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Royal Book Censorship on the Eve of Revolution (May-December 1788)

Pour Daniel Roche

On 3 May 1788, the veteran royal censor Jean-Baptiste-Claude Cadet de Saineville affixed his signature to his evaluation of a book-length manuscript by Charles-François Bouche, barrister in the Parlement of Aix and future member of the Estates-General.¹ The manuscript, titled *Droit public du Comté-État de Provence sur la contribution aux impositions*, asserted that by consenting at last to be taxed on their landed property, privileged nobles and churchmen in Provence might assist the monarchy in emerging from fiscal crisis.² According to Cadet de Saineville, Bouche was appealing to historical precedent and natural law to demonstrate that the three Orders of society should contribute proportionally to the fiscal survival of the French state. Cadet de Saineville warned that Bouche's program was, at the least, bound to inspire controversy, and most likely,

les gens puissans qu'il attaque pourront regarder cet ouvrage comme un Cry de Guerre.

Cadet de Saineville had experienced difficulty deciding on an appropriate recommendation for Bouche's manuscript. On 3 May, and in the weeks to follow, *cris de guerre* did indeed erupt throughout France, though they had more to do with conflicting opinions over the sources of political authority than with tax-paying responsibilities. Asserting their independence, Sovereign courts had denounced what they considered the despotism of the royal ministry, and the government responded with the suppression of parlements themselves, police arrests, *lettres de cachet*, and even gunfire.³ Landed nobles and clergy joