson was his real safeguard. Even so, after the theologians of the Sorbonne accused him of 14 suspicious propositions, Buffon, possibly an atheist for much of his life, took care to shield his bold assertions beneath pious remarks.⁵⁷ Like Montesquieu, Buffon was aware that attacks from ecclesiastical institutions would harm the reputation and limit the scientific impact of his works. He was deliberately duplicitous by hinting at innovation without explicitly engaging in a full-blown exposure of the errors supported by theologians. Attentive readers would compare the official and theologically accepted, dualistic view of matter and soul portrayed in book 2 (published in 1749), with the clearly materialist description of the vital functions of carnivores (a category that obviously included by default all human beings) presented in book 7 and with the cosmological sketch in the *Supplément* to book 5 (published in 1778),

⁵⁴Lynch 1977.

⁵⁵Lauriol 2005.

⁵⁶Thomson 1981.

⁵⁷Roger 1962: LXXIII–LXXV and XCVIII–XCIX; Roger 1989: 115–7; Loveland 2001: 13.

which depicted man created in the fifth epoch from the “revolutions or constant movement of successive variations” of organic molecules.⁵⁸

Practice and Theory of the Press

The functional ambiguity of the French censorship system produced margins, niches and opportunities where heterodox and unconventional ideas could circulate. It also allowed for unexpected clashes between authors and authorities, civil and ecclesiastical institutions, and between formal and informal authorities. The case of the *Encyclopédie* demonstrates a few instances of this.

The *Encyclopédie* was subject to formal censorship from its inception, since it was due to be published with the royal privilege.⁵⁹ Subterfuge was necessary to make certain points, as Diderot explained in the article *Encyclopédie* for the fifth volume, and rhetorical strategies were consciously adopted to circumvent the censors’ attention. This is apparent in the article *Approbation*, in the first volume, where preventative censorship was historicized as an invention that had developed since the advent of the printing industry, which implied that it was not necessarily inherent in publication.⁶⁰ Support within the court and the first two volumes’ commercial success, strengthened the editors’ position against the censors, after they had endured post-publication attacks from the Jesuit party over articles like *Collège*, written by d’Alembert. The editors Diderot and d’Alembert were protected by Malesherbes, who went so far as to forbid the publication of the article *Constitution [Unigenitus]*, forced upon the editors by the Bishop of Mirepoix, Boyer.⁶¹ Malesherbes commissioned an anti-Jesuit version of the article under the title *Constitution Unigenitus* and finally decided not to publish any article on the controversial papal bull. A different outcome befell the article *Gomaristes*, written by Morellet for the seventh volume. His allusions to the dissensions between Jansenists and Molinists did not escape the ecclesiastical censor, Tamponnet, who despite Diderot’s and d’Alembert’s remonstrances forbade its publication.⁶²

Malesherbes intervened on more than one occasion. In 1754, he overruled the royal censors and perused and eventually cleared for publication the *Essai sur la formation des corps organisés* by Maupertuis. This was a particularly awkward

⁵⁸ Quintili 2009: 265–6.

⁵⁹ See Venturi 1963 and Proust 1962 are still very reliable and have not been superseded by Blom 2004.

⁶⁰ Encyclopédie. In *Encyclopédie 1751–1765*. Vol. 5: 641. In Vol. 13, published in 1765 after the suppression of the printing privilege, the editors inserted the entry *Presse (droit publique)*, written by de Jaucourt, highlighting that freedom of the press is extremely important in “all States based on liberty” (320) and that books do not instigate rebellions.

⁶¹ Gordon and Torrey 1947: 17, 35.

⁶² Cfr. Schwab 1971 Annexe B: 127–48 and Annexe D: 184–8. See also Weil 1987: 416–8 and Moureau 2006: 238. The interpretation given in Bazin 1995: 99–100, is misleading.

decision to make, as the Latin version had already circulated widely and its author had begun to earn a reputation as a materialist and spinozist philosopher.⁶³ In 1757, Malesherbes prevailed over the censor Gabriel-Henri Gaillard, and prevented the publication in Paris of a text by Jean-Jacques Garnier criticizing (to Malesherbes “discrediting”) Diderot as a playwright.⁶⁴ From its inception until the dramatic break in 1759 when it lost its royal privilege, Malesherbes had protected the *Encyclopédie*. Helvétius’s *De l’Esprit*, however, provoked the authorities’ ire and was formally condemned, changing the rules of the game that the editors, Diderot and d’Alembert, had to play. Thenceforth they had to navigate the formal censorship of the monarchical *Librairie* under Malesherbes as well as the various ecclesiastical forces at court, in the Gallican Church and in French monarchical institutions without causing further ructions or sacrificing precious content. His familiarity with power relations within the French ruling elite allowed d’Alembert to expand public discussion in a liberal vein. As a censor appointed by d’Argenson, he approved the *Mahomet* by Voltaire, a theatrical plea for religious toleration, in 1751. Many years later, Condorcet praised d’Alembert’s decision to intervene on Voltaire’s behalf as courageous defiance of the great *philosophe*’s personal foes in both the Republic of Letters and the devout party, and hailed him as a servant of friendship and promoter of reason.⁶⁵ Revealingly his praise was delivered in terms that echoed the self-representation of many royal censors. D’Alembert’s willingness to broaden the sphere of enlightened exchange is evident in his attitude when called upon to assess Rousseau’s sharp and polemical attack, *Lettre à M. d’Alembert*. He approved it and recommended that Malesherbes speed up the granting of a *permission tacite* necessary for the importing of copies from Holland and for its unimpeded circulation.⁶⁶

In 1759 the unstable and fragile balance regulating the control of published books collapsed when the contradiction between pre-publication practice and post-publication criticism became unmanageable in the case of the *Encyclopédie*. Diderot inherited sole responsibility for the secret editing of the collective work. The project was stripped of its royal privilege and while emancipated from the control of the royal censors it nonetheless had to operate within a new and uncertain framework. Diderot committed himself to continue the *Encyclopédie* until its completion to fulfil the obligation to its subscribers. He was supposed to ensure that the *Encyclopédie* was tolerated for the time being, and avoid provoking any reaction from the powers opposed to its very existence. This was uncharted territory for Diderot and the printers: the former was responsible for the content, the latter ensured that it was a profitable investment. As it turned out, the publisher, le Breton, and his typesetter acted as censors, imposing criteria (without Diderot’s knowledge) that replaced the formal and informal pre-publication negotiations usually practiced

⁶³ See the letter written by the censor Trublet to Maupertuis, 24 January 1754, in Terrall 2002: 327, footnotes 54 and 55. In 1749 Maupertuis’ *Essai de philosophie morale* was published in Berlin, without his consent, and made his materialism unmistakable (Quintili 2009: 270).

⁶⁴ Garnier 1757. See Moureau 2006: 247–8.

⁶⁵ Condorcet 1791. Vol. 1: 72.

⁶⁶ Birn 2001: 16.

under Malesherbes. Diderot only realized that his articles had been severely mutilated many years after 1765, when the rest of the volumes of the *Encyclopédie* were finally printed and distributed to the subscribers. On reading the printed version of his own article *Pyrrhoniennne ou sceptique, philosophie*, he was shocked that le Breton had changed the text quite substantially without alerting him. The original version of the article contained extensive praise of Bayle's life and philosophy which le Breton had excised. Another passage missing from the published version was where Diderot wrote that "the good truths" are outlawed only in those countries where the relationship between political and religious systems is distorted. The sentence "If I had the evidence for some great truth, evidence strong enough for any man of good faith to reject it, I would immediately publish it, without paying attention to how uncomfortable it could be given the time and place where I am [...]" was also deleted.⁶⁷

This unintended experiment in emancipation from royal censorship and in self-restraint failed. Le Breton so feared displeasing the civil and religious authorities and risking financial profits that he forsook the negotiating approach of the *Librairie* and practiced a top-down and unilateral approach which gave the author no leeway whatsoever. This censorship, dictated ultimately by economic considerations, proved more intractable and uncooperative than the royal censors themselves under Malesherbes and, from 1763, under Sartine.

In the volumes printed in 1765, Diderot resorted to the usual stratagems to engage the sympathetic reader in an active interaction so as together to elude the attention of hostile examiners. The article *Liberté de penser* appeared in the ninth volume supposedly authored by the Abbé Mallet, a theologian who had sided with the Jesuits, was patronized by Boyer and had died in 1755.⁶⁸ It is highly unlikely that the Abbé Mallet was the real author of this crucial article. Much more likely is that Diderot himself modified or wrote from scratch this pivotal contribution to the *Encyclopédie*. A careful analysis shows that it argues for the validity of critical rationalism in theology and religious toleration in a way that was entirely at odds with Mallet's earlier writings and his background as a member of the clergy. The article praised the role of the "unconvinced" (*les inconvaincus*), that is, that of the *philosophes*, in terms that Mallet would not have accepted. In the contention that the *inconvaincus* "have contributed immensely to establish the sacred spirit of peace and toleration among men" Diderot concealed his own thought under the cover of Mallet's name in order to convey the gist of his principles using a form of self-censorship and self-disguise.⁶⁹

After 1757, both self-censorship and self-disguise became urgent for those writers who published in France and sought some form of legitimacy. Damiens' attempt on Louis XV's life in January of that year was a crucial moment when the responsibilities of royal censors and authors were redefined. Immediately after the failed regicide, on 16 April, Louis XV issued a royal decree which ordered the death

⁶⁷ Gordon and Torrey 1947: 76–7.

⁶⁸ *Encyclopédie* 1751–1765. Vol. 9: 472–4.

⁶⁹ Cfr. Rex 2001.

sentence as punishment for those involved in writing and printing texts that attacked religion, stirred up the minds of Frenchmen, damaged the king's authority and disturbed order and peace in the monarchy. The notion that the monarchy rightfully monopolized public discourse was powerfully and publicly reinforced by the symbolic idea of the desecration of the king's body, which allowed the authorities to equate criticism with physical aggression.⁷⁰ Individuals and institutions vehemently opposed to the Enlightenment could also exploit the functional ambiguity of the *Librairie* system. The reaction to the 1758 publication of Helvétius's *De l'Esprit* saw it condemned, alongside an array of works which included the *Encyclopédie*, as an impious and dangerous book deserving of destruction. The order led to its being burned publicly on 10 February 1759. Unlike Diderot, Helvétius imposed no self-censorship and relied totally on the censor's formal approval. As well connected at the court as he was, Helvétius judged that his social skills and prestige would enable him to escape scot-free from the devout party's reaction when his book was published complete with royal privilege. The unhappy outcome for *De l'Esprit* demonstrated that compliance with the formal requirements of state censorship was not enough to protect a book from actual persecution. It became clear that authors had to foresee, as far as possible, their text's impact, even after formal approbation had been secured. Helvétius's miscalculation in this respect turned out to have long-term and devastating consequences. Following the advice of his acquaintance, Leroy, and a long established practice, he was confident that an overworked part-time censor like Jean-Pierre Tercier would be the perfect choice to assess his text. Tercier had a job in the department of foreign affairs and enjoyed the confidence of the king for his *correspondance secrète*. As a token of his literary qualifications, Tercier could boast of being a member of the *Académie des inscriptions et belles lettres*, but he had no philosophical training. As a member of the Bourbon diplomatic cadre and of a royal academy, Tercier met Helvétius's requirements of a reliable censor. All the more so once Tercier was talked into believing that *De l'Esprit* was a text of ethics rather than a treatise of philosophical epistemology.⁷¹ Helvétius cunningly manipulated Tercier as soon as he accepted the assignment. The censor was given only scattered sections of the manuscript, was put under time constraints, and discussed *De l'Esprit* in interviews and dinners with Helvétius, where the latter's social superiority was all too apparent.⁷² Contrary to the rules for censors set by the *Librairie*, Tercier never read the book in its entirety and was clearly intimidated by Helvétius's social standing and influential network. Tercier ended up demanding minor changes, which included eliminating the names of Voltaire and Hume, but which did not alter its philosophical substance. He finally approved the galley proofs without checking them against the manuscript, as the *Librairie* urged censors to do. *De l'Esprit* duly received "the approbation and the privilege of the king" which

⁷⁰ Barber 1966 and Isambert 1821–1833. Vol. 23: 273. On the consequences of the attempted killing of Louis XV on French public opinion see *L'attentat de Damiens* 1979: 145–96.

⁷¹ Ozanam 1955; *Correspondance secrète* 1956. Vol. 1 (1756–1766); Kates 1995.

⁷² Smith 1965: 11–27; *Correspondance générale d'Helvétius* 1981–1998. Vol. 2: 10 (letter, 22 June 1757), 22 (letter, 16 February 1758). See also de Negroni 1995: 201–12.

placed the book under the sovereign's protection. The content was declared to conform to the tone of accepted public discourse and in exchange for this alleged adherence to the tenets of Bourbon absolutism, *De l'Esprit* gained formal protection from pirated editions for 10 years.⁷³

There is more than a hint of irony in this story of Helvétius's temporary victory over anti-Enlightenment forces who opposed not only him but the *Librairie* and its director Malesherbes. Helvétius's misfortunes, which included being forced, in 1759, to recant the ideas expressed in the book, excited less sympathy among his fellow *philosophes* in Paris than might have been expected, at least in part because his defiant behaviour was interpreted as being in part to blame for as a cause for the subsequent *antiphilosophique* offensive. His dry and unattractive style, moreover, alienated contemporary readers, and historians too, who have rarely, even in general histories of the Enlightenment, analyzed his writings carefully.⁷⁴ This constitutes an unfortunate oversight in the historiography of French enlightened thought on censorship and freedom of the press. Helvétius's approach was more theoretically radical than most of his contemporaries, especially in his scrutiny of the interaction between the formation of ideas in individuals and the political agencies which influenced the circulation of knowledge. He conceived the activity of human communication in such a way that nothing less than general freedom of expression could be accepted. Helvétius's sensationalist theory was uncompromising: he firmly believed that all human beings were born devoid of innate ideas and that knowledge and skills depended entirely on education and more generally on the environment in which men happened to be born. Driven by self-interest and in search of happiness, man, he maintained, was shaped decisively by his essentially passive mind. For Helvétius, the sensations experienced from birth and the imperative of physical well-being explain the choices made by individuals over the course of their lives. In devising an ungendered epistemology, Helvétius departed from the more subtle Lockean sensationalism, distinguishing himself from *philosophes* like d'Holbach and Diderot who maintained that human beings were innately different as regards talents, characters and biologically determined sex. To Helvétius, the endless diversity of individual ideas and opinions was the consequence of the infinite variety of individual experiences. Truth, according to Helvétius's epistemology, was always simple but it was imperative that it overcame human passions. It could be pursued only through the clash and fermentation of competing ideas and opinions which, for Helvétius, demonstrated the unavoidable intertwining of epistemology and politics. Freedom of communication was thus the fundamental basis for any political system consistent with man's search for truth. Despite his care when stating his most controversial ideas, Helvétius had already made this point forcefully in *De l'Esprit*. Vanity and indolence, he wrote, are the two powerful causes of man's behaviour that

⁷³ "J'ai lu par ordre de monseigneur le Chancelier un manuscrit qui a pour titre *De l'Esprit*, dans le quel je n'ai rien trouvé qui m'ai paru devoir en empêcher l'impression. Fait à Versailles, ce 27 mars 1758. Terrier". This statement was placed on the last page of the volume. It was the standard formula that all books with approbation and privileges must print.

⁷⁴ An exception is Wootton 2000.

most impede his admiration for superior knowledge and the more noble virtues, and they render a balanced assessment of a stranger's merit almost impossible. Only those who truly desire self-improvement will be able to overcome their indolence and make a strenuous effort to genuinely respect "opinions much contrary to ours".⁷⁵ Furthermore, he recognized that the vast majority of men did not have the leisure to refine their education: prejudices therefore prevailed in every social stratum and readers instinctively gravitated towards authors who expressed familiar, unthreatening ideas. The logical consequences of this were that a diversity of judgments prevailed over enlightened accord, while original, challenging ideas were commonly rejected.

All authors who communicate new ideas to the public can expect to be held in high esteem only by two sorts of men: either young people who as yet have no opinions but still have the desire and the leisure to improve themselves, or those whose minds, friends to truth and similar to the author's, already assume the existence of those ideas they are confronted with. The number of these men is always very small; this slows down the progress of the human mind and explains why it always takes so long for any truth to become visible.⁷⁶

The existence of a preventative censorship ran counter to the interest of humankind as it impeded the advancement of knowledge in general. It was embraced, however, because it facilitated individuals' inevitable belief in their always being right and their spontaneous desires to silence people and suppress books that disagree with conventional wisdom.⁷⁷ An advocate of republican government, Helvétius maintained that the form of government influenced the degree of liberty enjoyed by writers. In acknowledging that monarchies are often opposed to "grand ideas", Helvétius suggested that readers should reinterpret texts written under monarchical rule, as their authors were "often" compelled "to enervate the strength [of their thoughts] by being ambiguous and enigmatic and by emasculating their expressions".⁷⁸ He also denounced the regulative function exercised by small social groupings like academies and salons, as indicative of a parochial attitude that stifled the search for truth.

Recanting the arguments of *De l'Esprit* in 1759 was humiliating but saved Helvétius from unpredictable and certainly undesirable consequences. His journey to England in 1764 reinforced his persuasion that a commendable government could only arise from a balance of opposing forces and the free interaction of men's passions.⁷⁹ The same topics are elaborated upon in *De l'Homme*, published posthumously in 1771. The 1758–1759 crisis left an enduring imprint on his vision. Since *De l'homme* was exempt from any censorial control, Helvétius could openly express his certitude that despotism was rampant and that France held little hope for political

⁷⁵ Helvétius 1777a. *De l'Esprit*. Vol. 1: 88.

⁷⁶ Helvétius 1777a. *De l'Esprit*. Vol. 1: 87.

⁷⁷ Helvétius 1777a. *De l'Esprit*. Vol. 1: 88, footnote 1.

⁷⁸ Helvétius 1777a. *De l'Esprit*. Discourse 4, Chap. 4: "De l'esprit fin, de l'esprit fort". Vol. 2: 240–59.

⁷⁹ *Correspondance générale d'Helvétius* 1981–1998. Vol. 3: 150 (letter to Joseph Michel Antoine Serva, 19 December 1764).

and intellectual regeneration. To Helvétius, his arguments for freedom of communication were sound and furthermore had been confirmed by recent experience.

The suppression of ideas had allowed the country to slip into despotism and political impotence. Assessing the history of mankind, Helvétius compared politics and morals to the natural sciences and saw the same logic in operation: sciences and knowledge advance only through contradiction. Without liberty of the press, mistakes were bound to endure in morals and policy-making. Although knowledge might slowly expand, the best possible conditions had to be created for it to defeat ignorance and superstition. A corollary to this was that the press had to be free if society accepted the principle that supporting reason is in mankind's best interest. In concise and pointed sentences, Helvétius dignified freedom of the press as the pivot of his 'new society': "Truth has no enemies but the enemies of the public (*bien public*): bad men alone oppose its promulgation".⁸⁰ While in *De l'Esprit* Helvétius emphasized how illogical censorship was from the point of view of the dissemination of useful truths, in *De l'homme* he could not conceal his disillusionment. He was confronted with the fact that freedom of communication appeared ineffective in comparison to the ruthless power of violence, deviousness and chance that prevailed so often over reason and truth, and shaped public opinion. Censorship had contributed hugely to this highly negative situation in France. The suppression of *De l'Esprit* and his forced recantation were still very much present in his mind. Unsurprisingly, Helvétius flatly stated that outstanding and original work was recognized as such in Europe but was proscribed in France: "such are those of Voltaire, Marmontel, Rousseau, Montesquieu and so on. In France the censor's approbation is for an author always a certificate of stupidity It announces a book without enemies, which at first will be received with approbation, because no one troubles himself about it, because it does not excite envy, nor wound any one's pride; and contains nothing but what all the world knows. The general eulogy of the moment of publication almost always excludes that of futurity."⁸¹ Despite his gloomy assessment of the current state of affairs, in *De l'homme* he reiterated the core of the Miltonic plea for unobstructed freedom for writers of all types. He did not differentiate between good and bad writers, right and wrong ideas. Instead he espoused the view that the total suppression of regulative mechanisms would effectively dispel all the mistakes and fanatical claims that might rise to the surface with a free press. Faced with increasing pessimism, he placed his hope in promoting free discussion. In an attempt to draw attention to the hidden and unspoken interests of the enemies of a free press, Helvétius praised freedom of the press and the abolition of censorship as the basis of sound government. The enemies of a free press challenged the right to write and think; prominent among these were the magistrates. "Now, it is of little importance to a nation, that an author publishes absurdities; so much the worse for him: but it is of great importance that the minister do not make them, for if he do, so much the worse for them. The liberty of the press is in no sort contrary to the

⁸⁰ Helvétius 1777a. *De l'homme*. Vol. 5: 54–6 (Helvétius 1777b. Vol. 2: 322).

⁸¹ Helvétius 1777a. *De l'homme*. Vol. 3: 76 (Helvétius 1777b. Vol. 1: 75).

general interest; that liberty is to a people the support of emulation. Who are they that should maintain this emulation? The people in power".⁸²

Respect for Truth as a Precondition of Freedom

Helvétius's untrammelled notion of liberty stands out as the most outspoken argument in favour of freedom of the press to be found within the European Enlightenment. Its breadth and analytic implications become all the more evident when Helvétius's argument is compared to the conception elaborated by d'Holbach. D'Holbach published abroad, thereby avoiding the constraints of French censorship. It is most probable that his writings accurately reflected his views, as he did not have to enter into potentially compromising negotiations with the royal censors. In spite of this, an analysis of his notion of freedom of the press shows that it is less straightforward and more conditional than that of Helvétius. In *La politique naturelle* and *Le système social*, both published in 1773, d'Holbach praised freedom of communication as a right that must be enjoyed for a government to qualify as just. Freedom of communication was useful as a tool to integrate morals and politics and foster virtue, both of which were prominent objectives of d'Holbach's vision of politics. D'Holbach was unquestionably among those who stressed the utility of the right to scrutinize ideas freely. Like Helvétius, he was confident that libel would be ineffective and therefore not a real risk, in a well-governed country. Reality would always prevail and defeat its misrepresentations, no matter how deviously propagated.⁸³ In the *Ethocratie*, produced by Rey in Amsterdam in 1776, d'Holbach reiterated his appeal for the "freedom to think, write and publish"⁸⁴: he weakened its force, however, by claiming that despotism was ultimately powerless against books that criticized tyrants and their sycophants, and especially by discussing the limits within which freedom of the press ought to operate.⁸⁵ Instead of maintaining its universal value, d'Holbach stressed that a well-intentioned government would allow men of letters to be free, since their responsibility was to contribute to the advancement of virtue, which such a government could not but support. According to d'Holbach writers did not lose the right to free expression if they forgot their duty to virtue, good customs and their fellow citizens.⁸⁶ He allowed for legal penalties, albeit mild ones, against libelers, the intentionally dishonest and those "dangerous men whose dirty writings leave lasting traces in the hearts of the youth".⁸⁷ Pornography, in

⁸² Helvétius 1777a. *De l'homme*. Vol. 3: 347 (Helvétius 1777b. Vol. 1: 324–5).

⁸³ d'Holbach 1773a. Part 2, discourse 6; d'Holbach 1773b. Book 2, Chap. 5: *De la liberté de penser*.

⁸⁴ d'Holbach 1776: 161.

⁸⁵ d'Holbach 1776: 163–4.

⁸⁶ d'Holbach 1776: 161.

⁸⁷ d'Holbach 1776: 160. See also 35: "Laws must punish impostors, shameless libellers, who for no other reason than personal hatred or hidden passions, will sow mistrust between the prince and his

d'Holbach's conception, should not benefit from freedom of the press. While Helvétius stressed the shared, and open-ended search for truth, d'Holbach would rely on experts who were to persuade fellow writers of their errors. In his model, a discussion within the circle of one's peers should replace heavy-handed repression by censors but would nonetheless be asymmetric. "Punishing those who are wrong is an injustice, the consequence of which would be to stop truth from being known, the useful from revealing itself, sciences and arts from becoming perfect".⁸⁸ A tribunal to judge morality and a system of incentives for wise and morally impeccable writers, would curb the tendency to engage in personal feuds and pointless bickering. The focus on virtue and justice as the end of all government implied that liberty was distinct from unrestrained license, but also that liberty was necessary for men of letters to spread reason among the mass of the population. This did not extend to conceiving of unregulated debate as a way of arriving at useful truths; rather, d'Holbach meant that the censors would become benevolent advisors and benign correctors, working in collaboration with authors, with similarities to how Diderot treated the contributors to the *Encyclopédie*.

This idea of censorship may explain why the *côtierie d'holbachique* reacted so unfavourably and bitterly to the condemnation of *De l'Esprit* and blamed Helvétius for unleashing the devout party at the royal court, the *Parlement* and the Gallican Church against the *philosophes*. Helvétius presumed to manipulate the censorship system, obtain a privilege and print a manifestly heterodox book. In the eyes of many *philosophes* this strategy failed and backfired, impairing the prospects of success for the whole rationalist movement.

Ferdinando Galiani, the Italian economist *attaché* to the Neapolitan embassy in Paris and a regular at the meetings at d'Holbach's residence, clearly articulated the sense that freedom is valuable and vulnerable, suggesting that freedom of expression and the progress of civilization depended on peace, harmony and tolerance rather than the other way around. In other words, it was politics that created the public sphere in which free expression was possible.⁸⁹ D'Holbach's notion of the limits of freedom of the press and the role of censors was in line with the practice followed by some of his closest friends who approached the *Librairie* to have their works published in France. Conditions in the 1770s were perceived to be markedly worse for the *philosophes* who, as d'Holbach put it, "can hardly utter even the smallest truths".⁹⁰ Contentious exchanges between authors and censors continued unabated. Jean-Baptiste-Antoine Suard became a censor and aided Diderot at least once in obtaining a *permission tacite*.⁹¹ Diderot himself was requested to provide an

collaborators. It is indeed a crime worth harsh punishment of those coward slanderers whom envy spur against men in power".

⁸⁸ d'Holbach 1776: 162.

⁸⁹ Galiani 1770: 238.

⁹⁰ d'Holbach to Paolo Frisi, 1 December 1771: "Depuis quelque tems la presse est si gênée chez nous qu'il est presque impossible de dire les moindres vérités; nous sommes réduits à jouir de celles que nous viennent des pays étrangers", in Venturi 1956: 286.

⁹¹ Diderot 1955–1970. Vol. 15: 243. See Kors 1976: 221.

opinion by Sartine, who succeeded Malesherbes as the *Directeur de la Librairie* in 1763, concerning the permission of publication for a book against the *philosophes*. Diderot agreed that the satire was so gross that no harm could be done to them since it lacked any serious argument, thus adopting a similar attitude to that taken by d'Alembert in relation to Rousseau.⁹²

It seems fair to argue that Helvétius's perspective on censorship and freedom of the press was too extreme to be acceptable to the French monarchy. Unlike Helvétius, d'Holbach's perception of a widening field of tolerance for writers, based on a common commitment to reason and enlightened self-regulation, corresponded more closely to the changing situation in the literary sphere and the self-perceptions of writers, censors, and publishers. While a number of the royal censors were more likely to allow publication of "modern" texts which nurtured public debate, Malesherbes in his role of *Directeur de la Librairie* in the 1750s and early 1760s was unequivocal that censorship would be retained but with a more nuanced and flexible set of criteria, better suited to promoting the intellectual modernization of France. His idea of liberty of the press did not demand the suppression of the censors, but rather envisaged the principle that they were to regulate public discussion. After the conclusion of the Helvétius affair, he described his approach in a letter to Le Roy: his idea of freedom of the press led him "to disapprove of [the] extravagant persecution inflicted on M. Helvétius, but to allow the literary attacks. Thus, besides being unable to halt the ranting of the authors supported by the united forces of all parties, I would act against my own principles were I to make an attempt to do so".⁹³ In response to Madame Helvétius, who had urged Malesherbes to prevent the publication of Trublet's critique of *De l'Esprit* in the *Journal Chrétien*, he maintained that: "I cannot shut the mouth of those authors who believe they must vindicate religion and good mores".⁹⁴

Diderot was among those who criticized Helvétius because of his role in the affairs of 1758–1759; the latter's defiant approach to Tercier and his subsequent disavowal upset Diderot for many years to come. Despite his own unhappy experience with the *Encyclopédie*, Diderot was in favour of what he called freedom of the press and some sort of preventative control. He was definitively and uncompromisingly against the interference of monarchical and ecclesiastical agencies in intellectual activity and demanded autonomy for scholars and philosophers. Yet in none of his works was unrestrained legal printing in France mentioned as a feasible and desirable goal. Rather, Diderot pleaded for a careful and sensible treatment of texts submitted to the censors, and for a realistic acknowledgement of the existence of a censorship system which might rein in the exaggerated and odious power of the Church. At the height of Voltaire's (and Diderot's) effort to maintain unity among the *philosophes* and repel the attacks of orthodox writers, Diderot called Voltaire's strategy "courageous": "despising our enemies, hunting them down and taking

⁹²Diderot 1955–1970. Vol. 10: 72–5.

⁹³Diderot 1955–1970. Vol. 2: 264.

⁹⁴Diderot 1955–1970. Vol. 2: 262.

advantage, as we have done, of the weakness of our censors".⁹⁵ In this he agreed with d'Holbach's approach and did not differ radically from Malesherbes. Despite his obvious wish for wider freedom of expression under the protection of the law, Diderot was acutely aware of the instability of the balance between oppression and license which characterized France. He also knew from first-hand experience, that the presence of spies in search of illegal books and manuscripts was pervasive and unlikely to be eluded.

In principle, Diderot was convinced that writing and publishing were forms of refinement which implied a commitment to truth and virtue. Seen from the perspective of the philosophy of history, these human activities were meant to police the readers after the authors had undergone a process of refinement and correction themselves. This presupposition disqualifies any form of communication that rejected this fundamental commitment. Travelling back from Russia in 1774, Diderot wrote in his scattered thoughts, possibly echoing Montesquieu, that "the liberty to write and speak with impunity proves either that the prince is exceedingly good-natured or that the people are totally enslaved, because they are allowed to speak only if they have no power".⁹⁶ In this reflection, and bearing in mind his deep dislike for Frederick II, king of Prussia, Diderot expressed his interest in determining the criteria that differentiated lies from personal offence, since texts meant for publication were bound to have an impact.⁹⁷ On a few occasions he even advocated government intervention to suppress forms of communication that he considered unacceptable. When a painting by Pierre-Antoine Baudouin was displayed in the 1767 Salon, Diderot could not help protesting forcefully. It was a gouache entitled *Le Coucher de la mariée* [*Bedtime for the Bride*] that alluded – according to Diderot quite explicitly – to female homosexuality. He requested that the virtue of the younger generation be protected and that the painting be removed from the public exhibition: Beaudouin represented a number of women lasciviously preparing the half-naked bride for the first night of marriage in a way that Diderot decoded as plain pornography, which aroused the illicit desire of lesbian love.⁹⁸ Diderot denounced Beaudouin's painting as obscene and went a step further, reflecting on the import and the deeper sense of his denunciation:

I am aware that he who suppresses a bad book or a voluptuous statue resembles an idiot who fears to piss in the river for fear that a man may drown in it [... But] I cannot ignore that a bad book, an indecent engraving which my daughter might happen to see would be enough to make her dream and lead her astray.⁹⁹

⁹⁵Diderot 1955–1970. Vol. 2: 38 (letter to Voltaire, 19 February 1758).

⁹⁶Diderot 1875. *Principes de politique des souverains*, n. 217. Vol. 2: 461–502, 501. See Montesquieu 1762. Book 12, Chap. 27. Vol. 1: 222.

⁹⁷Cfr. Volpillac 1994.

⁹⁸Rand 1992; Sheriff 2008: 85–124.

⁹⁹Diderot 1875. Salon de 1767. Vol. 16: 286–90, 289. The reaction of Louis-Sébastien Mercier to the engravings of Boucher and Beaudouin was very similar. He considered Beaudouin "a cynical painter who surpassed [Boucher] in licentiousness": more than the "philosophical books, that a small number of men read and that the crowd is not able to understand", lascivious images should be taken away from the eyes of women (Mercier 1994. Vol. 1: 1324).

To Diderot regulating the activity of reading was necessary to regulate behaviour in general: the empiricist psychology he derived from Condillac understood the impact of books and visual images on psychic reactions to be quite direct. The effects of reading on women were seen as especially dangerous. In his novel *La Religieuse* Diderot explained the nun's insanity as the effect of a book that was unwisely made available to her.¹⁰⁰

Texts could be dangerous or inappropriate for different kinds of readers. This attitude fitted with Diderot's personal experience as the author of an explicitly erotic tale, the *Bijoux indiscrets*, which was written for the underground market for forbidden literature. It also fitted with his decision to be particularly explicit in describing the effects of sensuality only in texts not intended for public circulation. In the *Neveu de Rameau* Diderot openly conveyed the strength of sensual pleasure to the reader: "I don't disparage the pleasures of the senses. [...] I have a heart and eyes, and I like to see a beautiful woman. I like to have my hands feel the firmness and the roundness of her breasts, to press her lips against mine, to soak up rapture from her looks, and to die in her arms".¹⁰¹ In another non-commercial work, *Jacques le fataliste*, as an experiment he described the effect the act of reading had on the reader's imagination and fine-tuned the wording to the expectations of the individual reader.¹⁰² In the version prepared for Meister's manuscript gazette, he revised the passages where he teasingly discussed the etymology of the proper name Bigre (alluding to *bougre*, a derogatory term for homosexual) and of the verb *foutre* (a vulgar term for sexual intercourse), which was replaced with the less offending *aimer* in the manuscript sent to his protector, Catherine II, empress of Russia.¹⁰³

The problem of immoral and offensive texts was a challenging one to handle. In the *Essai sur les règnes de Claude et de Néron* Diderot even projected elements of himself on to the character of a censor. While he maintained that modesty and self-restraint were the prime virtues of any censor, he nonetheless reminded the reader that "defaming a citizen" should not be permitted.¹⁰⁴ He was also probably only partly reacting with tongue-in-cheek in his response to the anonymous *Lettres sur l'esprit du siècle* (Diderot never knew that Dom Deschamps was the author), suggesting to Sartine that physical punishment was the appropriate fate for the author but eventually conceding that tolerance demanded mercy for the faults of the

¹⁰⁰ On Condillac and his *Traité des sensations*, see O'Neal 1996.

¹⁰¹ Diderot 1972: 67.

¹⁰² A number of examples are provided by Goulemot 1991 and Laqueur 2004.

¹⁰³ Jacot-Grapa 2009.

¹⁰⁴ Diderot 1782. Vol. 2: 237. "A la place du censeur, plus je m'estimerai excellent dans mon métier, plus je tacherai d'être modeste. Puis m'adressant à l'approbateur de son pamphlet, je lui demanderai si quelqu'un a le privilège d'injurier un citoyen, & si un homme honnête peut laisser dire d'un autre ce qu'il serait fâché qu'on dit de lui?". On 25 November 1778 the *Essai* was approved by the censor Charles-Georges Coqueley de Chaussepierre, himself a playwright and author of theatre pastiches, who was a good friend of Diderot's (see Diderot 1955–1970. Vol. 15: 125). On Coqueley de Chaussepierre see de Rougemont 2002.

careless.¹⁰⁵ Diderot was definitely serious when, in June 1770, he suggested that Sartine should forbid the performance of the anonymous antiphilosophical play *Satyrique ou L'homme dangereux* (authored by Palissot). His letter stressed the common ground between Sartine and the *philosophes*, as participants in a common enterprise for which future generations would be grateful, thereby extolling Sartine's role from the perspective of the advancement of civilization. Diderot also indirectly reminded Sartine that the *philosophes* deserved his consideration and, more forcefully, that the "impartial public" would rather side with them than with the *lieutenant de police*, who had the last word on the diffusion of the play.¹⁰⁶

His personal acquaintance with the powerful Sartine was the best possible guarantee that Diderot could fully exploit the limits of the French form of freedom of the press while enjoying the protection of the law. Diderot's correspondence provides ample evidence that he frequently visited Sartine's home. Diderot often stressed that after many years of familiarity, a friendship and a peer-to-peer relationship with the *Directeur de la Librairie* had replaced the hierarchical relationship.¹⁰⁷ Through Sartine, as had been the case with Malesherbes, it was possible to expect a measure of tolerance from the royal censors. Sartine himself was considered to be more willing to protect writers than publishing tycoons like Panckoucke. Diderot seems to have been deft at establishing good working relationships with the censors, who knew that they could rely on his self-restraint and *disponibilité*. This flexibility was evident when Diderot supervised the publication of the *Dialogues sur le commerce des blés* by Galiani, after the author left for Naples. Diderot's private correspondence from 1769 contains vivid descriptions of the stages the manuscript of the *Dialogues* had to go through in order to be published legally. His letters also mention his successful attempt to persuade the censor to restore a substantial portion of the first dialogue, which had been expunged by an unknown censor.¹⁰⁸

Diderot also played a part in getting the final version of Galiani's volume published. The most important break for Galiani's book, however, came in December 1769, when Terray, as vehemently opposed to the liberalization of the grain trade as Galiani himself, replaced the pro-physiocrat Maynon d'Inveau as *Contrôleur Général des Finances*.¹⁰⁹ Diderot accepted Sartine's invitation to act as censor for Morellet's critical response to Galiani, which was itself commissioned by Trudaine de

¹⁰⁵ Diderot 1955–1970. Vol. 9: 107–9 (A Monsieur de Sartine, August 1769). This letter was passed to Grimm for circulation, but Grimm withdrew it.

¹⁰⁶ Diderot 1955–1970. Vol. 10: 72–5 (June 1770).

¹⁰⁷ Diderot 1955–1970. Vol. 5: 36 (20 May 1765); Vol. 10: 240 (28 December 1769). See Venturi 1960: 57 for Diderot's efforts to go around the censorship.

¹⁰⁸ In the letters to his daughter Sophie Volland Diderot blamed the unknown capuchin monk who was charged with censoring the manuscript. Diderot wrote "four or five times to the sublime magistrate" (Sartine) to complain of the monk's hostility to Galiani: Diderot 1955–1970. Vol. 9: 139 (21 September 1769).

¹⁰⁹ Diderot 1955–1970. Vol. 9: 144 (20 September 1769). On Maynon d'Inveau see Stone 1994: 103–4. On Galiani and the publication of the *Dialogues* see Goodman 1994: 212–3. The *Dialogues sur le commerce des bleds* were published in Paris with a *permission tacite*, with the place of publication falsely given as London. The censor objected to the first dialogue, that suggests that the

Montigny with a view to promoting the doctrine of free-trade in the grain market. In fact it turned out that Morellet's *La Réfutation de l'ouvrage qui a pour titre Dialogue sur le commerce des blés*, ready for publication in January 1770, was forbidden by Sartine and was eventually published only in 1774. Diderot was deeply enmeshed in the functional ambiguity of the French censorship system. He wrote to Sartine that, as a censor, he thought that Morellet's *Réfutation* was acceptable; as a writer, however, he considered it to be "stiff, dry, capricious, unintelligent".¹¹⁰ Ties of personal friendship and long-term visions of social transformation were hard to disentangle in the everyday business of Parisian life. Diderot did not hesitate to take advantage of his prestige and manipulate his friends. By the same token, in 1781 he asked Suard to hasten the approbation of the second edition of the *Essai sur Sénèque*,¹¹¹ which he wanted to appear legally in France.

Mutual respect and trust in the rationality of his readers were the basis of Diderot's understanding of freedom of the press. This vision endowed both parties with certain responsibilities. The censors had to have some sympathy for the progress of reason and the writers in turn had to show respect for both their readers and the government. Given the conservative nature of French cultural discourse, tensions were frequent and glaring. When it came to a confrontation with the institutions of the monarchy, the *philosophes* had to stand up for texts expressing their profoundly held opinions and pursue their mission as interpreters of reason. Failing to do so, as Helvétius had done, meant that as writers they were not up to their task. Diderot was all too aware that censors were not authors' ideal collaborators. He faced a choice between eluding censorship and having his texts printed abroad or circulating them in manuscript form, as he did frequently after 1759, or maintaining good relations with those censors, like Suard, who could be prevailed upon to grant permissions to publish or issue favourable judgments.

In presuming that the French monarchy could allow for a very limited but slowly expanding freedom of the press, Diderot expressed a vision of domestic reform of censorship. From this point of view this *Lettre sur le commerce des livres*, addressed to Sartine in 1763 on behalf of the *Compagnie des libraires*, is neither surprising nor damaging to Diderot's posthumous reputation, as has been recently argued.¹¹² In fact it is consistent with his perspective on a widening public discourse in which reason could be promoted without falling prey to the enemies of progress, intent for their part on spreading errors and misconceptions. Diderot practiced and pleaded for an increase in the use of *permissions tacites*: they would not radically alter the balance of the "book economy" and would be welcomed by both parties actively engaged in the production of knowledge, authors and printers. Through *permissions tacites* the king could meet his commitment to promote the progress of civilization, and the *philosophes* would be encouraged to disseminate texts which favoured

Holy See is incapable of managing the famine crises due to its inefficiency (Galiani 1770: 1–19). On Diderot's effort to circumvent censorship see also Galiani 1968: 296–7.

¹¹⁰ Diderot 1955–1970. Vol. 10: 32. Cfr. Davison 1985: 72, 80.

¹¹¹ Diderot 1955–1970. Vol. 15: 243 (10 June 1781).

¹¹² See Duflo 2009: 124.

rational morality. A good “book politics” would, in this conception, profit from a more extensive use of *permissions tacites*.

I think therefore that it is useful for literature and for the book trade to augment indefinitely the *permissions tacites*, posing as the sole condition for the publication and circulation of a book only an approbation that gratifies the narrowest minds. An author is sued, the laws prohibit the book, the sentence is made public, the volume is pulped and burnt, and 2 months later it is sold on the street. It is an evident disdain of the laws which is intolerable.

In the *Lettre*, Diderot flatly rejected the abolition of royal censorship, as was the case with the English model. Instead he suggested a reduced pool of censors, employing only the most skilled and insightful individuals capable of carrying out this delicate and demanding task.

It is mandatory to get rid of three fourths of those persons who have judged our achievements in the sciences and in the arts, while a precious nothing is known on their titles to fame, and to keep the small number of the rest who are capable of giving the author good advice on his work and putting them in working conditions approximately appropriate to their functions.¹¹³

Diderot acknowledged the guild system to be a durable feature of the monarchy and a necessary link between all legal publishers and the royal censorship. He devised a scheme to pay for manuscripts submitted for approval: 18 *livres* for a volume in 12°, one Louis for an 8°, 36 *livres* for an in 4°, 48 *livres* for an in-folio. “It is nothing, if the work succeeds. It is a very negligible loss, if it fails. And moreover, it will be paid only if the work is thought susceptible of obtaining the privilege or the *permission tacite*”.¹¹⁴

His discussions, in 1769, with the physiocrats provided Diderot with the opportunity to articulate this outlook in more general terms. While he disagreed with them on the extent to which deregulation of the free grain trade was advisable, he nonetheless conceded that they had a crucial role to play in encouraging, “in the long run, the police, the court, and the magistrates [...] to heed all manner of ideas and the authors to speak out more boldly. Little by little the nation will grow accustomed to the issues of finance, trade, agriculture, legislation, politics”.¹¹⁵ This balance was consistently unstable: freedom of expression was achievable only as long as censors were educated to be reasonable instruments of the absolute monarchy and writers were reminded of their responsibility towards the public.

In such a conception both censors and writers had to tread carefully to maintain free expression. The commitment to free investigation was consistent in principle with collaboration with royal censorship and was the prized, guiding principle of *philosophie*. Writers, in any case, ought not to be afraid of freedom, and appeals made by men of letters to enforce more stringent controls were to be disregarded.

¹¹³Diderot 1976. *Lettre historique et politique à un magistrat sur le commerce de la librairie*. Vol. 8: 465–567, 558. The most insightful analysis is Chartier 2002. See also De Marte 2008 and Rideau 2008.

¹¹⁴Diderot 1976. *Lettre historique et politique*. Vol. 8: 559.

¹¹⁵Diderot 1875. Vol. 4: 83.

To his own surprise, Diderot was confronted with the paradox of a philosopher attacking freedom of investigation when he penned a commentary on Frans Hemsterhuis's *Lettre sur l'homme et ses rapports*, published in 1772. His comment was not available to the general public during his lifetime and was intended for private circulation only, like many other works by Diderot after 1759. A Dutch platonizing philosopher, tolerant but opposed to the materialist philosophy of the *esprits forts*, Hemsterhuis decried what he called the evils of freedom of the press. In the United Provinces this meant the absence of pre-publication censorship and the inefficacy of post-publication repression. Diderot claimed ignorance of "these damages done to morals by freedom of the press. We are not worse than 30 years ago. The changes that occur in national customs have causes that are different from questions of metaphysics".¹¹⁶ The contrary was actually closer to reality: limitations upon freedom forced the *philosophes* to articulate their views with exceeding circumspection. Diderot himself was forced to "dress philosophy up in Harlequin's clothes". And other *philosophes* had to camouflage themselves similarly.

In some phrases Buffon expounds all the principles of the materialists, in others he upholds propositions that are exactly the opposite [...]. What can one say of Voltaire, who follows Locke in arguing that matter can think, Toland in claiming that the world is perpetual, Tindal in assuming that freedom is a fallacy, and who acknowledges the existence of a vengeful and rewarding God? Was he inconsistent? Or did he fear the doctors of the Sorbonne?

The expression of very personal emotions casts some light on how Diderot saw himself confronted with pre-publication censorship: "Speaking of myself, I went through unscathed, thanks to the most ironic and heedless tone I could come up with, to generic, laconic and obscure statements". Just one Frenchman (Diderot probably meant Dom Deschamps) had always spoken with total freedom: the price he had to pay was nothing less than ignominy.¹¹⁷ Diderot and the *côterie holbachique* were faced with a dilemma. It was clear that they and, by extension, *lumières* had suffered serious setbacks in their dealings with royal institutions, which by the same token illustrated the necessity of cultivating and calibrating their relations with censorial authorities if they wished to publish legally for the French market.¹¹⁸ It was also evident that if they chose to publish clandestinely or abroad, their works would suffer from a more constrained circulation than those legally published, while manuscript texts by their nature reached a significantly smaller if more influential audience. Their response to this dilemma was to elaborate a conception of freedom of the press which required that all those involved in production, communication, control, and consumption of knowledge and ideas, be significantly better educated as to their roles.

Voltaire's understanding and practice of freedom of the press should also be assessed from this perspective. While more recently he has been juxtaposed to d'Holbach and Diderot, as a defender of a markedly moderate strand of Enlightenment

¹¹⁶Hemsterhuis 1964: 450.

¹¹⁷Hemsterhuis 1964: 513.

¹¹⁸Goodman 1994: 201–3.

thought, Voltaire has also been characterized as an eminent victim of ecclesiastical and monarchical censorship.¹¹⁹ According to this literature on Voltaire, his creative impetus was constantly checked by the interference of short-sighted censors at the service of a parochial political elite uninterested in promoting progress in any sphere.¹²⁰ Considering Voltaire's unmatched fame and prestige in France and abroad, this view seems unsatisfactory.¹²¹ It goes without saying that publication of his works was impeded and seriously threatened by the Gallican Church, the Holy Office, Geneva's Consistory, the *Parlement* of Paris and influential factions at the royal court in Versailles. Nonetheless his works and information on their composition, together with reports and allusions in his vast and sprawling correspondence, show that Voltaire was astute and skilful at dodging official censorship. He had numerous methods and was adept at presenting this persecution in ways that reinforced his position in the publishing market and his standing and credibility in European public opinion.

Voltaire understood perfectly well how the different elements of the "book economy" worked. His vision of freedom of the press reflected this familiarity with the logic and practice of press control. While he pleaded for greater freedom and openness, Voltaire was no partisan of a totally unrestricted and unregulated publishing system. If the Catholic Church inspired or commissioned publications which undermined the monarch, the extent of the harm to the body politic required "the sovereign" to react vigorously.¹²² Public authority was responsible for ensuring that good writings circulated and bad were suppressed. Temporal authorities were responsible for encouraging the circulation of useful works and were obliged to impede the publication of those which might harm society. Throughout his lucrative and extremely successful career as a writer, Voltaire insisted on the power of good books to contribute to the progress of humankind and ostentatiously denounced libels and periodical publications which expressed "an intolerable spirit of banditry".¹²³ Voltaire's declarations of support for an indulged "freedom of the press", must be interpreted within this context. In his 1746, *Lettre à un premier commis* he addressed the controversial issue of economic reforms and wrote that "forbidding publication is reminiscent of Turkish despotism and hindering it amounts to forbidding it".¹²⁴ Twenty years later, in the *Lettres républicaines* and *A.B.C.*, when he was particularly interested in the republican model as a viable framework for civil government, he stated that in republics, the freedom to think and publish is "a natural right of the citizens" which presupposes all other forms of liberty.¹²⁵ He reiterated this principle

¹¹⁹ On Voltaire as a 'mainstream' thinker see Israel 2010.

¹²⁰ At the opposite ends of the interpretive spectrum are Gay 1959 and Himmelfarb 2004: 159, 170.

¹²¹ Rosenfeld 2001; Cronk 2003.

¹²² Voltaire 1777: 100.

¹²³ Voltaire 1877–1885. Vol. 13: 28.

¹²⁴ Voltaire 1968–2011. *Lettre à un premier commis*. Vol. 9: 320.

¹²⁵ See Voltaire 1877–1885. *A.B.C.*, *Neuvième entretien. Des esprits serfs*. In *Œuvres de Voltaire*. Vol. 27: 360: "[...] Il faut punir le séditieux téméraire; mais, parce que les hommes peuvent abuser de l'écriture, faut-il leur en interdire l'usage? J'aimerais autant qu'on vous rendît muet pour vous

in very general terms in numerous entries of the *Dictionnaire philosophique*. Voltaire also touched on the subject of the possible social consequences of this notion of freedom of the press and assured his readers that no social revolution was the consequence of printed texts: even the Protestant Reformation, the most shocking of the upheavals in recent European history, was the consequence of listening to preachers rather than of reading books.¹²⁶

When the prime minister of the Danish Kingdom, Struensee, abolished preventative censorship on 4 September 1770, Voltaire publicly welcomed it as the extension of the English model to the rest of Europe.¹²⁷ When he contemplated the state of affairs in France, however, he depicted the English model as unique. When focusing on the French monarchy, Voltaire believed that the royal regime should exert its influence on public debate through academic institutions. Furthermore, libels and personal slanders, superstitious and subversive books should be banned in a civilized society. According to Voltaire, an equitable government should take responsibility for ensuring that such things were eliminated. He wrote that “bad books” (*mauvais livres*) attacking the French opera and theatre, usually written by the superstitious clergy, should be publicly burnt.¹²⁸ His awareness of the constraints imposed on writers by the court, the Parliaments and the Gallican Church through the *Librairie*, meant that Voltaire ceaselessly deployed and cultivated his network of correspondents. He did so both to ensure favourable censors for manuscripts he hoped to publish legally in France and to bring to the attention of the royal censors, pamphlets that he deemed to be offensive, in the hope of preventing their publication.

Interacting with (and thereby acknowledging the role of) royal censors was part of his long-term strategy to direct and motivate French public opinion and carve out an influential role for himself and the *philosophes*. The ability to determine the selection of censors and influence their decisions, was in Voltaire’s view a way of assisting the monarchy to move towards a civilized society resting on sound moral and scientific foundations. One example of this strategy is found in the complex negotiations conducted by Voltaire himself to obtain a royal privilege for the French edition of his *Éléments de la philosophie newtonienne*. In June 1737, he sent a copy to the censor, while two more censors were also involved in the procedure as supervisors. Their assessments were positive but they were all overruled by the Chancellor

empêcher de faire de mauvais arguments. On vole dans les rues, faut-il pour cela défendre d’y marcher? On dit des sottises et des injures, faut-il défendre de parler? Chacun peut écrire chez nous ce qu’il pense, à ses risques et à ses périls; c’est la seule manière de parler à sa nation. Si elle trouve que vous avez parlé ridiculement, elle vous siffle; si séditieusement, elle vous punit; si sagement et noblement, elle vous aime et vous récompense. La liberté de parler aux hommes avec la plume est établie en Angleterre comme en Pologne; elle l’est dans les Provinces-Unies; elle l’est enfin dans là Suède, qui nous imite; elle doit l’être dans la Suisse, sans quoi la Suisse n’est pas digne d’être libre. Point de liberté chez les hommes sans celle d’expliquer sa pensée”.

¹²⁶ Voltaire 1877–1885. Liberté de penser and Liberté d’imprimer (*Dictionnaire philosophique*). Vol. 19: 583–9.

¹²⁷ Voltaire. 1877–1885. Lettre au roi de Danemark. Vol. 10: 421–7.

¹²⁸ Voltaire 1761: 50–1.

d'Aguesseau, who objected to Voltaire's anti-Cartesian approach and to Newton's religious opinions. In this case the functional ambiguity of the French censorship system backfired on Voltaire: he had to give up on publishing his work legally and, more importantly, he forfeited the opportunity to present his version of Newtonian philosophy as the new enlightened philosophy, complete with royal privilege, to the educated public in France.¹²⁹ D'Aguesseau's decision to reject the elements of Newtonian philosophy was momentous as it indicated that it was Voltaire's interpretation of these that was problematic. The same year, 1738, d'Aguesseau had authorised the publication of another version of Newtonian natural philosophy, *Newtonianisme pour les dames* by the Italian Francesco Algarotti. Voltaire did promote, within the confines of censorial oversight, the diffusion of books which enunciated Enlightenment values and ideas. However, his idea of "publishing freedom", or *liberté d'imprimer*, while it envisaged a loosening of the *Librairie's* grip on the book trade, did not amount to an unrestrained or unqualified commitment to freedom of the press. Besides, Voltaire was skeptical as to the efficacy of books as vehicles of social and cultural change. Books "never changed the world", not even the most shocking among them, Spinoza's *Ethics*, the impact of which upon readers was minimal. Voltaire's skeptical attitude towards the real impact of books on the general public was at the core of his arguments in favour of greater press freedom: but this was a weak argument. Unlike other campaigns which Voltaire promoted vigorously and relentlessly, freedom of the press occupied a limited place in his reform agenda and at no point consisted of an appeal to a general freedom of expression, as was the case with the freedom of religion.

Rousseau: The Introjection of Censorship

Of all the French thinkers of the second half of the eighteenth century, Rousseau was the most ambiguous and paradoxical. His notion of censorship, and control in general, was nonetheless the result of an accurate perception of both the reality of literary control in the ancien regime and of the actual room to manoeuvre enjoyed by writers under the French monarchy.

Rousseau worked out a systematic and complex idea of control in the literary sphere,¹³⁰ based on his first-hand experiences and on his interpretation of literary property centred on the author.¹³¹ Rousseau's contribution to the emergence of ideas

¹²⁹ Shank 2008: 369.

¹³⁰ Kelly 1997. In an otherwise brilliant paper of 2003, published in 2005 in the "Studies on Voltaire and the Eighteenth Century", Raymond Birn argued – mistakenly, I suggest – that "on the subject of censorship Rousseau was not a deep thinker" (Birn 2005). A brief analysis is in Meier 1984: LXVIII–LXXXV (Meier missed the point of the French functional ambiguity by stating that "censorship was a relatively low hurdle for authors during the ancient regime", LXXVIII).

¹³¹ Birn 2001: 2. The notion of a literary field, idealized by Rousseau and perceived, at the same time, "in its denseness and opacity, as a sphere controlled by agents" who were prone to misunderstanding Rousseau's intention, is discussed in Turnovsky 2003: 403.

around authorial independence, autonomy, originality, and the consequent right to control his creations, was crucial.¹³² Nonetheless, he did not reject the principle that the legitimacy of a manuscript ought to be verified before its publication. Rousseau suffered a fair number of clashes with censorship institutions in the course of his career. He saw the *Encyclopédie* come under attack twice, he saw the Archbishop and *Parlement* of Paris prevail over the *Librairie* in the case of Helvétius's *De l'Esprit* and force its author to recant, he visited his then friend Diderot in prison for publishing the *Lettre sur les aveugles* in 1749. Indeed, he had had first-hand knowledge of French censorship practices and institutions since the start of his literary career, and he knew the rules, explicit and implicit, that regulated the business of publishing in France. His first experience was a happy one, when the *Dissertation sur la musique moderne*, was published in 1743 with a royal privilege.

Rousseau moved beyond the compromise position of selecting acceptable works to be published through the *Librairie* system and clandestinely publishing works the monarchy would object to. Rousseau agreed that some sort of control on printing was necessary to check the corruption that menaced modern society and the centrifugal forces generated by the contemporary form of unbridled individualism. His *Lettre à d'Alembert* of 1758, was above all else a defence of the right to self-protection by filtering out dangerous ideas and through the repression of those that were unacceptable in a free, small and happily poor society as Rousseau imagined Geneva to be. He viewed the idea of theatre as entertainment with great suspicion, "and if it is true that amusements are necessary to man, you will at least admit that they are only permissible as they are necessary, and that every useless amusement is an evil for a Being whose life is so short and whose time is so precious".¹³³ In the 1740s and 1750s Rousseau consistently complied with French laws on preventative censorship and sought Malesherbes' protection when the latter became the director of the *Librairie* and a supporter of the *philosophes*. Rousseau's relationship with Malesherbes came to define his understanding of literary activity and of the nature of freedom of the press. The most telling example of Rousseau's emotional and intellectual investment in his dealings with Malesherbes can be seen in the events surrounding the publication of the *Nouvelle Héloïse*. His epistolary novel, after a long gestation, was finally ready for publication in April 1760. Rousseau's correspondence shows that the negotiations had left room for uncertainty and misunderstanding on all sides. His publisher, Marc-Michel Rey, in Amsterdam and his protector, Malesherbes, in Paris endeavoured to attain unobstructed and legal access to the lucrative French market, for the *Nouvelle Héloïse*. A legal reprint of the *Nouvelle Héloïse* by the Parisian publishers Robin and Grange was intended to curb the threat of the pirated editions which Rousseau feared would flood the market. Malesherbes' intervention led, in January 1761, to the publication of a text that claimed to be the same as the 1760 edition by Rey, itself the product of a considerable financial investment. The consignment with the Rey edition was held up in the

¹³² Hesse 1990.

¹³³ Rousseau 2004: 262 (see Rousseau 1959–1995. *J.-J. Rousseau citoyen de Genève, à Monsieur d'Alembert*. Vol. 5: 15).

Chambre syndicale to allow the Robin and Grange reprint to hit the market and share the profits from this much anticipated novel between the publishers. As soon as Rousseau actually read the Parisian edition he was dumbfounded and offended by what he saw.

“The work has been so disfigured by non-sequiturs and major typographical errors that I no longer recognize my manuscript. My intention is to disavow this edition publicly, even in journals and gazettes. It is not ethical to dare to publish such a misshapen monster, such a mutilated book, under my name”.¹³⁴ As a matter of fact, the text revised by the censor contains an appalling number of typos, not to mention cuts which amounted to around 25 printed pages from the 1776 in the Amsterdam edition that Rousseau had supervised.¹³⁵ Rousseau’s tirade implies that while he did not object to censorial intervention as such, he was utterly infuriated that they had been carried out without his consent and even more so because they had damaged and detracted from his work. After all, Rousseau had sent the manuscript of the *Nouvelle Héloïse* to Malesherbes for approbation. Rousseau wanted Malesherbes to be directly involved in the revision and publication process of the *Nouvelle Héloïse*. Rousseau acknowledged that the book should be examined by the director of the *Librairie* as he was the magistrate responsible for approving it.¹³⁶ Faced with Malesherbes’ hesitations, Rousseau insisted that he read the proofs. In a passage from a letter that Rousseau wrote to Malesherbes, he brought his concerns to a point but did not go so far in the version he eventually sent to the Director of the *Librairie*:

It is a very unpleasant embarrassment all this sending back and forth of proof sheets. I fully realized this when you kindly took this burden upon yourself: and I should be much gratified to spare you and myself this inconvenience in the future. I learned from my personal experience and more recent evidence that in similar cases I might hope to receive from you all the favour that a friend of truth can expect from an enlightened and judicious magistrate: but, Monsieur, I really wish not to be impeded in being free to say what I think, neither am I ready to run the danger of regretting having said what I thought.¹³⁷

Rousseau’s dilemma was all too real. Malesherbes eased the complicated publishing process of Rousseau’s text but he shied away from direct involvement. Following a commonly used practice, Malesherbes sought a second reading and passed the manuscript to a more junior censor, Christophe Picquet.¹³⁸ It was Picquet, a very active and on the whole quite tolerant censor, who was clearly intimidated

¹³⁴ Rousseau 1965–1989. *J.-J. Rousseau citoyen de Genève, à Monsieur d’Alembert*. In Vol. 8: 29 (26 January 1761).

¹³⁵ Rousseau and Malesherbes 1991; McEachern 1992.

¹³⁶ Grosclaude 1960: 22.

¹³⁷ The letter, both in the version Rousseau actually sent to Malesherbes and in the longer version, is in Grosclaude 1960: 23–4.

¹³⁸ Relying solely on Rousseau’s narrative of Malesherbes’s intervention in *Confessions*, book 10, Patterson misunderstands the implications of the publication of *La Nouvelle Héloïse* (Patterson 1984: 238).

and over-zealously expurgated certain passages.¹³⁹ Piquet was concerned that allusions and hidden references would elude him, and was afraid, among other things, that the outspoken atheist, Wolmar, would gain the readers' sympathy. It is evident that Rousseau could not put up with this specific case of pre-publication censorship because it was particularly clumsy and brutal. It is undeniable, though, that he accepted the rules of the game, including bargaining with the publishers in Paris, lobbying the director of the *Librairie*, and printing his work outside of France, all at the same time. In this light it is worth noting that Rousseau did accept a change, which was strongly suggested by the censor, Duclos, to his *Extrait du projet de paix perpetuelle* in December 1760.¹⁴⁰ However, worse was to come, when some months later he published *Emile*, his pedagogical novel, with his name on the frontispiece. *Emile* was condemned by the Archbishop and the *Parlement* of Paris to be burnt; the council of Geneva, Rousseau's home town, and the Prussian government, did the same. Thanks to Malesherbes Rousseau was forewarned and fled France to avoid a worse fate, one symbolised by his being burnt in effigy.¹⁴¹

This wave of persecution prompted Rousseau to scrutinise writers' attitudes towards control of the press and the meaning and social function of their texts. At the outset of his philosophical endeavours, in the *Discours sur les arts et les sciences*, Rousseau famously recounted the evil consequences of the press as follows:

If we consider the horrible disorders that printing has already produced in Europe, and if we judge the future in light of the progress this evil makes every day, we can easily predict that sovereigns will not delay in making as much effort to banish this awful art from their states as they made to establish it. The Sultan Achmet, yielding to the insistent demands of certain supposed people of taste, had agreed to establish a printing press in Constantinople. But the press had barely begun to function when people felt obliged to destroy it and throw its machinery into a well.¹⁴²

In volume four of the *Contrat social*, Rousseau referred favourably to Roman censorship as an informal institution which expressed public opinion. To Rousseau it was the magistrates' responsibility to correct the people's opinions and thereby purify their customs, whereas censorship could only hope to preserve morality.

Reform men's opinions and their mores will be purified by themselves. People always like what is becoming or what they judge to be so; but it is in this judgment that they make mistakes; the question, then, is to guide their judgment. He who judges of mores judges of honour; and he who judges of honour takes his law from opinion.¹⁴³

¹³⁹ On Piquet, who died in 1779 after censoring 283 books and granting 128 *permissions tacites*, see Birn 2007: 140.

¹⁴⁰ Rousseau 1959–1995. Vol. 3: 1544, footnote 2. Rousseau referred to Christianity as a sect. See Rousseau's letter to Duclos, 8 December 1760 (Rousseau 1965–1989. Vol. 7: 342–3). The critical edition provided by Bruno Bernardi and Gabriella Silvestrini highlights the passage in which Rousseau refused to accept the change requested by the censor (Rousseau 2008). Duclos received a copy of the galleys of *La Nouvelle Heloise*, it seems, as a friend, not as a royal censor (Rousseau 1965–1989. Vol. 7: 317, 17 November 1760).

¹⁴¹ Whatmore 2012: 54–97.

¹⁴² Rousseau 2002b: 65.

¹⁴³ Rousseau 2002a: 244.

There was clearly a contradiction in Rousseau's approach to the issue of limitations upon freedom of the press. How could he claim that the persecution of books in general, and of his books in particular, was illegal and unjust, given his acknowledgement of the right and duty of the magistrate to intervene? In other words, how could Rousseau define the boundary between the freedom of saying and writing what is considered to be true and just and the right of the magistrate to intervene? Especially if his authority was not exercised as wisely and sensibly as Malesherbes had done. The fifth of the *Lettres écrites de la montagne* addresses these very questions.¹⁴⁴ It does so in a subtle way, with two overlapping sets of problems: the juridical questions linked to the control of the press in Geneva and by extension in France and in continental Europe in general, and the responsibility and actual behaviour of contemporary authors. Rousseau was obsessed with his own individual existence, but his remarks, while deeply idiosyncratic, make a general case about how both governments and writers should act. His point of departure was that writers have to comply with the laws. There is no subversive aim in Rousseau's ideas, at least no plainly subversive aim, as to the juridical framework which regulated the "book economy". He agreed that governments have a right to control the dissemination of ideas among the people. However he also made the crucial distinction that this rule applies to all those who speak: orality was a menace, written words were not. On the other hand, dogmatizing (*dogmatiser*) in schools, in churches and in public spaces in towns and villages, could lead to turmoil, excite the passions of the rabble and jeopardize social peace. Teachers and preachers should be subject to control, while self-appointed public orators must be banned.¹⁴⁵ These strictures did not apply to the authors of printed texts. Books cannot of themselves rouse a mob. They do not convene readers together in ebullient crowds, nor do they spur them onto act. On the contrary, books allow readers plenty of time to reflect and reply analytically. What is more, books were not intended for the lower strata of the population who posed the only real danger. Rousseau pointed out a fundamental difference between oral communication and printed books. As talking is an ongoing activity, it can only be stopped by preventing the teacher, preacher or orator from coming into contact with their audience. "As long as a man dogmatizes, he does evil continuously; until he has fallen into line this man is to be feared; his very liberty is an evil, because he uses it to do evil, to continue to dogmatize". Thus incarceration was an adequate counter-measure for them, whereas it could not be for writers: imprisoning a writer was a useless act, as books that are allegedly bad will be disseminated nonetheless, possibly more than before their prohibition.¹⁴⁶ More importantly than that, Rousseau joined Diderot in emphasizing that books were a medium for expressing thoughts, not for attacking the honour of individuals. *Raisonnement* was the proper objective and content of books, and reasoning cannot cause offence to anybody.¹⁴⁷

¹⁴⁴ Rousseau 2002a: 200–28 (see Rousseau 2012: 336–88).

¹⁴⁵ Athens was not a democracy, Rousseau maintained in *Sur l'économie politique* (Rousseau 1959–1995. Vol. 3: 246), rather an aristocracy led by the learned and the orators.

¹⁴⁶ Rousseau 2002a: 212 (Rousseau 2012: 350).

¹⁴⁷ Rousseau 2002a: 230 (Rousseau 2012: 368).

Rousseau argued that writers have the right to be free in their work, especially so if they acknowledge their opinions by putting their name on the title-page. In this way author and book became the same entity and had to be respected as such. Books which discussed religious questions were no exception, provided that they did not offend anybody's religious practice. It is understandable that Rousseau did not mention pre-publication censorship, which he resented and deemed odious, in this *Lettre écrite de la montagne*. He did however mention what he referred to as an inappropriate usage, "a poorly understood practice" (*un usage malentendu*) of the press. What he meant by this, and he felt that it applied to the majority of authors, was when ambition and self-interest, rather than integrity and truth, drove authors' exertions.¹⁴⁸ The law, in this conception, ought to encourage and defend the transparency and sincerity of authors. Thus Rousseau believed strongly in the writer's responsibility to be true to himself and free in his pursuit of goodness and truth. For such endeavours to come to fruition, the protection of the law was necessary. By the same token, Rousseau condemned those writers who misunderstood or failed to appreciate the value and responsibility which came with their freedom to express themselves, and who instead strayed from the path of sincerity and objective inquiry which he advocated.

In this light it is necessary to ascertain how Rousseau reacted when confronted with censorship. In fact his responses were varied. In the case of *La Nouvelle Héloïse* he relied on Malesherbes to obtain a *permission tacite* for the Amsterdam edition and in consequence was wrong-footed. When Malesherbes suggested that he should accept the changes indicated for a more gently censored third edition of his book,¹⁴⁹ Rousseau's reaction was complex. On the one hand, however reluctantly, he acquiesced and justified his work to Malesherbes, and in quite a few instances he complied with the changes demanded by the censor as long as the main argument was clearly expressed and stylistic harmony was preserved. On the other hand, crucial religious opinions were non-negotiable, because, whether right or wrong, Rousseau claimed to have searched for truth, with a preference for what he deemed useful truths.¹⁵⁰ In his letters to Malesherbes, moreover, Rousseau underscored his need to be "attached [...] passionately to the truth"¹⁵¹ and emphatically stressed his self-restraint in order to assuage Malesherbes' fears.¹⁵²

No matter how humiliating these external interferences were for Rousseau, they did not impinge on the success of the Paris editions of the *Nouvelle Héloïse*. Those who read the heavily censored version could, it appears, read between the lines and at least one instance of this is cited in his general correspondence; the *Nouvelle*

¹⁴⁸Rousseau 2002a: 218 (Rousseau 2012: 360).

¹⁴⁹Rousseau 1965–1989. Vol. 8: 1327 (26 February 1761).

¹⁵⁰"Jusqu'ici j'ai cherché de bonne foi la vérité, préférant cependant des vérités utiles", Rousseau 1965–1989. Vol. 8: 237 (March 1761).

¹⁵¹Rousseau 1965–1989. Vol. 10: 26 (12 February 1762).

¹⁵²Rousseau 1965–1989. Vol. 7: 297–301 (5 November 1760).

Héloïse did provoke the deep emotional impact that Rousseau had anticipated. In this instance, the complex relationship between writer and reader was successfully and skilfully contoured by Rousseau, who conveyed an image of himself as a perfectly candid and intimately and emotionally good, human being who offered himself up to the gaze and judgment of his readers.¹⁵³ Neither the changes imposed on his texts, nor the corrections and typos which occurred during the publishing process, seriously threatened Rousseau's approach, based as it was, above all, on an innovative conception of the author. Even in his negotiations with Malesherbes, Rousseau was convinced that his freedom from unjust authority was the result of his own thoroughgoing dedication to the common good that necessitated a careful selection of the ideas to be discussed in the published text and an effort to connect with empathy with his readers' deepest feelings.¹⁵⁴

Max Weber's metaphor of "a shell as hard as steel" can be profitably applied to Rousseau's paradoxical notion that freedom could be granted only to those who adhered to the requirements of a free, transparent and stable society. In this light, the carapace is flexible yet also constrictive and regulatory.¹⁵⁵ In a letter to Abbé Perdriau in 1754, Rousseau wrote that he was going to be his own – and only – censor,¹⁵⁶ and he maintained this commitment. By internalizing the responsibility to use the press appropriately, Rousseau thought that he saw a means to avoid government persecution while still allowing him access to "rational" public opinion, which was slowly becoming the impartial tribunal of taste and values. In the *Confessions*, Rousseau mentioned an anecdote from his early life as evidence that self-restraint was both possible and virtuous. Recounting the tale of *La Tribu*, a Genevan woman who circulated erotic books and how he constantly rejected these, he recalled:

Though my taste had not preserved me from silly unmeaning books, by good fortune I was a stranger to licentious or obscene ones; not that La Tribu (who was very accommodating) had any scruple of lending these, on the contrary, to enhance their worth she spoke of them with an air of mystery; this produced an effect she had not foreseen, for both shame and disgust made me constantly refuse them. Chance so well seconded my bashful disposition that I was past the age of thirty before I saw any of those dangerous compositions.¹⁵⁷

By insisting on the internalization of control, Rousseau merged his perception of the role of censorship and literary life with the broader framework of his ideas of order in the cosmos and a regenerated society. In *Emile* the teacher completes nature's work by supporting and enhancing his pupil's inclination towards moral goodness. Thus self-control was required of the educator, who ought only to employ anecdotes and examples conducive to morality. For Rousseau, it was crucial that the

¹⁵³ Darnton 1984. Chapter Readers Respond to Rousseau: The Fabrication of Romantic Sensitivity: 214–56; Labrosse 1985; Fournier 2007.

¹⁵⁴ Turnovsky 2003.

¹⁵⁵ See above Introduction.

¹⁵⁶ "Mon expérience m'a donc fait prendre la ferme résolution d'être désormais mon unique Censeur", Rousseau 1965–1989. Vol. 3: 59 (28 November 1754).

¹⁵⁷ Rousseau 1959–1995. *Confessions*. Vol. 1: 40.

educator made “good use of his freedom” (*par le bon usage de ma liberté*), to attain harmony with the highest order of nature. The central tenet of the *La Profession de foi du vicaire savoyard* was that the proper use of personal freedom was, simultaneously, an attribute and a prize.¹⁵⁸ Similarly, as it was imperative for writers to fulfil their pedagogical function in society, this responsibility implied both freedom of action and an awareness of its ramifications. In *Rousseau juge de Jean-Jacques. Dialogues*, written later in his career between 1772 and 1776, he implicitly referred to the disdain for the printing press expressed in the *Discours sur les arts et les sciences*. He claimed that isolated passages, but also the whole substance of a book, can conceal sentiments and ideas which could be dangerous to society. He also, by forcing himself to read, as a reader not an author, was able to point out the great benefits of close and candid reading. His highly personal experience of rereading his own writings made him “more humane, more just, better than he was before”. He maintained that anyone who approached his work impartially would receive the same benefits.¹⁵⁹

Rousseau’s interiorization of control had two consequences. First, he rejected de facto the legitimacy of his works being banned and he ignored the prohibitions in order to symbolically resist them. Second, in doing so, he could come to view authors as free and independent creators, who should never be subjected to any external constraint. In general, Rousseau’s publishing decisions disconcerted his contemporaries. His insistence on acknowledging his authorship of books which were bound to be banned was an explicit challenge to all governments. Turgot held Rousseau in high esteem, but reproached him for his defiant behaviour: Rousseau had publicly declared himself the author of *Emile* and had chosen not to hide “for two or three months”, which would have allowed him to avoid the ensuing storm.¹⁶⁰ There could be not be a more open disavowal of the functional ambiguity of French censorship. Helvétius and Rousseau, from different perspectives, had been willing outsiders in the censorship game: they had both eschewed the easy alternative between full compliance with the rules of official censorship and publishing abroad, and chose instead to challenge the logic of censorship once circumstances ceased to favour them. Helvétius was crushed by the prohibition of *De l’esprit*. Humiliated as he was, he took refuge in the silent radicalism that led to the posthumous publication of *De l’homme*. Far from renouncing the public sphere, Rousseau emerged as the prototypical hero of a new era of existential sincerity and depth, at once ostentatiously tormented and candid. Both ended up on the margins of the network of *philosophes*, administrators and censors around Malesherbes and later Sartine, who were instrumental in establishing a new arrangement with royal censorship in the 1760s and 1770s.

¹⁵⁸ “C’est alors que le bon usage de sa liberté devient à la fois le mérite et la récompense” (Rousseau 1959–1995. *Emile*. Vol. 4: 603).

¹⁵⁹ Rousseau 1959–1995. *Rousseau juge de Jean-Jacques*. Vol. 1: 696.

¹⁶⁰ Turgot 1913–1923. Vol. 3: 640 (Turgot to Du Pont, December 1773).

Condorcet and a Radical View of Public Interest

In the 1770s, Condorcet was the most uncompromising advocate for the abolition of censorship. Condorcet's *Fragments sur la liberté de la presse* have been interpreted as an alternative to Diderot's approach to the copyright of authors.¹⁶¹ It is very unlikely, though, that Condorcet intended to enter into a literary discussion with Diderot on this question. Condorcet's short text was probably written in early 1776 as a revision and expansion of an article for the *Journal des dames*: this appeal for freedom of the press was essentially based on juridical arguments and was very probably intended to bolster the prevailing liberal spirit in public opinion, manifest in Turgot's ascension to government.¹⁶² Condorcet advocated authorial freedom on a relatively innovative basis. His viewpoint was elaborated, however, with reference to, and through an original combination of Montesquieu's and Rousseau's ideas. His personal familiarity and repeated disagreements with the two can only have helped him hone his approach. Condorcet agreed with the principle in Montesquieu's *L'Esprit des lois* that society is entitled to punish a major crime, provided there is irrefutable evidence that the crime has been committed and that it is the consequence of criminal intention. Furthermore, the punishment for a crime should not cause greater harm than was caused by the crime itself.¹⁶³ Like Montesquieu, Condorcet questioned whether "a book published by its author can ever become a crime" and doubted that it was possible to establish an unambiguous causality between reading a book and committing an offence, which in turn meant that authors could not be held responsible. On the contrary, he believed that the diffusion of what he understood to be truthful opinion was a necessary and useful contribution to the shared project of unveiling errors: "it is a duty for those who have found them to try and enlighten men in error" and "books against religion, against morals and against prevailing mores are not crimes".¹⁶⁴

When Condorcet argued for the rationalist progressivism that promoted human advancement based on the free circulation of goods and ideas, he also echoed Rousseau's insistence on profound confidence as a prerequisite of a writer's independence from censorial control.¹⁶⁵

It is a violation of the rights of men to set up obstacles to the knowledge of truth on these important questions, to hide from men the reasons for or against their opinions. Now, this is what would happen if the authors of works contrary to received wisdom are punished, because, if a sovereign, or a sovereign body, or a whole people have held these truths to be

¹⁶¹ Hesse 1990: 114–17; Chartier 2005: 177–92; Walton 2009: 57–62; Ranieri 2007. The most insightful analysis of Condorcet's notion of freedom of the press is Reichardt 1973: 95–102.

¹⁶² Gelbart 1987: 229, footnote 58.

¹⁶³ Condorcet 1847–1849. *Fragments sur la liberté de la presse*. Vol. 11: 256–314, 256–8. An incomplete version of the *Fragments* was published in Condorcet 1804. Vol. 16: 3–30.

¹⁶⁴ Condorcet 1847–1849. *Fragments sur la liberté de la presse*. Vol. 11: 260 and 258.

¹⁶⁵ See Baxmann 1999: 47, 53.

true and useful, it does not follow from this that they are really true and useful. They do not have the right, therefore, to prevent anybody from arguing against them.¹⁶⁶

Among the rights accruing from natural freedom, Condorcet included the right “to say what one deems true”.¹⁶⁷ Both religion and politics formed part of this constant search for the truth. The drive to uncover new truths could not be halted as the “public interest” required an unrelenting effort to eradicate abuses which were harmful to society. In ascertaining the place of an author’s ideas in provoking difficulties for a sovereign power, he maintained that the right to free inquiry was the highest ‘good’ and had to be protected. In this Condorcet was referring to recent events in French politics. The first was the supposed link between seditious pamphlets criticizing the Turgot government and the outbreak of popular revolt in 1775, the so called *guerre des farines*, which seemed to be inherently causally connected. The second was the sentence issued by the *Parlement* of Paris on 30 January 1776, labelling Condorcet’s criticism of the *corvées* system as seditious.¹⁶⁸

Condorcet drew a distinction between times of public tranquillity and times of unrest: he emphasized the sovereign’s right to maintain public order effectively and suggested that a law which provided for the repression of instigators of disorder would have a pre-emptive effect and would better safeguard the legitimacy of the government. Rousseau’s notion that the author’s intention was crucial in defining potentially criminal publications, was reworked by Condorcet as an element of his understanding of politics. Condorcet acknowledged that judges could indeed prove the intention of unleashing a tumult in the name of fanaticism and of inciting the populace “to take justice into their own hands” (which was a clear allusion to the *guerre des farines*). In such cases repression was necessary.¹⁶⁹ On the other hand, criticism of a public figure in his capacity as an administrator should not lead to punishment if the offending remarks were proved false but were sincerely held. Only when attacks were fully calumnious, that is considered false by those who made them up, could the critic be called to account.¹⁷⁰

Preventative censorship was therefore unacceptable under any circumstances because it impeded the search for truth. This search was a natural right; it consisted “without any doubt” of “granting a full liberty (*une liberté entière*) to write for or against”, in questions of religion. The reference to natural rights proved decisive. Condorcet rejected absolutist practices, based as they were on asymmetric negotiations between censors, authors and publishers, and instead invested writers with the responsibility to ascertain, and disseminate useful truths in society. He theorised that a reformed and rejuvenated judiciary ought to be the protector and guarantor of an uninhibited space for intellectual advancement and research, which they would survey in the interests of individuals’ honour and society in general. Despite

¹⁶⁶ Condorcet 1847–1849. *Fragments sur la liberté de la presse*. Vol. 11: 260.

¹⁶⁷ Condorcet 1847–1849. *Fragments sur la liberté de la presse*. Vol. 11: 275.

¹⁶⁸ Reichardt 1973: 99–100. See Condorcet 1847–1849. *Sur l’abolition des corvées*. Vol. 11: 275.

¹⁶⁹ Condorcet 1847–1849. *Fragments sur la liberté de la presse*. Vol. 11: 265.

¹⁷⁰ Condorcet 1847–1849. *Fragments sur la liberté de la presse*. Vol. 11: 277.

expressing support for the repression of abuse of publishing, Condorcet openly argued for the removal of controls on writing and publishing. He did this in terms of the citizens' right to assess the merits of their government "not in secrecy, not in conversation, but rather in printed, published works, [that is] one of safest checks to defend peoples from oppression, and to shield kings from betrayals and troubles that the mistakes and weaknesses of their ministers can draw on them".¹⁷¹ In his almost mathematical analysis of rational political choice, freedom of the press played an integral role by guaranteeing that the diversity of opinions was acknowledged and accepted.¹⁷² Condorcet's 1776 text shared a number of elements with the contemporary debate on the same issue. Condorcet, like Malesherbes and Diderot among others, had very little regard for the way the *Librairie* was managed and considered it to be unambiguously harmful.

Condorcet's notion of the open-ended and indefinite progress of civilization was based on the free exchange of information and could not accommodate any restrictions. Besides, he also thought that "banning a book engenders the wish to read and buy it".¹⁷³ He believed that the public considered forbidden books to have greater value because it sympathized with persecuted authors, without critically analysing the content of their works. Condorcet also believed that out of fear of the censors' pronouncements authors tended to express themselves ambiguously and through allusions, because they knew that the royal censors, in turn, feared the ministers currently in office. Like Turgot, Condorcet thought that good books, spreading useful truths which had been obscured thus far, would eventually prevail. Preventative censorship was nonetheless an impediment to be removed, because of its negative impact on economic, moral, and educational thought and because of its whimsical application.

Condorcet's account of the malfunctioning *Librairie* did not differ substantially from Malesherbes' (of whose *Mémoires* he was probably not aware). His version of the "English way", which placed free discussion at the centre of a thoroughly modern concept of freedom of the press, made Condorcet's stance in the contemporary French debate unique. Condorcet did not argue for an overhaul or a simplification of the *Librairie*: he demanded its abolition.

As to justice, one cannot deny that the prohibition aiming to oblige me to read only books that a royal censor pleases himself to allow me to read violates my rights as a man and as a citizen.¹⁷⁴

Condorcet anticipated the many positive effects which would arise from unimpeded liberty to print and distribute books. He foresaw a decrease in the price of books, an ever widening scope for scholars to investigate scientific questions, greater equality among writers, some of whom would not be among "the class of writers that have offended the government, are slandered with impunity and do not

¹⁷¹ Condorcet 1847–1849. *Fragments sur la liberté de la presse*. Vol. 11: 277.

¹⁷² Rothschild 2001: 195–217.

¹⁷³ Condorcet 1847–1849. *Fragments sur la liberté de la presse*. Vol. 11: 287.

¹⁷⁴ Condorcet 1847–1849. *Fragments sur la liberté de la presse*. Vol. 11: 304.

have the possibility of exonerating themselves”, the opportunity for the sovereign to become familiar with “public opinion, the opinion of biased as well as of enlightened persons”.¹⁷⁵

Condorcet envisaged a regime of freedom, regulated by laws which defined the crimes of slander and libel clearly. Such freedom would increase the physical circulation of books as economic goods. Condorcet went beyond merely advocating freedom to circulate ideas: he also suggested the abolition of the privilege system that benefited big publishers and instead supported the introduction of an extensive system of subscriptions to finance the publication of useful books by poor authors. His aim was the establishment of “an authorless world of free interaction with and circulation of, information and ideas”,¹⁷⁶ a world very similar to that described by Louis-Sébastien Mercier in the *Tableau de Paris*, which was emancipated from any interference in the press and “enlightened by disinterested writings”.

In his forbidden best-seller, published anonymously between 1781 and 1788, Mercier emphasized that “freedom of the press will always be the yardstick of civil liberty: and it is a sort of thermometer to know at first glance what a people has lost or gained”. Preventative censorship was the expression of despotism or, in a lighter vein, the equivalent of “a little passport for stupidity”.¹⁷⁷

Allow thinking and talking; the public will be the judge; it will correct authors too. The safest way to purify the publishing sector is making it free: obstacles upset; prohibitions and hindrances generate the libels we complain about. If despotism could kill thought in its sanctuary and stop the sign of our ideas from flying into the soul of our fellows, it would. However, as it can not tear away his tongue from the philosopher and cut off his hands, it sets up the inquisition on the streets, crowds the borders with its clerks, disseminates spies everywhere, and opens up the boxes to stop the unavoidable progress of morals and of the truth: it is a vain and childish undertaking! It is an unnecessary act against the natural right of the universal society and the patriotic rights of a particular society!¹⁷⁸

Condorcet’s vision of a free world engaged in a disinterested and collective search for the truth in all possible fields of knowledge and Mercier’s tirade against the principle of the preventative control, both expressed one of the many Enlightenment approaches to freedom of the press and anticipated a future in which the politics and economy of books would persist and flourish in a wholly new relationship. The contrast between this vision and existing conditions could hardly have been more evident. It was indeed very clear to the royal censors, some of whom argued from a consciously conservative perspective, that the interaction between writing, public communication and the civil power they represented could be and actually was positive and fruitful. For them, censorship and freedom of the press took on a different and specific meaning.

¹⁷⁵ Condorcet 1847–1849. *Fragments sur la liberté de la presse*. Vol. 11: 306, 308.

¹⁷⁶ Hesse 1990: 116.

¹⁷⁷ Mercier 1994. Vol. 1: 293.

¹⁷⁸ Mercier 1994. Vol. 1: 757–8.

Chapter 4

The Royal Censors as Guarantors of Freedom of the Press

Malesherbes and the Reform of the *Librairie*

The royal censors bore most of the responsibility for the functioning of the French control system. They had to carry out essential operations on a daily basis: reading carefully, making suggestions for rewriting texts, and granting (when possible) permission to publish. The participants in the production process converged around a single goal: to make a book legally available to readers through the open market. The painstaking diligence of the royal censors sustained the scheme devised by the *Chancelier de France*, Louis II Phélypeaux de Pontchartrain, in the early eighteenth century.¹ It was the censors' commitment that ensured the survival of censorship institutions until the outbreak of the Revolution. If the principle of control over printed matter was by and large acknowledged as necessary, its application in individual cases would often, throughout the century, arouse fierce criticism. The main motives for complaint were the slow pace of the revision process, incompetence, inability to resist interference from authors or publishers, and blatant bias.

Yet, despite frequent opposition to individual acts of censorship, the institution as a whole was not questioned. Throughout the eighteenth century a handful of *philosophes*, including Montesquieu, Helvétius, and Condorcet, elaborated on the reasons for abolishing pre-publication control, but most intellectuals argued for a deep but partial reform of the *Librairie* that presupposed its preservation. In fact, Voltaire took the opportunity of the positive assessment of his *Temple du goût* in 1733 to define the task of censors: instead of judging authors' style, they should automatically approve books that did not pose any threat to the State.² In response to growing dissatisfaction with censorship in the second half of the century, royal censors developed a set of beliefs with regard to their value and function within the

¹See Shovlin 2009: 50–58.

²Voltaire 1877–1885. Vol. 8: 563 footnote 1.

absolute monarchy. They first articulated this in terms of professional identity and solidarity, against the critics of the *Librairie* and the critics of preventative censorship. This ideology successfully defined and delineated an area in which the intervention of the royal censors could be acknowledged by both the political power they represented and the authors subject to their decisions. A shifting balance of authority and intellectual prestige was established. Central to this functionally ambiguous understanding of the censors' role was a conception of freedom conditioned by the numerous participants in the lengthy process of pre-publication production and control.³ This participatory freedom was distinct from the absolute freedom of Miltonic origin that had come to define the printing regime in England by the middle of the eighteenth century, and it encompassed two key features of the French system: police control over the intellectual content of publications, and economic protection for printers and the authors who conducted business with them.

For many reasons Malesherbes was the pivotal figure in the creation of this specific understanding of intellectual and editorial freedom. As Director of the *Librairie*, Malesherbes was personally involved in the assessment of numerous works submitted for publication.⁴ He intervened on two occasions in 1752 and 1759 to allow the *Encyclopédie* to be published despite the vigorous protests of the Gallican Church, the Paris *Parlement* and the Court; he also actively supported Rousseau. These are well-known examples of Malesherbes' defence of the most outstanding thinkers of the Enlightenment. At least as important was his role as the final arbiter in the protracted negotiations that surrounded the publication of a book or the importation of a book or periodical from outside France. The day-to-day practice of control saw flexible and open-ended discussion at every stage of production and distribution. All parties involved were acknowledged as relevant interlocutors and had some say in the formulation of the final judgment on the total or partial admissibility of the book or periodical in question.

Malesherbes often delved into the different practical aspects and implications of individual texts in order to locate them within his overarching understanding of monarchical power and civil society. A number of examples from the 1750s illustrate this. In 1755, the editor of the *Journal Encyclopédique* Pierre Rousseau requested Malesherbes' tacit permission to import copies of his journal from Liège into France. His deference to Malesherbes was evident in his letter of 28 November; what was also evident, however, was his intention to explore other avenues, namely favour at court and influential contacts, were Malesherbes to deny him an import permit.

I know, Monsieur, that all privileges of the journals are close to your heart, I anticipated it; it would not be sensible to ask an authentic permission, but I do think the wisdom of your ministry will not be damaged in the least if you tacitly promise me the entry of the journal [into France]. I dare, Monsieur, declare that you will not detect anything opposed to the grace You bestow upon me: on the contrary, Your favour will make me even more careful than I was determined to be. Madame de Pompadour, the cardinal de Tencin, the Chancellor

³The term "functional ambiguity" was coined by Patterson 1984.

⁴See Grosclaude 1961; Shaw 1966 (both are based on a comprehensive documentation).

and other highly respectable personalities have already subscribed; I find myself in a cruel embarrassment as I will not do anything that might estrange me from Your kindness. If You, Monsieur, will persevere in Your denial, I will not challenge it, except by donating a copy of this journal, in case You will order its confiscation; I will persist in this intention.

The rest of their correspondence shows that the tug-of-war between the two was carried on with a tangible sense of each others' power and influence. Malesherbes did not want to compromise himself openly for Pierre Rousseau and recommended that the editor send the journal to his powerful supporters with *permissions particulières*, individual authorizations that would circumvent the postal control of imported books. Pierre Rousseau replied and asked for permission to import 200 copies. He backed up his request with a list of his friends at court and a description of the severity of censorship in Liège, where the publication had to gain approval in the first place. This highlighting of transnational criteria was but one aspect of the appeal, which was further reinforced by Pierre Rousseau reminding Malesherbes of his own leniency in other cases:

Clement, who was publishing in London detestable gazettes openly on sale in Paris, the pamphlet by abbé de Laporte and many more writings, less decent than mine, enjoyed an advantage that Your Goodness will grant me. [...] Shall I be the only one to bear the brunt of Your ministry?⁵

On occasion, however, Malesherbes took full advantage of his prerogatives to intervene directly in texts submitted for a printing privilege or tacit permission. When he received the manuscript of the *Almanach des auteurs* for the year 1756, a semi-official publication, Malesherbes implemented certain alterations to safeguard the respectability of the *philosophes*:

Montesquieu: say that the *Lettres persanes* are attributed to him and that he has disclaimed them [...]. Diderot: it is necessary to put in that the *Indiscrete Jewels* [*Bijoux indiscrets*] and the *Philosophical Thoughts* [*Pensées philosophiques*] have been attributed to him, but add that he has always disclaimed them.⁶

Malesherbes wrote extensive notes on the already detailed commentary that the royal censor Paul Fouchet had prepared on the *L'Origine de l'univers expliquée par*

⁵ BnF, MS fr., 22133, ff. 18–26. See Birn 1964: 159, on the exchange of views between Malesherbes and Pierre Rousseau.

⁶ BnF, MS fr., 22133, ff. 43–4. *Almanac des auteurs*. The complete title reads *La France littéraire ou les beaux arts, contenant les noms & les ouvrages des gens de lettres, des sçavans & des artistes célèbres qui vivent actuellement en France: augmentée du catalogue des Académies établies tant à Paris, que dans les différentes villes du Royaume*, Paris: Duchesne 1756. Avec approbation & privilège du Roi. The privilege was signed by de Cahusac, 24 December, 1755. The entry “Diderot” included the “pensées sur l’interprétation de la nature 1754. Il a la principale part à l’Encyclopédie dont il est un des éditeurs. On lui attribue d’autres ouvrages tels que la Lettre sur les aveugles à l’usage de ceux qui voyent, 1749, in 12°. Les Bijoux indiscrets, les Pensées philosophiques, & l’Histoire & le secret de la peinture en cire; mais il n’a jamais avoué ces quatre derniers ouvrages” (74–5). The entry “Montesquieu” did not list any of his works and merely mentioned 10 January, 1755 as the date of his death (259).

un principe de la matière. This work, written by the apparently orthodox but in fact “fatalist” and atheistic thinker, Pierre Estève, was published in Avignon in 1748.⁷

Malesherbes sought out personal contact with authors and had a keen and profound interest in scholarly research which he applied to his conception of censorship. His guidelines for royal censors were a part of his vision of the nature and future development of the French monarchy. His *Mémoires* were written during the crisis of 1758–1759 that culminated in the prohibition of the *Encyclopédie* and the suppression of *De l'Esprit*. Malesherbes used them to explain his approach to the question of how to control and encourage the book trade.

Before writing these *Mémoires*, Malesherbes had a private dialogue with the economist Forbonnais about the role and purpose of the monarchical administration in controlling books and ideas. According to Malesherbes, the different nature of the French and English constitutions shaped opposing notions of responsibility towards the public and of control of domestic peace. On 19 August 1756 Malesherbes had a long conversation with Forbonnais about the relationship between political liberty and the police. Forbonnais summed up his thoughts in a report to Malesherbes in which he argued that “in some countries political liberty makes up for the lack of police and that sometimes the careful preservation of the *police* makes up exactly for what is lost in terms of political liberty”.⁸

In an attached memorandum Forbonnais elaborated on the principles he had formulated in his *Elemens du commerce* that, somewhat ironically, had been published in 1754 with a *permission tacite* and a fake place of publication. Forbonnais’ thoughts hinged upon the idea of a benevolent, ‘general interest’ which was crucial for a well-ordered society. This led him to insist upon traders’ responsibility to practice “submission to the laws” of their country, granting it a form of “preference”, which amounted to surrendering personal gain when it contradicted the collective interest as defined by the royal administration.⁹ Forbonnais’ general point, which applied equally to the book trade, was that “the laws that regulate trade in general never sufficiently forbid fraud and trickery: the inquiry into these points requires utmost attention. The excess [of laws] destroys freedom, utter negligence brings in license. One should not suppress laws altogether, but should limit them and see that their application be very easy”.¹⁰

In theorizing the clear-cut distinction between liberty and licence, Forbonnais referred to Melon’s point in the latter’s *Essai politique*, which hoped to encourage a focus on the “common good” as the principal goal of economic activity and claimed that “Liberty in a government does not consist of the licence to do anything one wants, but exclusively of doing what is not contrary to the general good”.¹¹

⁷Moureau 1997; Weil 1999: 56–7.

⁸BnF, MS fr., 22133, f. 58. For an analysis of this document see Ives 2003.

⁹Forbonnais 1754: 86.

¹⁰Forbonnais 1754: 79.

¹¹Melon 1754: 140. Melon’s book was first published in 1734.

In Forbonnais' report, France and England represented opposite models for viewing the relationship between human beings and collective rules as embodied in their constitutions, which, argued Forbonnais, "have more influence on the prejudices of men than climate and religion". Constitutions expressed the principles that allowed the police to provide the justice necessary "for the safety and peacefulness of men". In England, the balance between the laws regulating the police and the actual enforcement of those laws was the opposite to the system in France. Across the Channel laws against libel in books and periodicals were – formally – very rigorous but they were checked by the necessity to protect political liberty, so that "spirits are kept in a state of ferment liable to alarm ministers and the government. Those instruments of private men have been carefully preserved to warn, inform and rouse the people".¹² Were the vehemence of the attacks against the real or pretended abuses of the government to diminish, "the entire fall of freedom" would, he maintained, soon follow. "[T]his is the reason why English licence, this lack of *police* that respectable people (*honnêtes gens*) in London often resent and that Frenchmen judge intolerable in their stay there, is an abuse linked to a general good that society enjoys or believes itself to enjoy".¹³

In France power was centred exclusively on the person of the monarch. Who was its sole source. What Forbonnais stressed was that the different logic underpinning the French legal system accordingly produced the opposite result. "The magistrates who are charged to judge on behalf of the king must have permission to wield an arbitrary authority to the extent that peacefulness be restored without more ado" whenever it is necessary. But they also had to comply with clear limits in inflicting punishments so as to do no damage to "civil liberty". Nonetheless Forbonnais judged it imperative to pursue and punish libellous authors aggressively: it was unacceptable that "under the pretext of discussing taste and new books" individuals were slandered and their honour impugned: "public order, safety and peacefulness of the citizens" would be badly served. Magistrates were entitled to take the initiative with a certain degree of autonomy, within the bounds set by the sovereign, to avoid the entanglements of formal justice.

In Forbonnais' vision, therefore, the superiority of the French system was based on its efficacy in maintaining peace and order, and protecting private honour, while the English constitution on the other hand had integrated the vicissitudes of public opinion into its internal balance, thereby producing constant ferment and lively disagreement. Even when Forbonnais acknowledged that "emulation, [...] crucial to literary life", must be expressed in criticism, as "every man, when he is writing, presents his work to the judgment of the public", he reminded the editors of literary periodicals that "no author ever intended to subject himself to more humiliating comparisons and brawls than glory would have bestowed on him". Forbonnais claimed that, whatever arguments might be made in favour of the civil liberty enjoyed by the authors of critical reviews, these had to be seen as particular cases opposed to a general object. Since their activity was free, it was their duty to

¹² BnF, MS fr., 22133, ff. 65–6.

¹³ BnF, MS fr., 22133, f. 67.

understand the conditions attached; and “if for the benefit of the public a calculation is required, the issue would be solved very quickly”.¹⁴

Malesherbes commented extensively on Forbonnais’ remarks and his scattered annotations formed the core of his thoughts in the third part of his *Mémoires*.¹⁵ Malesherbes agreed that France and England rested founded upon opposite constitutional foundations.¹⁶ He also conceded that a public discussion on some kinds of government decision-making might have a positive impact on the conduct of present and future ministers without thereby jeopardizing the efficacy of decisions made on behalf of the sovereign. Nonetheless “it would be the subject of a very delicate discussion to set the limits of the toleration that has to be accepted or abated in this field”. Precisely because it was so delicate, Malesherbes moved from a discussion of the theoretical limits to an analysis of the actuality of the rules concerning the criteria of the *Librairie*. For centuries the French system had been based on the principle that an explicit permission was required for a book to be published and that the permission be printed in the book. “All this has the objective to forbid those books contrary to religion, the State, to good mores etc. or personal satires and slanderous pamphlets”. In this report, based as it was on the superiority of the law, immutable through time and equal to all, Malesherbes had to acknowledge that the actions of the censors could not be predetermined exactly, as it depended on each one’s mood, attitude, and individual way of thinking. Moreover, “the ministry changes and the principles change at the same time. The ministry resides in one person, and there have been a number of instances of changes where authors, censors and publishers most of the time are at their wits’ end to know what to do”. The public suffers the negative consequences of this situation: it sees that “a part of their pleasures and of their education depends on the whims of one man”.¹⁷ This principle became a core element of the censors’ understanding of their own role. In 1758 Malesherbes’ *Mémoires* elaborated upon some of the subjects which arose in his exchange with Forbonnais. In particular he expounded the notion of freedom as an absence of such constraints as were not specifically considered by the law. In other words, it was the law that shaped the boundaries for public communication and created liberty, not the other way around.¹⁸

While the idea cropped up frequently in his *Mémoires* that the French constitutional arrangement was compatible only with preventative censorship, he nonetheless deemed a drastic reduction of the areas where the censors were entitled to

¹⁴ BnF, MS fr., 22133, ff. 68–69.

¹⁵ Malesherbes further developed these thoughts in a text published posthumously in Grosclaude 1960: 184–5 and in Rousseau and Malesherbes 1991/1991: 20–1 footnote 2.

¹⁶ Malesherbes’s understanding of the notion of constitution was based on his interpretation of Montesquieu (Rousseau and Malesherbes 1991: 19). The fundamental difference between France and England in terms of their constitutional arrangement was fully acknowledged. It was one of the reasons why in France the widespread sympathy for the English constitution was replaced by a prevalent Anglophobic attitude in the second half of the eighteenth century. See Maza 1997.

¹⁷ BnF, MS fr., 22133, ff. 59–64.

¹⁸ Larère 1992: 114–8 has an in-depth analysis of how Melon and Forbonnois used this concept in production analysis.

regulate literary life to be entirely proper: “it is time to emancipate men of letters from the tyranny of these sorts of inspectors who have been placed on their thoughts”.¹⁹ As in many sectors of the press, the reality of the situation had to be acknowledged: it was impossible to repress and eradicate the vast majority of unauthorized publications circulating in France. This was not to anticipate the disappearance of preventative censorship. If Malesherbes wanted the censors to be relieved of the most painstaking control tasks, he did not seek to do away with them; rather, he wished to overhaul their responsibilities. Malesherbes aimed at a clearly visible target, “to narrow down the object of censorship to that which concerns religion, good mores and sovereign authority”. This was, however, never realized in the practice of preventative control in *ancien régime* France.

The inherent tension between *police* and legislation, which Malesherbes described as an essential component of the French constitutional system in his 1756 exchange with Forbonnais, was in fact a crucial pivot in the projected reforms of the 1770s that aimed to redefine the censors’ mandate. For the time being, Malesherbes’ main suggestion went unheeded. He proposed that all subjects alien to religion, good mores and the supreme authority, that is “primarily books that treat some parts of government, like legislation, politics, military matters, finance etc.”, should be printed without preventative censorship, stipulating only that the name of the author be mentioned: “let the work be published at the authors’ risk, danger and luck”.²⁰

Forbonnais focused on the contrast between the English and the French systems in order to defend the preventative censorship in France; Malesherbes assented fully to Forbonnais’ perspective until the summer of 1788, when he pleaded for a new constitutional arrangement, that the king was asked to concede in the face of national collapse. Art. 7 of the declaration that Malesherbes had written for the king to enact included the principle that topics of general interest be treated without preventative censorship: disrespecting religion and good mores and libelling individuals would result in harsh punishment.²¹ It was the convocation of the Estates General which reversed the absolutist course of French history and saw the new regime undertake to adopt the English system of press regulation. The paradox of the French press, in which license thrived while liberty was absent, would come to an end.

Pre-revolutionary plans to reform the *Librairie* collided with the indisputable absolutist principle and had to come to terms with it. Even Malesherbes’ liberalism should not be exaggerated: at the height of the monarchy’s commitment to collaboration with the *philosophes*, when Malesherbes was admitted to the *Académie de France* in 1775, he acknowledged in his reception speech that a “happy enthusiasm has taken hold of all minds, and that the time has come when every man capable of thinking and especially of writing deems himself to have an obligation to direct his

¹⁹ Malesherbes 1994: 98. The most insightful examination of the *Mémoires sur la Librairie* is Roger Chartier’s Introduction, Malesherbes 1994: 7–47. See also Birn 1989; Rousseau and Malesherbes 1991. Introduction: 18–21; Kelly 1979.

²⁰ Malesherbes 1994: 119.

²¹ Malesherbes 2010. *Mémoire sur la situation présente des affaires en juillet 1788*: 123–265, 193–196. A similar point is raised in his *Mémoire sur la liberté de la presse*, Malesherbes 1994.

thoughts to the public good”.²² The definition, however, of who was capable of thinking and writing was socially and politically limited, and in 1775 Malesherbes was reluctant to surrender control entirely over the circulation of books and ideas.

In the World of the Royal Censors

The remarks of Malesherbes in his *Mémoires*, first published posthumously in 1809, have been at the core of most recent descriptions of French absolutist institutions, the inference being that there was an awareness within the administration that public discussion could not be stifled and rather should be opened up. A number of royal censors agreed with the opinions that Malesherbes had voiced to the Dauphin in 1758, without becoming convinced that their task was superfluous, let alone inimical to the public good. Projects of reform offered the opportunity to reshape the contours of their professional identity.

After 1770, the coup d'état mounted by Maupeou with the approval of King Louis XV afforded them the opportunity to overhaul the system of controls, in keeping with the Chancellor's intention to suppress the Parliaments and replace them with new magistracies managed by royal agents. Maupeou was concerned that the censorship imposed by the *Librairie* was inefficient, and ironically his sense of the inadequacy of censorship was reinforced by the protests that followed his coup and the enforced closure of oppositional publications like the *Spectateur français* by Jacques Vincent Delacroix.²³ The journal of the Physiocrats published an exchange in 1771 between Du Pont de Nemours, one of the leaders of the movement, and the censor responsible for vetting each issue, the conservative author Jacob-Nicolas Moreau. As pressure from above increased, Du Pont de Nemours argued that authors should be exempt from preventative censorship, provided that they placed their name on the frontispiece. Du Pont was implicitly referring to the English arrangement whereby libel was prosecuted *ex post facto*. “Errors can do no harm, given that the more enlightened men have the right to refute them. Errors are dangerous only when they are persecuted, and always spread when they are forbidden”. Moreau replied that freedom is indeed necessary but did not demur from his conviction that preventative censorship could not be set aside.²⁴

²² *Discours prononcés dans l'Académie française 1775*: 9–10.

²³ See Maza 1993: 58; Gilot 1999. In 1768 Maupeou ordered an internal investigation to be conducted on some of the royal censors. It turned out to be incomplete and ineffectual: see Hanley 2002. In 1770 Jean Capperronnier, since 1759 the Directeur des imprimés at the Bibliothèque du Roi and royal censor for history and literature, was praised in a report. However, he was also blamed for “being allegedly quite easy-going” it was further remarked that apparently “his obligations do not allow him to examine carefully” (BnF, ms Joly de Fleury, 2192, f. 197). It was his reputation as a tolerant censor that prompted Helvétius to suggest Capperronnier when a censor was required for the first recantation of *De l'Esprit*, the *Lettre au Révérend père ****, *Jésuite*. Malesherbes disregarded Helvétius's proposal and appointed Salmon instead (Smith 1965: 32).

²⁴ *Ephémérides du citoyen 1777*, 1: vii–xviii. See Echeverria 1985: 204–5.

In fact, the Maupeou period saw the situation of writers who protested against the new constraints on their activity deteriorate markedly. Typifying the period, in October 1771, Aubusson elaborated on the leeway to be allowed to writers, but did not advocate the abolition of preventative censorship and aligned himself with Malesherbes' argument: "It is therefore evident that freedom of the press, in this respect [as regards an economic science] and also in general for all that does not offend religion, good mores or the reputation of a citizen, must be always full and complete, without any exceptions ever moment in a civilized nation; it is an essential right that trustees of authority cannot infringe without breaching the fundamental law of any equitable government [...]"²⁵ To a foreigner like Joseph Priestley, the strategy of the *Librairie* in those years was incomprehensible. He complained to his correspondent, the Reverend William Graham, that a paragraph on the composition of air was deemed unacceptable: "At the moment [the French authors] are awfully hindered by the censors of the press. The person who translated my *Treatise on Air* could not get the permission to have in the preface the paragraph where I talk of the consequences of the diffusion of knowledge regarding religion. A person is translating my *Essay on Government* but must print it in Holland and get it into France by stealth"²⁶.

In early 1773 Chancellor Maupeou charged Sartine with the task of working out a more effective system of censorship. Sartine inquired among those royal censors who were most engaged in the business and were best acquainted with the publishing trade. In their replies none of them showed any confidence in the reliability and efficacy of preventative censorship as it then was. In their reports they advocated increased control over the printing industry and expressed the view that both authors and publishers cheated the censors and the *Librairie* whenever they had the chance to do so. The royal censors agreed that they were the only representatives of the

²⁵ d'Aubusson 1771: 18. The confrontation between supporters and opponents of Maupeou's reforms as well as the growing control of public opinion by the monarchy are vividly described in Hudson 1973.

²⁶ "At present they [the French] are miserably hampered by the *censeurs* of the press. The person who has translated my *Treatise on Air* could not obtain leave to insert that paragraph in the preface in which I speak of the consequence of the spread of knowledge with respect to religion. A person is translating my *Essay on Government*; but he must print it in Holland, and get it into France clandestinely. Upon the whole, I thought the country by no means a desirable one to live in, or stay much in, and I wonder much at the taste of my countrymen, who spend so much of their time, and of their money, there" (Letter to Reverend William Graham, no date, but written in Paris in 1774: Priestley 2003. Vol. 1: 256–7). See the *Avertissement du traducteur* emphasizing that the translation follows the original closely (Priestley 1778: viii). On pp. xxiii–xxiv stricken through lines made clear to the readers a passage that could not be translated. As explained in his letter to Graham, the paragraph expunged from the French translation conveyed Priestley's confidence that "This rapid progress of knowledge, which, like the progress of a *wave* of the sea, of *sound*, or of *light* from the sun, extends itself not this way or that way only, but in *all directions*, will, I doubt not, be the means, under God, of extirpating *all* error and prejudice, and of putting an end to all undue and usurped authority in the business of *religion*, as well as of *science*; and all the efforts of interested friends of corrupt establishments of all kind will be ineffectual for their support in this enlightened age: though, by retarding their downfall, they may make the final ruin of them more complete and glorious" (Priestley 1772: xv).

general interest of the monarchy in the literary sphere. One of the most experienced censors and, since 1763, secretary of the *Librairie* under Sartine, François Marin, replied that he had already written reports in order to remedy the abuses in the censoring process and asked for more specific elements to comment upon.²⁷ Other censors, such as Gardanne, who had been formerly very active,²⁸ made no bones about their conviction that censorship was inefficient and submitted a long list of potential improvements that simultaneously demonstrated the intrinsic weaknesses of the system.

When censors deny permission for a manuscript to be published, or when he has expunged many sentences, the author and the printer change the title or wait until the previous request has been forgotten and ask for a new censor, and persevere in the same trick until they are assigned the censor they wanted.²⁹

Gardanne explicitly questioned the utility of the royal censors: printers gave Paris as the place of publication even if the censors had not issued a privilege. Gardanne advised that censors should be granted greater prerogatives and that one censor for each class (theology, jurisprudence, literature and the arts) should use the *Chambre syndicale* to check up on all titles that mentioned disputes, polemics, and sensitive topics. The decisions made by these censors should be final, as they represented the supreme magistrate himself. Once they had recovered their ‘full and proper’ authority, the censors should be authorized to have the last word on the objections of writers whose works were rejected, as well as on books that had been approved but had deeply offended elements of the reading public. Gardanne argued that the censors should wield an indisputable authority and that the inspector of police should implement their decisions. The whole system would thereby have been streamlined. In so arguing, he seemed to agree with the substance of Malesherbes’ thoughts of 1758 (which he did not mention): the *permissions tacites* were an anomaly, and a serious anomaly at that since there were far too many of them.³⁰ Besides, Gardanne pointed out that quite a few books were published thanks to oral, unrecorded (but entirely lawful) permissions and then condemned and

²⁷ Upon the request of Joseph d’Héméry François Marin wrote in 1764 a report entitled *Représentations et observations en forme de mémoire sur l’état ancien et actuel de la Librairie et particulièrement sur la propriété des privilèges, etc. présentées à M. Sartine par les syndic et adjoints, et en marge les observations de M. Marin faites sur chaque article, d’après les notes instructives que je [d’Héméry] lui ai remises par ordre du magistrat, Mars 1764, BnF, Fonds Français 22183. It is analyzed in Birn 1970–1971: 153–4. Marin was befriended by Voltaire: see Mortier 1998. On 1 September 1771 Marin was appointed the editor of the *Gazette de France*. In 1758 he published a *Histoire de Saladin, sultan d’Egypte et de Syrie*. Paris-La Haye, 1758. From October 1763 he was the secretary general of the *Librairie* under Sartine (Feyel 2000: 760). As the editor of the *Gazette de France* he worked closely alongside with the two censors Gérard and Rayneval. The details from his report of 26 July 1774 are in Feyel 2000: 761. In the 1770s he was heavily criticized by the philosophes and especially by Grimm and Caron de Beaumarchais.*

²⁸ See the evidence provided by Dawson 2006.

²⁹ BnF, MS fr. 22017.

³⁰ Malesherbes doubted that the *permissions tacites* could be the solution to the problem (Malesherbes 1994: 203–9).

seized. This undermined the authority of the individual censors who had approved them. Gardanne envisaged a bureaucratic evolution of the censors' powers as the solution to the ambiguities of the system and believed that the strengthening of their role as elements of the absolutist state would offset the negative consequences of *permissions tacites* and of collusion between authors and publishers to elude the censors' control.

Gardanne's colleagues shared his ambition to reinforce the censors' authority as public agents. Adanson stressed that it was the censor's task to ensure the literary quality of manuscripts: he should be responsible for preventing books from reaching the market that brought no new knowledge to the readers and were simply a waste of money. Rather than protecting religion and the monarchy, censors should safeguard readers from the greed of publishers and authors. Adanson mentioned as an example the *Encyclopédie* published in Yverdon that, according to him, was a mere duplicate of the *Encyclopédie* of Diderot and d'Alembert. He did not, however, consider the distinctively Protestant ethos of the Yverdon *Encyclopédie* to be deserving of criticism.³¹

Prelot and d'Hermilly requested that a new tax be levied on books published with a *permission tacite*, and called for new and more stringent controls on *colportage* and provincial printers. All censors who replied to Sartine focused on ways to reinvigorate their role and urged, as Gardanne wrote, that unequivocal and public rules would force the printers to behave accordingly and strengthen the censors in their efforts to regulate the book trade.

In late 1773 the chancellor reacted to this poll with a new set of guidelines.³² These reiterated rules that had faded into oblivion: authors should not be able to choose the censor of their liking, the name of the censor and his decision about the manuscript should remain secret, as well as the name of the document's author. Any contact between the author and the censor was forbidden. The chancellor arrogated to himself the power to approve a manuscript and make the final decision. Some of the guidelines referred to remarks made by Malesherbes, including the condition that authors should place their name on the frontispiece and print the privilege in its entirety. Not all of the censors' suggestions were accepted; for instance the stamp tax on all books to prevent counterfeits and increase the revenues of the administration was rejected.³³

The reform proposal of 1773 aimed to break the alliance between the authors and the publishers, in order to single out those printers who eluded controls and win over the collaboration of men of letters by underpinning the kind of freedom which writers enjoyed and censors upheld on behalf of the monarchy. The reform was intended to rein in the publishers: if unrestricted by the censors, they would have

³¹ Donato 1996.

³² BnF, MS fr., 22017, ff. 38–39, 8 December 1773.

³³ Circulaire pour la déclaration des contrefaçons en magasin, BnF, MS fr. 22017, ff. 44–47; Mémoire servant d'instruction sur la manière de procéder à l'estampillage des livres, BnF, Ms fr. 22017, ff. 48–51.

continued to erode the limited freedom that resulted from the collaboration between the monarchy and writers.

The decree of 1777 fulfilled some of the requirements put forward in this memorandum. Publishers could not have an indefinite copyright, as this was now limited to 10 years by law. The administration provided authors with a new role in their relation with publishers, not with the *Librairie*, that remained the only agency that could grant permission to publish. Loosening their dependency on the publishers meant in fact maintaining the authors' subordination to the *Librairie* and the censors.³⁴

The 1777 decree was an attack on the small group of Parisian publishers who had built up a position of dominance vis-à-vis writers and provincial printers, as it significantly enlarged the public domain of titles available.³⁵ Some reactions to it commented favourably on its implications for a wider discussion in terms reminiscent of Condorcet. The perpetual monopoly of texts, argued one anonymous supporter of the government, in fact Louis-Valentin de Goetzmann, had the paradoxical consequence that any critique or detailed confutation would infringe upon the law.

In order to criticize, it is necessary to transcribe the passages under review. [...] On the contrary, [a well-ordered legislation] should open up a very wide field to an honest and enlightened criticism, should promote it for the progress of science and letters, should therefore allow any transcription, even of whole books, if necessary for a thoughtful critique. Sovereigns should therefore consider the men of letters as censors of each others' books and therefore as entitled to the right of commenting, of criticizing their respective works, even of having freely published longer or shorter parts of it, as they deem it appropriate to carry out their objective.³⁶

Those who objected to the decree detected the imprint of "our *Philosophistes* who claim to be the instructors of humankind" and who call into question the right of property, and as such the objectors championed the role of the Parisian publishers.³⁷

Malesherbes resigned from his post at the *Librairie* in 1763. The following years saw increasing dissension between advocates of alternative strategies to reform the monarchy. These were reflected in the unpredictable and vacillating attitudes and decisions of the censors. The practice of censorship was contingent on authors' ability to guess the limits beyond which the authorities would not allow them to express themselves nor provide the protection of the royal privilege.

These years also provided the opportunity to realise some of Malesherbes' musings in his *Mémoires*, namely the idea of freedom of the press as a form of conditional liberty, a liberty within boundaries, the parameters of which were constantly redefined by writers and censors. The asymmetric relationship between the two nonetheless permitted a debate founded on the understanding that while some

³⁴For the best treatment of this issue see Hesse 1990.

³⁵McLeod 2011: 214.

³⁶Goetzmann 1778: 32 (the preface is dated 20 January 1778).

³⁷*Lettre à un ami*: 3.

notions were totally illegitimate and not to be spoken of, only an open discussion would promote civil progress.

It is hardly possible to sketch the personality of every single royal censor. It is even more difficult to assess their interests and attitudes as a whole.³⁸ Their reports varied widely as regards their accuracy and familiarity with the subjects treated in the manuscript in question. Understandably, many reports were nothing more than a summary, more or less detailed, of its content followed by a statement expressing the censor's opinion on its publication. In a number of cases, censors commented on the style of the manuscript and the structure of the text, foregrounding their own literary or philosophical taste. In reacting to a novel analysis of political economy, of historical perspective or of religious attitudes, censors had a chance to express, however partially, their own intellectual position. In many cases, the paucity of sources or the apparent weakness of their personality make it virtually impossible to define exactly their cultural framework. Despite these limitations, it is clear that some royal censors were challenged by the *Librairie's* requirement of a detailed argument for or against granting a permission and they elaborated on the meaning of their task as components of the absolutist system. In numerous analytical essays, Raymond Birn has investigated the practice of royal censorship in order to delineate the *Librairie's* collective choices.³⁹ As for the period from the 1750s until 1789, the reports on the manuscripts submitted for permission can be examined in order to ascertain the character of the most active censors.

Among them Jean-Baptiste-Claude Cadet de Saineville (sometimes spelled de Senneville) stands out as a particularly remarkable figure.⁴⁰ He went to great lengths to document and provide careful explanations for his assessments, and he invariably framed his decisions within the context of his vision of the censor's responsibility, and of the authors' right to contribute to the well-being of the kingdom.⁴¹ A lawyer who was admitted to the Parisian bar in 1749,⁴² Cadet de Saineville was a well-known if controversial figure in the literary world: Grub street journalists suspected him of unjustly betraying personal foes to the police.⁴³ Cadet de Saineville was entrusted with most of the manuscripts on economic and political subjects that were submitted for permission in the 1770s and 1780s. His post as a royal censor allowed him to examine and put in perspective, the changes in approach by authors and the shifting boundaries between what was licit and illicit in the book trade. Fully aware as he was of the inconsistent pressure ministers imposed on the royal censors, he

³⁸ Hanley 2005. Vol. 1.

³⁹ See Birn 2007 (refuting de Negroni 1995: 40–51). An English version of *La Censure Royale* has been published in 2012 (Birn 2012) with two additional chapters.

⁴⁰ Birn 2012: 99–113, has analyzed some of Saineville's reports.

⁴¹ Saineville is mentioned and briefly analyzed also in Cerf 1967: 12–22.

⁴² Fitzsimmons 1987: 206.

⁴³ See Bachaumont 1777–1789. Vol. 30: 127: the detention of a M. le Maître at the Bastille was blamed on Saineville. In Dutens 1807. Vol. 3: 229–31, Saineville was at the centre of a humorous episode that occurred at the café Procope. Rétif de la Bretonne, who disliked Saineville, called him a "plat bourgeois" (Rétif de la Bretonne 1989. Vol. 2: 1006).

was not afraid to admit that the political context of individual submissions was crucial.

For Cadet de Saineville, a form of “participatory freedom” was an element of constitutional balance within the French monarchy as it associated authors with the monarchy in a common endeavour. To Cadet de Saineville, royal censorship as an institution fostered freedom of discussion in its optimal form. Not only was freedom of discussion compatible with the monarchy, but only the exercise of sovereignty via the censors allowed polarized opinions to grow into a productive discussion. Dissent was acknowledged and accepted, provided that it was mediated by the censors within the framework of shared fundamental values. The practice of royal censorship was part of the freedom of the press. Censors, Cadet de Saineville would have argued, encouraged and promoted intellectual activity; they did not stifle it. They underpinned the conditions for participation in a system that was supposed to encourage free dialogue but they also suppressed texts which were incompatible with the principles of the French monarchy and the progress of civilization. Personal libels, as Malesherbes argued repeatedly, were intolerable within the protected space of free debate. Empty magniloquence without reference to empirical knowledge could not be accepted as it skewed the course of the discussion. Cadet de Saineville held quite personal views that were challenged directly by manuscripts that argued for reforms and innovations without questioning, at least *prima facie*, the fundamentals of absolutism.

A case in point was Physiocracy, with which Cadet de Saineville strongly disagreed. He was assigned to read the manuscript of *L'ordre social* by Guillaume-François Le Trosne and was confronted with one of the manifestos of the physiocratic movement. In his report, Cadet de Saineville noted that he had requested the author to rephrase a passage criticizing Necker, without citing his name. Necker was the author of an *éloge* to Colbert that Letrosne contrasted unfavourably with physiocratic principles.⁴⁴ Interestingly enough, in the same breath, Cadet de Saineville acknowledged his interference while elaborating on the virtues of free discussion:

I think that the public and perhaps the administration [the ministers] cannot help profiting from the publicity of this work, notwithstanding the fact that it was written by an economist [a Physiocrat] and that their doctrine seems to be becoming unfashionable. Truth seems to me always valuable, no matter which party upholds it; and, given that discussions must be carried out wisely, without declamations and personal slandering, I do not think that truth is ever given enough space. In the past the economists were allowed to stray from this rule too much; it would be dangerous to embrace now the opposite view that would halt the dissemination of enlightened ideas that would be very useful.⁴⁵

Freedom of the press is valuable but could not be untrammelled: Mably, in his *Lettres sur les Etats Unis* which Cadet de Saineville approved for publication with a *permission tacite*, was correct in underlining the drawbacks that

⁴⁴Cfr. Necker 1773. On the importance of this *éloge* for establishing Necker's respectability see Lilti 2005: 372.

⁴⁵BnF, MS fr., 22014. f. 139, n. 444, 17 February 1777.

ensued in particular “for a new State which gained its liberty before being able to make use of it”.⁴⁶

Cadet de Saineville praised Mably as an author who was aware of the obligations he incurred in the act of writing and publishing: both in formulating his text and in placing his name on the frontispiece as a token of his accountability towards the monarchy and the public. Cadet de Saineville saw himself as an element of the absolutist monarchy and a component of its civilizing mission. He explicitly approved the decision of the new Controller General, Turgot, that the 1764 prohibition on discussion of administrative matters be publicly revoked. The *Réflexions sur les avantages de la liberté d’écrire et d’imprimer sur les matières de l’administration*, written by Morellet from 1760 to 1764 and published eventually in 1775,⁴⁷ conformed perfectly to Cadet de Saineville’s stance: the free press meant that the government profited from a more complete knowledge of the prevailing conditions in the country, could better develop principles of political economy and ensure that its decrees were properly implemented.⁴⁸ When Cadet de Saineville approved and granted full privilege to Necker’s *Sur la législation et le commerce des grains*, he explained in detail the reasons for his decision: in fact his approbation, appended at the conclusion of the book, was a full-fledged critical review.

Complying with the order of Monseigneur the Keeper of the Seals (Garde des sceaux), I have read a work entitled “On the corn legislation” [Sur la législation des grains]. The principles stated in it seem to differ from those announced by the government on this subject, however the author has limited himself to a plain discussion of this very important matter; and truth, it seems to me, cannot but gain from the examination of an issue of such import. For these reasons I thought that the publication of this work can only be useful. Paris, April 18th, 1775.⁴⁹

Turgot had apparently refused to take responsibility for either permitting or forbidding the publication and circulation of Necker’s treatise, which opposed the free trade measures enacted in February 1775. He may have suggested to Cadet de Saineville that he prohibit Necker’s work. Cadet de Saineville was, as Morellet described him, “a little fastidious in his character and opinions” and it is likely that he dodged a head-on confrontation with Turgot. What was remarkable, however, was that while carefully wording his approbation, he stressed his unflinching conviction

⁴⁶ BnF, MS fr., 22014, f 159, n. 527: “p. 113 Cet auteur a sur la liberté de la presse des principes qui m’ont paru assez sages; il croit que celle absolue peut être dangereuse dans un état nouveau qui a acquis sa liberté, avant d’avoir l’art de s’en servir. Il discute à merveille les inconvénients de cette liberté et veut qu’au moins tout écrivain soit obligé de mettre son nom à son ouvrage, et se soumettre ainsi à l’animadversion des loix, s’il les offense” (27 July 1784, signed by Saineville).

⁴⁷ See Medlin 1995: 193 footnote 35. Morellet began writing the *Réflexions* while at the Bastille in 1760: Morellet 1988: 104, 138–40. Indirect evidence of his attitude towards the dangers in managing censorship is also in Morellet’s (clandestinely and anonymously printed) *Préface de la Comédie des philosophes* (Morellet 1760), where he fears that “nothing would be printed unless approved by twelve theology doctors from Coimbra or Salamanca and by four inquisitors”.

⁴⁸ BnF, MS fr., 22014, ff. 10–1, n. 746, 30 November 1774, *Réflexions sur les avantages de la liberté d’écrire et d’imprimer sur les matières de l’administration*.

⁴⁹ Necker 1775: 175. See Darnton 1969: 613; Birn 2012: 101–2.

that public debate should be constantly opened up rather than closed down⁵⁰: Cadet de Saineville acknowledged frankly that the government was experimenting with free trade in a physiocratic manner, and emphatically suppressed his opposing personal opinions. His actions affirm the importance he afforded to unimpeded debate on subjects of national interest. On April 25, 1775 he approved the *Lettres sur le commerce des grains* by Condorcet.⁵¹ The boundary between a useful measure of dissent and an outright challenge to the basis of a well-ordered society, nevertheless remained unclear. Authors might be unaware that they were questioning unspoken principles. Cadet de Saineville confronted manuscripts that tested the limits of open discussion as idealized by the royal censor. A *pamphlet* on taxation and the grain trade was submitted for approval in August 1776 and was reviewed again in March of the following year in order to trace the consequences of changes in the central administration. To Cadet de Saineville these *Vues patriotiques* proved that the freedom to analyse government measures stretched the limits of acceptability. He repeated that it was legitimate and desirable to comment critically on the government but lauded the restrictions placed on possible abuses.⁵² When he reviewed the *Essai de finance*, a short treatise by Pierre-André O'Heguerty, count de Magnières, his objections to its publication referred to its poor quality and utter uselessness, rather than to its defense of physiocratic principles, which, as we have seen, Cadet de Saineville strenuously disagreed with. Freedom of the press, in his view, ought not be applicable to truly wretched and inferior books.⁵³

The confrontation between physiocrats and antiphiysiocrats raged in the 1770s and tested Cadet de Saineville's ability to chart a course between the two approaches, each one with its supporters in the public sphere, at court and in the government. Cadet de Saineville approved the publication of the physiocratic tracts *Ami de la France, ou le monopoleur converti*⁵⁴ and *De l'instruction publique* by Mercier de la Rivière.⁵⁵ He also cleared for publication Morellet's defense of free trade against

⁵⁰ Morellet 1988: 203.

⁵¹ Condorcet 1774: 29.

⁵² BnF, MS fr., 22015, n. 195, 8 March 1777, n. 1403. "Vues patriotiques ou réflexions d'un citoyen sur l'impôt et sur le commerce des grains. Ce mss m'a été adressé au mois d'août dernier, les changemens dans l'administration m'ont déterminé à le garder quelque tems, avant d'en rendre compte. On a [...] abusé de la liberté d'écrire sur les matières qui intéressent le gouvernement; je l'ay pensé dans le temps; et je l'ay dit sans avoir été écouté; on a mis depuis des entraves à cette liberté d'écrire et on a très bien fait. Mais cette raison en est elle une pour qu'il soit absolument interdit d'écrire sur ces matières ? C'est à vous Monsieur, de concert avec Monsieur le garde des sceaux et Monsieur le contrôleur général à prononcer." Saineville described the *Vues patriotiques* as a text written without declamations in which ideas are developed in order, and required a *permission tacite*.

⁵³ BnF, MS fr., 22014, f. 105, n. 372, 24 February 1775. The book was published despite Saineville's negative assessment (Paris: Bastien, 1775).

⁵⁴ BnF, MS fr., 22015, f. 143, n. 1207, 15 December 1775.

⁵⁵ BnF, MS fr., 22015, f. 112, n. 1061, 14 August 1775.

Necker,⁵⁶ as well as the *Richesse de la Hollande* that the bitter anti-physiocrat Accarias de Serionne had written (though his identity was unknown to Cadet de Saineville).⁵⁷ For Cadet de Saineville, steering a middle course and preserving space for frank discussion meant denying some works access to the legal book market. In 1775 Voltaire defended Turgot in his *Diatribes à l'auteur des Ephémérides*, addressed to Baudeau, and blamed the riots against the reforms, the “guerre des farines”, on the clergy.⁵⁸

Saineville’s stance was clear: “It is not with declamations nor with personal attacks that you can successfully proselytize; it is rather with reasons clearly deduced and capable of persuading and winning over [the audience]”.⁵⁹

Censors had to regulate an ongoing discussion that, due to its internal dynamic, required constant external interventions and readjustments by the royal censors. Providing “the most far-reaching freedom in the discussion” was the goal of the idealized impartial censor. It was this role into which Cadet de Saineville projected himself and cast himself as the victim of conflicts between unscrupulous and biased parties.⁶⁰ He had ample opportunity to work out and refine this self-conception. When Auguste Chambon requested a publication privilege for his polemical tract against Voltaire, which had been published without privilege in 1764, Cadet de Saineville complied reluctantly. This was understandable given that Chambon had taken a violent tone comparable to the impiety that infused the writings of many *philosophes*.⁶¹

How could a royal censor second the process of Enlightenment? This was a difficult but not an impossible undertaking. When a manuscript was submitted that was sympathetic to the *philosophes*’ principles, Cadet de Saineville could not suppress his empathy. The text of the *Essais historiques et politiques sur les Angloaméricains* is a case in point. “Judging as a reader, this book has been a pleasure, but the

⁵⁶ BnF, MS fr., 22015, f. 70, n. 972, 23 March 1775, *Analyse de l'ouvrage sur la législation et le commerce des bleds*.

⁵⁷ BnF, MS fr., 22016, f. 68, n. 1899, 14 August 1778.

⁵⁸ This episode was recorded by Belin: 353. Voltaire’s writing was published in May 1775, anonymously and without place of publication. It was suppressed by the Conseil on 19 August 1775, because it offended religion (as it claimed that all religions are based on agriculture) and the king’s authority.

⁵⁹ BnF, MS fr., 22015, f. 143, n. 1207, 15 December 1775, in which he reviewed the *Ami de la France, ou le monopoleur converti*.

⁶⁰ BnF, MS fr., 22015, f. 208, n. 1454, 14 July 1778, the review of the *Apologie du commerce*. Saineville expunged the invectives against the *philosophes* and Raynal in particular.

⁶¹ BnF, MS fr., 22015, f. 46, n. 1816, 28 March 1778. Saineville reviewed Chambon’s work on the French trade from Marseilles to America. It was first published in 1764 without authorization. Chambon was now requesting a printing privilege. All unauthorized copies had been seized. Chambon criticized Voltaire’s views of monogenism in a way that Saineville considered unacceptable. “This dissertation is full of harsh words against him [Voltaire]. The author blames his impiety incessantly and feigns the tone of Christian benevolence while his words are not charitable at all”. Saineville was in favour of granting the same degree of freedom to those who defend the established religion as to those who criticize it. He recommended that a *permission tacite* be conceded.

question is how to assess it as a censor". The author, Hilliard d'Auberteuil (though, once again, Cadet de Saineville was not aware of his identity) sided all too clearly with the American insurgents. His *esprit philosophique* was visible throughout the book: had the censor not curbed it, both the author and the censor would have run the risk of being burnt publicly (if only figuratively, we may assume) by the *Parlement de Paris*. So Cadet de Saineville, because of the exaggerated threat posed by the *Parlement*, identified himself as a supporter of the 'good enlightenment'. He did not advocate the rejection of the manuscript. He nonetheless highlighted the fact that Hilliard d'Auberteuil praised liberty "as extending to toleration in religion and freedom of the press",⁶² that is, to areas pertaining to the sovereignty of the French monarch. In this case Cadet de Saineville viewed his task as a censor as working out a compromise to revise the text, allowing it to reach the market legally. This made the core of d'Auberteuil's thoughts available to the reading public, albeit without a printing privilege, but at least somewhat protected under a *permission tacite*. The fundamentally enlightened approach to contemporary history adopted by D'Auberteuil was preserved by the censor: it was thus the latter who widened the scope of public debate, fostered active participation therein and encouraged the circulation of knowledge on contemporary events.⁶³ Cadet de Saineville specialized in American affairs. In 1769 he approved the French translation of the *Letters from an American Farmer* by John Dickinson but lamented the clumsiness of the French text.⁶⁴ Writings on the American Revolution represented a particularly delicate issue: the Bourbon monarchy was militarily involved in the conflict and had to support the American insurgents. Its censors, however, were fully aware that pro-American literature had a distinctly anti-monarchical tendency. A number of manuscripts of an anti-British persuasion were submitted for permission. Faced with this Cadet de Saineville maintained that he wanted to generate a well-balanced space for discussion where both parties could express their views, even if it was clear that the minister de Vergennes, no matter how cautiously, favoured the pro-American side.⁶⁵ Cadet de Saineville read the manuscript of the *Voeu de toutes les*

⁶² BnF, MS fr., 22015, f. 200, n. 2615, *Essais historiques et politiques sur les angloaméricains* by d'Auberteuil. Its *Prospectus* was inspected and approved by de Vergennes. Saineville remarked that the *Essais* were pleading the insurgents' cause too openly. "This liberty, so cherished by the author, includes religious tolerance and freedom of printing as well. I deleted a footnote on parliaments burning books at the stake. Such a footnote would have us both, the author and myself, burned, if I ever left it at its place". Despite these changes, accepted by d'Auberteuil, readers can easily detect "the philosophical spirit that reveals at every step his true thinking". Saineville denied the *privilège général* and thought even a *permission tacite* to be too generous. A second censor should be involved. Upon a second reading, in fact, Saineville deleted a number of "signs of approbation", that he regretted having conceded (20 June 1781).

⁶³ The publication of the *Essais historiques et politiques sur les Angloaméricains* shows that the prohibition of contemporary history was not without exceptions. For a different view see Darnton 2010: 275 ("Contemporary history and biography [...] had no place within the legal literature of the Ancien régime because they dealt with issues that were still sensitive and persons who were still alive").

⁶⁴ BnF, MS fr., 22015, f. 16, n. 779, 12 February 1776.

⁶⁵ Cfr. Murphy 1982: 211–395.

nations, a pamphlet that addressed the new diplomatic situation created by the American War of Independence. He appreciated the wisdom of the political views it expressed but could not hide his poor opinion of its vacuous style.⁶⁶ It took him a full year to approve, with a *permission tacite*, the importation of John Lind's refutation of the Declaration of Independence, the *Réponse à la déclaration du congrès américain*.⁶⁷ The foundations of the absolutist monarchy were central to his concerns: Cadet de Saineville recommended that the *Recueil des loix constitutives des colonies angloises confédérées* be granted a *permission tacite* (nor could he do otherwise: the minister de Vergennes had already approved it) but could not help remarking that the English editor's footnotes contained principles that were incompatible with absolutism: they "contain propositions on freedom of religion and on relations between the sovereign and the people which I could hardly agree with as a censor". He suggested that the reader should recognize that these footnotes were not by a French author.⁶⁸ Like other more radical *philosophes* such as Diderot and Raynal, who correctly perceived the political originality of the American constitutional settlement, Cadet de Saineville was baffled by the paradox of an absolutist monarchy supporting the creation of a pluri-confessional and predominantly Protestant republic, where freedom of the press was inscribed in the individual state constitutions.

Once Forbonnais and Malesherbes had drawn attention to the divergence between the French and Anglo-American models of freedom of the press, it was treated by an increasing number of authors in the 1770s and 1780s. When these writings were submitted to the censors, it is no wonder that they caused some puzzlement. Emilien Petit's three volumes on public law in England and France is illustrative of this confusion. As a member of the French judiciary in Saint-Domingue and a "royalist at heart", Emilien Petit had the right credentials to legitimately present his views to the wider public.⁶⁹ In 1776, Cadet de Saineville analysed the manuscript of these *Dissertations sur les parties les plus intéressantes du droit public en Angleterre et en France* at length and very carefully.⁷⁰ He empathized with the author and his reformist intentions. Besides, Cadet de Saineville noted, these *Dissertations* were "without declamations" and "wisely written". The content of the *Dissertations* was very straightforward. Petit ended the first dissertation with an appeal to rein in and drastically reduce the use of *lettres de cachet*. The second dissertation argued for dispelling the secrecy that surrounded French criminal procedures; the third seemed to be the most controversial, since it challenged the censor's conception of the proper limits to open discussion. Petit focused on the nature of property in England and France and its consequences for their respective fiscal systems. From there it

⁶⁶ BnF, MS fr., 22014, f. 13, n. 25, 12 July 1778.

⁶⁷ BnF, MS fr., 22014, f. 66, 18 August 1778. It refers to the following edition: La Haye: Gosse, 1777. Another French edition was published in London: Cadell, 1777.

⁶⁸ BnF, MS fr., 22016, f. 49, n. 1817.

⁶⁹ On Petit's activity as an administrator in the Caribbean colonies and on his writings see Ghachem 2001.

⁷⁰ The reform of the French judicial system was increasingly discussed from the 1760s until 1789.

was a natural progression to a discussion of the prerogatives of the French and English Parliaments. Cadet de Saineville readily conceded that the author “generally sides with the king’s authority” and rejected the position that the *Parlements* represented the French nation and served the function of ensuring the legitimacy of laws enacted by the king. Moreover, Petit praised the edict that “limited the authority of the *Parlements*”. Cadet de Saineville projected his own reactions as a reader, on to the general public and anticipated that “it could be useful for the administration to publish the third dissertation”. It was out of the question, however, that an individual censor should compromise himself by backing a work that was bound to elicit a muscular reaction from the *Parlements* and would certainly require the backing of the Keeper of the Seals.

As for me, the fear of being compromised and facing the *Parlement*, something that would disrupt the peace which I currently enjoy and which I prize as the most valuable good, will never allow me to place my name on the third part.

Through these words Cadet de Saineville expressed his awareness that the members of the *Parlements* were so much more powerful than he was, especially, as he said, “in a time of ferment”.⁷¹

Petit’s massive work was published by Knapen in a reduced version. Only the first two parts were printed while the third, more controversial dissertation was dropped. Interestingly, Petit revised his position on the *lettres de cachet* and acknowledged that he had been “carried away to embrace the opinion” that the English enjoy much greater freedom than the French. In the manuscript’s transition from that originally intended for the French public to that printed by Knapen, Emilien Petit downplayed the reformism that had excited and intimidated Cadet de Saineville.⁷² In fact, in reviewing Petit’s work, he was grappling with an issue of more general import. Cadet de Saineville believed that censors were responsible for ensuring that books were accurate in their depictions of the balance of power within the monarchical constitution. In 1778 he dared oppose the government in order to defend his notion of a proper balance. The Controller General, Necker, and Trudaine de Montigny wanted to permit publication of a *Mémoire sur les chemins* that Cadet de Saineville thought was written by Riquetti de Mirabeau. Cadet de Saineville rejected the legitimacy of the author’s attack on the alleged despotism of royal administrators in the Limousin, on the grounds that Mirabeau had exaggerated the extent of the actual abuses of the *corvée*.

His critique is bitter, often unjust; he does not suggest any new opinion and does not argue at all. I do not see any advantage that might come from the publicity of this memoir and *I think it should not be printed*. If libelling against individuals is prohibited, then it should be when it is against the administration also. M. Trudaine [de Montigny], to whom I reported on this work, seems to disagree with me. He believes that the administration *des ponts et chaussées* is beyond such a critique. With all due respect for his opinion, I cannot see eye

⁷¹ BnF, MS fr., 22014, ff. 151–2, n. 479, 1 September 1776.

⁷² Petit 1778: 218–9.

to eye with him, and it is my judgment that Monseigneur the Keeper of the Seals is requesting from me.⁷³

Cadet de Saineville was adamant that authors should respect the limits placed upon them by the monarchy to protect the constitution of the realm. The Swiss author of *Principes philosophiques politiques et morales*, Franz Rudolph Weiss, crossed the line that distinguished public discussion from open attack on the monarchy. Inserting *cartons* (cancels) correcting individual sentences could not redress the flaws of a work that “was infected almost everywhere with the spirit of immoral liberty that set the tone” and was incompatible with the respect for religion necessary in a monarchy.⁷⁴

From the same point of view Cadet de Saineville expressed his admiration for Mably’s book on the United States, but requested the correction of its flagrantly deist passages. In this case his pleasure as a reader did not coincide with his responsibility as a censor⁷⁵ nor did it when he had to peruse the *Lettre de Mirabeau sur Mm. Cagliostro et Lavater*, for which he felt a reluctant admiration.⁷⁶ In 1788, after 30 years of service as a royal censor of politics and economics, he wrote that he was happy to say that he permitted the publication of books he disagreed with and that he was never involved in literary squabbles.⁷⁷ The latter claim at least was not entirely true. Not even the perfect anonymity of the review for the Keeper of the Seals allowed Cadet de Saineville a full and transparent memory of his life’s work. Linguet attacked him and blamed him for the alleged conspiracy between the physiocrats and Morellet to illegally suppress the publication of Linguet’s tracts against free trade. Morellet, for his part, openly defended Cadet de Saineville’s conduct.⁷⁸

Despite his occasional amnesia, Cadet de Saineville struck the right note in stressing his efforts as censor to promote a notion of public discussion in terms of a civil conversation between peers, framed within a notion of collective utility and where personal aggression could not be tolerated. The respective roles in the social hierarchy of ministers, *parlementaires*, and noblemen, as well as of renowned scholars, had to be respected at all times.

Personal honour was a crucial component of the self as perceived in culture and enacted in the social structure. The censors saw to its preservation, their task growing more complex as the polarization between conservatives and innovators intensified. The censors’ creative mediation was required to bridge this gap. Cadet de Saineville reflected on the function of censorship as a rationalizing agent for the monarchy’s continued success. He thought of himself as a representative of the

⁷³ BnF, MS fr., 22015, ff. 44–5, n. 896, 28 March 1778.

⁷⁴ BnF, MS fr., 22015, f. 55, n. 935. Weiss’ book was first published with the place of publication given as En Suisse 1785 and went through a number of editions.

⁷⁵ BnF, MS fr., 22014, f. 159, n. 527.

⁷⁶ BnF, MS fr., 22015, f. 94, n. 1037, 2 May 1786.

⁷⁷ BnF, MS fr., 22015, f. 259, n. 1598, reviewing *Droit public du comté état de la Provence...*, 3 May 1788.

⁷⁸ Linguet 1775: 74.

absolute monarch who had to clarify and seek out the good in all writings, rather than as an inflexible gatekeeper of the social and political order as it was or as the bitter opponent of all progress.

His attitude had bizarre consequences. In 1789 Cadet de Saineville was assigned the manuscript of the *Dignité du commerce et de l'état de commerçant* by the well-known scholar Anquetil du Perron. He reacted enthusiastically. He enjoyed Anquetil's debunking of the pride of the nobility and his suggestion that feudal rights be suppressed. By vigorously recommending its publication with privilege, Cadet de Saineville expressed his preference for radical reform of a fundamental feature of French society. The irony is that his endorsement came too late, on 18 July 1789.⁷⁹

Dialogue and Censorship

Cadet de Saineville stands out among the royal censors for his ongoing attempts to self-define and evaluate the meaning of his position and stance. Other censors shared his notion that their control of authors and the book trade involved a measure of dialogue and respectful interaction as well as a collective authorial responsibility. Like Cadet de Saineville, other censors perceived that their role was becoming more controversial, faced as they were with an increasing number of manuscripts that could not meet the standards for legitimate publication, not to mention books by French authors published abroad and smuggled into France. The consequence of this was that they could not communicate the appropriate criteria to authors, nor could they apply the requisite pressure on printers and authors, all of this having ramifications for the efficacy of the *Librairie*. In 1788, de Serionne defined his role as censor as “the fatherly vigilance of the administration”, which unbridled authors like Brissot de Warville necessitated by their affronts to censorship and defamation of highly respectable individuals.⁸⁰

This notion of participatory freedom rested upon the requirement that writers and censors collaborate, and blend different perspectives in a single text acceptable to the monarchy. Morellet's essay on freedom of the press, published in 1775, tentatively sketched some crucial points that defined this peculiar balance within an allegedly enlightened censorship. He argued that a free press should play the same role as a salon where new ideas are put forward and tested. Right and useful ideas would prevail over mistaken and misleading ones, and educated public opinion would win now true knowledge from errors and prejudice. Morellet remarked that the clash of ideas represented the method of activating critical research and the

⁷⁹BnF, MS fr., 22015, f. 14, 18 July 1789. The *Corrections et additions* are signed 15 June 1789, while the text was finished on 15 May 1789. The volume was published with the title *Dignité du commerce et de l'état de commerçant*, par M. Anquetil du Perron, Voyageur, 1789 (no place of publication given; no authorization to publish was mentioned).

⁸⁰BnF, MS fr., 22015, f. 42 n. 895, 15 July 1787. Brissot and Clavière 1787.

acquisition of new and reliable information. He also noted that this development was possible within the limits of an educated society, where a process of civilization was taking place.⁸¹ Freedom of the press was possible because society at large was refined and the censors shared the tolerant mood required for progress. Later in his *Mémoires*, Morellet recalled that Malesherbes himself approved his translation of the *Manuel des Inquisiteurs*, thereby signaling that it was necessary to incite repulsion for the Inquisition and religious intolerance in general and thereby render progress irreversible.⁸² Civility was a component of toleration. Confronting Linguet in 1775, Morellet accused him of lacking the “moderation that we have a right to ask for from a writer who deals with such delicate topics [like the free trade in grain], and it is this lack of moderation that led to the refusal of the censor’s approbation and of the printing authorization”.⁸³ The absence of a “love for truth” placed Linguet outside the community of well-meaning and sensible people.⁸⁴ Later, as he looked back upon these pre-revolutionary years, Morellet bemoaned the degeneration into license occasioned by this form of freedom of the press: based ideally on the enlightened self-restraint of loyal *philosophes*, it was dissolving at the same time as Morellet was praising its virtues.

Morellet’s perspective in his *Mémoires* was evidently skewed by the events of the French Revolution. He underscored the rationality of royal censorship as he would not have done in the 1760s and 1770s, when he experienced the unpredictability of its decisions at first-hand.

Despite his being part of a solid network of protection, Morellet had trouble dealing with the logic governing book policy. In 1770 he wrote a *Réfutation* of Galiani’s *Dialogues*, evincing free-trade orientation, but managed to get it past the censors. The work was published and circulated thanks to Turgot’s intervention in November 1774. Morellet’s plan to translate Adam Smith’s *The Wealth of Nations* into French failed because of opposition from government.⁸⁵ Before the revolutionary trauma altered his perceptions of the ancien regime’s practice, Morellet’s perspective was very similar to Malesherbes’ and Cadet de Saineville’s: the granting or refusing of a printing permission depended to a great extent on the intellectual agenda of the author. It also depended on political decisions made by censors or by the *Directeur de la Librairie* himself, who took on the responsibility for interpreting the functional ambiguity implicit in the system. While excluding marginal or extravagant authors, this functional ambiguity provided insiders with a varying but substantial space for original expression that might challenge, without disavowing, the legitimacy of control. Linguet was perceived as a disloyal contestant in the battle of ideas who took advantage of fairness to disrupt the progress of French society, including

⁸¹ Gordon 1995: 52–3, analyzes Morellet’s treatise.

⁸² Morellet 1988: 80–1. The selection from Eymerich’s massive *Directorium Inquisitorium, Le Manuel des Inquisiteurs à l’usage des Inquisiteurs d’Espagne et de Portugal* (Eymerich 1762): 196–198, shows a similar pedagogical attitude in the Postscriptum de l’Editeur.

⁸³ Morellet 1775a: 65 footnote.

⁸⁴ Morellet 1775b: 191.

⁸⁵ Di Rienzo 1994: 37–44.

freedom in public discussion. When Cadet de Saineville (and Morellet) believed that Linguet had exceeded the bounds of acceptable criticism in his discussion of economic politics, it was the lieutenant-general of police, Jean-Charles-Pierre Lenoir, who discreetly put pressure on Linguet and secretly allowed the publication and circulation of Linguet's anti-physiocratic writing in order to undermine Turgot's free-trade policy.⁸⁶ The limits of freedom of the press were ultimately set by the civil authorities on a case-by-case basis, as opposed to following a general set of criteria. Even Turgot, who was committed to a very broad understanding of freedom of the press and acted in conformity with the idea of participatory freedom for most of his life, exerted all his authority to have Linguet's pamphlet taken out of circulation as soon as he realized that it was a serious threat to his policy.⁸⁷ Turgot's decision did not mean that he embraced the principle of repression and rejected the ideal of unregulated freedom; it signified rather that the government was to retain the power to define the limits of acceptability for those books that did become available.

As Linguet commenced publication of the "Journal de Politique et de Littérature" and renewed his campaign against Physiocracy, Turgot informed him that he had no intention of silencing him but wished rather to acquaint him with the government's aims and achievements.⁸⁸ Turgot was convinced that freedom of the press was a prerequisite for the progress of society, and – paradoxically – that good and useful books could not really be damaged by censorship.⁸⁹ For this reason he could not tolerate the unimpeded circulation of libellous and slanderous pamphlets and insisted that such authors be brought to the bar and punished.⁹⁰ In other words, as he wrote to Condorcet, "with a tone of decency (*honnêteté*) one can say anything, and all the more so when one adds the weight of reason".⁹¹ Turgot was concerned that "a good book, [...] that generates persuasion" and helps to "cast light everywhere" should be effectively protected.⁹² Turgot went so far as to hope for the publication of Rousseau's last works, since these abounded with personal grievances and *ad personam* attacks. Rousseau's alleged persecutors should be entitled to publicly defend themselves against the Rousseau enthusiasts who gave credence to his conspiracy theories.⁹³

Censors had to inspect manuscripts, not only for inappropriate allusions to life at court but also for the proper tone and decency: they may not have been accomplished courtiers but they had to detect offense when it was intended.⁹⁴ Censors had

⁸⁶Linguet 1775. Jean-Charles Lenoir was director of the Librairie from July 1774 to May 1775.

⁸⁷Levy 1980: 112. See Turgot 1913–23. Vol. 5: 144 footnote a.

⁸⁸Turgot 1913–23. Vol. 5: 144.

⁸⁹Turgot 1913–23. Vol. 5: 544. Turgot recalled this approach in a letter of 4 December 1777 to the duchess d'Enville, in Turgot 1976: 128.

⁹⁰Turgot 1913–23. Vol. 5: 566–7.

⁹¹Turgot-Condorcet 1882: 146–7 (Turgot to Condorcet, December 1773).

⁹²Turgot 1913–23. Vol. 3: 493 (letter to Dupont, 9 August 1771).

⁹³Turgot 1976: 143.

⁹⁴BnF, MS fr. 22137, letter by abbé Guirot to Malesherbes, 1751, requesting to be exonerated from censoring a text full of allusions he could not puzzle out, quoted in Darnton 2010: 448.

to approach a text from a variety of perspectives. Literary taste provided one of the major criteria for assessing manuscripts that fell between outright conformity to the absolute monarchy and potentially oppositional reformist tracts. Analysis of the rhetorical framework loomed large in many evaluations. It was, however, neither the role nor the intention of the censors to act as literary critics judging a text's literary value. Rather it meant that a work of economics or politics had to meet all the accepted standards of decency in order to be cleared for circulation with royal permission and qualify as part of an open and useful debate. A clear, respectful, civilized tone was indeed a component that qualified a work for public discussion.⁹⁵

Despite the striking variety of individual personalities and situations, it is possible to argue that a culture of royal censorship had emerged in France by the mid-eighteenth century. This culture focused on how to promote two seemingly incompatible goals, an open discussion and stability within the limits of the absolute monarchy. In 1771 Gilbert Arnaud François Simon de Lagrange de Chessieux recommended that a *Traité de la hiérarchie de l'Eglise et des pouvoirs qui appartient à chacun des ordres* should not be published because it fomented dissent between the First and the Second Estates of the kingdom, thereby violating the decree of the council of 26 November 1775.⁹⁶ This book did not in fact appear in print nor was its author named. Lagrange de Chessieux was less successful when it came to arriving at a decision on the French translation of Lord Chesterfield's letters to his son. Lagrange de Chessieux, who had begun his career with a refutation of an English tract on the peace of Utrecht and its consequences for Nova Scotia but admitted his ignorance of English, suggested that publication of the translation should not be permitted.⁹⁷ To support his judgment he listed all the passages to which he objected. The book was published nonetheless, in 1776, with a *permission tacite*.⁹⁸ Another royal censor, Armand-Gaston Camus, suggested that the *Vues d'un théologien patriote sur la légitimité de l'intérêt de l'argent*, a work advocating the legitimacy of usury, should not be published: this in itself did not irritate Camus. Many authors had previously dealt with this issue "with decency and seriousness": this book, however, did not advance convincing reasons for the opinion it upheld, and might in fact "inflame minds, cause quarrels and prevent people from listening to each other. My opinion is therefore that the publication of this book should not be permitted. I only see drawbacks, [and] no benefits to offset them".⁹⁹ In the case of the *Vues d'un théologien patriote* the censor prevailed. Another censor, Chenu, had to bow to the request for a privilege for the French translation of the best-selling memoirs of the German Baron von Trenck. His concerns about the deleterious consequences of the Baron's thoughts on suicide and on "anything that

⁹⁵Goldgar 1992; Edelstein 2012.

⁹⁶BnF, MS fr., 22015, f. 147, n. 2173. The book was not published.

⁹⁷La Grange de Chessieux 1756: iii–iv. See Jefferys 1754.

⁹⁸BnF, MS fr., 22015, ff. 166–174, n. 547. Chesterfield 1776. See Trumbull 1998: 171–2.

⁹⁹BnF, MS fr., 22015, n. 654, f. 1, 30 May 1780.

might remind of materialism” led Chenu to delete so many pages that the two volumes of the German original shrank to a single-volume edition in 1787.¹⁰⁰

Camus and Chenu were among the censors in the 1780s who perceived that more stringent controls on manuscripts submitted for permission were necessary, and that the gulf between authors’ and publishers’ submissions and censors’ expectations was widening. In particular Camus developed a way of examining manuscripts submitted for publication that recalls the seriousness displayed by Cadet de Saineville: tolerance and civility were praised, prejudices and fanaticism openly criticized.¹⁰¹ Seen from the writers’ point of view, however, these were difficult years. Rétif de la Bretonne’s elusive and morbid personality was probably not representative of most of the authors who came in contact with the *Librairie*, but some of his observations are worth revisiting. In *Monsieur Nicolas* he recalled those censors who were particularly petty.¹⁰² His *Inscriptions* mention (mostly in derogatory terms) his encounters with a number of censors who permitted the publication of his novels, though usually requesting changes.¹⁰³ On one occasion, when changes were not requested, Rétif de la Bretonne was involved in an extremely difficult situation. In 1789, he published the *Ingénue Saxancour, ou la femme séparée* (apparently with a *permission tacite*), a novel which was really a thinly-veiled recounting of his daughter’s dramatic marriage to an abusive, profligate and sexually perverted husband. Rétif de la Bretonne’s son-in-law sued him for libel and had him arrested in September 1789. Soon after his acquittal, Rétif de la Bretonne replied with a refutation of the charges of slander and claimed that he had only wanted to defend the honour of his daughter.¹⁰⁴ The uproar caused by the publication of the *Ingénue Saxancour* reached the censor La Reynière who regretted not having been entrusted with the manuscript. La Reynière’s comments to Rétif de la Bretonne in 1791 expressed his self-understanding as a well-intentioned partner in the writing and publication process. “Your revenge (although legitimate) against her husband has blinded you. You did not see that, by slinging mud at [your son-in-law], you have involved her. If she ever becomes a widow, who will want such a soiled woman, whose shame you have exposed to the public?”. Rétif’s reply is not known, but a few days later La Reynière insisted once more on the face-saving role he could have played: “If only I were the censor of this work! It would have never seen the light of day. It has not added to your glory and will be the pain of your old age!”¹⁰⁵

La Reynière alluded to an aspect of the censor’s role, which had obviously disappeared in 1791 after coming under aggressive scrutiny in the 1780s. Negotiations between writers and censors became more contested since the boundaries of the publishable were less self-evident and were increasingly subject to negotiation.

¹⁰⁰ BnF, MS fr., 22015, f. 306, n. 1331. It was published as Trenck 1787.

¹⁰¹ Kirsop 2012.

¹⁰² Rétif de la Bretonne 1989. Vol. 2: 1005–6.

¹⁰³ Rétif de la Bretonne 1889: 32, 72, 318, in particular on his relationship with the censor Terrasson.

¹⁰⁴ Trouille 2010: 296.

¹⁰⁵ *Le Drame de la vie*. Vol. 5: 1317, 1321, quoted in Trouille 2010: 296 (Letters of La Reynière, 19 May and 7 July, 1791).

Personal interviews were mentioned in the censors' reports as suitable opportunities to reach a reasonable agreement, which presupposed acknowledging the censor's authority. Unsurprisingly, Cadet de Saineville had a very low opinion of the *Science of legislation*, by Gaetano Filangieri, and translated by Gallois. "Superficial spirits" might be enthralled: it was not a dangerous work, however, and "following my remarks the translator changed some inappropriate expressions of the author that seemed to echo the fanatical cries against religion called superstition".¹⁰⁶ In the late 1780s censors and writers became more and more estranged. In 1786 le Chevalier recommended that a *Portrait de Voltaire* not be published as it was too weak a critique and too similar to a *capucinade*, a vain, moralistic tirade against the *philosophes*.¹⁰⁷ In 1787 Guigne refused permission to publish a massive treatise on the principles of administration.¹⁰⁸ These reports show both the polarization between censors and writers, and authors' increasingly insistent claims to their right to a privilege as this provided improved access to the market. Some censors were convinced that greater severity was needed to withstand the pressure from the publishing sector. David Houard strongly advised the prohibition of Louis-Charles Manesse's *Histoire politique et civile du gouvernement féodal de la France* (which in fact was never printed). Houard, a longtime friend of Sainte-Palaye and Desguignes and a member of the *Académie des Inscriptions*, argued that the historical perspective adopted by the author to narrate French history undermined the foundations of the sovereign's power.¹⁰⁹ It is very likely that Houard was right. On 29 February 1792 Manesse presented the (still incomplete) manuscript of his *Histoire politique et civile des révolutions françaises depuis Jules César jusqu'à Louis XVI*, possibly presenting the core of the text, and Houard flatly refused to consider it for a privilege.¹¹⁰ Similarly Camus agreed with the author of the manuscript *Du Mariage des chrétiens, ou la nouvelle loi*, that Catholics should tolerate non-Catholics but required that a *carton* be inserted where the critique of the clergy degenerated into insults.¹¹¹ A 1788 pamphlet on the insurgency in the United Provinces by de Wedelaans contained "a deluge of republican declamations, of anti-monarchical maxims and taunts against the absolute authority".¹¹² On 13 June 1789 Pouillard de Neville implied that the censorship strategy pursued for so many years had apparently failed and not only because the book he had been reading for the

¹⁰⁶ BnF, MS fr., 22014, ff. 156–7, n. 497. See Trampus 2001.

¹⁰⁷ BnF, MS fr., 22015, f. 50, 4 February 1786.

¹⁰⁸ BnF, MS fr., 22015, f. 228, n. 1493, 9 August 1787.

¹⁰⁹ BnF, MS fr., 22015, n. 1532, 5 November 1788.

¹¹⁰ Archives Nationales, M 748. Manesse received the privilege for Manesse 1785, mentioned as a source of technical details on grain milling in Kaplan 1984: 264.

¹¹¹ BnF, MS fr., 22016, f. 140, n. 2069, 26 June 1788. *Du mariage des chrétiens ou la nouvelle loi sur l'état civil des non-catholiques en France justifiée aux yeux de la religion et de la critique*. Par un avocat de Paris. See Kirsop 2012: 475.

¹¹² BnF, MS fr., 22014, f. 303, n. 1760, de Wedelaans, *Seconde lettre d'un hollandois à M. le comte de Mirabeau ou considérations sur les révolutions des Provinces Unies*. See Ferri de Saint-Constant 1788, containing a letter *A Monsieur de Mirabeau*.

Librairie, Libération de l'état et le bonheur du peuple, was full of vacuous griping instead of solid arguments and revealed a shift from “bad to worse”. Pouillard de Neville maintained that “this is the way of our modern system makers”. Collaboration with them seemed impossible and the balance the royal censors had been working towards since the 1750s seemed to be on the verge of collapse.¹¹³

Houard and Pouillard de Neville unwittingly testified to the final collapse of the notion that the French legal publication system was based on collaboration, participatory freedom and mutual recognition between authors and censors. This fragile balance had been seriously challenged in the preceding decades but the *Librairie* had adapted and survived the tensions which beset it. These challenges did not emanate solely from authors, since a variety of French institutions had contested royal authority and ‘absolute’ power whenever possible, often through books printed with a privilege.

In at least one case, the clash over a controversial publication can be reconstructed in minute detail, with due attention paid to the censor’s point of view since the sources reflect the divergent expectations and perspectives of the author and the censor. In 1775, the Châtelet tribunal in Paris condemned a three-volume treatise entitled *On the Philosophy of Nature*, a refutation of materialism written by the Rousseauist Delisle de Sales. The treatise was an entirely legal book as it had been cleared for publication by Chrétien, who was a priest of the Christian Doctrine in Lens and a royal censor since 1766. The attack on *De la philosophie de la nature* was unleashed during the Assembly of the French Clergy in 1775, in which it was attacked for promoting atheism and materialism. When the Châtelet tribunal took on the prosecution of Delisle, the trial sought to sentence the censor to jail for having granted a privilege to this blasphemous work.¹¹⁴ The censor was involved in the judicial inquiry and was summoned to justify this ill-fated permission. Chrétien assembled a dossier of thoughts and remarks on the functioning of censorship, to support his plea of not guilty of any fault or negligence. He did this so successfully that the Châtelet tribunal and the Assembly of the Clergy were prepared to acquit him. In his defense, Chrétien argued in the first place that he did not intend his task to be merely repressive and based exclusively on the hierarchy of power. As principles must be severely enforced, “any arbitrary constraint” was unacceptable:

I think, on the contrary, that this constraint would be an abuse of authority and that it would damage the public liberty, as it would subject the genius of the writers to whims and individual opinions. I also believe that for honest men liberty to speak and write is very favourable to truth; and I am sure that frankness and sincerity, making up the character of the nation, contributed very much to the preservation in this kingdom of the sacred maxims of religion, morals and politics.

Chrétien recorded the steps of the revision process for Delisle de Sales’ text from late April to September 1769, when he approved the text, and up to December 1769, when the printing privilege was granted. He recounted his conversations with Delisle de Sales, recalled how he had analyzed every single instalment he received,

¹¹³ BnF, MS fr., 22015, f. 9, n. 725, Lanchamp 1789.

¹¹⁴ BnF, MS fr. 22101, ff. 346–352. See Malandain 1982. Vol. 2: 564–7.

recollected his doubts about the chapters that Delisle de Sales wanted to include, and described how the author suspiciously insisted on the perfection of natural law, as if he wanted to lay undue stress on its self-sufficiency as compared to divine law. Chrétien also candidly recalled his bewilderment on reading the printed version in 1770: the first three volumes reflected the text as he had approved it in the manuscript, but the second three volumes were wholly new. “I read: everything is new to me. I read further. I find horrors, a monstrous Spinozism, the most revolting cynicism [...]. Among these deplorable ruins, I find the deep abyss where evidently I had fallen”.¹¹⁵ The work was presented as a whole, approved by one censor. In fact, the second half had been divided into a number of chapters, which were submitted to a surgery censor as though they were parts of an anatomy text under a different title. The chapters of the first and second part were then recombined together in the form of a book of natural philosophy. In its complete form Delisle de Sales’ work was therefore different from the parts that were approved by the censors. In light of this was it even possible for Chrétien to argue that the logic of censorship was tenable? To prove his innocence Chrétien meticulously compared the printed text and the letters sent to him by Delisle de Sales expressing his readiness to attend to the censor’s remarks. Chrétien, however, intended to go further than merely ensuring his acquittal and worked out a theory of censorship, which he articulated in the theological and juridical discourse with which he was familiar. To Chrétien the permission given by the censors was indivisible, as it referred to the entirety of the argument affirmed in the text, not to individual statements. It was conditional, as it depended on the permanency of the text. It was, above all, “synallagmatic”, that is bilateral, because it was contingent on the reciprocal commitment of both the author and the censor to produce a text that was legitimate “according to the public and the law”.¹¹⁶

By launching an attack on Delisle’s work in 1775 the Assembly of the Clergy targeted the weak point in the balance between authors and the *Librairie*. When it was difficult to find common ground, or a synallagmatic agreement was violated, as Chrétien noted, an opportunity for contestation of the censor’s decision was readily available. The Assembly of the Clergy condemned both the heavy-handedness of the royal censors and their dangerous complacency towards impiety and moral and political disorder, all of which could be evoked as legitimate reasons to oppose the *Librairie* and its activities.

In at least one case in the late 1770s, a censor colourfully expressed his views on the meaning and function of censorship. To do so he made use of the biography of the popular Roman satirical poet, Niccolò Franco, dubbed Pasquino. The author was probably De Sancy. He was apparently concerned that defending the monarchy’s moral and political order and hierarchy should not prevail over legitimate public discussion. The life of this highly controversial writer gave this “royal censor” the opportunity to demonstrate precisely and show visually where the boundary

¹¹⁵ BnF, MS fr., 22012, f. 11. It was published as Delisle de Sales 1770. See Weil 1999: 47 footnote 175; Darnton, 1995c: 542.

¹¹⁶ BnF, MS fr. 22102, f. 22.

between critique and libel lay.¹¹⁷ In sixteenth-century Rome, Niccolò Franco made extensive use of “pasquinades”, handwritten lampoons against abuses perpetrated by members of the clergy.¹¹⁸ Franco’s notorious personality was carefully scrutinized by de Sancy: his education and career highlighted the shifts in the understanding of satire over the previous few centuries. De Sancy sympathized with Franco: virtue, according to Franco, needed protection against encroachments by men in positions of authority. Franco believed that the right to tell the truth and vindicate virtue, while rejecting vice, pertains to any noble man; nothing is as noble, as honourable as the role of writers who dare disclose their own sovereign’s vices, make him blush when he is surrounded only by flattering courtiers, while his subjects are scared and keep silent.¹¹⁹ It was in these terms, in the fictional biography, that the young Franco replied to his teacher Franceschi, who maintained that subjects should bear and ignore the sovereign’s vices and grant obedience, no matter how hideous his actions. The narrative hinged on the juxtaposition of virtue, upheld in the pasquinades, to the vices of the powerful. Franco’s life as a satirical poet and victim of Roman nobles and Church cardinals was evidence that speaking the truth and endorsing morality were fraught with dangers. Detained in the papal jail, Franco elaborated on his uncompromising stance towards the vices rampant in the capital of Christianity and on his own moralizing campaigns. Rather than rotting in a prison cell, he deserved a recognition that would never be accorded him until the profligate clergy no longer wielded authority. According to De Sancy, unscrupulous judges sentenced him to death by hanging, but Franco escaped thanks to friends who bribed the guards. In this fictional narrative, only a dishonest act could counter vice in times of tyranny. De Sancy made Franco out to be a melodramatic character, and one who embodied the fragility of virtue: the biography saw Franco die in exile after succumbing to melancholy when he learned that his portrait was hung in lieu of his body. De Sancy’s empathy for his protagonist was clear, and his general argument was that, despite their occasional excesses, virtue was deserving of, and was well served by, the spirited defense it received from writers. Satire, for de Sancy, was a powerful and indispensable weapon in the hands of authors and should not be unduly limited by an illegitimate widening of the notion of libel.¹²⁰

“Freedom to Think and Write” and Economic Progress

In 1775, the loosening of control and a decline in its efficacy prompted people to express their thoughts on freedom of the press: the shifting limits of what was permissible was an issue which particularly needed clarification. In fact, a number of

¹¹⁷ *Le danger de la satire* 1778.

¹¹⁸ See *DBI*. Vol. 50, 202–6; Rozzo 1995; Godman 2000: 29; Niccoli 2005: 158–73.

¹¹⁹ *Le danger de la satire* 1778: 29.

¹²⁰ *Le danger de la satire* 1778: 279.

concurrent developments were evident: the pervasive circulation of texts published outside France or clandestinely printed within the kingdom, Turgot’s political experiment with liberalism and the rabid reactions it provoked in the name of conservatism, energetic interventionism by political, judiciary and religious institutions into the “policy of the book”, all interacted to bring about self-reform within the censorship procedure as well as a redefinition of its nature.

Jacques Accarias de Sérionne was a remarkable personality in this debate given his background as both a businessman and an author of economic tracts. His contributions to the debate in France exhibited some notable peculiarities. His book was published legally in Vienna and did not need to comply with the *Librairie*’s guidelines. Accarias de Sérionne had a son, the aforementioned Jean-Jacques, who was an active royal censor.¹²¹ The life of Accarias de Sérionne *père* was more than a little eventful. In 1758, he quit France, never to return. He set up a *Journal de commerce* in the Austrian Netherlands, to which the Empress Maria Theresa granted a privilege forbidding any similar initiative.¹²² The *Journal de commerce*, which had espoused economic principles based on the ideas of Colbert and the Physiocrats, ceased publication in late 1762. Between 1763 and 1769, Accarias de Sérionne *père* lived in Amsterdam, where he published various treatises on political economy. From 1769 on, he settled in Vienna, gained renown for his broad knowledge of international trade and was trusted by men of power such as count Bathyani, whose estate he administered. From 1766 to 1771, Accarias de Sérionne *père* published his most notable works on the commercial interests of England and Holland: *Les Intérêts des nations de l’Europe développés relativement au commerce* (Leiden 1766), *Le Commerce de la Hollande* (Amsterdam 1768), *La richesse de l’Angleterre* (Vienna 1771). In 1774, he published *La vraie richesse de l’Etat* in Vienna.¹²³ In works which displayed a moderately liberal approach to commercial dynamics, he paid noteworthy attention to cultural questions and to the book trade as contributory factors to the constant advancement of mankind. Accarias de Sérionne *père* also praised the circulation of modern, enlightened knowledge from the perspective of economic progress. Accarias de Sérionne *père*’s ultimate goal was the rule of law, which he felt had to be founded on the mildness of manners promoted by letters, science and the arts. Accarias adopted a monarchical perspective: it was the monarchy and its institutions that positively influenced the progress of culture through a wise financial policy.

First, “the authority of the wisest laws needs to be supported by the command of reason and customs”.¹²⁴ His vision implied a philosophy of history based on the malleability of mores.

¹²¹ See Tortarolo 2009.

¹²² Hasquin 1974; *Dictionnaire des journaux* 1991. Vol. 2: 643–645; Mat 1995: 484–6. François Antoine Chevrier criticized *Le Journal de commerce* in *Le colporteur*: 24, 168.

¹²³ See Decroix 2006: 50–1.

¹²⁴ Accarias de Serionne 1774. Vol. 2: 338.

It is true that most States owe their splendour, their strength and their glory to the progress of the useful sciences and arts; and it is also true that the immediate agents of this progress have been fostered, encouraged, promoted by sovereigns, by their ministers, by powerful men; and this protection made them benefactors of humankind. Without this protection we would have perhaps only inaccurate notions on the most useful sciences and arts. How many institutions have been set up in France at the expense of the State in order to sustain and encourage all talents! And how much care has been devoted to keep up these institutions by ministers of finance, who are the first trustees of the monarch to discharge this duty! Honour, the sort of homage that is paid at the same time in society to talents, may be the most important and necessary prize bestowed to give them confidence; in France, as in other European nations, there are few gentlemen (*seigneurs*) who believe nowadays that you do not count if you are not a gentleman. This is one of the great services performed to humanity by the letters, the arts and the sciences. In England it is not just the sovereign who animates and encourages talents; in this respect all gentlemen, all powerful men, all members of Parliament are princes or kings.¹²⁵

Second, the monarch defended his subjects' honour by containing the transgressions occasioned by unbounded freedom of the press, by contrast with the situation in England, which was here judged very harshly.

According to Accarias *père*, French behaviour was different and better suited to the correct notion of freedom. In general the English were held to be less free than the French, "unless one does not overrate the idea of freedom that lets them remember the excesses of their fiscal system without protesting; or the license they indulge in by insulting with impunity the men in charge of governing them".¹²⁶ In the case of Accarias *père*, theory followed from practice: previously an international trader, he believed in the civilizing effects of commercial exchanges and, given his background as a journalist, he also believed that the monarchy should support valuable intellectual undertakings which sustained rather than weakened the state's foundations. When Accarias *père* published his work on freedom of the press in Vienna and dedicated it to the Empress Maria Theresa, his son Jean-Jacques, born in 1751 and raised in France, was not yet one of the 120 royal censors. Nonetheless, many of the tenets set out by his father in 1775, are visible in Accarias *fil's* reports from 1785 onwards. Accarias *père* and *fil's* shared a concern with maintaining canons of collective morals: freedom of the press was based on the interaction of rights with obligations. In two thick volumes Accarias *père* elaborated on three crucial points. He claimed that a well-functioning and authoritative censorship was necessary, that the inefficacy of the French control on the publishing trade had negative consequences, and, somewhat surprisingly given his support for greater restrictions, that there were subjects who would benefit hugely from greater "freedom to think and write". Accarias *père* demonstrated both his familiarity with the most recent works ascribed to the Enlightenment and his engagement with working out the boundaries between constraint and freedom.

¹²⁵ Accarias de Serionne 1774. Vol. 2: 344–5.

¹²⁶ Accarias de Serionne 1771: 18.

His overall analysis was that the censorship system in France had failed. Accarias *père* expressed similar concerns to Malesherbes. Magistrates were responsible for preventing the circulation of books that might harm the moral equilibrium of the reading public. “It is definitely a just as well as necessary provision to halt the publication or importation of any work whatsoever violating religion, government or good customs”.¹²⁷ Accarias *père* granted that sanctions had a limited impact: writers should be rewarded for refuting dangerous works and the government should foster a “spirit of legislation” within the Republic of Letters in order to set the limits to freedom of expression. Accarias *père* neatly separated a freedom to think that “means this generous spiritual energy leading our persuasion exclusively to the truth” from a freedom to think that “means an unbounded license to discuss, investigate, judge”.¹²⁸ The consequences of censorship for intellectual and moral life should be properly assessed. Censors were responsible for the suppression of materialist systems of thought that the eighteenth century, “more reasoning than philosophical”, had revived from classical antiquity: “as in a sort of conspiracy, the most relevant truths for the happiness of humankind have been attacked”.¹²⁹ Books by Spinoza and Hobbes, *De l’homme* by Helvétius, and *Système de la nature* by d’Holbach, which Accarias *père* attributed to Jean-Baptiste Mirabeau, stood out in his list as the most dangerous enemies of the social order, as they propagated the doctrine that thought is inherent in matter.¹³⁰ Accarias *père* echoed the anti-materialist reaction which affirmed that atheism, implied by materialist views, disrupts social ties. He appealed to philosophers, whose success and creativity he acknowledged: “You bestow an allure, and you impart fresh strength to homicidal hands of sensuality [...]. You offer Circe’s cup [...] Society would be but chaos where passions rule”.¹³¹ Accarias *père* was convinced that the idea of a social contract was part of a skewed understanding of society; he wrote that the equality at the heart of contractualist thought was chimerical and that this could be proven through a detailed analysis of the *Système social*. He rejected d’Holbach’s views and preferred the maxim that “sovereigns own their people the same way as fathers own their offspring”.¹³² By this rationale, therefore, the principle of representation turned out to be wholly unfounded.¹³³ In his comments on the *Histoire des deux Indes*, which was first published in 1770, Accarias *père* remarked that religion is necessary to restrain the passions of the populace. Censors, he felt, had to be aware of the danger posed by philosophical writings. He appealed to philosophers: “do not stir

¹²⁷ Accarias de Sérionne 1775. Vol. 1: 6.

¹²⁸ Accarias de Sérionne 1775. Vol. 1: 5.

¹²⁹ Accarias de Sérionne 1775. Vol. 1: 30; vol. 2: 37.

¹³⁰ Accarias de Sérionne 1775. Vol. 1: 125.

¹³¹ Accarias de Sérionne 1775. Vol. 2: 38–9.

¹³² Accarias de Sérionne 1775. Vol. 2: 89.

¹³³ See Geissler 1985: 18.

up sedition, do not lead sects, do not foment strife".¹³⁴ Interestingly enough, Accarias *père* maintained that the moral fibre of society should be carefully protected, but always referred to religion in general, not to Christianity, Catholicism or any other "true religion". In this area censors, he believed, had the most onerous duties; but a wide range of subjects were to remain open to writers to express their thoughts boldly and creatively, in full liberty. Accarias *père* was referring to political issues in general, which were badly in need of thorough revision for the benefit of society. "Agriculture, industry, sciences, customs, legislation, arts, trade, and finances, related to politics, to the science of government, have not been completely exhausted".¹³⁵ Accarias *père* was an outspoken adversary of Louis XIV's bellicose foreign policy which had drained the country financially, and he was mistrustful of standing armies.¹³⁶

Men of letters and citizens, make use of your talents in the investigation of the means to offset the excesses and do not indulge in declamations on the lack of freedom, of ownership, on despotism, on tyrannical power; if you succumb and write about these, you will be committing a crime. Point out the means to diminish or cancel the overbearing taxation, and you will see the sovereigns carry out your plans quickly, you will see joy and liberty revive, property safeguarded everywhere [...]; do write on legislation, do write as well on this system that keeps Europe always in warfare, that depopulates and devastates the countryside in times of peace.¹³⁷

More explicitly than any of the censors, Accarias *père*'s contributions to the theory of censorship argued cogently for self-censorship as a necessary precondition for the freedom to criticize.¹³⁸ At the same time, his own forceful objections to the fiscal policies of Louis XIV were an example of what he meant by "freedom to think and write", as he took advantage of the repeal of the 1764 prohibition to publish on the financial administration of the state.

Accarias *père*'s work did not have any impact on the French public discussion of censorship as its circulation in France was minimal.¹³⁹ Nor was it echoed in the German or Austrian discussions of freedom of the press. Still, the issues raised by Accarias *père* were taken up by his son, Jean-Jacques, in his capacity as royal censor. While Accarias *fils* espoused principles very similar to his father's, he was confronted with the reality of authors writing on political and economic topics who were loathe to yield any ground to the royal censors on matters of self-censorship and the collective contribution to common progress. Accarias *fils*' experience as a censor sorely tested the principles he shared with his father. In 1787 Brissot submitted a book which fraudulently claimed to have been published in London, *De la*

¹³⁴ Accarias de Sérionne 1775. Vol. 2: 163.

¹³⁵ Accarias de Sérionne 1775. Vol. 2: 181.

¹³⁶ Accarias de Sérionne 1775. Vol. 2: 183.

¹³⁷ Accarias de Sérionne 1775. Vol. 2: 187–8.

¹³⁸ See Schneider 2003.

¹³⁹ There is no copy in the Bibliothèque Nationale de France, Paris. I used the copy at the Biblioteca Palatina, Parma, shelfnumber *4 A-R8 S4.

France et des Etats-Unis by the financier Clavière, for approval by Accarias *fils*. Brissot was used to dealing with the royal censors and on this occasion he seems to have been certain that he fulfilled all the *Librairie*'s requirements.¹⁴⁰ His hopes were disappointed.

Accarias *fils* conformed strictly to his role and penned a detailed analysis concluding that the book ought to be refused permission to publish.

We regret to point out the pages 20, 21, 23 and 24 of this introduction, which we would have requested to be deleted had we seen the manuscript. We deem that it might be possible to replace these pages with *cartons*, so that an elementary book does not contain blots that disfigure it. The pages we are mentioning contain lively declamations in favour of freedom of the press, against censorship, against censors – that is to say against the paternal vigilance of our administration – in favour of letters and of those cultivating them. And, as though one would want to prove at the same time how necessary this detested vigilance is, to these pages is added an insulting remark against a living author, whose works, approved, are the pleasure of numerous theatres in the capital.¹⁴¹

Accarias *fils* knew he was in an awkward position when confronted with Brissot's text: the censorship system had come under head-on attack and was being questioned in itself, in its very nature. The Preface contained a response to Accarias's objections.

The question is that the censor, who was created only to contain the impetus of a generous freedom, assumes himself to be pleasing the authorities when he stretches his task, suppresses truths that often would have been acknowledged, out of fear of letting go other truths, that are too outspoken and could have been reproached him, [... and] intimidates the honest man who would like to instruct his fellow citizens.¹⁴²

In the 1780s the very essence of the delicate but widely accepted balance between the administration of the *Librairie*, authors and the publishers increasingly came into question. Against the backdrop of the debate between authors and censors about the practice of censorship under royal supervision, Brissot's invectives can be seen as signalling the end of the convergence of a substantial portion of French authors with the monarchy, represented by the censors. This convergence had provided a template for the production and publication of “legitimate” texts which enjoyed the intellectual and economic guarantees of a royal privilege. A crucial element in the collapse of this balance was the emergence of the personality of the author. Fully acknowledged by French law in 1777, the author could affirm his individuality through a total identification with his text and the risks that went with it, including confrontation with and rejection of the concurrent institutional entity that was royal censorship, as experienced by Rousseau in the 1760s.¹⁴³

¹⁴⁰ The correspondence between Brissot and the Société Typographique de Neuchâtel has been published on-line by Robert Darnton in 2001; Brissot's contacts with the Parisian censors are frequently mentioned (http://www.voltaire.ox.ac.uk/www_vf/brissot/brissot_index.ssi). See Whatmore 2012: 211–220.

¹⁴¹ BnF, MS fr. 22015, f. 42, n. 895. Brissot excoriated Beaumarchais' *Figaro*. See Brown 2006.

¹⁴² Brissot and Clavière 1787: xxij.

¹⁴³ Hesse 1990; Boncompain 2001.

Chapter 5

Equivocations and New Meanings

The “Politics of the Book” in Europe

The abbé Gabriel-François Coyer was an outstanding and unconventional figure in the Enlightenment debate on politics and economics in the second half of the eighteenth century. In 1756 he published a vigorous appeal to the nobility to take the lead in the modernization of French society by eliminating the ban on nobles engaging in commercial activity. If the French nobility were to embrace trade, the Bourbon monarchy would be more able to compete successfully with England and the United Provinces. When the conservative nobleman d’Arq published a polemical rejoinder, in which he argued for the excellence of the “military nobility”, Coyer replied in a typically polemical vein. He reviewed the course of French history in its entirety and made explicit what had been merely implied in his previous work. Coyer sketched a vision of society, republican, anti-feudal and fundamentally egalitarian, in which the divide between the two basic constituents of society was clearly delineated. The producers were juxtaposed to the parasites, who included “the regular and secular clergy, professional soldiers, lawyers, financiers, *rentiers*, domestic servants, beggars, layabouts and *grands seigneurs*”.¹

Coyer did not shy away from outspoken polemical confrontations and was unabashed as to his own desire to see France deeply transformed by bold political experiments. He also wrote the fictional story, at once satirical, utopian and sentimental, of the Vietnamese peasant Chinki and had it printed in 1768, with London given (falsely) as the place of publication. To do so Coyer probably benefited from some form of connivance from within the *Librairie* and its censors, as he had dropped at least one unmistakable allusion to the clash between the unreasonable Chinese mandarins, who controlled the output of the publishers, and the rationalist

¹See Maza 1997: 204–5; Smith 2005: 104–42.

philosophers, who had to endure their whimsical verdicts.² Coyer could successfully navigate a path through the labyrinthine creative space engendered by the functional ambiguity of the French system even when criticizing it and pleading for freedom of the press. Once more however, we should ask, what was meant by freedom of the press? In 1775 Coyer published another book, this time “with the approval and privilege of the King” granted by the erudite and esteemed censor, Jean Capperronnier, who stated that not only could he not see any reason to deny it a publication permit, but that, “after so many tours of Italy, one will read this one too with interest”. In his travelogue Coyer dealt with the organisation of censorship in Italy. As in his previous writings, he made clear his distaste for restrictions and bigoted intolerance. He conceded, however, that even in Italy the politics of books was more complicated than one might assume, *prima facie*. The pages he devoted to the management of book control in the different Italian states are genuinely illuminating. According to Coyer, the impact of papal intolerance in the Peninsula was indeed noticeable but was restrained by its ineffectiveness. Religious toleration and freedom of the press went hand in hand.

In Italy, in Venice, Milan, Lucca, Florence, you find translations of French and English works that are forbidden elsewhere [...]. Some cardinals, more conspicuous for their *lumières* than for their office, protect this freedom; and one is dumbfounded upon buying, untrammelled, in bookshops in Rome, books that are sold only under-the-cloak in Paris.

Coyer made use of subtle but effective irony to describe the functioning of censorship in the hands of the Master of the Sacred Palace, based as it was on an unspoken agreement with writers. The statement that “the author accepts as absolute truth what our holy Mother Church believes and dictates” had been required in published poetry over the previous two centuries but was no longer deemed necessary. Coyer remarked that “the Master of the Sacred Palace and the Inquisition are glad to assume that everybody believes what he is supposed to believe; and they purposely do not whip up theological disputes by paying too much attention”.

In Coyer’s pages Italy was presented as a paradox-ridden example of the gap between theory and practice, between what censorship looked like and the real space where authors could freely pursue their intellectual interests. In carefully wrought sentences Coyer disseminated evidence for his endorsement of this tolerant duplicity.

One has to admit that freedom of the press has its dangers; because, without mentioning the libels that are and must be forbidden under any government, reckless minds may expose to the full daylight audacious opinions about matters of State and of religion. At the present time Italians think they should run some risks for these audacious opinions, which one can refute with good reasons, rather than venture to choke the sources of light with the strong breath of an exceedingly meticulous control (*police inquiette*). They compare the pen to the sword, whose goal is the defence of the fatherland. But, if the sword is sometimes used to commit a killing, should we therefore break it into pieces?³

²On Coyer 1768 see Serna 1997: 60–1; Hanley 2002: 569.

³Coyer 1775. Vol. 2: 190–2. Capperronnier approved Coyer’s manuscript on 6 January 1775. Coyer’s description of the book trade in Rome matches the findings of Tarzia 2000. According to

To the same extent the toleration practised by the censors and the self-control of the authors generated the conditions for intellectual production that, as Alessandro Verri wrote in Rome some years after Coyer’s visit, was intended “not to lend itself to the attacks by the priests or the princes” but “to apply all that [...] came from the imagination and philosophy to various objects of human life”.⁴ Investigations by the Roman Inquisition during the eighteenth century were systemically delayed both in initial enquiries and pronouncements of judgements. The most fearful repressive institution in Italian history had grown much less impressive, as a consequence of the reform of the Index promoted by Benedict XIV, Pope Lambertenghi, who issued the bull *Sollicita ac provida* in late 1757.⁵

Coyer travelled through Italy in 1764. Upon his return to Paris, Coyer worked through his notes and recalled his travels. A work which was bound to have struck him as among the finest examples of Italian Enlightenment thought was Beccaria’s *Dei delitti e delle pene* [*Of Crimes and Punishments*], printed in Leghorn with Aubert in early July 1764. The very first copies became available to Beccaria’s close friend Pietro Verri in Milan on 16 July.⁶ To a learned and philosophically oriented writer like Coyer, the Italian world of printing and publishing was changing deeply in the late 1750s and early 1760s. Publishers like Aubert who ventured to test the limits of the Inquisition’s efficacy and of its collaboration with local governments, were part of this sea-change. Coyer was favourably impressed. Yet in the same year, 1764, the Inquisitor of Bologna, then part of the Papal States, complained in a letter of 14 March that forbidden works on the Index were sold legally in bookshops close to the University, on condition that they were not displayed in the shop windows and that their purchasers had the required authorization from the bishop.⁷

Both Coyer and the Inquisitor in Bologna agreed in their overall assessment. Both referred to the most salient feature of the Italian system of control as it developed during the eighteenth century. The main responsibility for the control of book production shifted from members of the clergy to secular officers who took over the task of carrying out preventative censorship and regulating the printing sector. In Coyer’s perspective, the cardinals of the papal monarchy, who “protect this freedom”, were the ecclesiastic equivalents of state functionaries. It was the latter who drastically secularized pre-publication censorship, mitigated its severity and

Tarzia, Bouchard and Gravier offered a wide choice of French books forbidden by the Roman Inquisition (Montesquieu and Voltaire among the others) until the early 1770s, when control was tightened over bookshops (71).

⁴ Alessandro Verri to Pietro Verri, Rome, 10 November 1770 (*Carteggio di Pietro e di Alessandro Verri* 1923. Vol. 4: 63–4). A similar attitude was expressed when he learned that d’Holbach gave up publishing an atheistic treatise “because he does not want to sacrifice himself: and he is right” (*Viaggio a Parigi e Londra 1776–1767* 1980: 120).

⁵ See Rebellato 2008b: 186–230. On *Sollicita ac provida* promulgated in 1753 see Paarhammer 1985. Ecclesiastical control in Italy was becoming weak: see Delpiano 2007; Imbruglia 2005–2006; Imbruglia 2011. See also Davidson 2000 (pointing out that Italian state censorship was usually lax).

⁶ Venturi 1969: 711.

⁷ Bologna, Biblioteca dell’Archiginnasio MS. B. 1876, Copialettere dell’inquisitore di Bologna, quoted in Shackleton 1988: 417–8.

imposed new criteria for evaluating manuscripts that diverged significantly from the standards set by the Catholic Church since the Council of Trent. At the same, Coyer could detect a fundamental, if unstable, concurrence of views between the managers of the Italian “book economy” and the authors who wrote texts to be submitted individually for censorship or, as in the case of Beccaria and his closed group of congenial thinkers, who were perfectly aware of the rules of the game. Many eighteenth-century documents betray a distinct concern that authors and printers should find support from state officers to gain publication permission and to disseminate their works. Local governments in Italy shared a tendency to strip traditional censorship institutions of the power they had once wielded, in which ecclesiastical members generally prevailed in decision-making, and to reshape them in order to enhance the power of lay representatives. The negotiations between the Italian states and the papal hierarchy were long and arduous, as they were to decide whether the ecclesiastical members would examine scientific, philosophical, literary and juridical texts as well religious manuscripts and whether the lay members would prevail in the all too frequent case of a stand-off. The censorship reform of 1743 in Tuscany was achieved after a long tug-of-war by the representatives of the newly-installed Habsburg-Lorraine dynasty, whereas the protracted confrontation between the Holy See and the Republic of Venice about the powers of lay members in the censorship commission are for their part evidence of the increasing importance of state prerogatives.⁸ As a consequence of this conflict the censorship system evolved into an instrument to consolidate relationships between the censors, the printers and the authors with an interest in collaboration. It also served to marginalize and disadvantage printers and writers who were tied to the Catholic Church and its local institutions and served their needs.

The transformation of the Italian understanding of freedom of the press took place within the framework of expanding state power. Pietro Giannone was the author of the 1723 *Istoria civile del Regno di Napoli* [*Civil History of the Kingdom of Naples*] and a victim of the ecclesiastical reaction to its publication. In his *Apologia dell’Istoria Civile* [*Apology for Civil History*], he focused on state control of the press as a prerequisite for complete sovereignty within secular institutions.⁹ The publishing history of his major work *Istoria civile* is evidence of the exceedingly fluid and unstable situation in the Kingdom of Naples, which in 1723 found itself, temporarily as it turned out, under Austrian rather than Spanish rule. While state officials authorized the publication of manuscripts by issuing “letters of approval”, these could be successfully challenged by the ecclesiastic authorities. The latter could exert pressure on printers and bookshops to halt the publication and circulation of books that were legal but illegitimate to the Church because of their content.¹⁰ Wherever state power claimed exclusive or prevalent control of the print-

⁸ See Landi 2000; Landi 2011a; Infelise 1989: 62–131; “*Navigare nei mari dell’umano sapere*” 2008. For an overview see Isabella 2007; Tortarolo 2003. *Censura e censori: tra antichi Stati italiani e tedeschi. Questioni storiografiche dei primi anni Novanta: 176–91*; Braidà 2010.

⁹ Giannone 1841. Vol. 1: 88. For a further explanation on this passage see Ricuperati 2001: 20–1.

¹⁰ For an overview see Robertson, John 2005: 106–9; *Editoria e cultura a Napoli*; Napoli. 2002: 63–71; Sabato 2007.

ing press, authors gained new opportunities to reach and influence the reading public, the importance of which was increasingly acknowledged as a crucial factor in eighteenth-century political life. The wider scope of public discussion was conditionally protected by secular public institutions which sought the support of and greater interaction with the educated elites. Features of the functional ambiguity which characterised the *Librairie*'s approach to censorship, were also found outside France. Moreover, a substantial number of censors and enlightened thinkers were contributing to this process in both the elaboration of theory and the practice of censorship. Similarly to the *Librairie*, the governments of Venice and Florence were inclined to tolerate the printers' stratagem of declaring false or fictional places of publication: at least with regard to works which supported the government's views and projects of reform but which (for convenience's sake) could not be openly endorsed with a printing privilege against the opposition of ecclesiastic authorities.¹¹ Italian Enlightenment thinkers quickly became aware of the opportunities provided by this shifting balance between secular and ecclesiastic authorities. They grasped with both hands the chance to bolster the traditionally weak reading public and to fortify their own positions as widely read authors and as members of the social and political elite.¹² The reform of censorship institutions was expected to contribute to the circulation of modern, secular and useful books without questioning but rather affirming, the principle that the civil authorities controlled the press through pre-publication authorization. The most prominent thinkers in the various Italian states agreed and were ready to collaborate. Lombardy, where Habsburgs experimented with forms of cooperation between officials and writers to promote shifts in public opinion, provides an excellent example. One of the prominent authors on economic, fiscal and political matters since the 1760s, Pietro Verri, acknowledged the principle of preventative control on many occasions, while in private exchanges he expressed regret when his texts failed to evade the censors' filter. In 1762 his book *Dei disordini e de' rimedi delle monete* [*On the disorders and remedies of the currencies*] was submitted to both the secular censor and the Father Inquisitor, as prescribed, and was rejected. Instead Verri had it printed in the more tolerant Tuscan city of Lucca. Verri consulted with Joseph von Sperges, the head of the Italian Department after 1766 and an influential collaborator of Kaunitz, about whether it was appropriate to publish his own *Riflessioni sulle leggi vincolanti principalmente nel commercio de' grani* [*Thoughts on the Restrictive Laws Principally in the Grain Trade*].¹³ The result of the conversation was that Verri decided against publication of his work and later, in 1783, he admitted in his *Pensieri*

¹¹ Timpanaro Morelli 1999; Landi 2000. An insider's view on the functioning of censorship in Florence is provided by the diary (*Efemeridi*) kept by Pelli Bencivenni, who was charged with the control of semi-legal publications (<http://www.bncf.firenze.sbn.it/pelli/it/progetto.html>). See for example the entry on 8 August 1775 on the manuscript of a biography of the Pope Clement XIV. According to Pelli Bencivenni, it turned out to be in fact an anti-Jesuit pamphlet. Pelli Bencivenni argued against its publication (Series 2, Vol. 2: 500, 8 August 1775). See Capecci 2006.

¹² Pasta 1997: 32, mentions the “partial divergence” between the Tuscan government and the local printers; Pasta 2005.

¹³ On Sperges and Kaunitz, see Szábo 1994: 51–64.

miei pericolosi a dirsi [*Thoughts Too Dangerous to be told*] that he wanted to avoid publishing a text that was bound to excite hostile reactions among his colleagues and friends.¹⁴ On the other hand, no matter how aware he was that stifling new ideas was detrimental to the progress of civilization, Pietro Verri nonetheless carried out a careful revision of the essays to be published in *Caffé*, the journal he edited from 1764 to 1766. This major expression of the Italian Enlightenment was printed in the Republic of Venice and was subject to assessment by the censors of the Studio veneto. This body was the Venetian agency for approval of publications, with the power to object to the inclusion of provocative and critical articles. Pietro Verri did not wish to run the risk of being castigated as offensive or outrageous. When one of the contributors to the *Caffé*, Sebastiano Franci, submitted an abrasive article entitled *Alcuni pensieri politici* [*Some Political Thoughts*], Verri revised and partially rewrote it, considerably moderating its radical tone.¹⁵ Verri, like many Italian reformers, found external interference with his impulse to share his ideas and projects almost intolerable, yet bitterly though he resented these curbs on his communication he did not advocate the abolition of pre-publication control. Rather, he favoured a gradual widening of the information and opinions available to the general public, particularly those conducive to the reform of social realities. In his 1771 *Meditazioni sull'economia politica* [*Meditations on Political Economy*], he sketched the mission of the “minister” whose task would be to radically alter the nature of the interaction between the sovereign and his subjects. The minister’s task would be “to encourage in the public the desire to educate itself on matters of finance and economics, to establish chairs in these subjects, so that in the instruction of the youth enlightened men will impress on them the true motive principles of public happiness”. To this purpose he recommended that “free entrance [into the state] be granted to the works dealing with these useful subjects”, thereby limiting the free circulation of books to those that were instrumental in promoting civil and social progress. The printing press “will be free”, to the extent that it will provide an instrument that all citizens may use “to express decently and discreetly their opinions on public questions”.¹⁶ The validity of the principle was protected and circumscribed at the same time through its appropriate use by reasonable writers.

Those contributors to *Caffé* who expressed their views on censorship, from Paolo Frisi to Alfonso Longo, clearly believed that the state had an inherent right to control the publication and circulation of books and that this was an aspect of the recovery of independence and autonomy from the ecclesiastical authorities. Frisi, a scientist and a member of the Barnabite Order, was particularly outspoken. It was not the legitimacy of control which was in question, but rather who was to exercise it. Civil power could not to be exposed to competition from the Catholic Church. In

¹⁴ See Capra 2002: 184, 302, 541.

¹⁵ Francioni 1993: CXXVIII–CXLV.

¹⁶ Verri 1771: 248–9. See Capra 2002, 381. Pietro Verri’s brother, Alessandro, considered England to exemplify the positive effects of freedom of the press (*Viaggio a Parigi e Londra* 1980: 292, letter to Pietro Verri from London, 2 February 1767).

1766 Frisi was to be appointed a censor of religious books in the new commission that replaced the Inquisition. As such he claimed that

The revisions of the books that for such a long time the Inquisitors have been taking advantage of should be immediately reclaimed by the government. The Church can censor and condemn a book, and also forbid its reading, under spiritual penalties. But to ban a book from being printed, circulated, put on sale, is an act of temporal sovereignty that does not belong to the Church.¹⁷

Another prominent member of the *Caffé* circle, Alfonso Longo, neatly separated “scientific and reasonable books”, that must be disseminated unhampered, and “pamphlets” that would only impede the process of reform. The rallying cry among Milanese Enlightenment thinkers was, as Frisi wrote in his 1768 *Piano della censura de’ libri* [*Plan for censorship of books*] to grant “a decent liberty to think and write, as the fittest liberty to discover useful truths, to shed new light throughout the nation, and wake up and make known the best minds”.¹⁸

Their main concern was that “good books” should circulate and be read as widely as possible, without any interference from the clergy. The strategy advocated by the Italian *philosophes* focused on a notion of enlightened control of the printing press to foster the progress of civilization rather than the opening up of the editorial market to conflicting opinions upon which informed readers would have adjudicated. Carloantonio Pilati applied this perspective to his ongoing attack on the role played by the Catholic Church. The secular censors “will also review every manuscript, before it may be printed within the state boundaries and will deny publication permits to any book that contains some of those errors that cannot be tolerated”.¹⁹ Books that were superstitious, backward-looking and hence corrosive of public mores, should hence not be allowed to reach the market. The Florentine, Cosimo Amidei concurred with Pilati and recommended a similar approach to the issue of freedom of the press in the Grand Duchy of Tuscany. Given that “the assessment of secular books belongs exclusively to the censors (*revisori*) appointed by the Grand Duke”, Amidei prized this “freedom of the press” as an expression of the “independence of public authority” as well as the source of “a remarkable profit for the State”.²⁰

These views referred to sweeping reforms launched by the Bourbon and Habsburg monarchies in the 1750s and 1760s to alter their relationships with the Catholic Church. Reconsideration of the meaning of concepts like censorship and freedom of the press was a crucial factor in the mobilisation of educated elites in support of secular governments. The Italian territories participated in a Europe-wide transformation that affected the way the role of the press was considered. The Italian states were particularly responsive to decisions made in Vienna, due to the strength of Habsburg influence. The Jesuits were excluded from the censorship commission in Vienna and in consequence of its secularisation Gerard van Swieten was appointed its president in 1759. The most evident outcome of this reform was the increase in

¹⁷ Frisi 1958: 327.

¹⁸ Tarchetti 1987.

¹⁹ Pilati 1767: 221. See Luzzi 2005.

²⁰ Amidei 1980: 247.

the number and variety of texts legally admitted for publication. It also saw the concentration of real power in the hands of the supporters and protégés of Kaunitz, who recommended that the members of the commission avoid “an excessive censorship”.²¹ In his position as Empress Maria Theresa’s most trusted and influential minister, Kaunitz made it clear that to him a wider circulation of printed books was necessary to “the common good” also in all states whose subjects were part of the Catholic communion. When the Apostolic Nuncio claimed to have proof that the reform of censorship in Milan was juridically illegitimate and inimical to ecclesiastic and civil authority, Kaunitz replied forcefully, stating that “it is one thing to know and assess the doctrine contained in books referring to matters of religion, and determine if it either concurs or disagrees with the principles [of religion], [but] it is quite another thing either to bar or to let in these books”, the latter being exclusively a prerogative of civil authority. “Truth and good government” unambiguously supported this formulation, which informed “the practice of the Catholic courts and of the Portuguese court most recently, that made use of its authority and just issued in its domain a similar instruction to censor books by establishing a perpetual committee, that is to say a tribunal called the royal censorship board”.²²

Shortly after his confrontation with the Apostolic Nuncio, Kaunitz penned his *Collectanea sur la puissance souveraine relativement à la religion*. His starting point was that only “the State has a right to make decisions on what it is possible to read and teach” in accordance with its constitution and the aims of its legislation.²³ Kaunitz advanced a project of reform that lacked neither clarity nor energy. His points of reference were specific local contexts in Italy where, as part of the ongoing jurisdictional confrontation with the Church culminating in the 1760s, the state sought to open up new intellectual and discursive space under the control of the secular bureaucracy.²⁴ Pietro Verri and others in the Italian Enlightenment agreed with Kaunitz: the new meaning of freedom of the press looked to the juridical framework created by the absolute sovereign wherein civil power generated the conditions which allowed collaboration with authors and the elimination of ecclesiastic authorities’ power of prohibition.²⁵

In this sense (and only in this sense) the notion of “freedom of the press” was used under Joseph II in the Habsburg monarchy. The censorship commission was not removed, but it was thoroughly reformed and staffed with members committed to the new Emperor’s modernization project. The list of forbidden books was entirely revised and shortened from 5000 books to 900. The criteria that informed the censors’ supervision and prohibitions, when these were deemed necessary, changed drastically. The outcome was twofold: control of censorship was perceived

²¹ See Szábo 1994: 186–7; Beales 2005: 214–7; Klingenstein 1970.

²² 16 June 1768, in Maaß 1951–1961. Vol. 1: 299–302, 301. On the establishment of the Real Mesa Censoria on 5 Aprile 1768 see Esteves Payan Martins 2005: 58–75; Maxwell 1995: 92–3.

²³ Maaß 1951–1961. Vol. 1: 381.

²⁴ Venturi 1976.

²⁵ See Delpiano 2007: 213–89.

as a substantial liberalization, but its decisions to ban a book were meant to be taken seriously and to be fully implemented.²⁶ Censorship was indeed relaxed, in comparison to previous decades, but not surrendered altogether. The ensuing *Broschurenflut* (flood of brochures), made possible by the new censorship policy, represented the most liberal expression of the Emperor’s outlook on the press and censorship. The *Broschurenflut* constituted a public sphere where issues could be discussed openly and the tension between civil and ecclesiastical power was played out and managed so as to influence the general attitude of readers in favour of the Imperial policy.

The third paragraph of the *Grund-Regeln zur Bestimmung einer ordentlichen künftigen Bücher Censur* [*Directives to determine a formal future censorship commission*] stated unambiguously: “Critiques, so long as they are not libels, no matter whom they may be directed at, from the Sovereign down to the most humble person, should not be forbidden, especially if the author prints his name and thereby presents himself as the guarantor for the truth of the content; for anybody who loves truth, it must be a joy if truth is available to him in this way”.²⁷ By 1784, however, Joseph II and his government could no longer exercise complete indirect control, nor guide the production of texts for the general public. The growing demand for cheap books on politics and religious matters was met with writings that were increasingly critical of Joseph II’s character and decisions; in response the leeway authors had enjoyed was dramatically reduced. Disrespect for the sovereign was not an option. From the very beginning of the *Broschurenflut* Joseph II consistently forbade the publication of attacks on foreign kings, prevented the Austrian clergy from condemning imperial decrees touching on religion and from replying to anti-Catholic or deist writings and with an iron fist he regulated the plays to be performed on theatre stage and at the opera houses.²⁸ In 1789 the anonymous *Briefe über den gegenwärtigen Zustand der Litteratur und des Buchhandels in Österreich* [*Letters on the contemporary situation of literature and the book trade in Austria*] described how the permission to publish was granted in 1783 and denounced the ambivalence of Joseph’s policies.

Despite the freedom of the press, the censorship laws in this country are rather inquisitorial (*ziemlich inquisitionsmäßig*). Those who want to publish in the imperial and royal states (from the most imposing work to a visiting card) without the preventative authorization, the imprimatur, from the censors, is liable to pay a fine of 100 ducats, if he is detected. Here too there is a *permittitur* or *admittitur*. If one is granted it, he can publish and sell his book, but is not allowed to specify himself as the printer nor Vienna as the place of publication. There is another law, permitting some authorized works to be visibly on sale, but not announced publicly, and so on and on.²⁹

²⁶ Bernard 1979: 58–9.

²⁷ *Der Josephinismus* 1995: 216.

²⁸ See Bodi 1977; Wangermann 2004: 150–84; Beales 2009: 89–99, has a detailed description of the 1781 Edict of Toleration which also highlights its limitations; Jürs-Munby 2007.

²⁹ *Briefe über den gegenwärtigen Zustand der Litteratur und des Buchhandels in Oesterreich*, [Wien?] 1788, 28, as cited in Wolf 2007: 321–2.

The experiment under Joseph II to simultaneously promote and control freedom of the press as an instrument for the modernization of the Habsburg monarchy against ecclesiastical tutelage, stands out among similar efforts in the second half of the eighteenth century for its ephemeral but vigorous attempt to establish a new balance. Rather than following the French example of increasing functional ambiguity based on varying degrees of tolerance or connivance between the censors and authors, the Emperor aimed to create a large, but not unrestrained measure of freedom, within discursive boundaries clearly defined and severely enforced. From this point of view, the Josephine experiment came closer to the openly absolutist approaches devised in the Central and North European monarchies.

For the German states the institutional framework was provided by the generally ineffective controls operating in the polycentric and fragmented political system of the Holy Roman Empire of the German Nation. The rules and practice of censorship varied considerably in its different territories. Both extremes could be found in the German territories, from the most vicious and parochial repression of independent thinkers to glowing praise for the benefits that the advancement of learning gained from free debate and a free press. In 1760 the cameralist Johann Heinrich Gottlob von Justi wrote one of the most spirited defences of the English paradigm of freedom for the German-speaking reading public. He described the scholars (what he called the *Gelehrte*) as intrinsically free and emancipated from subjection to any sovereign.³⁰ In fact, Justi pleaded for the free and unrestrained use of reason by scholars in terms similar to the Kantian distinction between private and public use of reason:

Scholars (*Gelehrte*), to the extent that they are considered not citizens and inhabitants of a country, but only scholars, are exactly as free as the greatest monarchs of the world. Just as the latter acknowledge only God and the sword as their superiors, a scholar acknowledges only reason and a more powerful pen as his master. In his capacity as a scholar he can think, draw conclusions, believe, teach and write what he wants, provided that he accepts his accountability before the great tribunal of reason, and that none with a more powerful pen can embarrass him so that he is forced to give in and obey to the power of rational conclusions.³¹

The institutional framework German scholars faced was, however, more differentiated than one might assume from Justi's abstraction.

On the whole, censorship in early modern Germany was rather inefficient, in the sense that only rarely could governments ban books that were considered dangerous. Most German states (including Prussia under Frederick II, where Justi lived from 1760 until his death in Berlin in 1771) and the Empire as a whole had various offices entrusted with censorship.³² The most comprehensive layer of censorship should have been the imperial grade, which was also the most ancient. But the sheer

³⁰Justi 1760. *Vorrede and Die Beschaffenheit und Verfassung der Republik der Gelehrten*. Vol. 1, no page number and Vol. 2: 341–74. See the insightful discussion of the heterodox elements in the German Republic of Letters in Mulsow 2007.

³¹Justi. 1760. *Die Beschaffenheit und Verfassung der Republik der Gelehrten*. Vol 2: 343.

³²Eisenhardt 1970; Schneider 1966; Plachta 1993.

multitude of censorship officials belonging to a plethora of bodies and divided by contrasting loyalties, prevented censorship from becoming an over-mighty institution, as in France and in the Austrian *Erblande*. Territorial state governments often resisted imperial Habsburg censorship: an anonymous critic writing in 1757 attacked the confiscation and suppression of anti-Habsburg books by the *Reichsfiscal* and praised Prussian policy in the war with the following argument: “The Emperor, being a party to the suit, declares himself to be the judge. He fears that the impartial public, this fair judge, might not be easily cheated. Therefore an attempt is made to prevent the public from judging the truth by banning all writings that show the justice of the Prussian cause”.³³ Conflicts between different territorial states concerning the exercise of censorship functions and divergences between Protestant and Catholic states were frequent. In the 1770s and 1780s ecclesiastical principalities often accused the Prussian monarchy of being too lax and of allowing Prussian printers and booktraders to flood Catholic Germany with dangerous books and journals.³⁴ It should also be remarked that in the different states censorship was not managed by a single institution. Many officials were charged with the censorship of specific sorts of books and journals: standards of judgement were different and conflicts between officials broke out frequently. It is also important to remember that institutions such as the Universities, the Academies of the sciences as well as some individual writers enjoyed exemptions from censorship. Skepticism about the positive consequences of censorship was widespread. According to the *Deutsche Encyklopädie* in 1780, censorship was one of the institutions of the *Polizey*: it must prevent “dangerous and shameful books” from entering the country and also protect the local book trade enacting wise, that is to say moderate and fairly liberal, measures. As a matter of fact, censorship was particularly sensitive to external priorities; as a rule censorship was managed with a high degree of flexibility, according to the political, diplomatic and economic context of each territory.

Berlin was considered by contemporaries to be the seat of a very liberal government as regards freedom of the press, though forms of censorship did exist. Many writers lived in Berlin (172 in 1783 according to Zöllner, 145 in 1795 according to Schmidt and Mehring),³⁵ social life was lively and attracted many foreigners; and activities connected with the printing and selling of books were widespread. Contemporaries mentioned Prussia as an example of liberty of the press. Nonetheless, the myth of Frederick II as an enemy of censorship can be easily countered. In the first two decades of his reign he repeatedly reorganized Prussian censorship.³⁶ The original arrangement was fragmentary and shows that it had not followed a systematic plan. The Lutheran Consistorium was to control books on religion. The Department for Foreign Affairs had to monitor books dealing with foreign politics and *jus publicum*. Moreover there was a commission made up of individual censors:

³³ *Wie weit geht das Recht eines Reichs-Fiscals in Ansehung der Bücher-Censur?* 1757: 13.

³⁴ See Molitor 1982.

³⁵ Schmidt and Mehring 1795.

³⁶ *Acta Borussica* 1892–1936. Vol. 7: 408–9; Vol. 8: 403–5; Vol. 10: 315; Vol. 11: 518 and 522, footnote 1.

each was charged with examining specific topics like history, philosophy, jurisprudence, or specific authors. Usually these censors were members of the Academy of the sciences or had occupied official positions in the civil service. None was in the first place and above all a censor. In 1747 Frederick II tried to restructure the censorship system and appointed the Academy of the sciences as the sole censorship institution: all books and all journals had to be deposited there for examination before being printed. This would have led to a more regular procedure and a modern form of censorship, but was resented by printers for financial reasons (censorship fees were increased to meet the needs of the Academy) and commercial reasons (censorship was expected to become stricter, thereby curtailing production) and by the academicians as well, who resisted the prospect of additional work for no additional revenue. This scheme failed, showing the limits of absolute rule, and in 1749 the king re-established the old system. The edict of 1749 became a milestone in German discussions about censorship and freedom of the press in the second half of the century: it stated that censors had to pass books which were not against religion, the state and good morals.³⁷ It was up to the censors to decide what these three concepts actually meant. A similar, if slightly more rigid system was adopted for newspapers: the censors had to take care not to permit anything offensive to foreign powers and to ensure that censors' decisions were scrupulously followed by the printers. Frederick's subsequent instructions to the censors show that reality almost never lived up to absolutist theory and royal intentions. This was in spite of the efforts of officials such as the Berlin *Generalfiscale*, who sometimes, usually haphazardly, confiscated any books at the booksellers' premises that they thought were in breach of the edict's provisions. In this case it was apparent that the laxity of the censoring system opened the field to two competing ideas of what constituted a dangerous book. The legal structure of censorship in the Prussian monarchy did not change until 1788, when the new king Frederick William II enacted a censorship edict aimed at tightening the practice of censorship, especially in the religious sphere, while leaving the basic system intact.

The key feature of Frederick II's censorship system was that it was preventative, that it was based on the decisions of the individual censors, that it was a highly informal, case-by-case system, in which person-to-person relationships played an important role. For printing to flourish, censors, publishers and authors had to work together. Roles were not as clear-cut as one might expect: many publishers were no mere businessmen, were proud of their prestigious contribution to the *Gelehrtenrepublik* and sometimes wrote books and edited journals themselves. Authors only rarely made a living by their pens: they were often state officials or members of the clergy. Last but not least, censors were in most cases *hommes de lettres*, convinced that on the one hand freedom of the press was necessary for the improvement of mankind, on the other hand, that censorship was necessary to safeguard the state's morality and public order, and to prevent what they thought were plainly objective errors from becoming widespread.

³⁷ *Edict wegen der wieder hergestellten Censur 1749.*

In this censorship system the individual personalities of the censors were a decisive factor, as their political culture, their intellectual commitment, their social relations deeply influenced the practice of censorship and therefore determined what issues were liable to be discussed in the public. Many censors were members of the Academy of the sciences and they included scholars distinguished in their fields, such as Pelloutier, Kahle and Sulzer, in their ranks. Sulzer, a famous Swiss *Popularphilosoph* who had lived in Berlin since 1747, dropped a telling remark on censorship in a 1748 letter to his friend Gleim. According to Sulzer, German writers had nothing to fear from Prussian censorship, as its principles were very tolerant.³⁸ Other Prussian censors included the theologian Teller, Dohm, the well-known author of a book in favour of the emancipation of the Jews and the expert in public law Steck. For all of these men the apparent duplicity of their role as censors and as writers was entirely natural; there was no contradiction to them between subordination to the king's approval and acquiescence in the public's judgement. Two lesser-known censors are particularly worth investigating: Marconnay and Beausobre were examples of censors who, while serving in the state bureaucracy, were actively engaged in Berlin literary life. Marconnay was appointed censor in 1767 after serving in the Prussian diplomatic corps during the Seven Years War; as a young student of law, he studied Wolff's philosophy, became acquainted with Formey and other academicians, wrote literary pamphlets and commented extensively and with genuine enthusiasm on the *Nouvelle Héloïse* and Coyer's *Vie de Sobieski* in his correspondence with Formey.³⁹

In his 1756 pamphlet, *Schreiben eines Reisenden aus Danzig* arguing in favour of Frederick II in his conflict with the king of Saxony at the outset of the Seven Years War, Marconnay appealed repeatedly to the German *Publikum*, casting it as the highest judge and demonstrating that even diplomacy had to take account of the prevailing mood in Germany. Marconnay was a state official with a literary and philosophical background, a censor with a very clear intellectual stance and influential connections among the literary elite: in 1782 he forbade the publication of the advertisement for a *Prière pour obtenir de Dieu un ministre selon son esprit dans l'Eglise française du Werder, à Berlin. Par une âme dévote*.⁴⁰ It is clear from this and other examples that Marconnay took advantage of his position as a censor to exert influence on public debate, in favour of the enlightened theology of Erman and Reclam. Louis de Beausobre, the son of the famous Huguenot theologian and learned historian, was a colleague of Marconnay from 1755 until his death in 1783; like Marconnay, Beausobre was linked to Formey and was engaged with contemporary German and French philosophy. As a young man, he spent over a year in Paris in 1752 and 1753; during his stay in France he wrote a polemical essay against Raynal in the *Mercure de France* and was acquainted with Condillac. In *Le Pyrrhonisme du sage*, written in 1754, Beausobre claimed that time and experience have increased man's knowledge of the world; that man must always be humble and

³⁸ *Briefe der Schweizer Bodmer, Sulzer, Gefßner* 1804: 79.

³⁹ SzBPK, Nachlaß Formey.

⁴⁰ GStA PK, I, HA Rep. 9, F2a, Fasc. 10.

rational.⁴¹ In a later essay on the principles of politics and economic thought Beausobre combined his skeptical attitude with a firm commitment to the well-being of the state as a supreme value.⁴² This position suited a Prussian civil servant better than extreme scepticism: still, Beausobre maintained a lively interest in, and engagement with, the literary world.

A survey of censorship records in the Prussian archives shows that the working of censorship's repressive function was relatively smooth and discreet. It is worth noting that Lessing's complaints about Prussian censorship were exceptional and that his indictment of Prussian censorship as a despotic and enslaving institution, in a private letter to Nicolai, should not be interpreted as an outlook shared by his contemporaries.⁴³ The contrary was usually considered to be true. Prussian writers had little reason to be dissatisfied with the way censorship was managed. Most of the books and journals that were actually confiscated were attacks on Prussian foreign policy from outside the kingdom, as during the war for the Austrian Succession and at the time of the first partition of Poland in 1772, or dealt with minor quarrels between private individuals aggrieved by some published matter. The famous literary journal *Literaturbriefe*, for instance, was banned in 1762 thanks to a denunciation by Justi, who was insulted by a book review. Some confiscated books were considered libellous against foreign powers, more often than not, Russia. The point is that until the early 1780s, that is until the final years of Frederick II's rule, cooperation between enlightened writers, state officials entrusted with censorship and publishers, worked to almost everybody's satisfaction. This cooperation sometimes resulted in a complete lack of censorship. In 1759 Kahle accepted the appointment as a censor only once he was told that "in a whole year not a single book was brought to the censor".⁴⁴

The cohesive force binding all three was a common understanding of Enlightenment principles, including a commitment to tolerate criticism in public discussion. This does not mean that censors, writers and book-traders (who in most cases were also publishers) agreed on the desirability or even feasibility of absolute freedom of the press. What they agreed on, was that free communication and exchange of ideas and innovations were inherently positive contributions to the well-being of the state. Encouragement for the Enlightenment was interpreted as an important factor in Prussia's modernization and provided greater resilience and strength to her ruling house. The project of elevating Prussia to 'Great Power' status required a thriving, lively public discourse which had to be nurtured by the state. Anything contrary to the state, religion and morality (*die guten Sitten*) was considered to be contrary to the Enlightenment, as it was understood by the intellectual and political elite under Frederick II. As a consequence the Prussian censors, writers and publishers all contributed to the emergence of a public sphere in Berlin and were instrumental in shaping it. The public sphere in Berlin owed its existence to

⁴¹ Beausobre 1754.

⁴² Beausobre 1764.

⁴³ Lessing to Nicolai, 25 August, 1769 (Lessing 1983: 186–7).

⁴⁴ GStA PK, I, HA, Rep. 9, F2a, Fasc. 12.

the state, originated in an act of political will and only began to carve out its independence in the 1780s.

The features and peculiarities of the Prussian public sphere, directed and supported by servants of the state, were complex and quite remarkable. A survey of books confiscated prior to 1788, reveals books that were stock-in-trade of the clandestine book market in France, as well as German publications. In 1743, the *Generalfiscal* Uhden remarked upon and deplored the fact that at a public auction one could purchase such books as *La putain errante* by Aretino, *L'école des filles, ou les mémoires de Constance* by Millot, *Les Fantaisies de Bruscombille* by Deslauriers.⁴⁵ There is also evidence of a trade in pornographic books in the capital. As to *livres philosophiques*, the Prussian authorities' reactions were ambiguous: they disapproved of *Mémoires d'une reine infortunée* and some of Rousseau's writings just as much as the French government did. Voltaire's *Pucelle d'Orléans* and Lamettrie's *Homme-machine* were confiscated by the zealous *Generalfiscale* for the same reasons as their French counterparts.⁴⁶ Some works, such as Moser's *Was ist gut kaiserlich* or Locatelli's *Lettres moscovites* were prohibited for specifically Prussian reasons as they jeopardized Prussia's position in the Empire (nevertheless Moser's book was widely reviewed in learned journals). On the other hand, and in contrast to Robert Darnton's list of forbidden books smuggled into France, we find quite a few examples of books that were prohibited in France yet were legally published and openly sold in Prussia.⁴⁷ A striking, if minor case, was Mouffle d'Angerville's *La vie privée de Louis XV*, which was ordered 198 times from the *Société typographique de Neuchatel*, and was apparently a best-seller in the underground market. In 1780 the German translation was submitted to the censor Schlüter by Frederick Nicolai the publisher. Schlüter suggested a few minor changes concerning Prussia's role in the *Kartoffelkrieg* against Joseph II, overlooked some satirical paragraphs about Frederick II and finally permitted the printing of *La vie privée de Louis XV* in Prussia.⁴⁸ A detailed analysis of Schlüter's reading confirms that desacralisation of the king's role and personality was well under way. *La vie privée de Louis XV* shocked nobody in Berlin. Compared to Darnton's list of forbidden books, many substantial divergences become evident between the French and Prussian contexts. D'Holbach's works were translated and published in Berlin without any difficulty from the censors; the *Système social* was reviewed in the *Journal littéraire* edited by members of the Academy of the sciences and was cited in 1788 as an authoritative source along with Raynal's *Tableau de l'Europe* in Brunn's apology for the Prussian monarchy.⁴⁹ Despite occasional interference by the *Generalfiscale* in the 1750s and Frederick II's sporadic fits of rage against him, Voltaire's works were widely translated and read. Masonic literature was available

⁴⁵ GStA PK, I, HA, Rep. 9, F2a, Fasc. 1.

⁴⁶ GStA PK, I, HA, Rep. 9, F2a, Fasc. 12.

⁴⁷ See the list of the forbidden books in Darnton 1991.

⁴⁸ Mouffle d'Argenville 1781 See Schlüter to Nicolai, 13 November 1780, SzBPK Nachlaß Nicolai, 87.

⁴⁹ See *Journal littéraire* 7 (1773): 216–22 and *Der Preußische Staat*: 127.

at any bookshop. Since it was the printer who, under the law, was to suffer the gravest consequences of infringements of censorship, he often acted as an adjunct to the censors in a variety of ways. An example of this is provided by Friedrich Nicolai, the most important publisher in Berlin, who in 1775 received a demand from d'Anières, the *Generalfiscal*, to provide a formal written censor's approval for his *Allgemeine Deutsche Bibliothek* [German General Library], the major forum of learned public opinion in Germany since 1765. Nicolai's response was threefold: first, that his journal had not once been subjected to censorship in the previous 10 years; second, that what he called a *decent* freedom of the press in Prussia (*eine anständige Freyheit zu drucken*) had promoted the sciences in the kingdom; third, that the royal censor Teller had been a prominent contributor to the *Allgemeine Deutsche Bibliothek* from its inception and had read many manuscripts before their publication. Nicolai therefore felt his review to be adequately legitimated, in his own words (*genugsam legitimiert*), by Teller's involvement.⁵⁰ On the other hand, Nicolai took care to suggest strategic changes to the authors, to ensure their texts corresponded to authentic enlightened principles. In the case of Dohm's famous book advocating civil emancipation for the Jews (1781), there is a revealing correspondence between Nicolai and Dohm (who was also a royal censor) about the most appropriate way to have the book positively censored. In the end, they agreed that Teller was the most liberal censor available and that he should review it, which tellingly, came to pass.⁵¹ The majority of repressive interventions were initiated by the *Generalfiscale* whose responsibilities, as the local institutional embodiment of the executive and administration, included maintaining order within its territory. As a rule, demonstrated by d'Anières in 1769, the *Generalfiscale* opposed the censors' decisions ex-post facto and lamented their laxity.⁵²

In the 1760s and 1770s the accord between censors, writers and publishers functioned largely without friction. During this period, but much more markedly in the 1780s, the debate about freedom of the press intensified. This discussion had obvious implications and concomitant philosophical presuppositions. Only a few representative positions concerned with the political implications of the debate will be analysed here. The first point is that this discussion was conducted in public: in essays for popular and learned journals, in pamphlets, even in gazette reports, intellectuals confronted each other on their competing conceptions of freedom of the press and on what sort of consequences it could entail. Implicit in this was the idea that each author's approach embodied the 'right sort' of liberty. Even the most interesting (and secret) debate at the *Mittwochsgesellschaft* (Wednesday Society) in 1783 and 1784, saw different interpretations advanced, which the members of this society also expressed in the public forum.⁵³ Discussion was secret but the ideas that were put forward were to be public. An overwhelming majority of the participants

⁵⁰ GSStA PK, I, HA, Rep. 9, F2a, Fasc. 14.

⁵¹ Dohm to Nicolai, 11 May 1780, SzBPK, Nachlaß Nicolai, 15.

⁵² GSStA PK, I, HA, Rep. 9, F2a, Fasc. 14. The role of the *Generalfiscale* in the Prussian bureaucracy is stressed in the seminal work by Rosenberg 1958; Johnson 1975: 121.

⁵³ See Hellmuth 2002; Stöber 2012.

in this debate claimed to be in favour of press freedom, which demonstrates that the real issue at stake was the interpretation of its meaning, and of the relationship between the press and the public. There was no discussion about the desirability of press freedom. When it came to some sort of definition of freedom of the press, limits that would preserve the core of freedom, while preventing abuses, were recommended. Free communication between members of society was to be preserved; the well-being of the country, in both domestic and foreign affairs, was held to be of paramount importance. State control over religious writings, in order to stanch the spread of religious fervour, was accepted for the most part. In the *Allgemeine Deutsche Bibliothek* Nicolai and his collaborators stood in favour of freedom of the press, as in 1773, when they reprinted a long passage from Milton’s *Areopagitica*. In 1775 a review of the *Encyclopädisches Journal* provided an opportunity to criticize censorship in the *Allgemeine Deutsche Bibliothek*.⁵⁴ At the same time, in 1775, the famous jurist Johann Jakob Moser gave ample evidence of the contradictions within the German system of censorship; he ended his detailed examination of censorship in the Empire by calling for the restoration of “die alt-Teutsche, herkömmliche, und unschädliche, Freyheit der Presse” (“the restoration of the old-German, customary, and harmless freedom of the press”).⁵⁵ Freedom of the press was still a perspicuous idea. This changed, however, in the 1780s. An increasing number of journalists and writers appealed to a conception of freedom of the press that stoked tension between them and the government, and sometimes even between the censors and the government. In 1784 an essay by Johan Georg Heinrich Feder appeared in the *Neueste Staatsanzeigen* which argued in favour of extending freedom of the press to permit publication of self-defence against calumny. He maintained that a subject who felt persecuted by the authorities should be able to turn “to the highest judge, the sovereign of the nation, or the whole public” for an impartial judgement and redress of his grievances. In this conception a free press and the right to appeal to the public were cast as a means of opposing abuses by the authorities.⁵⁶ In the same year the outstanding Berlin journal *Berlinische Monatsschrift* published an anonymous essay entitled *Über Denk- und Druckfreiheit. An Fürsten, Minister und Schriftsteller* [*On freedom of thought and of the press: for princes, ministers and writers*], written in fact by Ernst Ferdinand Klein. According to Klein, freedom of the press in Prussia was complete and was a substitute for political freedom. Freedom of the press was linked to the progress achieved by the Prussian intellectual elite, who, according to the author, actually embodied the expectations of an enlightened age. “The freedom to think out loud is the most efficient weapon of the Prussian state [...]. If the Prussian king wants writings against the state to be suppressed, he means just those writings which attack the State, betray it to its enemies, set the subjects free from their duty of obedience and provoke civil disorder; he does not mean modest opinions about orders given by the sovereign or by his stewards

⁵⁴ *Allgemeine Deutsche Bibliothek* 24 (1775): 296–301.

⁵⁵ Moser 1772: 110.

⁵⁶ Feder 1784.

[...]. This freedom of the press is the clearest sign of a wise government”.⁵⁷ In other words, Klein’s idea of freedom of the press was based on a preliminary consensus among the participants in the discussion; access to the public was subordinated to the acceptance of the Prussian, state-oriented version of the Enlightenment. A central element in this interpretation was the idea of “collision” between human rights (including freedom of the press) and the well-being of the state. Carl Friedrich Bahrdt maintained that in the case of the said collision, reasons of state prevailed over the rights of the subjects.⁵⁸ Since Frederick II was usually considered to be the embodiment of the Enlightenment, a correlation between freedom of the press and commitment to the Enlightenment in public discourse was taken for granted. This understanding of the relationship between frank discussion and the public sphere was a significant influence on the 1781 decision to allow public debate on a possible revision of Prussian censorship laws. The Chancellor Carmer thought that free discussion and a free press were useful. “Really able and competent men should be open and communicate to the King their thoughts and proposals concerning these matters, through print as well; nonetheless I cannot be indifferent if this way the public is given writings that can but lead it astray and worry it with prejudices and false ideas”. The prime minister Hertzberg basically subscribed to the same concept when he recommended the prohibition of an essay by Heß criticizing the municipal government of Hamburg:

It is not advisable to permit in Your Majesty’s states the publication of a work full of false statements, of invectives and critiques, most of the time unfounded, against respectable governments and even against Your Majesty’s rule, and that at bottom has no other aim than to express feeling of animosity and personal revenge.⁵⁹

The divergence between these conceptions of freedom of the press and access to public debate, and the former, more liberal understanding, grew wider in 1780s Berlin. Increasing numbers of writers were attracted by the relatively free atmosphere in Berlin, not to mention its expanding market; outsiders joined in the shaping of the public sphere. More and more journalists took the idea of public discussion seriously and some of them sidestepped this ‘consensus theory’. In 1785 the editors of the *Ephemeriden der Litteratur und des Theaters*, published in Berlin, asserted that “Nowhere else do people talk about the state, the king, this or that new institution with more freedom”.⁶⁰ Others tried to reach this potentially volatile sector of the reading public in Berlin. In 1782 the unknown journalist Uhden, for example, established the *Freimaurer-Zeitung*, in which he appealed to a wider readership than was usually interested in Masonic affairs. The *Freimaurer-Zeitung* dealt especially with Rosicrucian theories; despite Uhden’s protests and appeals to the edict of 1749, his journal was ruthlessly suppressed by Hertzberg.⁶¹ The same thing happened to

⁵⁷ *Berlinische Monatsschrift* April 1784: 312–30.

⁵⁸ Bahrdt 1787.

⁵⁹ GStA PK, I, HA, Rep. 9, F2a, Fasc. 15.

⁶⁰ 3 December (n. 49) 1785: 353.

⁶¹ See *Bibliothek für Denker und Männer von Geschmack* 7 (1783): 568.

the *Predigt-Kritiken*, a periodical publication dealing with the sermons given in protestant churches in Berlin. Although the editors claimed to be working in the spirit of the Enlightenment, their journal was suppressed on suspicion of spreading dissent among the public.⁶² A French teacher at the *Académie des nobles*, a zealous admirer of Frederick II’s government and a future Jacobin leader in Strasbourg, Jean Charles Thibault de Laveaux, wrote a satirical novel under the title of *Eusèbe* as well as various essays, which mocked the Prime minister Hertzberg. As a consequence Laveaux’s writings were confiscated and he had to leave Berlin in 1786.⁶³ Cranz’s attempt at divulging through print popular Enlightenment, political gossip and entertainment plain and simple was also suppressed in the late 1780s, after involving his personal censor Dohm in trouble for approving his manuscripts.⁶⁴ In 1788 a writer dared to criticize Prussian military organization, the so-called *Cantoverfassung*, and its negative impact on the country; he appealed explicitly to the *Publikum* and his pamphlet was confiscated.⁶⁵ It is also worth mentioning that at the same time the *Militärische Monatsschrift* discussed the same problems in a similar vein, but apparently addressed to a much more restricted public, officialdom.⁶⁶

The crucial point seems to be that in the 1780s there were different public spheres, that of the church, that of the Masonic lodges, that of learned debate, that of the tavern, that of popular science, that of public theatres, that of handwritten newspapers: all of these were tentatively linked together by journalists and writers who took advantage of the peculiar conditions prevailing in the Prussian capital. Public discussion acquired a life of its own and developed well beyond the original intentions of the Prussian governing hierarchy, who, by and large, clung to the Frederician idea of freedom of the press in the 1790s (for example in the *Prinzenvorträge*),⁶⁷ even as the reactionaries around king Frederick William II and Wöllner pushed for a draconian limitation of press freedom.⁶⁸

In Berlin the 1780s saw the transition from a multiplicity of public spheres, which were relatively easily controlled by the intellectual elite in its various functions, to a potentially unified and mobile public sphere, where an increasing range of topics were discussed. This new situation saw the foundation laid for a fresh approach to censorship, to its meaning and functions. The 1788 edict which assessed the limits of press freedom was just a first and very rudimentary step in this direction. The policy underpinning censorship changed too: the number of books which were forbidden and confiscated increased dramatically, at first in the field of religion, then in politics too, following the growing fascination with the French Revolution. By 1791–1792 a repressive strategy to suppress subversive literature was organized in Berlin; the traditional elite remarked in those years that political

⁶² GStA PK, I, HA, Rep. 9, F2a, Fasz. 18. See Hoppe 1989.

⁶³ See Laveaux 1785.

⁶⁴ Reichelt 1995; Mulsow 1998: 263–4.

⁶⁵ Arnim 1788. See Johnson 1975: 263–4.

⁶⁶ See *Militärische Monatsschrift* 1785.

⁶⁷ Svarez 1960.

⁶⁸ See Hunter 2005; Sauter 2009.

discussion was now being conducted in all social strata and reacted defensively. As an active policy of persuasion and education of the public was seen as destined to failure, journals were suppressed and the book trade was severely hampered. The consensus between the government and the intellectual elite began to crumble, as the correspondence between Biester, the outstanding *Aufklärer* and editor of the *Berlinische Monatsschrift* and the new censor Hermes in 1792 concerning Kant's writings shows very clearly.⁶⁹ The roles of authors and censors had been interchangeable until the high level of functional ambiguity of the Prussian system was drastically reduced under Frederick William II: in the late 1780s the participatory freedom that had characterised the *Aufklärung* under Frederick II came to an end.

The End of the Paradigm of Functional Ambiguity and Participatory Freedom

Attempts to expand the limits of “freedom of the press” were also made in the Kingdom of Sweden. In 1766 greater autonomy was granted to writers who were nonetheless reminded that religious and confessional subjects should be treated with special care. The experiment of The Law on the Freedom of Printing was abruptly terminated with the absolutist coup staged by Gustav II in 1772 and centralized control was re-established, although in a relatively mild form.⁷⁰ The difference between government reforms and practices that enhanced participatory freedom of the press, which no matter how broadly interpreted were still subject to state supervision, and radical approaches to the question are starkly illustrated by the innovative ‘politics of the book’ undertaken by the Danish-Norwegian monarchy in 1770. The abolition of preventative control was the defining feature of the Danish-Norwegian reform. The rescript was issued in September 1770 by the weak king Christian VII but the true protagonist in political initiatives was count Johann Friedrich Struensee. However, Struensee soon encountered the underlying contradiction which arose when an absolute monarchy, even in a socially stable and essentially consensual kingdom, attempted to permit self-regulation within the publishing industry.⁷¹ Danish printers and editors soon began to voice concerns that the total lack of preventative inspection would lead to the spread of heterodox and dangerous ideas, the circulation of false rumours, sensitive information and insults and calumnies against private persons. As early as October 1771 and prior to his sudden and tragic fall, Struensee began to circumscribe the total freedom of the press he had granted but a year earlier. The embarrassing proliferation of writings critical of Struensee himself led him to restrict the conditions for publication: the name of the printer or of the author was to be indicated on the frontispiece, printers were to be

⁶⁹ See Kapp 1879: 200.

⁷⁰ Laursen 2005; Skunke 2011.

⁷¹ Laursen 2000; Glebe-Møller 2011; Munck 1998.

accountable for disclosing the identity of the author, all so that either could be legally prosecuted for libel and the negative effects of an unrestrained press would be checked.

Seen in the context of the daring but short-lived Danish experiment and the different forms of participatory freedom of the press in continental Europe, practice of censorship within the United Provinces merits a reinterpretation of the generally accepted assessment. In the United Provinces publications were not subject to preventative control due to the practical impossibility of setting up the complex institutional, legal and political framework that was required. The principle of freedom of the press lacked a clear, common conceptual definition. In 1749 Elie Luzac tried to formulate a theory of freedom of the press, with the twofold aim of defending his publication of La Mettrie's blasphemous and materialist tract, *L'homme-machine*, and of arguing that no harm could be done to civil government by a free press. Authors and printers ought to be granted full autonomy to bring texts they considered appropriate to their readers' attention.⁷² As a part of the more general freedom to express one's deepest convictions, the freedom to communicate had to be guarded from interference by the clergy, whose vested interests ran counter to open and rational discussion of all opinions. The readership to whom Luzac's remarks were addressed was, however, socially limited. In fact his approach allowed for post-publication repressive measures, which were employed when deemed appropriate by the civil government. Heterodox books were persecuted in particularly sensational ways that were aimed at humiliating the authors. As was exemplified by the case of the German free-thinker Hatzfeld, when his treatise *La découverte de la vérité et le monde détrompé* was seized and almost entirely destroyed. He was put on the pillory in the market place of The Hague, with a noose around his neck and a placard on his chest that read: "a blasphemous man against God and His Holy Word" (*lasteraar van God en van sijn Heijlig woord*).⁷³ As in England at the same time, in the 1760s and 1770s appeals were made requesting preventative control over manuscripts submitted for publication. Frans Hemsterhuis was not alone in advocating more stringent criteria be applied by the government. A number of ministers of the Reformed Church were impressed by the French discussion of Marmontel's *Bélisaire*, published under royal privilege in 1767 and savagely attacked by the Sorbonne for its chapter on religious toleration.⁷⁴ In 1769 some clergy requested the establishment of a preventative control system in the United Provinces, which through *censores librorum* would halt the publication of unacceptable books. The following year the States of Holland seemed to toy with issuing a decree to forbid:

The production, printing and publishing of all books in which the foundations of Christian religion are attacked or Holy Writ and the true Reformed religion are ridiculed, as well as

⁷²Luzac 1749. See Velema 1993: 15–22; *Early French and German Defenses of Freedom of the Press*.

⁷³See Tortarolo 2007. Johann Conrad Franz von Hatzfeld was a Wollfian and anti-Newtonian German *déraciné*.

⁷⁴Marmontel 1994.

all books and writings tending to corrupt good manners and to ruin the young by their obscene content.⁷⁵

These schemes reflected widespread frustration with a form of freedom that was perceived as excessive, but in practice they came to nought. Not unlike England, the long-term absence of preventative censorship in the United Provinces engendered an impressive proliferation of various forms of printed communication that the belated establishment of censorship could not successfully repress. The unique and enduring abundance of gazettes and journals exemplifies the authorities' problem. The "Gazette de Leyde" was the most widespread and authoritative gazette in French and took advantage of the absence of preventative control to become an invaluable source of information on political events for the educated elites of Europe and set the standard for competing publications under the control of absolutist monarchies. The most pressing issues of the second half of the eighteenth century were covered exhaustively by the "Gazette de Leyde", from Maupeou's coup to the War of American Independence and the French Revolution in 1789. The "Gazette de Leyde" managed to become the reference point for an emerging European public opinion. The mere existence of the "Gazette de Leyde", widely available throughout Europe, contributed to the notion that people enjoyed the right to be provided with accurate information and reinforced the mistrust of state-sponsored and state-controlled gazettes, especially in France.

Despite its economic self-reliance and political independence, the "Gazette de Leyde" was confronted with the logic of the absolutist monarchies that might impede or endanger its circulation. The French crown was alarmed by its critical treatment of Maupeou's coup d'état and of the American insurgents. When the French ambassador in The Hague attempted to pressurize him, the editor Jean Luzac replied that the reputation of his gazette was based on its readers' expectations of being accurately informed about political affairs. In so doing he defined his position towards the French government while acknowledging the means by which it could restrict circulation, particularly by blocking postal importation, which was usually tacitly permitted.⁷⁶

There are numerous examples of such asymmetric negotiation in the eighteenth-century history of printed communication. For the most part these confirm that the interaction between the "publishing economy" and the political and religious control agencies, varied in different European states according to the relationships between civil and ecclesiastical powers, as well as the economic strength of the printing sector. They also confirm that in continental Europe, with the exception of the United Provinces, a paradigm prevailed that can be characterised through the complementary concepts of functional ambiguity and participatory freedom. Both concepts indicate that the specificity of the eighteenth century consisted of governments' efforts to both accept and control intellectual creativity, thus fixing the

⁷⁵ As cited in Velema 2003: 27. See van Eijnatten 2004: 96. Town governments were particularly active in suppressing books considered to be dangerous: see Huussen 1987.

⁷⁶ Popkin 1989: 140.

boundaries of the unacceptable, the dangerous, the unspeakable or, on a more banal level, of the irritating and the excessively ambiguous.

How did it come about that this institutional system, basically homogeneous in its components, was openly challenged in the second half of the eighteenth century? Which further begs the question as to how the balance maintained by absolute monarchies throughout Europe (exemplified by the French model), which had based their control over printed matter on the obligatory involvement of all parties to literary production under the surveillance of state officials, could have lost credibility so rapidly and succumbed to demands for the total abolition of pre-publication control? The principle of censorship collapsed. Not all supporters of radical reform of censorship, such as Condorcet and Mercier in France and Bahrdr in Germany, embraced the new approach. One potent agent of change was Raynal's multi-volume master work, the *Histoire philosophique et politique des établissements des Européens dans les deux Indes* [*Philosophical and Political History of the Settlements and Trade of the Europeans in the East and West Indies*]. This quasi-encyclopaedic history of European global expansion, which enjoyed massive commercial success, was firmly based on an interpretation of freedom of the press that entailed the unrestricted right to communicate useful truths without interference from the authorities. Raynal's argument was that freedom of the press is a precondition for the future happiness of mankind as it was for the present prosperity of England.

England teems with numberless productions of the press, in which all the concerns of the nation are treated with freedom. Among these writings some are judicious, written by men of understanding, or citizens well informed and zealous for the public good. Their advice allows the public to understand their true interests, and to assist the operations of government. Few useful regulations of internal economy are adopted in the state, that have not first been pointed out, modelled, or improved in some of these writings. Unhappy are the people who are deprived of such an advantage.⁷⁷

In volume 19 of the *Philosophical and Political History*, which reflected Raynal and his collaborators' (especially Diderot's) stance in the late 1770s, "the indefinite liberty of the press" was praised as the "fortunate expedient" that made "the actions of the authorities public. Any vexations or outrages that have been committed over the most obscure individual, are soon brought to light. His cause becomes the cause of all; and the oppressors are punished, or satisfaction is offered for the injury, according to the nature of the offence, or the disposition of the people".⁷⁸ The break with the practice of functional ambiguity was clear in this work published in Geneva under the cloak of anonymity. Similar developments were evident elsewhere in Europe. In 1781, the German poet, Friedrich Schiller, had to submit to the encroachments of censorship; in 1788, he expressed his doubts about putting his name on the frontispiece of the *Geschichte des Abfalls der Vereinigten Niederlande* [*History of*

⁷⁷ Raynal 1788. Vol. 5: 93.

⁷⁸ Raynal 1788. Vol. 10: 63. The original French expression is "la liberté indéfinie de la presse" (Raynal 1781. Vol. 10: 67) to mean the abolition of any form of preventative censorship.

the Revolt of the United Netherlands] as it contained pages “completely without insight and sense” (*ganz ohne Verstand und Sinn*) as a consequence of the censor’s intervention.⁷⁹

The new freedom of the press as an absolute right was made possible by three heterogeneous developments that occurred in most European states, albeit to differing degrees. The first development was the irreversibly increased scale of both the printers’ and the readers’ markets. Both monarchical and republican governments had adopted a deliberate strategy of concentrating control of literary production among a few privileged entrepreneurs, yet to no avail. The attempt to allow the circulation of innovative books and gazettes and periodicals but to restrict it the educated elites with the greatest interest in preserving social and institutional stability, was similarly unsuccessful and impractical. The regulated freedom that was inherent in formal negotiations between authors, censors and printers could only ever offer a temporary and controversial solution. The second development relates to examples of freedom of the press based on the absence of preventative control. The English paradigm was controversial in the eighteenth century, but from the 1770s on, a new example was set in the new American states, which turned out to be more powerful, more convincing and more attractive to Europeans. The American discourse on freedom of the press as an inalienable right reverberated in the European debates of the 1780s and magnified sentiments of discontent and frustration among authors. The constitutions of the American states, promulgated since June 1776, were explicit about the inclusion of freedom of the press as a fundamental right. The *Virginia Declaration of Rights* of 12 June 1776 stated in article 12 “[t]hat the freedom of the press is one of the greatest bulwarks of liberty and can never be restrained but by despotic governments.” The Constitution of Pennsylvania, enacted on 28 September 1776, contained *A Declaration of the Rights of the Inhabitants of the Commonwealth or State of Pennsylvania* declaring “[t]hat the people have a right to freedom of speech, and of writing, and publishing their sentiments; therefore the freedom of the press ought not to be restrained”. These and analogous principles were widespread in different genres, from fictional literature to travelogues, from reports in gazettes to scientific writings. The variety of discursive contexts made the argument for the principle of freedom of the press all the more persuasive.⁸⁰ In retrospect, it is evident that in most cases European readers ignored the conditions in which American freedom of the press was actually exercised. They also had little awareness of the American discussion on the real meaning of the principle of freedom of the press.⁸¹ What really attracted the European readership

⁷⁹ *Schillers Werke* 1956. Vol. 25: 43, letter to Crusius, from Weimar, 17 April 1788.

⁸⁰ Echeverria 1957; Venturi 1979: 442–3; Venturi 1984: 3–145; Dippel 1977; Potofsky 2002.

⁸¹ See *Federalist*, no. 84: “What is the liberty of the press? Who can give it any definition which would not leave the utmost latitude for evasion? I hold it to be impracticable; and from this I infer, that its security, whatever fine declarations may be inserted in any constitution respecting it, must altogether depend on public opinion, and on the general spirit of the people and of the government” (*The Federalist* 2000: 500).

was the vision of a new republic, no matter how distant, marginal or diplomatically irrelevant, that was grounded in the absence of the institutional ties and juridical constraints that in ancien régime Europe informed the structure of censorship, an increasingly obsolete and unreasonable apparatus of control. The growing awareness among Europeans of the exponential expansion of the role of the printing press and of the fact that the rejection of preventative censorship was central to the new American republic, helped spread the realization that the control previously exercised by secretive censors could be, indeed often already was, carried out by the “invisible tribunal” of public opinion. The advent of the notion of public opinion was the third major development of the late-eighteenth century that undermined the validity of “functional ambiguity”. The term “opinion public” was coined in the mid-eighteenth century by Rulhière and acquired a number of specific meanings which centred on the shift of “opinion” from denoting an uncertain, potentially incorrect assertion to indicating a respectable and well-founded persuasion.⁸² “Public opinion” emerged as a crucial notion in the elaboration of visions of reform and projects for the future. It came to mean, as Condorcet interpreted it, the sound sentiment of the best part of society, of its educated and rational strata. It could also be a part of the process of self-reinvention envisioned by Rousseau. It was the final body of evidence for the physiocrats, who maintained that “legal despotism” would herald the conjunction of rationality and unanimity in public opinion.⁸³ Nuances of meaning were not altogether negligible but they did not affect the shared and underlying idea that the regulation of beliefs would be more effective and less personalized if pursued through the unrestrained interaction of all parties involved in the discussion as peers, to avoid the blatant asymmetry between censors and censored, and enabled by the free availability of facts and ideas. The Italian Gaetano Filangieri encapsulated many of these components of public opinion in his vision of a people educated in a state-sponsored school system and ruled by a legislative institution based on truth and virtue. Such an arrangement would make the tribunal of public opinion “wise and virtuous” and a free press would thus be able to fulfil a higher function as the ally of the legislator, with the capacity to curb the ambitions of the power-hungry and draw attention to infringements of the law. Filangieri saw public opinion as the perfect construct to represent the right, and duty, of all citizens to contribute actively to the welfare of society by articulating ideas on matters of shared importance. A mechanism of continuous self-reflection and improvement would be ignited by freedom of the press “and would enable public opinion to be fair and just”.⁸⁴ Libellers, however, would still be heavily sanctioned.⁸⁵

The gap between Filangieri’s extremely abstract and utopian ideas and the actual workings of the ‘politics of the book’ was obviously enormous. Filangieri was just

⁸² See Gunn 1995.

⁸³ For an overview see Tortarolo 1997.

⁸⁴ Filangieri 2004. Vol. 5: 360. See Ferrone 2003: 59, 65, 145.

⁸⁵ Filangieri 2004. Vol. 4: 294.

one among many who increasingly voiced their discontent with preventative controls in the 1780s. During his time in Berlin in 1786, Mirabeau wrote a *Lettre remise à Frédéric Guillaume ii , roi régnant de Prusse le jour de son avènement au trône*. A central theme was the rejection of the benign toleration granted by enlightened censors and enjoyed by equally enlightened authors in favour of the novel principle of the new, energising and unrestrained freedom of the press.

The entire freedom of the press therefore ought to be enumerated among your first regulations; not only because the deprivation of this freedom is a deprivation of a natural right, but because all that impedes the progress of human understanding is an evil, an excessive evil; and especially to yourself, who can only enjoy truth, and hear truth, from the press, which should be the prime minister of good kings. They will tell you, Sire, that with respect to the freedom of the press you can add nothing at Berlin. But to abolish the censorship, of itself so useless, and always so arbitrary, would be much. If the printer's name be inserted in the title page, it is enough, perhaps more than enough. The only specious objection against an unlimited freedom of the press is the licentiousness of libels; but it is not perceived that the freedom of the press would take away the danger; because, under such a regulation, truth only would remain. The most scandalous libels have no power except in countries that are deprived of the freedom of the press. Its restrictions form an illicit trade, which cannot be extirpated; yet they lay restraints on none but honest people. Let not, therefore, that absurd contrast be seen in Prussia, which absolutely forbids foreign books to be inspected, and subjects national publications to so severe an inquisition. Give freedom to all. Read, Sire, and suffer others to read. Knowledge will everywhere expand, and will centre on the throne. Do you wish for darkness? Oh! No! Your mind is too great. Or, if you did, you would wish in vain, would act to your own injury, without obtaining the fatal success of extinguishing light. You will read, Sire; you will begin a noble association with books; books that have destroyed shameful and cruel prejudices; that have smoothed your paths; that were beneficial to you previous even to your birth. You will not be ungrateful toward the accumulated labours of beneficent genius. You will read; you will protect those who write; for without them what were, what should be, the human species?⁸⁶

The French censors were particularly aware that preventative censorship was losing credibility. Open disavowals like Mirabeau's were reinforced by developments in French domestic politics. The decree of the *Conseil d'Etat* on 5 July 1788 granted freedom of expression for all writings relating to the Estates-General, which was to be convened the following year, but required copies of these documents to be sent to the Keeper of the Seals (*Garde de Sceaux*). The decree itself was interpreted as an authorization to initiate a general debate in public through the press. Attempts to quell those publications that openly criticized the status quo began to be taken as acts of intolerable despotism.⁸⁷

In the *cahiers des doléances*, freedom of the press was mentioned frequently, often alongside fears that the change from absolutism to liberty based on a constitution might prove to be too abrupt.⁸⁸

The *cahiers de doléances* articulated complex perspectives on the principle of personal freedom of communication, and this in turn fed into the proliferation of

⁸⁶ In French: Mirabeau 1787: 35–6. In English: Mirabeau 1789. Vol. 1: 355–7.

⁸⁷ A detailed study of the “contradictory goals and shifting strategies” in repressing oppositional literature in 1787–1789 and especially on Mirabeau's role is Luckett 2011.

⁸⁸ Shapiro and Markoff 1998: 380–1; Walton 2006.

critical attitudes towards monarchical rule, the troubling problem of the financial deficit and questions of political representation in a projected Assembly. From the summer of 1788, even the privileged gazettes, traditionally bastions of absolutism, and the provincial periodical press, articulated this range of different perspectives.⁸⁹ Drawing upon his vast experience, Malesherbes came to revise his sharp distinction between the English and French systems. “At the end of the year 1788” he pondered how best to manage the public discussion which preceded the convocation of the Estates-General. Malesherbes devised a twofold system of permission that seemed adequate in the circumstances. Those who submitted their manuscripts for pre-publication censorship would be granted immunity, while the possibility of circumventing the censors would remain open to those “who are disgusted by them” and wished to publish “at their own risk and danger”. This was, Malesherbes conceded, “the freedom of the press demanded by part of the public and eventually by the *Parlement [de Paris]* itself”.⁹⁰

As it happened, the public debate far exceeded Malesherbes’ expectations, its occurrence and sheer scale proving that the *Librairie* system was on the verge of collapse. After the decree of the *Conseil d’Etat* of July 1788, Mirabeau adjusted Milton’s *Areopagitica* to France’s current predicament and argued that “the king, because he has widely consulted with many, has implicitly consented to freedom of the press”.⁹¹ A traditional, staunch supporter of the absolutist system of information management, the “*Mercur de France*” participated in the critical discussion of censorship. In two issues of January 1789, the editor, Jacques Mallet du Pan, commented on De Lolme’s book on the English constitution which held up the British representative monarchy as an example to be imitated. Mallet du Pan praised the principles of popular elections and freedom of the press as the most effective linchpins of political liberty.⁹² From late 1788 through to the summer of 1789, a stream of anonymous pamphlets attacked individual royal censors as well as the institution as a whole, while also advancing freedom of the press as a crucial tool for implementing national regeneration.⁹³

One of the most vituperative pamphlets, probably penned prior to the convocation of the Estates-General, argued that freedom of the press was a natural right and could not be limited pre-emptively. In consequence, it also contended that public opinion was the only acceptable agency of control. Public opinion “leads the actions of the citizens and rules (*maîtrise*) the sovereigns”. In order to fulfil this task, books

⁸⁹ Gruder 2007: 94.

⁹⁰ Malesherbes 1994: 221, 302.

⁹¹ Mirabeau 1788: 5. Mirabeau’s pamphlet was signed 5 December 1788. Mirabeau requested the Deputies to the Estates General to establish “the most inviolable, the most unlimited” freedom of the press as their first law (64).

⁹² See Bonno 1970: 185–6.

⁹³ See *Lettre à un censeur royal, sur la liberté de la presse* 1788–1789, requesting unrestrained liberty of the press; *De la liberté de la presse* 1789; Besongne 1789 (Besongne, a former printer and book trader in Rouen and Paris, advocated unlimited freedom of the press); *Le pour et le contre, sur la liberté de la presse* 1789.

were essential to allow ideas to circulate. It argued that without the freedom to write, a natural right which nobody may legitimately restrain, and freedom to publish, no matter how it was defined and circumscribed, public opinion cannot exist.⁹⁴ The same pamphlet held that preventative censorship also caused injustice, as it hindered violations of the law being made public, perpetuated ignorance as regards natural rights, and impoverished France by forcing authors to publish abroad. “Freedom of the press will bring about the reform of our customs, thoroughly corrupted by the influence of a perverted Court”.⁹⁵ Koselleck’s insight that public opinion in the late eighteenth century played a moral role and as such sapped the basis of absolutism is formulated in the simplest of terms by the author of this pamphlet among many others.⁹⁶

Voices were also raised in defence of the existence of a system of censorship, albeit one which had to be updated and made more liberal, but despite attempts at repression in the spring of 1789, the thrust of the discussion was in favour of completely dismantling the censorship apparatus. Very soon the ties between the royal censors and the publishing industry dissolved and their institutional significance, as supervisors of authors and as guarantors of the reliability of published works, withered surprisingly quickly. In the summer of 1789, Marie-Joseph Chénier sealed the royal censors’ fate with his public denunciation of the “inquisitors of thought”.⁹⁷ From within the body of royal censors, projects of reform were articulated prior to their official abolition in August 1790. It was very probably a royal censor who authored an anonymous but lengthy and well informed essay, signed 5 June 1789, requesting that the number of royal censors be increased to 200, so that they might work as “supervisors of the publicity of human opinions” and serve the public interest in order to check rampant license and promote society’s interest in banning “all works against religion, good customs, public honesty and the rights of the other men”.⁹⁸ On the other hand a number of censors, like Keralio, were relieved to quit and joined the public debate arguing for the principle of absolute freedom of the press.⁹⁹

In the end freedom of the press was included in the Declaration of the Rights of Man and Citizen, approved by the National Assembly of France, on 26 August 1789.¹⁰⁰ The contradiction between the actual, inescapable plurality of opinions and the ideal of a free and unbiased public opinion regulating personal persuasions, could not be eliminated and the outcome of this long process whereby traditional

⁹⁴ *Pour et contre sur la liberté de la Presse* 1789: 10.

⁹⁵ *Pour et contre sur la liberté de la Presse* 1789: 36.

⁹⁶ Koselleck 1959 (Koselleck 1988).

⁹⁷ Chénier 1789.

⁹⁸ *De la liberté de la presse* 1789: 12, 17.

⁹⁹ Keralio 1790a, b. See Sgard 2008. According to the periodical *Révolutions de Paris*, freedom of the press cannot be granted, because it is a natural right (*De la liberté de la presse. Révolutions de Paris. Seconde année de la liberté française*, n. 28, 29 January 1790: 17–26, 21). In a similar vein see Waudin 1790.

¹⁰⁰ See *L’An I des Droits de l’homme* 1988: 182–6; Birn 1994.

ensorship was dismantled turned out to be markedly different from the intentions of the deputies in the Assembly. The text itself of the Declaration lacked specifications in article 11. It states solemnly that “[e]very citizen may [...] speak, write, and print with freedom”. It also mentions that every citizen “shall be responsible for such abuses of this freedom as shall be defined by law”. The lack of clarity in this formulation allowed authors of all political orientations and publishers to enjoy an extraordinary degree of autonomy that the National Assembly and the municipal authorities could not control. The alternative between regulating freedom of the press, as Condorcet and Siéyès advocated unsuccessfully in the National Assembly in early 1790, and the exclusive attention to safeguarding citizens’ right to free expression and communication, was resolved during the Terror through an exclusive focus on the national and communitarian interests of the republic.¹⁰¹ With Napoleonic rule in France and continental Europe, new and more efficient institutions to control the press were established, providing the foundations for a modern approach to the regulation of communication.¹⁰²

Freedom of the press became a widespread but superficial component of constitutions all over Europe as a consequence of the revolutionary rupture of 1789. As a principle it was generally acknowledged in liberal constitutions, but did not constitute an effective protection of a plurality of world-views and tolerant public opinion. Article 11 in the French Declaration of 1789 marked the conclusion of a model of press control that had prevailed in early-modern Europe. Confessional strife was replaced by a confrontation of secular ideologies that was incompatible with the eighteenth-century paradigm of functional ambiguity. Imperfectly structured in its state institutions and deeply inegalitarian in its social structure, the pre-revolutionary system, ironically, had allowed a remarkable degree of malleability between the roles of censor and censored, minister and intellectual, author, editor and publisher, all of whom participated in a relatively flexible network of negotiations in which a plurality of asymmetric and shifting interests were represented.

For most of the eighteenth century this peculiar balance between authorities of very different origins made the experiment with an enlightened freedom of the press possible and intellectually rewarding but untenable in the long term.

¹⁰¹ See Walton 2009.

¹⁰² Woloch 2001: 205–13; Popkin 1986; Rowe 2003: 116–57; Albergoni 2008.

Bibliography

Primary Sources

- A brief account of some of the late incroachments and depredations of the Dutch upon the English; and of a few of those many advantages which by fraud and violence they have made of the British nations since the revolution, and of the means enabling them thereunto.* 1695. Signed 20 Dec 1695.
- A representation of the present state of religion, with regard to the late excessive growth of infidelity, heresy and profaneness: Agreed upon by a joint committee of both Houses of Convocation of the province of Canterbury, and afterwards rejected by the Upper House, but passed in the Lower House.* 1711. London: Morphew.
- Accarias de Serionne, Jacques. 1771. *La richesse de l'Angleterre, contenant les causes de la naissance et des progrès de l'industrie, du commerce et de la marine de la Grande-Bretagne, les causes de leur décadence et l'état de ses forces actuelles et de ses ressources.* Vienne: Jean-Thomas de Tratterm.
- Accarias de Sérionne, Jacques. 1774. *La vraie richesse de l'état.* Vienne: Joseph Kurzböck.
- Accarias de Sérionne, Jacques. 1775. *La liberté de penser et d'écrire.* Vienne: Jean-Thomas de Tratterm.
- Acta Borussica. 1892–1936. *Denkmäler der preußischen Staatsverwaltung im 18. Jahrhundert.* Berlin: Parey.
- Addison, Joseph. 1712. *The thoughts of a Tory author, concerning the press, with the opinion of the ancients and moderns, about freedom of the press and writing: And an historical account of the usage it has met with both parties in England.* London: A. Baldwin, Near the Oxford-Arms in Warwick Lane.
- Allgemeine Deutsche Bibliothek.* 1765–1793.
- Amidei, Cosimo. 1980. *Opere*, ed. Antonio Rotondò. Torino: Giappichelli.
- An essay on the liberty of the press: Chiefly as it respects personal slander.* 1755. Dublin: Printed for M. Williamson, Bookseller in Dame-Street
- An essay on the regulation of the press.* 1704. London.
- An exact narrative of the Tryal and Condemnation of John Twyn, for printing and dispersing of a treasonable book, with the tryals of Thomas Brewster, bookseller, Simon Dover, printer, Nathan Brooks, bookbinder, for printing, publishing, und uttering of seditious, scandalous, malicious pamphlets. At Justice-Hall in the Old-Bayly, London, the 20th. and 22th. of February 1663/4.* 1634. Published by Authority. London: Printed by Thomas Mabb for Henry Brome at the Gun in Ivy-lane.

- Anquetil du Perron, Abraham-Hyacinthe. 1789. *Dignité du commerce et de l'état de commerçant*. Voyageur: M. Anquetil du Perron.
- Argill, John. 1712. *An essay for the press*. London: Printed for A. Baldwin Near the Oxford-Arms in Warwick-Lane.
- Arguments relating to a restraint upon the press fully and fairly handled in a letter to a bencher, from a young gentleman of the temple, with proposals humbly offer'd to the consideration of both houses of Parliament*. 1712. London: Printed for R. J. Bonwicke, at the Red-Lion in St. Paul's Church-yard.
- Arnim, Karl Otto von. 1788. *Über die Canton-Verfassung in den Preussischen Staaten und die von den Obristen von Brösecke verweigerte Verabschiedung des Enrollierten Elsbusch*. Frankfurt und Leipzig.
- Ashley Cooper, 3rd Earl of Shaftesbury, Anthony. 1999. *Characteristics of men, manners, opinions, times*, ed. Philip Ayres. Oxford: Clarendon.
- Bachaumont, Louis Petit. 1777–1789. *Mémoires secrets pour servir à l'histoire de la république des lettres en France*. London: Adamson.
- Bacon, Francis. 1734. *Essais du Chevalier Bacon*, Chancelier d'Angleterre, sur Divers Sujets de Politique & de Morale. Paris: Emery.
- Bacon, Francis. 1857. *Essays*, ed. Richard Whately. New York/Boston: Francis.
- Bahrdr, Karl Friedrich. 1787. *Über Preßfreyheit und deren Gränzen. Zur Beherzigung für Regenten, Censoren und Schriftsteller*. Züllichau: bei N.G. Frommanns seel. Erben.
- Bayle, Pierre. 1684. *Nouvelles de la République des Lettres*. Amsterdam: Desbordes.
- Bayle, Pierre. 1727–1737. *Œuvres Diverses*. La Haye: Husson.
- Bayle, Pierre. 1740. *Dictionnaire historique et critique*, cinquième édition, revue, corrigée et augmentée, avec la vie de l'Auteur par Mr. Des Maizeaux, Amsterdam: Brunel.
- Beausobre, Louis de. 1764. *Introduction générale à l'étude de la politique, des finances et du commerce*. Berlin: Voss.
- Berlinische Monatsschrift* April 1783–1796.
- Besongne, Jacques-Jean-Louis-Guillaume. 1789. *La liberté de la presse, et celle de vendre & débiter les ouvrages imprimés, concernant les affaires présentes, essentiellement unies à la Liberté Nationale*. Paris.
- Bibliothek für Denker und Männer von Geschmack*. 1783–1791.
- Bibliothèque choisie* pour servir de suite à la *Bibliothèque universelle*. 1703–1718. Amsterdam: Schelte
- Blackstone, William. 1979. *Commentaries on the Laws of England: A facsimile of the first edition of 1765–1769*. Chicago: University of Chicago Press.
- Blount, Charles. 1695. *A just vindication of learning and the liberty of the press*. London: Printed in the Year 1695 (Reprint, Garland Publishing, London/New York 1979).
- Bohun, Edmund. 1684. *A defence of Sir Robert Filmer, against the mistakes and misrepresentations of Algernon Sidney, esq; In a paper delivered by him to the sheriffs upon the scaffold on Tower-Hill, on Fryday December the 7th 1683 before his execution there*. London: Kettilby.
- Bohun, Edmund. 1853. *The diary and autobiography of Edmund Bohun Esq. author of the 'History of the Desertion' of the throne by King James ii, etc. etc. Licensor of the press in the reign of William and Mary, and subsequently chief justice of South Carolina*, With an Introductory Memoir, Notes, and Illustrations, by S. Wilton Rix; Privately printed at Beccles: Read Crisp.
- Boileau, Pierre. 1711. *Satire xii. Sur l'équivoque. Par M. Boileau Despreaux*. mdccxi, *Discours de l'Auteur pour servir d'Apologie à la satire suivante*.
- Boswell, James. 1832. *The life of Samuel Johnson*. A new edition. Boston: Carter, Hendee.
- Brissot, Jacques-Pierre. *Correspondence*: http://www.voltaire.ox.ac.uk/www_vf/brissot/brissot_index.ssi.
- Brissot, Jacques-Pierre, and Clavière, Etienne. 1787. *De la France et des Etats-Unis, ou de l'importance de la Révolution de l'Amérique pour le bonheur de la France, des rapports de ce royaume & des Etats-Unis, des avantages réciproques qu'ils peuvent retirer de leurs liaisons de commerce, & enfin de la situation actuelle des Etats-Unis*. Londres: Entré par la Chambre.
- Burnet, Gilbert. 1724–1734. *History of my own time*. London.
- Chénier, Marie-Joseph. 1789. *Denonciation des inquisiteurs de la pensée*. Paris: La Grange.

- Chesterfield (Philip Dormer Stanhope) Lord. 1776. *Choix de lettres du Lord Chesterfield à son fils*, traduite de l'anglais, par m. Peyron. À Londres, et à Paris, chez Nyon l'ainé.
- Chevillier, André. 1694. *L'origine de l'Imprimerie de Paris, Dissertation historique, et critique. Divisée en quatre parties. Dans la i . on voit son Etablissement qui fut fait par des Gens de l'Université, c'est-à-dire, par les soins de la Société de Sorbonne; avec l'Histoire d'Ulric Gering le premier Imprimeur de Paris. La ii . contient des reflexions sur les livres imprimez par Gering, & quelques Remarques curieuses touchant les Imprimeurs, & sur la matière d'Imprimerie. La iii . Découvre l'Origine de l'Impression Grecque & Hébraïque, qui fut établie à Paris par le soin des Professeurs de l'Université. Dans la iv . on fait voir les Droits que l'Université a eûs sur la Librairie de Paris, devant & après la découverte de l'Imprimerie.* Paris: Chez Jean de Laulne, ruë de la Harpe, proche le Collège d'Arcour, à l'Image de Saint Jean-Baptiste.
- Collins, Anthony. 1729. *A discourse concerning ridicule and irony in writing, in a letter to the Reverend Dr. Nathanael Marshall.* London: Printed for J. Brotherton in Cornhill, and sold by T. Warner in Pater-Noster-Row, and A. Dodd without Temple-Bar, London.
- Condorcet, Jean-Antoine Caritat de. 1774. *Lettres sur le commerce des grains.* Paris: Couturier.
- Condorcet, Jean-Antoine Caritat de. 1791. *Vie de Voltaire.* Londres.
- Condorcet, Jean-Antoine-Nicolas de Caritat de. 1804. *Œuvres complètes de Condorcet.* Brunswick et Paris: Vieweg et Henrichs.
- Condorcet, Jean-Antoine-Nicolas de Caritat de. 1847–1849. *Oeuvres de Condorcet*, publiés par A. Condorcet O'Connor et M. F. Arago. Paris: Firmin Didot.
- Correspondance générale d'Helvétius.* 1981–1998. Preface du Comte Charles-Antoine d'Andlau, Introduction, principes d'édition, établissement des textes et appareil critique par Alan Dainard, Jean Orsoni; David Smith, directeur de l'édition; Peter Allan, pour la preparation des lettres de Madame Helvetius. Toronto/Oxford: University of Toronto Press-Voltaire Foundation.
- Coyer, Gabriel-François. 1768. *Chinki, histoire cochinchinoise qui peut servir à d'autres pays.* Londres.
- Coyer, Gabriel-François. 1775. *Voyages d'Italie et de Hollande*; par l'abbé Coyer, des Academies de Nancy, de Rome et de Londres. A Paris, chez la Veuve Duchesne, Libraire, rue Saint-Jacques, au Temple de goût. Avec Approbation et Privilège du Roi.
- D'Argens, Jean-Baptiste de Boyer. 1766. *Lettres juives, ou correspondance philosophique, historique et critique.* La Haye: Paupie.
- D'Aubusson, Pierre Armand. 1771. *Profession de foi politique d'un bon françois.* Paris.
- D'Holbach, Paul-Henri Thiry. 1773a. *La politique naturelle ou discours sur les vrais principes du gouvernement.* London [reprint Hildesheim-New York: Olms 1971].
- D'Holbach, Paul-Henri Thiry. 1773b. *Système social. Ou principes naturels de la morale et de la politique. Avec un examen de l'influence du gouvernement sur les mœurs.* Londres.
- D'Holbach, Paul-Henri Thiry. 1776. *Ethocratie.* Amsterdam: Rey.
- De Beausobre, Louis. 1754. *Le pyrrhonisme du sage.* Berlin.
- De Beer, E.S. (ed.). 1976–1989. *The correspondence of John Locke.* Oxford: Clarendon Press.
- De la liberté de la presse. Par M. S**.* 1789. A Paris, dans le temps de la convocation des Etats Généraux de 1789.
- De Lolme, Jean-Louis. 1853. *The constitution of England; or, an account of the English Government: By which it is compared both with the republican form of government and the other monarchies in Europe.* A new edition, with life and notes, by John MacGregor, M. P. London: Bohn.
- Defoe, Daniel. 1704. *An essay on the regulation of the press.* London.
- Denton, William. 1681. *Jus Caesaris et Ecclesiae vere dictae, Or a Treatise of Independency, Presbytery, the Power of Kings, and of the Church, or of the Brethren in Ecclesiastical Concerns, Government Discipline, &c. Wherein the use of Liturgies, Toleration, Connivence, Convencicles, or Private Assemblies, Excommunication, Election of Popes, Bishops, Priests; what and whom are meant by the Term Church are debated. And Wherein also the Popes Power over Princes, and the Liberty of the Press are discoursed: And the 18th of Matthew and 1 Cor. 14. 32. are generally misunderstood, rightly expounded.* London: printed for the Author, and

- are to be sold by *John Kersey* and *Henry Faythorn*, at the Rose in St. Paul's Church-yard, preface.
- Der Preußische Staat, der glücklichste unter allen in Europa. Eine Rede, am Geburtstage des Königl. Friedrich Wilhelms II den 25. September 1789 in Königl. Joachimsthalischen Gymnasium zu Berlin gehalten von dem Professor Brunn. 1789. *Berlinisches Journal für Aufklärung* 5.
- Diderot, Denis. 1782. *Essai sur les règnes de Claude et de Néron, et sur les mœurs et les écrits de Sénèque*. Londres.
- Diderot, Denis. 1875. *Oeuvres complètes de Diderot*, Revues sur les éditions originales. Paris: Garnier.
- Diderot, Denis. 1955–1970. *Correspondance*, ed. Georges Roth and Jean Varloot. Paris: Les Éditions de Minuit.
- Diderot, Denis. 1972. *Le neveu de Rameau et autres dialogues philosophiques*, Textes établis par Jean Varloot. Notes de Nicole Eyraud. Paris: Gallimard.
- Diderot, Denis. 1976. *Œuvres complètes*, édition critique et annotée, publiée sous la direction de Herbert Dieckmann, Jean Fabre et Jacques Proust; avec les soins de Jean Varloot. Paris: Hermann.
- Diderot, Denis. 1994. *Œuvres complètes*, ed. H. Dieckmann-Jean Varloot. Paris: Hermann.
- Discours prononcés dans l'Académie française, le jeudi XVI février M. DCC. LXXV. A la réception de M. Lamoignon de Malesherbes*. 1775. Paris: Demonville.
- Documents relating to the termination of the Licensing Act, 1695*. 1979. In *The correspondence of John Locke*, vol. 5, ed. E. S. De Beer. Oxford: Clarendon Press.
- Dutens, Louis. 1807. *Mémoires d'un voyageur qui se repose*. London: Cox-Beylis.
- Early French and German defenses of freedom of the press: Elie Luzac's essay on freedom of expression (1749) and Carl Friedrich Bahrdt's on freedom of the press and its limits (1787) in English Translation*, ed. John Christian Laursen and Johan Van Der Zande. Leiden: Brill.
- Edict wegen der wieder hergestellten Censur, derer in Königl. Landen herauskommenden Bücher, so außerhalb Landes verlegt werden*. De dato, Berlin den 11ten May 1749.
- Encyclopédie, ou Dictionnaire raisonné des sciences, des arts et des métiers, par une société de gens de lettres*. 1751–1765. Paris: Briasson, David, le Breton, Durand (starting with vol. 8: Neufchatel: Faulche).
- Essais du Chevalier Bacon, Chancelier d'Angleterre, sur divers sujets de Politique et de Morale*. 1734. A Paris, chez Emery, Quai des Augustin, a Saint Benoit. Avec approbation et privilege du Roy.
- Eymerich, Nicolau. 1762. *Directorium Inquisitorum, Le Manuel des Inquisiteurs à l'usage des Inquisiteurs d'Espagne et de Portugal ou Abregé de l'ouvrage intitulé: Directorium Inquisitorum, composé vers 1358 par Nicolas Eymeric, Grand Inquisiteur dans le Royaume d'Arragon. On y a joint une courte Histoire de l'Etablissement de l'Inquisition dans le Royaume de Portugal, tirée du latin de Louis à Paramo*. A Lisbonne.
- Feder, Johann Georg Heinrich. 1784. Ueber die Censur der zum Druck bestimmten Schriften und deren gerechte Grenzen. *Neueste Staatsanzeigen; ges. und hersg. von Freunden der Publicität und Staatskunde, als eine Fortsetzung der Schlözer'schen Staatsanzeigen* 4: 250–258.
- Ferri de Saint-Constant, Giovanni Lorenzo [Fr. van den Yres]. 1788. *Considérations sur les révolutions des Provinces Unies*. A La Haye: chez Pierre Gosse, et se trouve à Paris, chez les Marchands des Nouveautés.
- Filangieri, Gaetano. 2004. *La scienza della legislazione*. Venezia: Centro Studi sull'illuminismo europeo "G. Stiffoni".
- Forbonnais, François Veron de. 1754. *Elémens du commerce*. Leyde et se trouve à Paris, chez Briasson, David l'ainé, Le Breton, Durand.
- Frisi, Paolo. 1958. Ragionamento sopra la podestà temporale dei principi e l'autorità spirituale della Chiesa. In *Illuministi italiani*, Tomo III, *Riformatori lombardi piemontesi e toscani*, ed. Franco Venturi, 323–328. Milano/Napoli: Ricciardi.

- Galiani, Ferdinando. 1770. *Dialogues sur le commerce des blés*. Londres.
- Galiani, Ferdinando. 1968. *Dialogues entre M. Marquis de Requemaure, et Ms. le chevalier Zanobi. The autograph manuscript of the Dialogues Sur Le Commerce Des Blés*, diplomatically edited with introduction, notes and appendices by Philip Koch. Frankfurt am Main: Klostermann.
- Garnier, Jean Jacques. 1757. *Le Bâtard légitime ou le Triomphe du comique larmoyant, Avec un examen du Fils naturel*. Amsterdam.
- Gaspari, Gianmarco (ed.). 1980. *Viaggio a Parigi e Londra 1776–1767. Carteggio di Pietro e Alessandro Verri*. Milano: Adelphi.
- Giannone, Pietro. 1841. *Apologia dell’Istoria civile*. In *Opere postume*, ed. Pietro Giannone. Capolago: Tipografia Elvetica.
- Gibbon, Edward. 1896. *Autobiographies*, ed. J. Murray. London: Murray.
- Goetzmann, Louis-Valentin de. 1778. *Lettre à un Magistrat, sur la contestation actuelle entre les Libraires de Paris et ceux des Provinces*.
- Gonosologium Novum; or, A new system of all the secret infirmities and diseases natural, accidental, and venereal in men and women*. 1709.
- Greene, Donald. 1989. *The politics of Samuel Johnson*. Athens: University of Georgia Press.
- Greppi, E., and Giulini, A. (eds.). 1923. *Carteggio di Pietro e di Alessandro Verri*. Cogliati: Milano.
- Harrington, James. 1977. *The political works*, ed. with an Introduction by J. G. A. Pocock. Cambridge: Cambridge University Press.
- Helvétius, Claude-Adrien. 1777a. *Œuvres complètes de Mr. Helvétius*. Londres.
- Helvétius, Claude-Adrien. 1777b. *A treatise on man, his intellectual faculties and education*, A posthumous work by M. Helvétius. Translated from the French, with additional notes, by W. Hooper. London: Law and Robinson.
- Hemsterhuis, François. 1964. *Lettre sur l’homme et ses rapports, avec le commentaire inédit de Diderot*. Texte établi, présenté et annoté par Georges May. New Haven: Yale University Press.
- Hobbes, Thomas. 1839–1845a. *Leviathan, or the matter, form, and power of a Commonwealth ecclesiastical and civil (1651)*. In *The English works of Thomas Hobbes of Malmesbury*, now first collected and edited by Sir William Molesworth, vol. 3. London: Bohun.
- Hobbes, Thomas. 1839–1845b. *Behemoth (1668)*. In *The English works of Thomas Hobbes of Malmesbury*, now first collected and edited by Sir William Molesworth, vol. 7. London: Bohun.
- Homer. 1924. *Iliad*. Books 1–12. Trans. A.T. Murray. Revised by William F. Wyatt. Cambridge: Harvard University Press.
- Hume, David. 1882. *The philosophical works*, ed. Thomas Hill Green and Thomas Hodge Grose. London: Sportiswoode.
- Hume, David. 1932. *The letters of David Hume*, ed. J. Y. T. Greig. Oxford: Clarendon.
- Hume, David. 1983. *The history of England from the invasion of Julius Caesar to the revolution in 1688*. Foreword by William B. Todd. Indianapolis: Liberty Fund.
- Isambert, François-André. 1821–1833. *Recueil général des anciennes lois françaises*. Paris: Belin-Leprieur.
- Jefferys, Thomas. 1754. *The conduct of the French, with regard to Nova Scotia, Virginia, and other parts of the continent of North America: From its first settlement to the present time: In which are exposed the falshood and absurdity of their arguments made use of to elude the force of the Treaty of Utrecht, and support their unjust proceedings: In a letter to a member of Parliament*. London/Dublin: Printed for T. Jefferys, geographer to His Royal Highness the Prince of Wales; Printed by R. James.
- Johnson, Samuel. 1972. *The lives of the English poets*. Oxford: Oxford University Press.
- Journal littéraire*. 1773–1809.
- Justi, Johann Heinrich Gottlob von. 1760. *Scherzhafte und Satyrische Schriften*. Berlin, Stettin und Leipzig: im Verlag Johann Heinrich Rüdigers.
- Kapp, Friedrich. 1879. *Aktenstücke zur Geschichte der preußischen Zensur- und Preßverhältnisse unter dem Minister Wöllner 1788–1793*. *Archiv für Geschichte des deutschen Buchhandels* 4: 138–214.

- Keralio, Louis-Félix Guynement de. 1790a. *De la liberté de la presse. Janvier 1790.*
- Keralio, Louis-Félix Guynement de. 1790b. *De la liberté d'énoncer, d'écrire et d'imprimer la pensée.* Paris.
- King William and Queen Mary conquerors: Or, a discourse endeavouring to prove that their majesties have on their side, against the late King, the principal reasons that make conquest a good title. Shewing also how this is consistent with that Declaration of Parliament, King James Abdicated the Government etc., Written with an especial regard to such as have hitherto refused the oath, and yet incline to allow of the Title of Conquest, when Consequent to a Just war. 1693. London: Richard Baldwin.
- Klueting, Harm (ed.). 1995. *Der Josephinismus. Ausgewählte Quellen zur Geschichte der thesianisch-josephinischen Reformen.* Darmstadt: Wissenschaftliche Buchgesellschaft.
- Körte, W. (ed.). 1804. *Briefe der Schweizer Bodmer, Sulzer, Geßner aus Gleims litterarischen Nachlaße.* Zürich: Gessner.
- L'Estrange, Roger. 1681. *A word concerning libels and libellers humbly presented to the right Honorable Sir John Moor, Lord-Mayor of London, and the right worshipfull the Aldermen his Bretheren.* London: Joanna Brome.
- La France littéraire ou les beaux arts, contenant les noms & les ouvrages des gens de lettres, des sçavans & des artistes célèbres qui vivent actuellement en France: augmentée du catalogue des Académies établies tant à Paris, que dans les différentes villes du Royaume,* Paris Duchesne 1756. Avec approbation & privilège du Roi.
- La Grange de Chessieux, Gilbert Arnaud François Simon de. *La conduite des François justifiée, ou Observations sur un écrit anglois, intitulé: Conduite des François à l'égard de la Nouvelle-Ecosse, depuis son premier établissement jusqu'à nos jours par le Sieur D.L.G.D.C. avocat en Parlement.* 1756. Chez Le Breton, imprimeur ordinaire du roy, Utrecht, et se trouve à Paris.
- La vie de Frédéric, Baron de Trenck, écrite par lui-même et traduite de l'allemand en François par M. le Baron de B*** [Bock].* 1787. Lamort et Devilly, Metz.
- Lanchamp, M. 1789. *Libération de l'état et le bonheur du peuple. Projet d'un impôt uniforme, substitué à tous les tributs et dont le produit donnera à la France 800.000 l.* Paris: Le Marchand des Nouveautés.
- Laveaux, Jean-Charles-Thibault de. 1785. *Eusèbe ou les beaux profits de la vertu dans le siècle où nous vivons. Virtus post nummos.* Amsterdam: chez les héritiers de Marc-Michel Rey.
- Le colporteur. Histoire morale et critique.* 1761. Londres: Jean Nourse, l'an de la vérité.
- Le danger de la satire; ou vie de Nicolo-Franco, poète satirique italien.* 1778. A Paris: chez les Frères de Bure, libraires, Quai des Augustins. Avec approbation & privilège du Roi.
- Lessing, Gotthold Ephraim. 1983. *Briefe in einem Band.* Berlin/Weimar: Aufbau.
- Lettre à un ami, sur les arrêts du Conseil du 30 Aout 1777 concernant la Librairie et l'Imprimerie.* 1777.
- Lettre à un censeur royal, sur la liberté de la presse.* 1788–1789.
- Lilburne, John. 1648. *Englands new chains discovered, or, The serious apprehensions of a part of the People in behalf of the Commonwealth (being presenters, promoters, and approvers of the large petition of September 11, 1648) presented to the supreme authority of England, the representatives of the people in Parliament assembled, by Lieut. Col. John Lilburn, and diverse other citizens of London and borough of Southwark.*
- Linguet, Simon-Nicolas-Henri. 1775. *Théorie du libelle, ou L'art de calomnier avec fruit. Dialogue philosophique, pour servir de supplément à La Théorie du paradoxe.* Amsterdam.
- Locke, John. 1967. Second treatise on government. In *Two treatises of government*, ed. Peter Laslett. Cambridge: Cambridge University Press.
- Locke, John. 1983. *A Letter Concerning Toleration.* Latin and English texts revised and edited with variants and introduction. In *John Locke on toleration and the unity of God*, ed. Mario Montuori. Amsterdam: Gieben.
- Locke, John. 2006. *An essay concerning toleration and other writings on law and politics 1667–1683*, ed. with an Introduction, critical apparatus, notes, and transcription of ancillary manuscripts by J. R. Milton and Philip Milton. Oxford: Clarendon Press.

- Luzac, Elie. 1749. *Essai sur la liberté de produire ses sentimens, au pays libre, pour le bien public*. Avec privilège de tous les véritables philosophes.
- Maaß, Ferdinand. 1951–1961. *Der Josephinismus. Quellen zu seiner Geschichte in Österreich 1760–1790. Amtliche Dokumente aus dem Wiener Haus-, Hof- und Staatsarchiv*. Wien: Herold.
- Malesherbes, Guillaume de Lamoignon de. 1994. *Mémoires sur la librairie. Mémoire sur la liberté de la presse*, Présentation de Roger Chartier. Paris: Imprimerie Nationale.
- Malesherbes, Guillaume de Lamoignon de. 2010. *Malesherbes à Louis XVI ou les avertissements de Cassandre. Mémoires inédits 1787–1788*, Edition établie, présentée et annotée par Valérie André. Paris: Tallandier.
- Manesse, Louis-Charles. 1785. *Traité du droit de bâtir moulin et des bannalités en general*. Paris: Prault.
- Marin, François. *Histoire de Saladin, sultan d’Egypte et de Syrie*. 1758. Paris/La Haye.
- Marmontel, Jean-François. 1994. *Belisaire*, Edition établie, présentée et annotée par Robert Grandroute. Paris: Société des textes français modernes.
- Melon, Jean François. 1754. *Essai politique sur le commerce*. Amsterdam: Changuion.
- Mémoires de la vie du Comte de Gramont, contenant particulièrement l’histoire amoureuse de la cour d’Angleterre sous le règne de Charles II*. 1713. Cologne: Pierre Marteau.
- Mercier, Louis-Sébastien. 1994. *Tableau de Paris*, Edition établie sous la direction de Jean-Claude Bonnet. Paris: Mercure de France.
- Middleton, Conyers. 1735. *Dissertation concerning the origin of printing in England. Shewing, that it was first introduced and practised by our Countryman William Caxton, at Westminster: and not, as is commonly believed, by a Foreign Printer at Oxford*. Cambridge: Printed for W. Thurlbourn, over-against the Senate-House: and sold by Mess. Knapton, Innys and Manby, C. Rivington, J. Clark, Booksellers in London; and S. Harding, in the Pavement in St. Martin’s Lane, Westminster.
- Militärische Monatsschrift*. 1785–1787.
- Milton, John. 1999. *Areopagitica and other political writings of John Milton*. Indianapolis: Liberty Fund.
- Mirabeau, Honoré-Gabriel Riquetti de. 1787. *Lettre remise à Frédéric Guillaume II, roi régnant de Prusse le jour de son avènement au trône*.
- Mirabeau, Honoré-Gabriel Riquetti de. 1788. *Essai sur la liberté de la presse. Imité de l’Anglois de Milton*. Londres.
- Mirabeau, Honoré-Gabriel Riquetti de. 1789. *The secret history of the court of Berlin; or, the character of the present King of Prussia, his Ministers, Mistresses, Generals, Courtiers, Favourites, and the Royal Family of Prussia. With numerous Anecdotes of the Potentates of Europe, especially of the late Frederic II. and an interesting Picture of the State of Politics, particularly in Prussia, Russia, Germany, and Holland. In a series of letters, translated from the French. A Posthumous Work. To which is added a memorial, presented to the present King of Prussia, on the day of his accession to the throne, by Count Mirabeau*. London: S. Bladon.
- Molesworth, Robert. 1694. *Account of Denmark as it was in the Year 1692*. London.
- Molesworth, Robert. 2011. *An account of Denmark, with Francogallia and some considerations for the promoting of agriculture and employing the poor*, Ed. and with an Introduction by Justin Champion. Indianapolis: Liberty Fund.
- Montesquieu, Charles de Secondat de. 1762. *The Spirit of Laws*. Translated from the French of M. de Secondat, Baron de Montesquieu, 3rd ed. Edinburgh: Donaldson and Reid.
- Montesquieu, Charles de Secondat de. 1989. *The Spirit of the Laws*. Translated and edited by Anne M. Cohler, Basia Carolyn Miller, Harold Samuel Stone. Cambridge: Cambridge University Press.
- Montesquieu, Charles de Secondat de. 2011. *L’Esprit des lois*. Introduction, chronologie, bibliographie, relevé de variantes et notes par Robert Derathé. Bibliographie mise à jour et index par Denis de Casabianca. Paris: Garnier.
- Morellet, André. 1760. *Préface de la Comédie des philosophes*. Se vend séparément. A Paris, chez l’auteur de la Comédie.

- Morellet, André. 1775a. *Réponse sérieuse à M. L***, par l'auteur de la *Théorie du paradoxe*. Amsterdam.
- Morellet, André. 1775b. *Theorie du paradoxe*. Amsterdam.
- Morellet, André. 1988. *Mémoires de l'abbé Morellet de l'Académie Française sur le dix-huitième siècle et sur la révolution*, Introduction et notes de Jean-Pierre Guicciardi. Paris: Mercure de France.
- Moser, Johann Jacob. 1772. *Von der Reichsverfassungsmäßigen Freyheit, von Teutschen Staats-Sachen zu schreiben*. Göttingen/Gotha: Dietrich.
- Mouffle d'Argenville, Barthélemy François Joseph. 1781. *Geschichte des Privatlebens Ludwigs XV*. Berlin/Stettin: Nicolai.
- Necker, Jacques. 1773. *Eloge de Colbert. Discours qui a remporté le prix de l'Académie Française en 1773*. Paris: Brunet & Demonville.
- Necker, Jacques. 1775. *Sur la législation et le commerce des grains*. Paris: Pissot.
- Ozanam, Didier, and Michel Antoine (eds.). 1956. *Correspondance secrète du comte de Broglie avec Louis xv (1756–1774)*. Paris: Klincksieck.
- Pepys, Samuel. 1970–1983. *The diary of Samuel Pepys*, ed. William Matthews and Robert Latham. London: Bell.
- Petit, Emilien. 1778. *Dissertations sur des parties intéressantes du droit public en Angleterre et en France d'après les lois des deux nations comparées entr'elles*, à Genève et se trouve à Paris, chez Knapen & fils.
- Pilati, Carloantonio. 1767. *Di una riforma d'Italia, ossia dei mezzi di riformare i più cattivi costumi e le più perniciose leggi d'Italia*. Villafranca [Coira].
- Piqué, Jean-Pierre. 1793. *Nécessité d'établir une censure publique*, par J. P. Piqué, Député du Département des Hautes-Pyrénées, à la Convention Nationale. Paris: Imprimerie Nationale.
- Porter, James. 1768. *Observations on the religion, law, government and manners of the Turks*. Dublin: Wilson, Exshaw, Saunders, Sleater, Chamberlaine, Potts, Williams, Colles, Millikin.
- Porter, James. 1770. *Observations sur la religion, les loix, le gouvernement et les mœurs des Turcs*, traduites de l'anglois de M. Porter, Ministre plénipotentiaire de Sa M. Britannique à Constantinople, nouv. éd. augmentée de notes, Neufchatel.
- Pour et contre sur la liberté de la Presse, ou dialogue entre un auteur et un censeur, sur l'objet le plus important dont puissent s'occuper les Etats-Généraux; avec une digression sur la noblesse*. Par un homme du Tiers-État, Juin 1789.
- Priestley, Joseph. 1772. *Observations on different kinds of air*. London: Bowyer and Nichols.
- Priestley, Joseph. 1778. *Expériences et observations sur différentes espèces d'air*. Ouvrage traduite de l'Anglois de M. J. Priestley, par M. Gibelin. Paris: Nyon. Avec approbation et permission.
- Priestley, Joseph. 2003. *Memoirs and correspondence of Joseph Priestley*. Bristol: Thoemmes Press.
- Raynal. 1781. *Histoire philosophique et politique des établissemens et du commerce des européens dans les deux Indes*. Genève.
- Raynal, Guillaume-Thomas. 1788. *A philosophical and political history of the settlements and trade of the Europeans in the East and West Indies*. Revised, augmented, and published, in ten volumes, by the abbé Raynal. Newly translated from the French, by J. O. Justamond, F.R.S., London: A. Strahan, and T. Cadell.
- Reasons humbly offered to be considered before the act for printing be renewed (unless with Alterations) viz. for Freedom of Trade in lawful books, and setting severe penalties on Scandalous and Seditious Books against the Government*. 1692.
- Rétif de la Bretonne, Nicolas-Edme. 1889. *Mes iscriptions. Journal intime 1780–1787*. Publié d'après le manuscrit autographe de la Bibliothèque de l'Arsenal avec préface, notes et index par Paul Cottin. Paris: Plon.
- Rétif de la Bretonne, Nicolas-Edme. 1989. *Monsieur Nicolas*, Edition établie par Pierre Testud. Paris: Gallimard.
- Richter, Matthaëus. 1566. *De typographiae inventione et de praelorum legitima inspectione, libellus brevis et utili*. Copenhagenii: Iohannes Zimmermann.

- Rousseau, Jean-Jacques. 1959–1995. *Œuvres complètes*, Edition publiée sous la direction de Bernard Gagnebin et Marcel Raymond. Paris: Gallimard.
- Rousseau, Jean-Jacques. 1965–1989. *Correspondance complète*. Genève/Oxford: Institut Musée Voltaire-Voltaire Foundation.
- Rousseau, Jean-Jacques. 2002a. *Letter to Beaumont, Letters written from the mountain, and related writings*. Trans. Christopher Kelly and Judith R. Bush, ed. Christopher Kelly and Eve Grace. Hanover: Dartmouth College Press.
- Rousseau, Jean-Jacques. 2002b. *The social contract and the first and second discourses*, Edited and with an Introduction of Susan Dunn. New Haven/London: Yale University Press.
- Rousseau, Jean-Jacques. 2004. *Letter to D'Alembert, and writings for the theater*. Trans. and ed. Allan Bloom, Charles Butterworth, and Christopher Kelly. Lebanon: University Press of New England.
- Rousseau, Jean-Jacques. 2008. *Principes du droit de la guerre. Ecrits sur la paix perpétuelle*, Edition nouvelle et présentation de l'établissement des textes par Bruno Bernardi et Gabriella Silvestrini. Paris: Vrin.
- Rousseau, Jean-Jacques. 2012. *Lettres écrites de la montagne*. Edition critique par Alfred Dufour et Gabriella Silvestrini. In *Oeuvres complètes*, vol. 6, ed. Jean-Jacques Rousseau. Sous la direction de Raymond Trousson et Frédéric S. Eigeldinger. Genève/Paris: Slatkine-Champion.
- Rousseau, Jean-Jacques-Malesherbes, Chrétien-Guillaume de Lamoignon de. 1991. *Correspondance*. Texte préfacé et annoté par Barbara de Negroni. Paris: Flammarion.
- Rousseau, Jean-Jacques-Malesherbes, Chrétien-Guillaume de Lamoignon de. 1991. *Correspondance*: Jean-Jacques Rousseau, Chrétien-Guillaume de Lamoignon de Malesherbes. Texte préfacé et annoté par Barbara de Negroni. Paris: Flammarion.
- Sales, Delisle de. 1770. *Philosophie de la nature*. Amsterdam: Arkstée et Merkus.
- Sarpi, Paolo. 1958. Del vietare la stampa di libri perniciosi al buon governo (17 agosto 1615). In *Scritti giurisdizionalistici*, ed. Giovanni Gambarin, 213–221. Bari: Laterza.
- Sarpi, Paolo. 1969. Sopra un decreto della Congregazione in Roma in stampa presentato per l'illustrissimo signor conte Del Zaffo a 5 maggio 1616. 7 maggio 1616. In *Opere*, ed. Gaetano Cozzi and Luisa Cozzi. Milano/Napoli: Ricciardi.
- Saugrain, Claude-Marin. 1744. *Code de la Librairie et Imprimerie de Paris*. Paris: La Communauté.
- Schiller, Friedrich. 1956. *Schillers Werke. Nationalausgabe. Schillers Briefe 1772–1785*. Weimar: Böhlau.
- Schmidt, Valentin Heinrich, and Mehring, Daniel Gottlob. 1795. *Neuestes gelehrtes Berlin oder literarische Nachrichten von jetztlebenden Berlinischen Schriftstellern und Schriftstellerinnen*. Berlin: Maurer.
- Smith, Adam. 1976. *The theory of moral sentiments*, ed. D.D. Raphael and A.C. MacFie. Oxford: Clarendon Press.
- Spinoza, Baruch. 1891. *Tractatus theologico politicus*. In *The Chief Works of Benedict de Spinoza*. Translated from the Latin, with an Introduction by R. H. M. Elwes. London: George Bell and Sons, vol. 1.
- Spinoza, Baruch. 2007. *Opere*, ed. Filippo Mignini and Omero Proietti. Milano: Mondadori.
- Svarez, Carl Gottlieb von. 1960. *Vorträge über Recht und Staat*, ed. Hermann Conrad and Gerd Kleinheyer. Köln: Westdeutscher Verlag.
- Swift, Jonathan. 1711. *Miscellanies in Prose and Verse*. London: Morphew.
- Swift, Jonathan. 2010. *Gulliver's travels*, ed. Dutton Kearney. San Francisco: Ignatius Press
- The Federalist. A commentary on the Constitution of the United States*. 2000, ed. with a commentary by Robert Scigliano. New York: The Modern Library.
- The Gotham Election, A Farce. By Mrs. Centlivre*. 1715. London: Printed and sold by S. Keimer, at the printing-Press in Pater-Noster-Row.

- The history of the desertion, or, an account of all the publick affairs in England, from the beginning of Sept. 1688, to the 12th of Feb. following, with an answer to a piece call'd, The desertion discussed: In a letter to a country gentleman, by a person of quality.* 1689. London: Chiswell.
- The independent Briton: or, free thoughts on the expediency of gratifying the people's expectations; as to securing the liberty of the press; restoring the freedom of the stage; preventing bribery in elections; excluding place-men from seats in the House of Commons; repealing the Septennial Act, &c. Dedicated to the Commons of Great-Britain.* 1742. London: Printed for T. Cooper, at the Globe in Paternoster-Row.
- The Lay-Man's religion: Humbly offered as a Help to modest enquiry For every man into his own heart, both as being the only means to judge and save himself, and the best way to unite us all against our common enemies,* 2nd ed. 1690. London: Printed by Eliz. Holt for Walter Kettilby, at the Bishop's Head in St. Paul's Church-Yard.
- The Press Restain'd. A Poem, Occasion'd by a Resolution of the House of Commons to consider that Part of Her majesty's Message to the House, which relates to the great Licence taken in Publishing false and scandalous Libels.* 1712. London: Morphew.
- Thucydides. 1921. *History of the Peloponnesian War.* Trans. C. F. Smith. Cambridge: Harvard University Press.
- Tindal, Matthew. 1704. *Reasons against restraining the press.* London.
- Toland, John. 1698. *A letter to a Member of Parliament, shewing, that a restraint on the press is inconsistent with the Protestant religion, and dangerous to the liberties of the nation.* London: Printed by J. Darby, and sold by Andr. Bell.
- Toland, John. 1701. *Anglia Libera; Or the limitation and succession of the crown of England explained and asserted.* London.
- Trenck, Friedrich von der. 1787. *La vie de Frédéric, Baron de Trenck, écrite par lui-même et traduite de l'allemand en François par M. le Baron de B*** [Bock].* Metz: Lamort et Devilly.
- Turgot, Anne-Robert-Jacques. 1976. *Lettres de Turgot à la duchesse d'Enville (1764–74 et 1777–80),* Sous la direction de Joseph Ruwet. Leiden: Brill.
- Turgot, Anne-Robert-Jacques. 1913–1923. *Œuvres de Turgot,* Edition de Gustave Schelle. Paris: Alcan.
- Turgot, Anne-Robert-Jacques and Condorcet, Jean-Antoine Caritat de. 1882. *Correspondance inédite de Turgot et Condorcet,* édité per Charles Henry. Paris: Charavay.
- Valier, Agostino. 1719. *De cautione adhibenda in edendis libris. Nec non Bernardi Cardinalis Nauerii vita, eodem Valerio auctore. Accessere Petri Barocii Episcopi Patavini orationes tres e MSS. nunc primum erutae. Nonnullae item aliae patriciorum venetorum quarum duae nondum typis descriptae fuerant.* Padua: Giuseppe Comino.
- Verri, Pietro. 1771. *Meditazioni sull'economia politica.* Livorno: Stamperia dell'Enciclopedia.
- Voltaire. 1761. Fragment d'une Lettre sur la considération qu'on doit aux Gens de Lettres. 48–54. *Mélanges de poésies, de littérature, d'histoire et de philosophie.*
- Voltaire. 1777. *Prix de la justice et de l'humanité.* Londres.
- Voltaire. 1877–1885. *Oeuvres de Voltaire, nouvelle édition avec notices.* Paris: Garnier.
- Voltaire. 1968–2011. *The complete works of Voltaire.* Oxford: Voltaire Foundation.
- Waudin. 1790. *Défense de la liberté de la presse, contre le projet de loi présenté à l'Assemblée nationale, au nom du Comité de Constitution par M. l'Abbé Syeyes [sic], le 20 Janvier 1790.* Paris: Girouard.
- Wie weit geht das Recht eines Reichs-Fiscals in Ansehung der Bücher-Censur?* Solches beantwortet Anton Well Esq. und übersetzt aus dem Englischen. 1757.

Secondary Sources

- Adkins, Gregory Matthew. 2000. When ideas matter: The moral philosophy of Fontenelle. *Journal of the History of Ideas* 61: 433–452.
- Akinari, Ueda. 2009. *Tandai Shoshin Roku*. Trans. William E. Clark and Wendy E. Cobcroft. Sydney: Premodern Japanese Studies.
- Alamagor, Joseph. 1989. *Pierre Des Maizeaux (1673–1745), Journalist and English Correspondent for Franco-Dutch Periodicals, 1700–1720*. Amsterdam/Maarssen: APA-Holland University Press.
- Albergoni, Gianluca. 2008. La censura in età napoleonica (1802–1814): Organizzazione, prerogative e uomini di uno spazio conflittuale. In *Istituzioni e cultura in età napoleonica*, ed. Elena Brambilla, Carlo Capra, and Aurora Scotti, 184–219. Milano: FrancoAngeli.
- Assmann, Aleida, and Jan Assmann. 1987. Kanon und Zensur. In *Kanon und Zensur. Beiträge zur Archäologie der literarischen Kommunikation*, vol. 2, ed. Aleida Assmann and Jan Assmann, 7–27. München/Paderborn: Fink.
- Astbury, Raymond. 1978. The renewal of the Licensing Act in 1693 and its lapse in 1695. *The Library* 33: 296–322.
- Auchter, Dorothy. 2001. *Dictionary of literary and dramatic censorship in Tudor and Stuart England*. Westport: Greenwood Press.
- Bachleitner, Norbert. 1997. The politics of book trade in nineteenth-century Austria. *Austria History Yearbook* 28: 95–111.
- Backscheider, Paula R. 1988. No defense: Defoe in 1703. *PMLA* 103: 274–284.
- Baehr, Peter. 2002. The “Iron Cage” and the “Shell as Hard as Steel”: Parsons, Weber, and the Stahlhartes Gehäuse metaphor in the protestant ethic and the spirit of capitalism. *History and Theory* 40: 153–169.
- Barber, Giles. 1966. French royal decrees concerning the book trade 1700–1789. *Australian Journal of French Studies* 3: 312–330.
- Baxmann, Dorothee. 1999. *Wissen, Kunst und Gesellschaft in der Theorie Condorcets*. Stuttgart: Klett-Cotta.
- Bazin, Christian. 1995. *Malesherbes ou la sagesse des Lumières*. Paris: Picollec.
- Beales, Derek. 2005. *Enlightenment and reform in eighteenth-century Europe*. London/New York: Tauris.
- Beales, Derek. 2009. *Joseph II. II: Against the world 1780–1790*. Cambridge: Cambridge University Press.
- Belin, Jean-Paul. 1913. *Le mouvement philosophique de 1748 à 1789. Etude sur la diffusion des idées des philosophes à Paris*. Paris: Belin.
- Benítez, Miguel. 2003. *La Cara Oculta de las luces. Investigaciones sobre los manuscritos filosóficos clandestinos de los siglos XVII y XVIII*. Valencia: Biblioteca Valenciana.
- Benrekassa, Georges. 1980. Savoir politique et connaissance historique à l’aube des lumières. In *Le concentrique et l’excentrique: marges des lumières*. Paris: Payot.
- Bernard, Paul. 1979. *The limits of the enlightenment. Joseph II and the law*. Urbana: University of Illinois Press.
- Bethencourt, Francisco. 1995. *L’Inquisition à l’époque moderne. Espagne, Portugal, Italie, XVIe–XIXe siècle*. Paris: Fayard.
- Bianchin, Lucia. 2005. *Dove non arriva la legge. Dottrine della censura nella prima età moderna*. Bologna: il Mulino.
- Bianchin, Lucia. 2010. In *Politisch-rechtliches Lexikon der Politica des Johannes Althusius. Die Kunst der heilig-unverbrücklichen, gerechten, angemessenen und glücklichen symbiotischen Gemeinschaft*, ed. Corrado Malandrino and Dieter Wyduckel, 123–134. Berlin: Duncker und Humblot.
- Biermann, Armin. 1988. ‘Gefährliche Literatur’ – Skizze einer Theorie der literarischen Zensur. *Wolfenbütteler Notizen zur Buchgeschichte* 13: 1–28.

- Bietenholz, Peter. 1996. Petra scandali: The index of Rome and the dilemmas of Catholic reformers in Southern Germany. In *Le contrôle des idées à la Renaissance*, ed. Jesús Martínez de Bujanda, 141–152. Genève: Droz.
- Birn, Raymond. 1964. *Pierre Rousseau and the philosophes of Bouillon*. Geneva: Institut et Musée Voltaire.
- Birn, Raymond. 1970–1971. The profits in ideas: Privilèges en librairie in eighteenth-century France. *Eighteenth-century Studies* 4: 131–168.
- Birn, Raymond. 1983. Book production and censorship in France, 1700–1715. In *Books and society in history*, Papers of the Association of College and Research Libraries, Rare Books and Manuscripts Preconference, 24–28 June, 1980, Boston Massachusetts, ed. Kenneth E. Carpenter and R.R. Bowker, 145–171. New York/London: Bowker.
- Birn, Raymond. 1989. Malesherbes and the call for a Free Press. In *Revolution in print. The press in France 1775–1789*, ed. Daniel Roche and Robert Darnton, 50–66. Berkeley/Los Angeles: University of California Press.
- Birn, Raymond. 1994. Religious toleration and freedom of expression. In *The French idea of freedom. The old regime and the Declaration of Rights of 1789*, ed. Dale Van Kley, 265–299. Stanford: Stanford University Press.
- Birn, Raymond. 2001. *Forging Rousseau. Print, commerce and cultural manipulation in the late enlightenment*. Oxford: Voltaire Foundation.
- Birn, Raymond. 2005. Book censorship in eighteenth-century France and Rousseau's response. *SVEC* 1: 223–245.
- Birn, Raymond. 2007. *La censure royale des livres dans la France des lumières*. Paris: Jacob.
- Birn, Raymond. 2012. *Royal censorship of books in eighteenth-century France*. Stanford: Stanford University Press.
- Birtsch, Günter, Michael Trauth, and Immo Meenken (eds.). 1992. *Grundfreiheiten Menschenrechte 1500–1850. Eine internationale Bibliographie*. Stuttgart: Frommann-Holzboog.
- Bléchet, Françoise. 1990. Fontenelle et l'abbé Bignon, du Président de l'Académie royale des sciences au secrétaire perpétuel: quelques lettres de l'abbé Bignon à Fontenelle. *Corpus* 13: 51–61.
- Bléchet, Françoise. 1991a. Un exemple d'échanges franco-anglais privilégiés: la correspondance entre Hans Sloane et l'abbé Bignon. *SVEC* 292: 119–127.
- Bléchet, Françoise. 1991b. Un précurseur de l'Encyclopédie au service de l'Etat: l'abbé Bignon. In *Encyclopédisme. Actes du colloque de Caen, 12–16 janvier 1987, Sous la direction de Annie Blecq*, 395–412. Caen: Éditions aux Amateurs de Livres.
- Bléchet, Françoise. 1992. Acquisitions hollandaises. In *Le magasin de l'Univers. The Dutch Republic as a centre of the European book trade*, ed. C. Berkvens-Stevelinck, H. Bots, P.G. Hoftijzer, and O.S. Lankhorst, 33–47. Leiden: Brill.
- Blom, Philipp. 2004. *Encyclopédie. The triumph of reason in an unreasonable age*. London/New York: Fourth Estate.
- Bodi, Leslie. 1977. *Tauwetter in Wien. Zur Prosa der österreichischen Aufklärung 1781–1795*. Frankfurt am Main: Fischer.
- Boncompain, Jacques. 2001. *La révolution des auteurs. Naissance de la propriété intellectuelle (1773–1815)*. Paris: Fayard.
- Bonno, Gabriel Dominique. 1970. *La constitution britannique devant l'opinion française de Montesquieu à Bonaparte*. Genève: Slatkine.
- Bost, Hubert. 2009. Pierre Bayle and censorship. In *The use of censorship in the enlightenment*, ed. Mogens Laerke, 30–45. Leiden: Brill.
- Bourdieu, Pierre. 1982. Censure et mise en forme. In *Ce que parler veut dire. L'économie des échanges linguistiques*, 167–205. Paris: Fayard.
- Bouwsma, William J. 1984. *Venice and the defense of republican liberty. Renaissance values in the age of the counter reformation*. Berkeley: University of California Press.
- Braddick, Michael. 2008. *God' Fury, England's fire. A new history of the English civil wars*. London: Allen Lane.

- Braida, Lodovica. 2009. *Libri di lettere. Le raccolte epistolari del Cinquecento tra inquietudini religiose e "buon volgare"*. Roma/Bari: Laterza.
- Braida, Lodovica. 2010. Gli studi italiani sui "libri per tutti" in antico regime. Tra storia sociale, storia del libro e storia della censura. In *Libri per tutti. Generi editoriali di larga circolazione tra antico regime ed età contemporanea*, ed. Lodovica Braida and Mario Infelise, 326–344. Torino: Utet.
- Braider, Christopher. 2012. *The matter of the mind. Reason and experience in the age of Descartes*. Toronto: University of Toronto Press.
- Brewer, John. 1976. *Party ideology and popular politics at the accession of George III*. Cambridge: Cambridge University Press.
- Brocaw, Cynthia J. 2005. On the history of the book in China. In *Printing and book culture in late imperial China*, ed. Cynthia J. Brockaw and Kai-Wing Chow, 3–54. Berkeley: University of California Press.
- Brocaw, Cynthia J. 2007. Book history in premodern China. The state of the discipline. *Book History* 10: 253–290.
- Brook, Timothy. 2004. State censorship and the book trade. In *The Chinese State in Ming Society*. London: Routledge.
- Brown, Gregory. 2006. *Literary sociability and literary property in France 1775–1793: Beaumarchais, the Société des auteurs dramatiques and the Comédie Française*. London: Ashgate.
- Bullard, Rebecca. 2009. *The politics of disclosure. 1674–1725. Secret history narratives*. London: Pickering and Chatto.
- Burke, Peter. 1994. *The fabrication of Louis XIV*. New Haven: Yale University Press.
- Burnett, Stephen G. 2012. *Christian Hebraism in the reformation era (1500–1660). Authors, books and the transmission of Jewish learning*. Leiden: Brill.
- Burrows, Simon. 2006. *Blackmail, scandal and revolution: London's French libellistes*. Manchester: Manchester University Press.
- Burt, Richard. 1993. *Licensed by authority: Ben Johnson and the discourses of censorship*. Ithaca: Cornell University Press.
- Cambier, Alain. 2010. *Montesquieu et la liberté. Essai sur 'De l'Esprit des lois'*. Paris: Hermann.
- Candler Hayes, Julie. 2009. *Translation, subjectivity and culture in France and England 1600–1800*. Stanford: Stanford University Press.
- Capecchi, Silvia. 2006. *Scrittura e coscienza autobiografica nel diario di Giuseppe Pelli*. Roma: Edizioni di storia e letteratura.
- Capra, Carlo. 2002. *I progressi della ragione: vita di Pietro Verri*. Bologna: il Mulino.
- Caravale, Giorgio. 2003. *L'orazione proibita. Censura ecclesiastica e letteratura devozionale nella prima età moderna*. Firenze: Olschki.
- Carrier, Hubert. 1989. *La Presse de la Fronde (1648–1653): Les Mazarinades. La Conquête de l'opinion*. Genève: Droz.
- Cavarzere, Marco. 2011. *La prassi della censura nell'Italia del Seicento. Tra repressione e mediazione*. Florence: Olschki.
- Censer, Jack. 1994. *French press in the age of the Enlightenment*. London: Routledge.
- Cerf, Madeleine. 1967. La Censure Royale à la fin du dix-huitième siècle. *Communications* 9: 2–27.
- Champion, Justin. 1992. *The Pillars of Priestcraft Shaken. The Church of England and its enemies 1660–1730*. Cambridge: Cambridge University Press.
- Champion, Justin. 2003. *Republic and learning. John Toland and the crisis of Christian culture, 1696–1722*. Manchester/London: Manchester University Press.
- Champion, Justin. 2011. Introduction. In Molesworth, Robert. *An account of Denmark, with Francogallia and some considerations for the promoting of agriculture and employing the poor*, ed. and with an Introduction by Justin Champion, IX–XLI. Indianapolis: Liberty Fund.
- Chartier, Roger. 1994. *The order of books. Readers, authors and libraries in Europe between the fourteenth and eighteenth century*. Cambridge: Polity Press.

- Chartier, Roger. 2002. Property & privilege in the republic of letters. *Daedalus* 131: 60–66.
- Chartier, Roger. 2005. *Inscrire et effacer. Culture écrite et littérature (XVIe-XVIIIe siècle)*. Paris: Gallimard.
- Cipriani, Giovanni. 2009. *La mente di un inquisitore. Agostino Valier e l'Opusculum De cautione adhibenda in edendis libris 1589–1604*. Firenze: Nicomp.
- Clarke, Jack A. 1973. Abbé Jean-Paul Bignon “Moderator of the Academies” and Royal Librarian. *French Historical Studies* 8: 213–235.
- Clegg, Cyndia Susan. 1997. *Press censorship in Elisabethan England*. Cambridge: Cambridge University Press.
- Clegg, Cyndia Susan, and Goldie Mark (eds.). 2009. *Censorship and the press, 1580–1720*. London: Pickering and Chatto.
- Clemens, Gabriele. 2013. Zensur, Zensoren und Kommunikationskontrolle als europäische Phänomene: Zwischenbilanz und Problemstellung. In *Zensur im Vormärz. Pressefreiheit und Informationskontrolle in Europa*, ed. Gabriele Clemens, 9–22. Ostfildern: Jan Thorbecke Verlag.
- Colclough, David. 2005. *Freedom of speech in early Stuart England*. Cambridge: Cambridge University Press.
- Colley, Linda. 2005. *Britons. Forging the nation 1707–1837*. New Haven/London: Yale University Press.
- Collins, Jeffrey. 2007. Silencing Thomas Hobbes: The Presbyterians and their printers. In *The Cambridge companion to Hobbes's Leviathan*, ed. Patricia Springborg, 478–499. Cambridge: Cambridge University Press.
- Conde Naranjo, Esteban. 2006. *El Argos de la Monarquía. La policía del libro en la España ilustrada (1750–1834)*. Madrid: Centro de Estudios Políticos y Constitucionales.
- Cooper, Julie E. 2006. Freedom of speech and philosophical citizenship in Spinoza's theologico-political treatise. *Law, Culture and the Humanities* 2: 91–114.
- Crist, Timothy. 1979. Government control of the press after the expiration of the Printing Act in 1679. *Publishing History* 5: 49–77.
- Cronk, Nicholas. 2003. Voltaire and the Benefits of Censorship: The Example of the Lettres philosophiques. Paper presented at the Oxford-Princeton Partnership Conference: The History of Censorship, September 26–27, 2003, Princeton University, Princeton, <http://web.princeton.edu/sites/english/csbn/>
- Curley, Edwin. 1991. Kissinger, Spinoza, and Gengis Khan. In *The Cambridge companion to Spinoza*, ed. Don Garrett, 315–341. Cambridge: Cambridge University Press.
- Darnton, Robert. 1969. Le lieutenant de police J.-P. Lenoir, la guerre des farines et l'approvisionnement de Paris à la veille de la révolution. *Revue d'histoire moderne et contemporaine* 16: 611–624.
- Darnton, Robert. 1984. *The great cat massacre and other episodes in French cultural history*. New York: Basic Books.
- Darnton, Robert. 1991. *Édition et sédition. L'univers de la littérature clandestine au XVIIIe siècle*. Paris: Gallimard.
- Darnton, Robert. 1995a. Censorship, a comparative view: France, 1789–East Germany, 1989. *Representations* 49: 40–60.
- Darnton, Robert. 1995b. *The corpus of clandestine literature in France 1769–1789*. New York: Norton.
- Darnton, Robert. 1995c. *The forbidden bestsellers of the pre-revolutionary France*. New York: Norton.
- Darnton, Robert. 2005. Literary surveillance in the British Raj: The contradictions of liberal imperialism. *Book History* 2: 133–176.
- Darnton, Robert. 2010. *The devil in the holy water or the art of slander from Louis XIV to Napoleon*. Philadelphia: University of Pennsylvania State.
- Davidson, Nicholas. 2000. Toleration in enlightenment Italy. In *Toleration in enlightenment Europe*, ed. Ole Peter Grell and Roy Porter, 230–249. Cambridge: Cambridge University Press.

- Davison, Rosena. 1985. *Diderot et Galiani. Histoire d'une amitié philosophique*. Oxford: Voltaire Foundation.
- Dawson, Robert. 2006. *Confiscations at customs. Banned books and the French booktrade during the last years of the Ancien régime*. Oxford: Voltaire Foundation.
- De Baecque, Antoine. 1989. Le commerce du libelle interdit à Paris (1790–1791). *Dix-huitième siècle* 21: 233–246.
- De Baecque, Antoine, Wolfgang Schmale, and Michel Vovelle (eds.). 1988. *L'An I des Droits de l'homme*. Paris: Presses du CNRS.
- De Bujanda, Jesús Martínez. 1984–1996. *Index des livres interdits*. Sherbrooke: Centre d'Etudes de la Renaissance.
- De Bujanda, Jesús Martínez. 2003. L'Inquisition, l'Index et l'imprimerie. In *L'Inquisizione, Atti del Simposio internazionale, Città del Vaticano, 29–31 ottobre 1998*, ed. Agostino Borromeo, 607–631. Città del Vaticano: Biblioteca Apostolica.
- De Maio, Romeo. 1973. I modelli culturali della Controriforma. Le biblioteche dei conventi italiani alla fine del Cinquecento. In *Riforme e miti nella Chiesa del Cinquecento*, 365–381. Napoli: Guida.
- De Marte, Isabelle. 2008. Echange à trois: les dessous romanesques de la Lettre sur le commerce de la librairie. *Recherches sur Diderot et sur l'Encyclopédie* 43: 71–90.
- De Negroni, Barbara. 1995. *Lectures interdites. Le travail des censeurs au XVIIIe siècle 1723–1774*. Paris: Albin Michel.
- De Rougemont, Martine. 2002a. 'L'avocat arlequin': un allié incongru de Rétif, le censeur et parodiste Coqueley de Chaussepierre. *Etudes rétiviennes* 34: 161–171.
- De Rougemont, Martine. 2002b. 'L'avocat arlequin': un allié incongru de Rétif, le censeur et parodiste Coqueley de Chaussepierre. *Etudes rétiviennes* 34: 161–171.
- De Vivo, Filippo. 2007. *Information and communication in Venice. Rethinking early modern politics*. Oxford: Oxford University Press.
- Decroix, Arnauld. 2006. *Question fiscale et réforme financière en France, 1749–1789: logique de la transparence et recherche de la confiance publique*. Aix-en-Provence/Marseille: PUAM.
- DeJean, Joan. 2002. *The reinvention of obscenity. Sex, lies, and tabloids in early modern France*. Chicago/London: University of Chicago Press.
- Del Col, Andrea. 1990. *Domenico Scandella detto Menocchio: i processi dell'Inquisizione, 1583–1599*. Pordenone: Biblioteca dell'Immagine.
- Delpiano, Patrizia. 2007. *Il governo della lettura. Chiesa e libri nell'Italia del Settecento*. Bologna: il Mulino.
- Derathé, Robert. 2011. Introduction. In *L'Esprit des lois*, ed. Charles de Secondat de Montesquieu. Introduction, chronologie, bibliographie, relevé de variantes et notes par Robert Derathé. Bibliographie mise à jour et index par Denis de Casabianca. Paris: Garnier.
- Desgraves, Louis. 1986. *Montesquieu*. Paris: Mazarine.
- Desgraves, Louis. 2002. L'impression de L'Esprit des Lois à Genève en 1747–1748. Achèvement de l'ouvrage et corrections. In *Le temps de Montesquieu*, sous la direction de Michel Porret et Catherine Volpilhac-Auger, 33–42. Paris: Droz.
- Di Rienzo, Eugenio. 1994. *Alle origini della Francia contemporanea. Economia, politica e società nel pensiero di André Morellet 1756–1819*. Napoli: ESI.
- Dictionnaire des Journaux 1600–1789*. 1991. Sous la direction de Jean Sgard. Paris: Universitas.
- Dippel, Horst. 1977. *Germany and the American revolution: A sociohistorical investigation in late eighteenth-century thinking*. Chapel Hill: University of North Carolina Press.
- Dohm, Christian Wilhelm. 1781. *Über die bürgerliche Verbesserung der Juden*. Berlin und Stettin: Nicolai.
- Donati, Claudio. 2001. A project of expurgation by the Congregation of the Index: treatises on duelling. In *Church, censorship and culture in early modern Italy*, ed. Gigliola Fragnito. Trans. Adrian Belton, 134–162. Cambridge: Cambridge University Press.
- Donato, Clorinda. 1996. Fortunato Bartolomeo De Felice e l'edizione d'Yverdon de l'Encyclopédie. *Studi settecenteschi* 16: 373–396.

- Dooley, Brendan. 1996. Political publishing and its critics in seventeenth-century Italy. *Memoirs of the American Academy in Rome* 41: 175–193.
- Dooley, Brendan. 1999. *The social history of skepticism. Experience and doubt in early modern culture*. Baltimore/London: The Johns Hopkins University Press.
- Downie, James A. 1979. *Robert Harley and the press*. Cambridge: Cambridge University Press.
- Doyle, William. 2000. *Jansenism*. London: MacMillan.
- Dufo, Colas. 2009. Diderot and the publicing of censorship. In *The use of censorship in the enlightenment*, ed. Mogens Laerke. Leiden: Brill.
- Dutton, Richard. 1991. *Mastering the revels. The regulation and censorship of English renaissance drama*. Iowa City: University of Iowa Press.
- Echeverria, Durand. 1957. *Mirage in the West. A history of the French image of American society to 1815*. Princeton: Princeton University Press.
- Echeverria, Durand. 1985. *The Maupeou revolution. A study in the history of libertarianism in France, 1770–1774*. Baton Rouge/London: Louisiana State University Press.
- Edelstein, Dan. 2012. The classical turn in enlightenment studies. *Modern Intellectual History* 9: 61–71.
- Einsenhart, Ulrich. 1970. *Die kaiserliche Aufsicht über Buchdruck, Buchhandel und Presse im Heiligen Römischen Reich Deutscher Nation (1496–1806). Ein Beitrag zur Geschichte der Bücher- und Pressezensur*. Karlsruhe: Müller.
- Eisenstein, Elisabeth. 1979. *The printing press as an agent of change: Communications and cultural transformations in early-modern Europe*. Cambridge: Cambridge University Press.
- Elias, Norbert. 1939. *Über den Prozeß der Zivilisation. Soziogenetische und psychogenetische Untersuchungen*. Basel: Haus zum Falken.
- Elias, Norbert. 1982. *The civilizing process*. London: Blackwell.
- Esteves Payan Martins, Maria Teresa. 2005. *A censura literária em Portugal nos séculos XVII e XVIII*. Lisboa: Fundação Calouste Gulbenkian.
- Farge, James K. 1996. Early censorship of printed books in Paris: New perspectives and insights. In *Le contrôle des idées à la Renaissance*, ed. Jesús Martínez de Bujanda, 75–91. Genève: Droz.
- Farge, James K. 2008. The origins and development of censorship in France. In *The Renaissance in the streets, schools, and studies. Essays in honour of Paul F. Grendler*, ed. Konrad Eisenbichler and Nicholas Terpstra, 233–255. Toronto: Centre for Reformation and Renaissance Studies.
- Ferrone, Vincenzo. 2003. *La società giusta ed equa. Republicanesimo e diritti dell'uomo in Gaetano Filangieri*. Bari/Roma: Laterza.
- Feyel, Gilles. 2000. *L'Annonce et la nouvelle. La presse d'information en France sous l'ancien régime (1630–1788)*. Oxford: Voltaire Foundation.
- Firpo, Luigi. 1961. Correzioni d'autore coatte. In *Studi e problemi di critica testuale. Convegno di studi di filologia italiana nel centenario della Commissione per i testi di lingua*, 143–167. Bologna: Commissione per i testi di lingua.
- Fitzsimmons, Michael P. 1987. *The Parisian order of barristers and the French Revolution*. Cambridge: Harvard University Press.
- Fogel, Michèle. 1989. *Les ceremonies de l'information dans la France du XVIe au XVIIIe siècle*. Paris: Fayard.
- Forbes, Duncan. 1975. *Hume's philosophical politics*. Cambridge: Cambridge University Press.
- Foucault, Michel. 1976. *Histoire de la sexualité. I. La volonté de savoir*. Paris: Gallimard.
- Foucault, Michel. 2001. *Fearless speech*, ed. Joseph Person. Los Angeles: Semiotext(e).
- Foucault, Michel. 2008. *Le gouvernement de soi et des autres. Cours au Collège de France (1982–1983)*. Édition établie sous la direction de Francois Ewald et Alessandro Fontana, par Frédéric Gros. Paris: Gallimard, Le Seuil.
- Fournier, Michel. 2007. La “révolution” de la lecture romanesque au XVIIIe siècle en France: institutionnalisation de la lecture et émergence d'une nouvelle sensibilité. *Revue d'histoire moderne et contemporaine* 54: 55–73.

- Fragnito, Gigliola. 1997. *La Bibbia al rogo: la censura ecclesiastica e i volgarizzamenti della Scrittura (1471–1605)*. Bologna: il Mulino.
- Fragnito, Gigliola. 1999. “Li libri non zò rrobba da cristiano”. *La letteratura italiana e l’indice di Clemente VIII. Schifanoia* 19: 123–135.
- Fragnito, Gigliola. 2000. Aspetti e problemi della censura espurgatoria. In *L’Inquisizione e gli storici: un cantiere aperto, Roma, 24–25 giugno 1999*, 161–178. Roma: Accademia Nazionale dei Lincei.
- Fragnito, Gigliola. 2001. *Church, censorship and culture in early modern Italy*. Trans. Adrian Belton. Cambridge: Cambridge University Press.
- Fragnito, Gigliola. 2005. *Proibito capire. La Chiesa e il volgare nella prima età moderna*. Bologna: il Mulino.
- Frajese, Vittorio. 2006. *Nascita dell’Indice. La censura ecclesiastica dal Rinascimento alla Controriforma*. Brescia: Morcelliana.
- Francioni, Gianni. 1993. Storia editoriale del “Caffè”. In *Il Caffè 1764–1766*, ed. Gianni Francioni and Sergio Romagnoli. Torino: Bollati Boringhieri.
- Freeberg, David. 1989. *The power of images. Studies in the history and theory of response*. Chicago: University of Chicago Press.
- Freud, Sigmund. 1953. The interpretations of dreams (1900). In *The standard edition of the complete psychological works of Sigmund Freud*, vol. 4–5. London: The Hogarth Press and the Institute of Psycho-Analysis.
- Gargett, Graham. 1994. *Jacob Vernet, Geneva and the philosophes*. Oxford: Voltaire Foundation.
- Gaskin, John. 1993. Hume on religion. In *The Cambridge companion to Hume*, ed. David Fate Norton. Cambridge: Cambridge University Press.
- Gay, Jean. 1876. *Saisie de livres prohibés faite aux couvents des jacobins et des cordeliers à Lyon, en 1694*, Nouvelle édition augmentée d’un répertoire bibliographique. Turin: Bona.
- Gay, Peter. 1959. *Voltaire’s politics. The poet as realist*. Princeton: Princeton University Press.
- Geissler, Rolf. 1985. Matérialisme, matérialiste. In *Handbuch politisch-sozialer Grundbegriffe in Frankreich 1680–1820*, Heft 5, ed. Rolf Reichardt and Eberhard Schmitt. München: Oldenbourg.
- Gelbart, Nina. 1987. *Feminine and opposition journalism in old regime France. Le Journal des Dames*. Berkeley/Los Angeles/London: University of California Press.
- Gersmann, Gudrun. 1993. *Im Schatten der Bastille: die Welt der Schriftsteller, Kolporteurs und Buchhändler am Vorabend der Französischen Revolution*. Stuttgart: Klett-Cotta.
- Ghachem, Molick W. 2001. Montesquieu in the Caribbean. The colonial enlightenment between code noir and code civil. In *Post-modernism and the enlightenment. New perspectives in the eighteenth century*, ed. Daniel Gordon, 14–20. London: Routledge.
- Ghosh, Peter. 1994. Some problems with Talcott Parsons’ Translation of “The Protestant Ethic”. *Archives Européennes de Sociologie* 35: 104–123.
- Ghosh, Peter. 2008. *A historian reads Max Weber. Essays on the protestant ethic*. Wiesbaden: Harrassowitz.
- Gilot, Michel. 1999. Delacroix, Jacques (1743–1831). In *Dictionnaire des journalistes 1600–1789*, Sous la direction de Jean Sgard, vol. 1, 280–282. Oxford: Voltaire Foundation.
- Ginzburg, Carlo. 1980. *The cheese and the worms. The cosmos of a sixteenth-century miller*. Baltimore: Johns Hopkins University Press.
- Glebe-Møller, Jens. 2011. Geheimliteratur im skandinavischen Raum. In *Geheimliteratur und Geheimbuchhandel in Europa im 18. Jahrhundert*, ed. Christine Haug, Franziska Mayer, and Winfried Schroeder, 217–225. Wiesbaden: Harrassowitz Verlag.
- Godman, Peter. 1998a. *From Poliziano to Machiavelli. Florentine humanism in the high Renaissance*. Princeton: Princeton University Press.
- Godman, Peter. 1998b. Machiavelli, l’Inquisizione e l’Indice. In *L’apertura degli archivi del Sant’Uffizio romano*, 47–72. Roma: Accademia Nazionale dei Lincei.
- Godman, Peter. 2000. *The saint as censor. Robert Bellarmine between inquisition and index*. Leiden/Boston/Köln: Brill.

- Goldgar, Anne. 1992. The absolutism of taste: Journalists as censors in 18th-century Paris. In *Censorship and the control of print in England and France 1600–1910*, ed. Robin Myers and Michael Harris, 87–110. Winchester: St Paul's Bibliographies.
- Goldgar, Anne. 1995. *Impolite learning. Conduct and community in the republic of letters 1680–1750*. New Haven/London: Yale University Press.
- Goldie, Mark. 1977. Edmund Bohun and Jus Gentium in the revolution debate, 1689–1693. *HJ* 20: 569–586.
- Goldie, Mark. 2006. The English system of liberty. In *The Cambridge history of eighteenth-century political thought*, ed. Mark Goldie and Robert Wokler, 40–78. Cambridge: Cambridge University Press.
- Goldsmith, Maurice M. 1966. *Hobbes's science of government*. New York/London: Columbia University Press.
- Goodman, Dena. 1994. *Republic of letters. A cultural history of the French enlightenment*. Ithaca/London: Cornell University Press.
- Gordon, Daniel. 1995. Beyond the social history of ideas: Morellet and the enlightenment. In *André Morellet (1727–1819) in the republic of letters and the French Revolution*, ed. Jeffrey Merrick and Dorothy Medlin, 39–62. New York: Lang.
- Gordon, Douglas H., and Norman L. Torrey. 1947. *The censoring of Diderot's "Encyclopedie" and the re-established text*. New York: Columbia University Press.
- Gotor, Miguel. 2002. *I beati del papa. Santità. Inquisizione e obbedienza in età moderna*. Firenze: Olschki.
- Goulemot, Jean Marie. 1991. *Les livres qu'on ne lit que d'une main*. Paris: Alinea.
- Grafton, Anthony. 2007. *What was history? The art of history in early modern Europe*. Cambridge: Cambridge University Press.
- Greene, Donald. 1989. *The politics of Samuel Johnson*. Athens: University of Georgia Press.
- Greene, Jody. 2005. *The trouble with ownership. Literary property and authorial liability in England 1660–1730*. Philadelphia: University of Pennsylvania Press.
- Gregory, Tullio. 1992. Pierre Charron's scandalous book. In *Atheism from the Reformation to the Enlightenment*, ed. Michael Hunter and David Wootton, 87–109. Oxford: Oxford University Press.
- Grendler, Paul. 1977. *The Roman inquisition and the Venetian press, 1540–1605*. Princeton: Princeton University Press.
- Grosclaude, Pierre. 1960. *J.-J. Rousseau et Malesherbes: documents inédits*. Paris: Fischbacher.
- Grosclaude, Pierre. 1961. *Malesherbes, témoin et interprète de son temps*. Paris: Fischbacher.
- Gruder, Vivian R. 2007. *The notables and the nation. The political schooling of the French, 1787–1788*. Cambridge: Harvard University Press.
- Guicciardini, Paolo. 1953–1954. La censura nella Storia guicciardiniana. *Loci duo e Paralipomeni. La Bibliofilia* 55: 134–156, 56: 31–46.
- Gunn, John A.W. 1995. *Queen of the world. Opinion in the public life of France from the renaissance to the revolution*. Oxford: Voltaire Foundation.
- Haakonsen, Knud. 1981. *The science of a legislator. The natural jurisprudence of David Hume and Adam Smith*. Cambridge: Cambridge University Press.
- Haakonssen, Knud. 1991. From natural law to the rights of man: A European perspective on American debates. In *A culture of rights. The Bill of Rights in philosophy, politics, and law – 1791 and 1991*, ed. Michael J. Lacey and Knud Haakonssen, 19–61. Washington/Cambridge: Woodrow Wilson International Center for Scholars/Cambridge University Press.
- Hacker, Joseph R., and Adam Shear (eds.). 2011. *The Hebrew book in early modern Italy*. Philadelphia: University of Pennsylvania Press.
- Hall, John Whitney (ed.). 1991. *Cambridge history of Japan, vol. 4, Early modern Japan*. Cambridge: Cambridge University Press.
- Hamburger, Philip. 1984–1985. The development of the law of seditious libel and the control of the press. *Stanford Law Review* 37: 661–765.

- Hampsher-Monk, Ian. 2002. From virtue to politeness. In *Republicanism. A shared European heritage, vol. 2, The values of republicanism in early modern Europe*, ed. Martin van Gelderen and Quentin Skinner, 85–105. Cambridge: Cambridge University Press.
- Hanley, William. 1980. The policing of the thought in eighteenth-century France. *SVEC* 183: 265–295.
- Hanley, William. 2002. Un rapport secret de 1768: les censeurs royaux sous surveillance. In *Sciences, musiques, Lumières. Mélanges offerts à Anne-Marie Chouillet*, Publiés par Ulla Kölving et Irène Passeron, 563–576. Ferney-Voltaire: Centre international d'étude du XVIII^e siècle.
- Hanley, William. 2005. *A biographical dictionary of French censors, 1742–1789*, vol. 1. Ferney-Voltaire: Centre international d'étude du XVIII^e siècle.
- Hanvelt, Marc. 2012. Politeness, a plurality of interests and the public realm: Hume on the liberty of the press. *History of Political Thought* 33: 627–646.
- Harris, Robert. 1993. *A patriot press. National politics and the London press in the 1740s*. Oxford: Oxford University Press.
- Hasquin, Hervé. 1974. Jacques Accarias de Sérionne, économiste et publiciste français au service des Pays-Bas autrichiens. *Etudes sur le XVIII^e siècle* 1: 159–170.
- Hellmuth, Eckhart. 2002. Enlightenment and freedom of the press. The debate in the Berlin Mittwochsgesellschaft 1783–1784. *History* 83: 420–444.
- Hellmuth, Eckhart. 2007. After Fox's act. Or, how to talk about the liberty of the press in the 1790s. In *Reactions to revolutions. The 1790s and their aftermath*, ed. Ulrich Broick, H.T. Dickinson, and Eckhart Hellmuth, 37–75. Berlin: LIT.
- Hesse, Carla. 1990. Enlightenment epistemology, and the laws of authorship in revolutionary France 1777–1793. *Representations* 30: 109–137.
- Higman, Francis. 1979. *Censorship and the Sorbonne*. Genève: Droz.
- Hill, Christopher. 1986. Censorship and English literature. In *The collected essays of Christopher Hill, vol. 1, Writing and revolution in 17th century England*, 32–71. Brighton: Harvester Press.
- Himmelfarb, Gertrude. 2004. *Roads to modernity. The British, French and American enlightenments*. New York: Knopf.
- Hinds, Peter. 2010. "The Horrid Popish Plot". *Roger L'Estrange and the circulation of political discourse in late seventeenth-century London*. Oxford: Oxford University Press.
- Holquist, Michael. 1994. Corrupt originals: The paradox of censorship. *PMLA* 109: 14–25.
- Hoppe, B.M. 1989. *Predigtkritik im Josephinismus. Die Wöchentlichen Wahrheiten für und über die Prediger in Wien (1782–1784)*. St. Ottilien: EOS.
- Houben, Heinrich Hubert. 1918. *Hier Zensur – wer dort? Antworten von gestern auf Fragen von heute*. Leipzig: Brockhaus.
- Houben, Heinrich Hubert. 1926. *Polizei und Zensur. Längs- und Querschnitte durch die Geschichte der Buch- und Theaterzensur*. Berlin: Gersbach und Sohn.
- Houben, Heinrich Hubert. 1928. *Verbotene Literatur von der klassischen Zeit bis zur Gegenwart. Ein kritisch-historisches Lexikon über verbotene Bücher, Zeitschriften und Theaterstücke, Schriftsteller und Verleger*. Berlin/Bremen: Rowohlt/Schünemann.
- Hoxby, Blair. 2009. Areopagitica and liberty. In *The Oxford handbook of Milton*, ed. Nicholas McDowell and Nigel Smith, 218–237. Oxford: Oxford University Press.
- Hudson, David. 1973. In defense of reform. French government propaganda during the Maupeou crisis. *French Historical Studies* 8: 51–76.
- Hume, Robert D. 2005. "Satire" in the reign of Charles II. *Modern Philology* 102: 332–371.
- Hunt, Lynn (ed.). 1993. *The invention of pornography 1500–1800. Obscenity and the origins of modernity*. New York: Zone Books.
- Hunter, Ian. 2005. Kant's religion and Prussian policy. *Modern Intellectual History* 2: 1–27.
- Huussen, Arend jr. 1987. Freedom of the press and censorship in the Netherlands 1780–1810. In *Too mighty to be free. Censorship and the press in Britain and the Netherlands*, ed. Alastair Duke and Coenraad Tamse, 107–126. Zutphen: De Walburg Pers.

- Imbruglia, Girolamo. 2005–2006. La censura romana di “Dei delitti e delle pene” di Cesare Beccaria (Arch. della Congregazione dell’Indice, Acta et documenta, 1763–1767). *Studi settecenteschi* 25–26: 119–161.
- Imbruglia, Girolamo. 2011. Censura e giurisdizionalismo nel secondo Settecento a Napoli. Il Delegato alla Reale Giurisdizione. In *La censura nel secolo dei Lumi. Una visione internazionale*, ed. Edoardo Tortarolo, 115–148. Torino: Utet.
- Infelise, Mario. 1989. *L’editoria veneziana nel ‘700*. Milano: FrancoAngeli.
- Infelise, Mario. 2002. *Prima dei giornali. Alle origini della pubblica informazione (secoli XVI e XVII)*. Roma/Bari: Laterza.
- Infelise, Mario. 2009. *I libri proibiti da Gutenberg all’Encyclopédie*. Roma/Bari: Laterza.
- Isabella, Maurizio. 2007. Italy, c. 1760–1815. In *Press, politics and the public sphere in Europe and North America 1760–1820*, ed. Hannah Barker and Simon Burrows, 201–222. Cambridge: Cambridge University Press.
- Israel, Jonathan I. 2001. *Radical Enlightenment. Philosophy and the making of modernity 1650–1750*. Oxford: Oxford University Press.
- Israel, Jonathan. 2006. *Enlightenment contested*. Oxford: Oxford University Press.
- Israel, Jonathan. 2010. *A revolution of the mind: Radical enlightenment and the intellectual origins of modern democracy*. Princeton: Princeton University Press.
- Ives, Robert J. 2003. Political publicity and political economy in eighteenth-century France. *French History* 17: 1–18.
- Jacot-Grapa, Caroline. 2009. ‘Quand on écrit, faut-il tout écrire ?’. Diderot et la censure. *Droit et cultures* [En ligne], 57 – 2009–1, mis en ligne le 11 septembre 2009 <http://droitcultures.revues.org/1337>
- Jacoviello, Michele. 1993. Proteste di editori e librai veneziani contro l’introduzione della censura sulla stampa a Venezia (1543–1555). *Archivio storico italiano* 151: 27–53.
- Jaffro, Laurent, Frydman Benoit, Cattin Emmanuel, and Alain Petit. 2001. *Leo Strauss: Art d’écrire, politique, philosophie. Texte de 1941*. Paris: Vrin.
- Jansen, Marius (ed.). 1989. *Cambridge history of Japan, vol. 5, The nineteenth century*. Cambridge: Cambridge University Press.
- Johnson, Hubert. 1975. *Frederick the great and his officials*. New Haven: Yale University Press.
- Jones, Derek, and Fitzroy Dearborn. 2001. *Censorship: A world encyclopaedia*. London/Chicago: Routledge.
- Jordan, Will R. 2002. Religion in the public square: A reconsideration of David Hume and religious establishment. *The Review of Politics* 64: 687–713.
- Jostock, Ingeborg. 2007. *La censure négociée. Le contrôle du livre à Genève 1560–1625*. Genève: Droz.
- Jouhaud, Christian. 1985. *Mazarinades: la Fronde des mots*. Paris: Aubier.
- Jürs-Munby, Karen. 2007. Hanswurst and Herr Ich: Subjection and abjection in enlightenment censorship of the comic theatre. *New Theatre Quarterly* 23: 124–135.
- Kaplan, Steven. 1984. *Privisioning Paris. Merchants and millers in the grain and flour trade during the eighteenth century*. Ithaca: Cornell University Press.
- Kates, Gary. 1995. The transgendered world of the Chevalier/Chevalière d’Eon. *JMH* 67: 558–594.
- Kelly, George A. 1979. The political thought of Malesherbes. *Political Theory* 7: 485–508.
- Kelly, Christopher. 1997. Rousseau and the case for (and against) censorship. *The Journal of Politics* 59: 1232–1251.
- Kinservik, Matthew. 2002. *Disciplining satire: The censorship of satiric comedy on the eighteenth-century London stage*. Lewisburg: Bucknell University Press.
- Kirsop, Wallace. 2012. Armand-Gaston Camus censeur royal et le statut des protestants à la fin de l’Ancien Régime. In *Le livre du monde et le monde des livres. Mélanges en l’honneur de François Moureau*, 467–477. Paris: PUPS.
- Kitchens III, James. 1982. Judicial Commissaires and the Parlement of Paris. The Case of the Chambre de l’Arsenal. *French Historical Studies* 12: 232–350.

- Kitchin, George. 1913. *Sir Roger L'Estrange. A contribution to the history of the press in the seventeenth century*. London: Kegan Paul, Trench, Trübner.
- Klein, Lawrence. 1994. *Shaftesbury and the culture of politeness: Moral discourse and cultural politics in early eighteenth-century England*. Cambridge: Cambridge University Press.
- Klingenstein, Grete. 1970. *Staatsverwaltung und kirchliche Autorität im 18. Jahrhundert*. München: Oldenbourg.
- Kochin, Michael S. 2002. Morality, nature, and esoterism in Leo Strauss's persecution and the art of writing. *The Review of Politics* 64: 261–283.
- Kornicki, Peter. 2001. *The book in Japan. A cultural history from the beginnings to the nineteenth century*. Leiden: Brill.
- Kors, Alan. 1976. *D'Holbach's Coterie. An enlightenment in Paris*. Princeton: Princeton University Press.
- Koselleck, Reinhart. 1959. *Kritik und Krise. Ein Beitrag zur Pathogenese der bürgerlichen Welt*. Freiburg: Alber.
- Koselleck, Reinhart. 1988. *Critique and crisis. Enlightenment and the pathogenesis of modern society*. Oxford: Berg.
- Kraus, Hans-Christof. 2006. *Englische Verfassung und politisches Denken im Ancien Regime 1689 bis 1789*. München: Oldenbourg.
- Kunisch, Johannes. 1997. *Absolutismus und Öffentlichkeit*, in *Öffentlichkeit im 18. Jahrhundert*, ed. Hans-Wolf Jäger, 33–50. Göttingen: Wallstein.
- L'attentat de Damiens. Discours sur l'événement au XVIIIe siècle*. 1979, sous la direction de Pierre Retat. Paris/Lyon: CNRS/Presses Universitaires de Lyon.
- L'information à l'époque moderne. Actes du Colloque de 1999. Bulletin n. 25*. 2005. Paris: Presses de l'Université de Paris-Sorbonne.
- Labrosse, Claude. 1985. *Lire au XVIIIe siècle. La Nouvelle Heloise et ses lecteurs*. Lyon: Presses Universitaires de Lyon.
- Lacan, Jacques. 1977. The agency of the letter in the unconscious. In *Ecrits. A selection*, 146–178. New York: Norton.
- Lacombe, Patrick J. 1985. Biblical criticism and censorship in Ancien Regime France: The case of Richard Simon. *Harvard Theological Review* 78: 149–177.
- Landi, Sandro. 2000. *Il governo delle opinioni. Censura e formazione del consenso nella Toscana del Settecento*. Bologna: il Mulino.
- Landi, Sandro. 2011a. I regimi della censura nella Toscana del Settecento. In *La censura nel secolo dei lumi. Una visione internazionale*, ed. Edoardo Tortarolo, 95–114. Torino: Utet.
- Landi, Sandro. 2011b. *Stampa, censura e opinione pubblica*. Bologna: il Mulino.
- Langford, Paul. 2000. *Englishness identified. Manners and characters 1650–1850*. Oxford: Oxford University Press.
- Larrère, Catherine. 1992. *L'invention de l'économie au XVIIIe siècle. Du droit naturel à la physiocratie*. Paris: Presses Universitaires de France.
- Laqueur, Thomas. 2003. *Solitary sex: A cultural history of masturbation*. Cambridge: Zone Books.
- Laqueur, Thomas. 2004. *Solitary sex: A cultural history of masturbation*. New York: Zone Books.
- Lauriol, Claude. 2005. La condamnation de L'Esprit des lois dans les archives de la Congrégation de l'Index. In *Montesquieu, œuvre ouverte? (1748–1755). Actes du colloque de Bordeaux (6–8 décembre 2001, Bordeaux, Bibliothèque Municipale)*, présentés et publiés par Catherine Larrère, 91–102. Napoli/Oxford: Liguori/Voltaire Foundation.
- Laursen, John Christian. 2000. Spinoza in Denmark and the fall of Struensee, 1770–1772. *Journal of the History of Ideas* 61: 189–202.
- Laursen, John Christian. 2005. Censorship in the Nordic countries, ca. 1750–1890: Transformations in law, theory and practise. *Journal of Modern European History* 3: 100–116.
- Le Brun, Jacques. 1975. Censure préventive et littérature religieuse en France au début du XVIIIe siècle. *Revue d'histoire de l'Eglise de France* 61: 201–225.
- Levy, Darlin G. 1980. *The ideas and careers of Simon-Nicolas-Henri Linguet. A study in eighteenth-century French politics*. Urbana: University of Illinois Press.

- Libermann, David. 2006. Natural jurisprudence and the common law. In *The Cambridge history of eighteenth-century political thought*, ed. Mark Goldie and Robert Wokler, 317–345. Cambridge: Cambridge University Press.
- Libri manoscritti e a stampa da Pomposa all'unesimo. Catalogo. Ferrara. Ufficio centrale per i beni librari e gli studi culturali, Comitato ferrarese per le celebrazioni del XV centenario della nascita di San Benedetto*. 1982. Venezia: Corbo and Fiore.
- Lilti, Antoine. 2005. *Le Monde des salons. Sociabilité et mondanité à Paris au XVIIIe siècle*. Paris: Fayard.
- Love, Harold. 1993. *Scribal publication in seventeenth-century England*. Oxford/New York: Oxford University Press/Clarendon Press.
- Loveland, Jeff. 2001. *Rhetoric and natural history: Buffon in polemical and literary context*. Oxford: Voltaire Foundation.
- Lubert, Howard L. 2010. Sovereignty and liberty in William Blackstone's commentaries on the laws of England. *The Review of Politics* 72: 271–297.
- Luckett, Thomas M. 2011. Book seizures and the politics of repression in Paris, 1787–1789. In *Into print. Limits and legacies of the enlightenment. Essays in honor of Robert Darnton*, ed. Charles Walton, 113–130. University Park: The Pennsylvania State University Press.
- Luzzi, Serena. 2005. Il processo a Carlo Antonio Pilati (1768–1769), ovvero della censura di stato nell'Austria di Maria Teresa. *RSI* 117: 687–741.
- Lynch, Andrew J. 1977. Montesquieu and the Ecclesiastical Critics of L'Esprit des Lois. *Journal of the History of Ideas* 38: 487–500.
- Malandain, Pierre. 1982. *Delisle de Sales, philosophe de la nature (1741–1816)*. Oxford: Voltaire Foundation.
- Malcolm, Noel. 2002. *Aspects of Hobbes*. Oxford: Clarendon Press.
- Martin, Henri Jean. 1969. *Livre, pouvoirs et société*. Genève: Droz.
- Maruyama, Masao. 1974. *Studies in the Intellectual History of Tokugawa Japan*. Trans. Mikiso Hane. Princeton/Tokyo: Princeton University Press/University of Tokyo Press.
- Mason, Haydn T. (ed.). 1998. *The Darnton debate. Books and revolution in the eighteenth century*. Oxford: Voltaire Foundation.
- Mass, Edgar. 1981. *Literatur und Zensur in der frühen Aufklärung. Produktion, Distribution und Rezeption der Lettres Persanes*. Frankfurt am Main: Klostermann.
- Mat, Michèle. 1995. Livres, idées, sociétés dans la Belgique autrichienne. In *La Belgique autrichienne 1713–1794. Les Pays-Bas méridionaux sous les Habsbourg d'Autriche*, ed. Hervé Hasquin, 470–500. Bruxelles: Dexia.
- Maxwell, Kenneth. 1995. *Pombal. Paradox of the enlightenment*. Cambridge: Cambridge University Press.
- May, James. 2010. Recent studies of censorship, press freedom, libel, obscenity, etc., in the long eighteenth century, published c. 1987–2009. <http://www.bibsocamer.org/bibsitemay/may-censorship.pdf>
- Maza, Sara. 1993. *Private lives and public affairs. The causes célèbres of prerevolutionary France*. Berkeley: University of California Press.
- Maza, Sarah. 1997. Luxury, morality, and social change: Why there was no middle-class consciousness in prerevolutionary France. *JMH* 69: 199–229.
- McDaniel, Iain. 2012. Jean-Louis Delome and the political science of the English empire. *HJ* 55: 21–44.
- McDermott, Joseph P. 2006. *A social history of the Chinese book. Books and literati culture in late imperial China*. Hong Kong: Hong Kong University Press.
- McEachern, Jo-Ann E. 1992. La Nouvelle Héloïse et la censure. In *Rousseau and the eighteenth century. Essays in memory of R. A Leigh*, ed. Marian Hobson, John T.A. Leigh, and Robert Wokler, 83–100. Oxford: The Voltaire Foundation.
- McElligott, Jason. 2007. *Royalism, print and censorship in revolutionary England*. Woodbridge: The Boydell Press.

- McGrath, William J. 1986. *Freud's discovery of psychoanalysis. The politics of hysteria*. Ithaca/London: Cornell University Press.
- McKitterick, David. 2003. *Print, manuscript, and the search for the other, 1450–1830*. Cambridge: Cambridge University Press.
- McLeod, Jane. 2011. *Licensing loyalty. Printers, patrons, and the state in early modern France*. University Park: Pennsylvania State University Press.
- Medlin, Dorothy. 1995. Catalogue of Morellet's works. In *André Morellet (1727–1819) in the republic of letters and the French Revolution*, ed. Jeffrey Merrick and Dorothy Medlin, 185–232. New York: Lang.
- Meier, Heinrich. 1984. Anhang zur Zensur. In *Diskurs über die Ungleichheit. Discours sur l'inégalité. Kritische Ausgabe des integralen Textes. Mit sämtlichen Fragmenten und ergänzenden Materialien nach der Originalausgabe und den Handschriften neu editiert, übersetzt und kommentiert*, ed. Jean-Jacques Rousseau. Paderborn: Schoeningh.
- Mellard, James. 1998. Inventing Lacanian psychoanalysis: Linguistics and tropology in the agency of the lettre. *Poetics Today* 19: 499–530.
- Mendle, Michael. 1995. De facto freedom, de facto authority: Press and parliament, 1640–1643. *HJ* 38: 307–332.
- Merkle, Denise (ed.). 2010. *The power of the pen. Translation and censorship in nineteenth-century Europe*. Wien/Berlin: LIT.
- Michelon, Jean-Pierre. 1969. *Les idées politiques de Jean-Louis De Lolme*. Paris: PUF.
- Milton, Anthony. 1998. Licensing, censorship, and religious orthodoxy in early Stuart England. *HJ* 41: 625–651.
- Minois, Georges. 1995. *Censure et culture sous l'Ancien régime*. Paris: Fayard.
- Minuti, Rolando. 2006. *Orientalismo e idee di tolleranza nella cultura francese del primo '700*. Firenze: Olschki.
- Mitchell, Richard. 1983. *Censorship in imperial Japan*. Princeton: Princeton University Press.
- Molitor, Hans. 1982. Zensur, Propaganda und Überwachung zwischen 1780 und 1815 im mittleren Rheinland. In *Vom Alten Reich zu neuer Staatlichkeit. Alzeyer Kolloquium 1979. Kontinuität und Wandel im Gefolge der französischen Revolution am Mittelrhein*, ed. Andreas Gerlich, 28–44. Wiesbaden: Steiner.
- Momigliano, Arnaldo. 1971. Libertà di parola nel mondo antico. *RSI* 83: 499–544 (reprinted in Momigliano, Arnaldo. 1980. *Sesto contributo alla storia degli studi classici e del mondo antico*. 403–436. Roma: Edizioni di storia e letteratura).
- Momigliano, Arnaldo. 1973. Freedom of speech in antiquity. In *Dictionary of the history of ideas. Studies of selected pivotal ideas*, ed. Philip Wiener, 252–263. New York: Scribner.
- Momigliano, Arnaldo. 1996. *Pace e libertà nel mondo antico, Lezioni a Cambridge: gennaio-marzo 1940 con un'appendice documentaria e ventuno lettere a Ernesto Codignola*, ed. Riccardo Di Donato. Scandicci: La Nuova Italia.
- Monfasani, John. 1988. The first call for press censorship: Niccolò Perotti, Giovanni Andrea Bussi, Antonio Moreto, and the editing of Pliny's Natural History. *Renaissance Quarterly* 41: 1–29.
- Moriarty, Michael. 1994. Satire and power in seventeenth-century France. The case of Boileau. *Forum for Modern Language Studies* 30: 293–304.
- Mortier, Roland. 1998. Diderot, le censeur Marin et les Souvenirs de la marquise de Caylus. *Recherches sur Diderot et sur l'Encyclopédie* 24: 151–153.
- Mote, Frederick W. 1998. The intellectual climate in 18th century China: Glimpses of Beijing, Suzhou and Yangshouin in Qianlong period. *Phoebus* 6: 17–55 and 169–77.
- Moureau, François (ed.). 1993. *De bonne main. La communication manuscrite au XVIIIe siècle*. Oxford: Voltaire Foundation.
- Moureau, François. 1997. L'esprit et la lettre de la censure chez Malesherbes: l'abbé Foucher, Estève et la chasse aux athées. In *C'est la faute à Voltaire C'est la faute à Rousseau. Recueil anniversaire pour Jean-Daniel Candaux*, Textes réunis et édités par Roger Durand, 101–119. Genève: Droz.

- Moureau, François. 2006. *La plume et le plomb. Espaces de l'imprimé et du manuscrit au siècle des Lumières*. Paris: PUPS.
- Müller, Beate. 2004. Censorship and cultural regulation: Mapping the territory. In *Censorship and cultural regulation in the modern age*, ed. Beate Müller, 1–31. Amsterdam/New York: Rodopi.
- Mulsow, Martin. 1998. *Monadentele, Hermetik und Deismus. Georg Schades geheime Aufklärungsgesellschaft 1747–1760*. Hamburg: Meiner.
- Mulsow, Martin. 2007. *Die unanständige Gelehrtenrepublik. Wissen, Libertinage und Kommunikation in der Frühen Neuzeit*. Stuttgart/Weimar: Metzler.
- Munck, Thomas. 1998. Absolute monarchy in later eighteenth-century Denmark. Centralized reform, public expectations and the Copenhagen press. *HJ* 41: 201–224.
- Mungello, David E. 1999. *The great encounter of China and the West, 1500–1800*. Lanham: Rowan and Littlefield.
- Murphy, Orville T. 1982. *Charles Gravier, comte de Vergennes. French diplomacy in the age of revolution 1719–1787*. Albany: SUNY Press.
- Napoli, Maria Consiglia. 2002. *Letture proibite. La censura dei libri nel regno di Napoli in età borbonica*. Milano: FrancoAngeli.
- “Navigare nei mari dell’umano sapere”. Biblioteche e circolazione libraria nel Trentino e nell’Italia del XVIII secolo. Atti del Convegno di studio (Rovereto, 25–27 ottobre 2007). 2208, ed. Giancarlo Petrella. Trento: Provincia autonoma di Trento, Soprintendenza per i beni librari e architettonici.
- Niccoli, Ottavia. 2005. *Rinascimento anticlericale. Infamia, propaganda e satira in Italia tra Quattro e Cinquecento*. Roma/Bari: Laterza.
- O’Neal, John C. 1996. *The authority of experience. Sensationist theory in the French enlightenment*. University Park: Pennsylvania State University Press.
- Olechowski, Thomas. 2004. *Die Entwicklung des Pressrechts in Oesterreich bis 1918. Ein Beitrag zur österreichischen Medienrechtsgeschichte*. Wien: Manz.
- Ong, Walter. 1982. *Orality and literacy. The technologizing of the word*. London: Methuen.
- Ozanam, Didier. 1955. La disgrâce d’un premier commis. Tercier et l’affaire De l’esprit (1758–1759). *Bibliothèque de l’Ecole des chartes* 113: 140–170.
- Paarhammer, Hans. 1985. “Sollicita ac provida”. Neuordnung von Lehrbeanstandung und Bücherzensur in der katholischen Kirche im 18. Jahrhundert. In *Ministerium iustitiae, Festschrift Heribert Heinemann*, ed. André Gabriels and Heinrich Reinhard, 343–361. Essen: Ludgerus.
- Paganini, Gianni. 2005. *Les philosophies clandestines à l’âge classique*. Paris: Presse Universitaire de France.
- Pardo, Tomaso. 1991. *Ciencia y censura. La Inquisición Española y los libros científicos en los siglos XVI y XVII*. Madrid: Consejo Superior de Investigaciones Científicas.
- Pasta, Renato. 1997. *Editoria e cultura nel Settecento*. Firenze: Olschki.
- Pasta, Renato. 2005. The history of the book and publishing in eighteenth-century Italy. *Journal of Italian Studies* 10: 200–217.
- Patterson, Annabel. 1984. *Censorship and interpretation. The conditions of writing and reading in early modern England*. Madison: University of Wisconsin Press.
- Pettit, Philip. 2008. *Made with words. Hobbes on language, mind, and politics*. Princeton/Oxford: Princeton University Press.
- Pinto Crespo, Virgilio. 1983. *Inquisición y control ideológico en la España del siglo XVI*. Madrid: Taurus.
- Plachta, Bodo. 1993. *Dammatur-Toleratur-Admittitur: Studien und Dokumente zur literarischen Zensur im 18. Jahrhundert*. Tübingen: Niemeyer.
- Plumb, John H. 1956. *Sir Robert Walpole. The making of a statesman*. London: The Cresset Press.
- Plumb, John H. 1967. *The growth of political stability in England 1675–1725*. London: Macmillan.
- Pocock, John G.A. 1976. The classical theory of deference. *American Historical Review* 81: 516–523.

- Popkin, Jeremy. 1986. Buchhandel und Presse im napoleonischen Deutschland. *Archiv für Geschichte des Buchwesens* 26: 285–296.
- Popkin, Jeremy. 1989. *News and politics in the age of revolution: Jean Luzac's Gazette de Leyde*. Ithaca/London: Cornell University Press.
- Popkin, Richard. 1987. *Isaac la Peyrère (1596–1676). His life, work and influence*. Leiden: Brill.
- Popkin, Richard. 1991. Jewish-Christian relations in the sixteenth and seventeenth centuries: The conception of the Messiah. *Jewish History* 6: 163–177.
- Post, Robert C. (ed.). 1998. *Censorship and silencing: Practices of cultural regulation*. Los Angeles: Getty Trust Publication.
- Potofsky, Allan. 2002. French lumières and American enlightenment during the Atlantic revolution. *Revue française d'études américaines* 92: 47–67.
- Powers, Elisabeth (ed.). 2012. *Freedom of speech. The history of an idea*. Lewisburg: Bucknell University Press.
- Procacci, Giuliano. 1995. *Machiavelli nella cultura europea dell'età moderna*. Roma/Bari: Laterza.
- Prokhovnik, Raia. 2002. *Spinoza and Dutch republicanism*. London: Palgrave Macmillan.
- Prosperi, Adriano. 1996. *Tribunali della coscienza. Inquisitori, confessori, missionari*. Torino: Einaudi.
- Prosperi, Adriano. 2003. Censurare le favole. In *L'Inquisizione Romana. Lettura e ricerche*, 345–385. Roma: Edizioni di storia e letteratura.
- Proust, Jacques. 1962. *Diderot et l'Encyclopédie*. Paris: Colin.
- Pullan, Brian. 1983. *The Jews of Europe and the inquisition of Venice, 1550–1670*. Totowa: Barnes and Noble Books.
- Quintili, Paolo. 2009. *Matérialisme et Lumières. Philosophie de la vie, autour de Diderot et de quelques autres 1706–1789*. Paris: Champion.
- Raabe, Paul (ed.). 1991. *Der Zensur zum Trotz. Das gefesselte Wort und die Freiheit in Europa*. Weinheim: VCH Acta Humaniora.
- Rand, Erica. 1992. Diderot and girl-group erotics. *Eighteenth-Century Studies* 25: 495–516.
- Ranieri, Maria Concetta. 2007. Proprietà letteraria, politica e sapere: due illuministi a confronto. Bollettino telematico di filosofia politica (<http://purl.org/hj/bfp/155>)
- Rao, Anna Maria (ed.). 1998. *Editoria e cultura a Napoli*. Napoli: Guida.
- Raz-Krakotzkin, Amnon. 2004. The censor as a mediator: Printing, censorship and the shaping of Hebrew literature. In *The Roman inquisition, the index and the Jews. Contexts, sources and perspectives*, ed. Stephan Wendehorst, 35–57. Leiden/Boston: Brill.
- Rebellato, Elisa. 2008a. Il miraggio dell'espurgazione. L'Indice di Guanzelli del 1607. *Società e storia* 31: 715–742.
- Rebellato, Elisa. 2008b. *La fabbrica dei divieti. Gli Indici dei libri proibiti da Clemente VIII a Benedetto XIV*. Milano: Sylvestre Bonnard.
- Rees, Christine. 2010. *Johnson's Milton*. Cambridge: Cambridge University Press.
- Reichardt, Rolf. 1973. *Reform und Revolution bei Condorcet. Ein Beitrag zur späten Aufklärung in Frankreich*. Bonn: Röhrscheid.
- Reichelt, Dieter. 1995. August Friedrich Cranz – ein Kgl. Preussischer Kriegsrat als freier Schriftsteller. Nachricht über einige seiner merkwürdigen Zensurauseinandersetzungen. *Leipziger Jahrbuch zur Buchgeschichte* 5: 39–85.
- Reinhard, Wolfgang. 1989. Counter-reformation, and the early modern state. A reassessment. *The Catholic Historical Review* 75: 383–404.
- Rex, Walter. 2001. L'Arche de Noé et autres articles religieux de l'abbé Mallet dans l'Encyclopédie. *Recherches sur Diderot et sur l'Encyclopédie* 30: 127–147.
- Ricuperati, Giuseppe. 2001. *La città terrena di Pietro Giannone. Un itinerario tra "crisi della coscienza europea" e illuminismo radicale*. Firenze: Olshki.
- Rideau, Frédéric. 2008. Commentary on Diderot's Letter on the book trade (1763). In *Primary sources on copyright (1450–1900)*, ed L. Bently and M. Kretschmer, www.copyrighthistory.org

- Rigogne, Thierry. 2007. *Between state and market: Printing and bookselling in eighteenth-century France*. Oxford: Voltaire Foundation.
- Robertson, John. 2005a. *The case for the enlightenment. Scotland and Naples 1680–1760*. Cambridge: Cambridge University Press.
- Robertson, Randy. 2004. Charles Blount, Plotter. *Notes and Queries* 249: 375–377.
- Robertson, Randy. 2005b. Swift's "Leviathan" and the end of licensing. *Pacific Coast Philology* 40: 38–55.
- Robertson, Randy. 2009. *Censorship and conflict in seventeenth-century England: The subtle art of division*. University Park: Pennsylvania State University Press.
- Robertson, Randy. 2010. A British index (<http://susqu.academia.edu/RandyRobertson/Papers/99775/The-British-Index-1641-1700>)
- Roche, Daniel. 1990. Censure et Police du livre. In *Histoire de l'édition française: Le livre triomphant (1660–1830)*, ed. Roger Chartier and Henri-Jean Martin, 88–98 and 99–109. Paris: Fayard.
- Roger, Jacques. 1962. Introduction. In *Les Epoques de la nature*, ed. Georges-Louis Leclerc de Buffon. Edition critique avec le manuscrit, une introduction et des notes par Jacques Roger. Paris: Editions du Muséum.
- Roger, Jacques. 1989. *Buffon. Un philosophe au Jardin du Roi*. Paris: Fayard.
- Rose, Mark. 1998. The author as proprietor: Donaldson v. Becket and the genealogy of modern authorship. *Representations* 23: 51–85.
- Rosenberg, Hans. 1958. *Bureaucracy, aristocracy and autocracy. The Prussian experience 1660–1815*. Cambridge: Harvard University Press.
- Rosenfeld, Sophie. 2001. Writing the history of censorship in the age of enlightenment. In *Postmodernism and the enlightenment. New perspectives in French intellectual history*, ed. Gordon Daniel, 117–145. New York: Routledge.
- Rosenthal, Michael A. 2008. Spinoza on why the sovereign can command men's thought but not their minds. In *Toleration and its limits*, ed. Melissa S. Williams and Jeremy Waldron, 54–77. New York: New York University Press.
- Rothschild, Emma. 2001. *Economic sentiments. Adam Smith, Condorcet, and the enlightenment*. Cambridge/London: Harvard University Press.
- Rotondò, Antonio. 1973. La censura ecclesiastica in Italia e la cultura. In *Storia d'Italia*, vol. 5/2, ed. Ruggero Romano and Corrado Vivanti. Torino: Einaudi.
- Rowe, Michael. 2003. *From Reich to state. The Rhineland in the revolutionary age, 1780–1830*. Cambridge: Cambridge University Press.
- Rozzo, Ugo. 1995. Erasmo espurgato e i Dialoghi piacevoli di Niccolò Franco. In *Erasmus, Venezia e la cultura padovana del '500*, 191–208. Rovigo: Minelliana.
- Russo, Elena. 2007. *Styles of enlightenment. Taste, politics, and authorship in eighteenth-century France*. Baltimore: The Johns Hopkins University Press.
- Sabato, Milena. 2007. *Poteri censori. Disciplina e circolazione libraria nel Regno di Napoli fra '700 e '800*. Galatina: Congedo.
- Santchi, Catherine. 1987. *La censure à Genève au XVIIIe siècle*. Genève: Tribune Editions.
- Sauter, Michael J. 2009. *Visions of the enlightenment. The edict on religion of 1788 and political reaction*. Leiden: Brill.
- Sauvy, Anne. 1972. *Livres saisis à Paris entre 1678 et 1701*. D'après une étude préliminaire de Motoko Ninomiya. La Haye: Nijhoff.
- Saxonhouse, Arlene. 2006. *Free speech and democracy in ancient Athens*. Cambridge: Cambridge University Press.
- Schauer, Frederick. 1998. The ontology of censorship. In *Censorship and silencing: Practices of cultural regulation*, ed. Robert Post, 147–168. Los Angeles: Getty Research Institute for the History of Art and the Humanities.
- Schneider, Franz. 1966. *Pressefreiheit und politische Öffentlichkeit. Studien zur politischen Geschichte Deutschlands bis 1848*. Neuwied: Luchterhand.

- Schneider, Robert A. 2003. Self-censorship and men of letters: Tocqueville's critique of the enlightenment in historical perspective. In *Tocqueville and beyond: Essays on the old regime in honor of David D. Bien*, ed. Robert M. Schwartz and Robert A. Schneider, 192–225. Newark: University of Delaware Press.
- Schorske, Carl E. 1980. *Fin-de-siècle Vienna. Politics and culture*. New York: Knopf.
- Schwab, Richard. 1971. Inventory of Diderot's *Encyclopédie* 1. *SVEC* 80.
- Sciuti Russi, Vittorio. 2009. *Inquisizione spagnola e riformismo borbonico tra Sette e Ottocento. Il dibattito europeo sulla soppressione del 'terribile monstre'*. Firenze: Olschki.
- Seidel Menchi, Silvana. 1988. *Erasmus in Italia 1520–1580*. Torino: Bollati-Boringhieri.
- Serna, Pierre. 1997. The Noble. In *Enlightenment Portraits*, ed. Michel Vovelle and Trans. Lydia Cochrane, 30–84. Chicago: The University of Chicago Press.
- Sgard, Jean. 2008. Louis-Félix Guynement de Keralio traducteur, académicien, journaliste, intermédiaire. *Dix-Huitième Siècle* 40: 43–52.
- Shackleton, Robert. 1961. *Montesquieu. A critical biography*. Oxford: Oxford University Press.
- Shackleton, Robert. 1976. Un événement de l'histoire de la Librairie française: la publication de "L'Esprit des lois". In *Cahier n. 5 du Centre des recherches sur les idéologies, les mentalités et la civilisation au siècle des Lumières*. Dijon: Université de Dijon.
- Shackleton, Robert. 1988. Censure and censorship: Impediments to free publication in the age of enlightenment. In *Essays on Montesquieu and on the enlightenment*, ed. David Gilson and Martin Smith, 405–420. Oxford: Voltaire Foundation.
- Shank, John Bennett. 2008. *The Newton wars and the beginning of the French enlightenment*. Chicago: University of Chicago Press.
- Shapin, Steven. 1981. Of gods and kings: Natural philosophy and politics in the Leibniz-Clarke disputes. *Isis* 72: 187–215.
- Shapiro, Gilbert, and John Markoff. 1998. *Revolutionary demands. A content analysis of the Cahiers de doléances of 1789*, With contributions by Timothy Tackett and Philip Sawson. Foreword by Charles Tilly. Stanford: Stanford University Press.
- Shaw, Edward P. 1966. *Problems and Policies of Malesherbes as Directeur de la Librairie in France 1750–1763*. Albany: SUNY Press.
- Shawcross, John. 2007. Milton's influence in the French revolution. In *Milton, rights and liberties*, ed. Christophe Tournu and Neil Forsyth, 414–455. Bern: Peter Lang.
- Shelford, April. 1006. Of scepters and censors: Biblical interpretation and censorship in seventeenth-century France. *French History* 20: 161–181.
- Sheriff, Mary D. 2008. *Moved by love. Inspired artists and deviant women in eighteenth-century France*. Chicago: Chicago University Press.
- Shovlin, John. 2009. Rethinking enlightened reform in a French context. In *Enlightened reform in Southern Europe and its Atlantic Colonies, c. 1750–1830*, ed. Gabriel Paquette, 47–62. Farnham: Ashgate.
- Siebert, Frederick Seaton. 1965. *Freedom of the press in England, 1476–1776: The rise and decline of government control*. Urbana: University of Illinois Press.
- Siebert, Frederick Seaton, Theodore Peterson, and Wilbur Schramm. 1956. *Four theories of the press: The authoritarian, libertarian, social responsibility, and Soviet communist concepts of what the press should be and do*. Urbana: University of Illinois.
- Sirluck, Ernst. 1960. Areopagitica and a forgotten controversy. *The Review of English Studies* 43: 260–274.
- Skinner, Quentin. 1996. *Reason and rhetoric in the philosophy of Hobbes*. Cambridge: Cambridge University Press.
- Skunke, Marie Christine. 2011. Freedom of the press and social equality in Sweden, 1766–1772. In *Scandinavia in the age of revolution: Nordic political cultures, 1740–1820*, ed. Pasi Ihalainen, 133–143. Farnham: Ashgate.
- Smith, David. 1965. *Helvétius: A study in persecution*. Oxford: Clarendon.
- Smith, Jay. 2005. *Nobility reimagined. The patriotic nation in eighteenth-century France*. Ithaca: Cornell University Press.

- Soman, Alfred. 1976. Press, pulpit, and censorship in France before Richelieu. *Proceedings of the American Philosophical Society* 120: 439–463.
- Sonenscher, Michael. 1989. *Work and wages. Natural law, politics and the eighteenth-century French trades*. Cambridge: Cambridge University Press.
- Speck, William A. 1977. *Stability and strife. England, 1714–1760*. Cambridge: Harvard University Press.
- Stango, Cristina (ed.). 2001. *Censura ecclesiastica e cultura politica in Italia tra Cinque e Seicento*. Firenze: Olschki.
- Stewart, John B. 1992. *Opinion and reform in Hume's political philosophy*. Princeton: Princeton University Press.
- Stöber, Rudolf. 2012. “der Nutzen des gemeinen bestens”. Pressefreiheit und Zensur im Diskurs der Nützlichkeit. In *Friedrich der Grosse in Europa. Geschichte einer wechselvollen Beziehung*, vol. 1, ed. Bernd Sösemann and Gregor Vogt-Spira, 196–208. Stuttgart: Franz Steiner Verlag.
- Stone, Biley. 1994. *The genesis of the French revolution. A global interpretation*. Cambridge: Cambridge University Press.
- Stoner, James. 2003. *Common law liberty: Rethinking American constitutionalism*. Lawrence: University of Kansas Press.
- Strauss, Leo. 1941. Persecution and the art of writing. *Social Research* 8: 488–504.
- Strauss, Leo. 1980. *Persecution and the art of writing*. Chicago: University of Chicago Press.
- Szábo, Franz A.J. 1994. *Kaunitz and enlightened absolutism 1753–1780*. Cambridge: Cambridge University Press.
- Tarchetti, Alceste. 1987. Paolo Frisi, “designato alla revisione dei libri fisici, matematici e giuridici” ovvero il censore censurato. In *Ideologia e scienza nell'opera di Paolo Frisi (1728–1784)*, vol. 2, ed. Gennaro Barbarisi, 95–121. Milano: FrancoAngeli.
- Tarzia, Fabio. 2000. *Libri e rivoluzioni. Figure e mentalità nella Roma di fine ancien régime (1770–1800)*. Milano: FrancoAngeli.
- Terrall, Mary. 2002. *The man who flattened the Earth. Maupertuis and the sciences in the enlightenment*. Chicago/London: The University of Chicago Press.
- Thomson, Ann. 1981. *Materialism and society in the mid-eighteenth century. La Mettrie's Discours Préliminaire*. Genève: Droz.
- Thomson, Ann. 2008. *Bodies of thought. Science, religion and the soul in the early enlightenment*. Oxford: Oxford University Press.
- Timpanaro Morelli, Maria Augusta. 1999. *Autori, stampatori, librai. Per una storia dell'editoria in Firenze nel secolo XVIII*. Firenze: Olschki.
- Tomaselli, Sylvana. 2006. The spirit of nations. In *The Cambridge history of eighteenth-century political thought*, ed. Mark Goldie and Robert Wokler, 9–39. Cambridge: Cambridge University Press.
- Torres Puga, Gabriel. 2010. *Opinión pública y censura en Nueva España. Indicios de un silencio imposible 1767–1794*. México, D.F.: El Colegio de México, Centro de Estudios Históricos.
- Tortarolo, Edoardo. 1997. Opinione pubblica. In *L'Illuminismo. Dizionario storico*, ed. Vincenzo Ferrone and Daniel Roche, 283–291. Rome/Bari: Laterza.
- Tortarolo, Edoardo. 2003. *La ragione interpretata. La mediazione culturale tra Italia e Germania nell'età dell'illuminismo*. Roma: Carocci.
- Tortarolo, Edoardo. 2007. Hatzfeld: le parcours d'un radical européen dans la première moitié du XVIIIème siècle. In *Qu'est-ce que les “Lumières radicales”? Libertinage, athéisme et spinozisme dans le tournant philosophique de l'âge classique*, sous la direction de Catherine Secrétan, Tristan Dragon, Laurent Bove, 131–150. Paris: Editions Amsterdam.
- Tortarolo, Edoardo. 2009. Accarias de Sérionne père et fils: théorie et pratique de La liberté de penser et d'écrire (1775). *La lettre clandestine* 17: 59–72.
- Tortarolo, Edoardo (ed.). 2011. *La censura nel secolo dei lumi. Una visione internazionale*. Torino: Utet.
- Tournu, Christophe. 2002. *Milton et Mirabeau. Rencontre révolutionnaire*. Paris: Edimaf.

- Trampus, Antonio. 2001. La traduzione settecentesca di testi politici: il caso della Scienza della legislazione di Gaetano Filangieri. *Rivista internazionale di tecnica della traduzione-International Journal of Translation* 6: 19–44.
- Trouille, Mary. 2010. *Wife-abuse in eighteenth-century France*. Oxford: Voltaire Foundation/University of Oxford.
- Trumbull, Randolph. 1998. *Sex and the gender revolution. Heterosexuality and the third gender in enlightenment London*. Chicago: Chicago University Press.
- Turnovsky, Geoffrey. 2003. The enlightenment literary market: Rousseau, authorship, and the book trade. *Eighteenth-Century Studies* 36: 387–410.
- Van Damme, Stéphane. 2005. *Paris, capital philosophique. De la Fronde à la Révolution*. Paris: Jacob.
- Van Den Abbeele, Georges. 1997. The persecution of writing: Revisiting Strauss and censorship. *Diacritics* 27: 2–17.
- Van Eijnatten, Joris. 2004. Between practice and principle. Dutch ideas on censorship and press freedom, 1579–1795. *Redescriptions. Yearbook of Political Thought, Conceptual History and Feminist Theory* 8: 85–113.
- Van Kley, Dale K. 1996. *The religious origins of the French Revolution. From Calvin to the civil constitution 1560–1791*. New Haven/London: Yale University Press.
- Velema, Wyger. 1993. *Enlightenment and conservatism in the Dutch Republic. The political thought of Elie Luzac (1721–1796)*. Assen/Maastricht: van Gorcum.
- Velema, Wyger. 2003. Introduction to Elie Luzac's an essay on freedom of expression (1749). In *Early French and German defenses of freedom of the press: Elie Luzac's essay on freedom of expression (1749) and Carl Friedrich Bahrdt's on freedom of the press and its limits (1787) in English translation*, ed. John Christian Laursen and Johan Van Der Zande. Leiden: Brill.
- Venturi, Franco. 1956. Une lettre du baron d'Holbach, publiée par F. SVEC 2: 285–287.
- Venturi, Franco. 1960. Galiani tra enciclopedisti e fisiocrati. *RSI* 72: 45–64.
- Venturi, Franco. 1963. *Le origini dell'Enciclopedia*. Torino: Einaudi.
- Venturi, Franco. 1969. *Settecento riformatore*. Torino: Einaudi.
- Venturi, Franco. 1971. *Utopia and reform*. Cambridge: Cambridge University Press.
- Venturi, Franco. 1976. *Settecento riformatore, II, La chiesa e la repubblica dentro i loro limiti*. Torino: Einaudi.
- Venturi, Franco. 1979. *Settecento riformatore, III, La prima crisi dell'Antico regime (1768–1776)*. Torino: Einaudi.
- Venturi, Franco. 1984. *Settecento riformatore, IV, La caduta dell'Antico regime (1776–1789). I. I grandi stati dell'Occidente*. Torino: Einaudi.
- Volpilhac, Catherine. 1991. *Un auteur en quête d'éditeurs?: histoire éditoriale de l'œuvre de Montesquieu (1748–1964)*. Avec la collaboration de Gabriel Sabbagh et Françoise Weil. Lyon: ENS éditions – Institut d'histoire du livre.
- Volpilhac, Catherine. 1994. Double lecture, double écriture: les Principes de politique des souverains de Diderot. *Recherches sur Diderot et sur l'Encyclopédie* 17: 69–81.
- Waldron, Jeremy. 2002. *God, Locke, and equality. Christian foundations in Locke's political thought*. Cambridge: Cambridge University Press.
- Walker, Robin B. 1974. The newspaper press in the reign of William III. *HJ* 17: 691–709.
- Walton, Charles. 2006. La liberté de la presse dans les cahiers de doléances de 1789. *Revue d'histoire moderne et contemporaine* 53: 63–78.
- Walton, Charles. 2009. *Policing public opinion in the French Revolution. The culture of calumny and the problem of free speech*. New York: Oxford University Press.
- Wangermann, Ernst. 2004. *Die Waffen der Publizität. Zum Funktionswandel der politischen Literatur unter Joseph II*. Oldenbourg/Wien/München: Verlag für Geschichte und Politik.
- Waquet, Françoise. 1998. *Le latin ou l'empire d'un signe*. Paris: Albin Michel.
- Weber, Max. 2011. *The Protestant Ethic and the Spirit of Capitalism*. The Revised 1920 Edition. Translated and Introduced by Stephen Kalberg. Oxford: Oxford University Press.

- Weil, Françoise. 1987. L'*Encyclopédie* devant la censure. In *Encyclopédisme. Actes du colloque de Caen, 12–16 janvier 1987*, Sous la direction de Annie Blecq, 413–419. Caen: Éditions aux Amateurs de Livres.
- Weil, Françoise. 1999. *Livres interdits, livres persécutés 1720–1770*. Oxford: Voltaire Foundation.
- Werner, Thomas. 2007. *Den Irrtum liquidieren. Bücherverbrennungen im Mittelalter*. Göttingen: Vandenhoeck & Ruprecht.
- Whatmore, Richard. 2012. *Against war and empire. Geneva, Britain, and France in the eighteenth century*. New Haven: Yale University Press.
- Witcombe, Christopher L.C.F. 2004. *Copyright in the Renaissance prints and the privilegio in sixteenth-century Venice and Rome*. Leiden: Brill.
- Wolf, Hubert. 2004. Zensur-Medienpolitik-Index. Buchreligion und Bücherverbote. In *Normieren, Tradieren, Inszenieren. Das Christentum als Buchreligion*, ed. Andreas Holzem, 301–324. Darmstadt: Böhlau.
- Wolf, Hubert. 2006. *Index. Der Vatikan und die verbotenen Bücher*. München: Beck.
- Wolf, Norbert Christian. 2007. Zensur im Wiener literarischen Feld. In *Zensur im Jahrhundert der Aufklärung. Geschichte-Theorie-Praxis*, ed. Wilhelm Haefs and York-Gothart Mix. Göttingen: Wallstein.
- Woloch, Isser. 2001. *Napoleon and his collaborators. The making of a dictatorship*. New York/London: Norton.
- Woodbridge, John D. 1976. Censure royale et censure épiscopale: le conflit de 1702. *Dix-huitième siècle* 8: 333–355.
- Woolf, Daniel. 2003. *The social circulation of the past. English historical culture 1500–1730*. Oxford: Oxford University Press.
- Wootton, David. 1994. Introduction. In *Republicanism, liberty and commercial society 1649–1776*, ed. David Wootton, 1–41. Stanford: Stanford University Press.
- Wootton, David. 2000. Helvétius: From radical enlightenment to revolution. *Political Theory* 28: 467–496.
- Wootton, David. 2002. *Paolo Sarpi. Between Renaissance and Enlightenment*. Cambridge: Cambridge University.
- Worden, Blair. 1994. Republicanism and restoration, 1660–1683. In *Republicanism, liberty and commercial society 1649–1776*, ed. David Wootton, 139–193. Stanford: Stanford University Press.
- Worrall, David. 2006. *Theatric revolution. Drama, censorship and romantic period subcultures 1773–1832*. Oxford: Oxford University Press.
- Wortham, Simon. 2002. Censorship and the institution of knowledge in Bacon's New Atlantis. In *Francis Bacon's The New Atlantis: New interdisciplinary essays*, ed. Bronwen Price, 180–198. Manchester: Manchester University Press.
- Zaret, David. 2000. *Origins of democratic culture. Printing, petitions, and the public sphere in early-modern England*. Princeton: Princeton University Press.
- Zedelmaier, Helmut. 2003. Karriere eines Buches. Polydorus Vergilius De inventoribus rerum. In *Sammeln, Ordnen, Veranschaulichen. Wissenskompilatorik in der Frühen Neuzeit*, ed. Frank Büttner, Markus Friedrich, and Helmut Zedelmaier, 175–203. Münster: LIT.
- Zemon Davis, Natalie. 1975. *Society and culture in early modern France*. Stanford: Stanford University Press.
- Zwicker, Steven. 1996. *Lines of authority. Politics and English literary culture, 1649–1689*. Ithaca/London: Cornell University Press.

Index

A

Absolutism, 73, 112, 117, 136, 142, 146, 154, 157
Accarias de Serionne, Jacques, 115, 129, 132
Accarias de Serionne, Jean-Jacques, 129, 130
Adanson, Michel, 109
Addison, Joseph, 31
Aguesseau, Henri-François d', 67, 86–87
Alembert, Jean Le Rond d', 109
Alexander VI, Pope, 7
Algarotti, Francesco, 87
Althusius, Johannes, xx
American Revolution, 116
Amidei, Cosimo, 141
Anne, Queen of England, 38, 39
Anquetil du Perron Abraham-Hyacinthe, 120
Antoniano, Silvio, 13
Argenson, Marc-Pierre de Voyer de Paulmy d', 68, 70
Asgill, John, 32
Atheism, 20, 61, 62, 126, 131
Aubert, Giuseppe, 137
Aubusson, Pierre Armand d', 107
Austria, 143

B

Bachaumont, Louis Petit, 111
Bacon, Francis, 1, 16
Bahrdt, Carl Friedrich, 152
Barrillot, Jacques, 67
Barnadiston, Samuel, 46
Baudeau, Nicolas, 115
Baudoin, Jean, 62
Baudouin, Pierre-Antoine, 79

Bayle, Pierre, 19, 20, 62, 71
Beaumarchais, Pierre-Augustin Caron de, 108, 133
Beausobre, Louis de, 147, 148
Beccaria, Cesare, 138
Benedict XIV, Pope, 137
Bergier, Claude-François, 51
Bernard, Jean-Pierre, 143
Besongne, Jacques-Jean-Louis-Guillaume, 165
Biester, Johann Erich, 158
Bignon, Jean-Paul, 57–60
Blackstone, William, 42, 43
Blanchard, de la Valette, 66
Blount, Charles, 24, 35
Boccage, Marie-Anne de, 60
Bodin, Jean, xx
Bohun, Edmund, 23, 24
Boileau-Despréaux, Nicolas, 58, 59
Bossuet, Jacques-Bénigne, 56, 57
Boswell, James, 48
Boucher, François, 79
Boufflers, Marie-Charlotte de, 46
Bourdilot, Pierre, 58
Boyer, Jean-François de Mirepoix, 69
Brissot, Jacques-Pierre, 120, 132
Buffon, Georges-Louis Leclerc de, 68, 84
Burnet, Gilbert, 38

C

Camus, Armand-Gaston, 123–125
Canisius, Petrus, 9
Capperronnier, Jean, 106
Carmer, Johann Heinrich von, 152

Caxton, William, 37
 Centlivre, Susanna, 33
 Chambon, Auguste, 115
 Charles I, King of England, 38
 Charles II, King of England, 60
 Charles III, King of Spain, 10
 Charron, Pierre, 20
 Chénier, Marie-Joseph, 166
 Chesterfield, Philip Dormer Stanhope Lord, 123
 Cheviller, André, 56
 Chevrier, François Antoine, 129
 China, xxii–xxv
 Christian VII, King of Denmark and Norway, 47
 Clavière, Etienne, 120, 133
 Clement XIV, Pope, 139
 Cocquaire brothers, 57
 Coke, Edward, 16
 Colbert, Jean-Baptiste, 112, 129
 Collins, Anthony, 36
 Concini, Bartolomeo, 12
 Condillac, Etienne Bonnot de, 63, 80, 147
 Condorcet, Jean-Antoine Caritat de, 114, 122
 Constitution, 52, 69, 73, 102–105, 112, 117–119
 Contract, social, 131
 Copernicus, 14
 Copyright, 18, 95, 110
 Coqueley de Chaussepierre, Charles-Georges, 80
 Counter-reformation, 8–10
 Couplet, Philippe, xxii
 Coyer, Gabriel-François, 136
 Criticism, 14, 56, 68, 70, 72, 96, 99, 103, 109, 110, 122
 Cromwell, Oliver, 21
 Crusius, Siegfried Lebrecht, 158

D

D'Argens, Jean-Baptiste de Boyer, 64
 D'Auberteuil, Michel-René Hilliard, 116
 D'Héméry, Joseph, 108
 D'Hermilly, Nicolas-Gabriel Vaquette, 109
 Dacier, André, 59
 Damiens, Robert-François, 71
 De Guigne (also Desguignes), Joseph, 125
 De Lolme, Jean-Louis, 40, 42, 48, 165
 De Sancy, 127, 128
 Defoe, Daniel, 25
 Delacroix, Jacques-Vincent, 106
 Delafaye, Charles, 27
 Delisle de Sales, Jean-Baptiste-Claude, 126
 Democracy, 44, 91

Denmark, 25
 Denton, William, 42
 Des Maizeaux, Pierre, 29, 54
 Deschamps, Dom (Léger-Marie Deschamps), 80–81, 84
 Despotism, 51, 67, 74–76, 85, 98, 118, 132, 148, 158, 164
 D'Holbach, Paul-Henri Thiry, 73, 76–79, 84, 131, 137, 149
 Dickinson, John, 116
 Diderot, Denis, 101, 109, 117, 157
 Dohm, Christian Wilhelm von, 31
 Du Pont de Nemours, Pierre-Samuel, 106
 Du Resnel du Bellay, Jean-François, 60–63
 DuBose, Hampden Coit, xxiii
 Duclos, Charles Pineau, 90

E

Edward VI, King of England, 37
 Edwards, David, 30
 Elizabeth I, Queen of England, 11
 Enlightenment, 51–98, 100, 115, 116, 130, 148, 151, 152, 164
 Eon, chevalier d' (Charles-Geneviève-Louis-Auguste-André-Timothée d'Eon de Beaumont), 184
 Epicurus, 20
 Erasmus of Rotterdam, 7, 9
 Estève, Pierre, 102, 142
 Euripides, 17
 Expurgation, 9, 12, 38, 89–90

F

Feder, Johan Georg Heinrich, 151
 Ferri, Giovanni Lorenzo de Saint-Constant, 125
 Fielding, Henry, 39
 Filangieri, Gaetano, 125
 Filleau des Billettes, Gilles, 58
 Fontenelle, Bernard, 58
 Forbonnais, François Veron de, 102–105, 117
 Fouchet, Paul, 101
 France, 15, 52–91, 99, 100, 103–105, 107, 117, 120, 123, 129–132, 165, 166
 Franci, Sebastiano, 140
 Franco, Niccolò (Pasquino), 127, 128
 Fraser, James, 24
 Frederick II, King of Prussia, 64, 79
 Frederick William II, King of Prussia, 146, 153, 154, 164
 French Revolution, 121, 153, 156
 Frisi, Paolo, 77, 141

G

Gaillard, Gabriel-Henri, 70
 Galiani, Ferdinando, 77, 81
 Galli, Tolomeo, 9
 Gallois, Gauvain, 125
 Gardanne, Joseph-Jacques, 108, 109
 Garnier, Jean-Jacques, 70
 Gauden, John, 18
 Gazettes, 4, 14, 80, 89, 101
 Giannone, Pietro, 138
 Gibbon, Edward, 47
 Goujet, Claude-Pierre, 60
 Graham, William, 107
 Gramont, Philibert de, 60
 Grimm Friedrich Melchior, 108
 Guicciardini, Francesco, 12
 Gustav II, King of Sweden, 158

H

Hamilton, Anthony, 38, 60
 Harrington, James, 22
 Hatzfeld, Johann Conrad Franz von, 155
 Helvétius, Claude-Adrien, 74–76
 Hemsterhuis, François, 84
 Henry IV, King of France, 64
 Hermes, Hermann Daniel, 154
 Hertzberg, Ewald von, 152, 157
 Hobbes, Thomas, 1–6, 16, 131
 Holland. *See* United Provinces
 Holt, John, 30
 Holy Roman Empire, 9, 11, 144
 Houard, David, 125, 126
 Huet, Pierre-Daniel, 56
 Hume, David, 43, 44, 46, 72

I

Individualism, 48, 88
 Innocent VIII, Pope, 7
 Italy, 10, 12, 136, 137, 142

J

James, Fraser, 30
 James II, King of England, 21, 23, 24
 Japan, xxi, xxiii, xxiv–xxv
 Jaucourt, Louis de, 69
 Jelles, Jarig, 5
 Johnson, Ben, 150, 153
 Johnson, Samuel, 48
 Joseph II, Emperor of Austria, 142–144, 149
 Justi, Johann Heinrich Gottlob von,
 144, 148

K

Kangxi, Emperor of China, xxii
 Kant, Immanuel, 154
 Kaunitz, Wenzel Anton von, 139
 Keralio, Louis-Félix Guynement de, 166
 Killigrew, Charles, 33
 Klein, Ernst Ferdinand, 36

L

La Mettrie, Julien Offroy de, 155
 La Peyrère, Isaac, 56
 La Reynie, Gabriel Nicolas de, 16
 La Reynière, Alexandre Balthazar Laurent
 Grimod de, 124
 Lagrange de Chessieux, Gilbert-Arnaud-
 François-Simon de, 123
 Lanchamp, Jean-Baptiste-Xavier, 126
 Laveaux, Jean-Charles-Thibault de, 153
 Le Breton, André, 70, 71
 Le Chevalier, abbé, 125
 Le Clerc, Jean, 20, 59
 Le Roy, Charles-Georges, 78
 L'Estrange, Roger, 23
 Le Trosne, Guillaume François, 112
 Lenoir, Jean-Charles-Pierre, 122
 Leo X, Pope, 7
 Leon di Modena, 10
 Lessing, Gotthold Ephraim, 148
 Leti, Gregorio, 19
 Lilburne, John, 16
 Limborch, Philippus van, 28
 Lind, John, 117
 Linguet, Simon-Nicolas-Henri, 119, 121, 122
 Locke, John, 84
 Longo, Alfonso, 140, 141
 Louis XIV, King of France, 15, 56, 57, 132
 Louis XV, King of France, 106
 Luzac, Elie, 155
 Luzac, Jean, 156

M

Mably, Gabriel Bonnot de, 112
 Machiavelli, Nicolò, 12, 61
 Malesherbes, Chrétien-Guillaume de
 Lamoignon de, 99–106, 108, 110,
 112, 117, 121, 165
 Mallet du Pan, Jacques, 165
 Mallet, Edme-François, 71
 Manesse, Louis-Charles, 125
 Marconnay, Louis-Olivier de, 151
 Maria Theresa, Empress of Austria, 129
 Marin, François, 108

- Marmontel, Jean-François, 155
 Marten, John, 32
 Mary, Queen of England, 11, 23, 24, 31
 Maupéou, René-Nicolas-Charles-Augustin de, 106, 107
 Maupertuis, Pierre-Louis Moreau de, 69
 Maurepas, Jean-Frédéric Phélypeaux de, 68
 Maynon d'Innav, Etienne, 81
 Mejer, Lodewijk, 5
 Melon, Jean-François, 102
 Menocchio (Tommaso Scandella), 11
 Mercier, Louis-Sébastien, 98
 Middleton, Conyers, 37
 Milton, John, 17, 18, 22
 Minto, Elliot Gilbert, 46
 Mirabeau, Honoré-Gabriel Riquetti de, 118, 164
 Mirabeau, Jean-Baptiste, 131
 Mirabeau, Victor Riquetti de, 118
 Molesworth, Robert, 25
 Montesquieu, Charles-Louis de Secondat de, 137
 Moore, Thomas, 30
 Moreau, Jacob-Nicolas, 106
 Morellet, André, 69, 81–82, 113, 114, 119–122
 Morgan, Edward, 30
 Morgues, Mathieu de, 57
 Moser, Johann Jakob, 151
 Mouffle, Barthélemy-François d'Angerville, 149
- N**
- Naudé, Gabriel, 19
 Necker, Jacques, 112–115, 118
 Newspapers, 146, 153
 Newton, Isaac, 86
 Nicolai, Friedrich, 148
 Nivernais, Louis-Jules Barbon-Mancini-Mazarini de, 68
 Noailles, Louis-Antoine de, 53
 North, Frederick (Lord North), 46
- O**
- O'Hegerty, Pierre-André de Magnières, 114
- P**
- Palissot, de Montenoy Charles, 81
 Panckoucke, Charles-Joseph, 81
 Paolo, Sarpi, 27
 Parrhesia, 16
 Paul III, Pope, 7
 Pelli, Bencivenni Giuseppe, 139
 Pepys, Samuel, 22
 Perdriau, Jean, 93
 Perna, Pietro, 12
 Perotti, Niccolo, 7
 Petit, Emilien, 117, 118
 Philip II, King of Spain, 10, 19
 Physiocracy, 112, 122
 Picquet, Christophe, 89
 Pilati, Carlo Antonio, 141
 Piqué, Jean-Pierre, 90
 Pirot, Esmé, 56
 Pliny the Elder, 7
 Pompadour, Jeanne-Antoinette madame de, 100
 Pontchartrain, Louis II Phélypeaux de, 57–59, 99
 Pope, Alexander, 61
 Poplar, Dan, 25
 Pornography, 22, 52, 76–77, 79, 149
 Porter, James, 51
 Portugal, 121
 Pouillard de Neville, 125, 126
 Prélôt, Philippe de, 109
 Priestley, Joseph, 107
 Printers, 52–55, 57, 60, 61, 63, 64, 70, 82, 100, 108–110, 120, 150, 154
 Privileges, 155
 Progress, 47, 74, 77, 82, 85, 90, 95–98, 110–112, 120–122, 128–133
 Prussia, 64, 79, 90
 Psychoanalysis, xv
 Public opinion, 15, 35, 42, 72, 75, 85, 86, 90, 93, 95, 97–98, 103, 107, 120, 139, 150, 156, 158, 159, 162, 163
 Public sphere, 14–16, 20, 60, 64, 77, 94, 114, 143, 148, 149, 152, 153
 Pufendorf, Samuel, 18
- Q**
- Qianlong, Emperor of China, xxii
 Quesnel, Pasquier, 57
- R**
- Radical enlightenment, 157
 Raynal, Guillaume-Thomas, 117, 157
 Reformation, 86
 Regicide, 71
 Renaudot, Théophraste, 15
 Repression, 52, 53, 55, 56, 58, 60, 62, 63, 77, 84, 88, 96–97, 105, 122, 126, 166

Republic of Letters, 59, 60, 68, 70, 131
 Rétif de la Bretonne, Nicolas-Edme, 124
 Revolution, 58, 68–69, 86, 99, 167
 Rey, Marc-Michel, 76, 88
 Ricci, Matteo, xxiv
 Richelieu, Armand-Jean du Plessis de, 15
 Right, natural, 85–86, 95–98
 Rougemont, Martine de, 80
 Rousseau, Jean-Jacques, 70, 75, 78, 87–94
 Rousseau, Pierre, 100, 101, 133
 Rulhière, Claude-Carloman de, 159

S

Saineville, Jean-Baptiste Cadet de,
 111–122, 124, 125
 Sainte-Palaye, Jean-Baptiste de
 la Curne de, 125
 Sarpi, Paolo, 14
 Sartine, Antoine Raymond Jean Gualbert
 Gabriel de, 77–78, 80–82, 94, 107, 109
 Satire, 58, 64, 66, 78, 104, 128
 Saugrain, Claude-Marin, 63
 Schiller, Friedrich, 157
 Serva, Joseph-Michel-Antoine, 74
 Shaftesbury, Anthony Ashley Cooper, 37
 Shaw, George Bernard, 100
 Sidney, Algernon, 24, 46
 Silvestre, Pierre, 19
 Simon, Richard, 56
 Smith, Adam, 47, 72, 121, 135
 Spinoza, Baruch, 5, 87, 131
 Steel, Richard, 36
 Stoupe, Jean-Baptiste, 38
 Strahan, William, 46
 Struensee, Johann Friedrich, 86
 Suard, Jean-Baptiste-Antoine, 77
 Sulzer, Johan Georg, 147
 Swift, Jonathan, 31, 32, 43
 Sydney, Sir Philip, 18

T

Tamponnet, 69
 Teller, Wilhelm Abraham, 147, 150
 Tencin, Pierre-Paul Guérin de, 100
 Tenison, Thomas, 31
 Tercier, Jean-Pierre, 70, 72, 78
 Terray, Joseph-Marie, 81

Thucydides, xii, 3
 Tindal, Matthew, 35, 84
 Toland, John, 34, 84
 Toleration, 54, 70, 71, 104, 116, 121, 136
 Townsend, Charles, 38
 Trenck, Friedrich von der, 124
 Trublet, Nicolas-Charles-Joseph, 78
 Trudaine de Montigny, Jean-Charles-Philibert,
 81–82, 118
 Turgot, Anne-Robert-Jacques, 45
 Twyn, John, 23

U

Uhden, Johann Christian, 149, 152
 United Provinces, 53, 64, 67, 84, 125, 155

V

Valier, Agostino, 10
 Valla, Lorenzo, 7
 Van Swieten, Gerard, 141
 Vergennes, Charles Gravier de, 116, 117
 Vernet, Jacob, 67
 Verri, Alessandro, 137
 Verri, Pietro, 137, 139, 140, 142
 Vertot, René-Aubert de, 59
 Volland, Sophie, 81
 Voltaire (François-Marie Arouet), 137

W

Walpole, Robert, 38
 Weiss, Franz Rudolph, 119
 Wilkes, John, 45, 48
 William of Orange Nassau, King of England,
 23, 24, 30
 Witt, Jan de, 5
 Wolff, Christian, 19
 Wöllner, Johann Christoph von, 157
 Woolston, Thomas, 36

X

Xu, Guangqi, xxii

Y

Yongzheng, Emperor of China, xxii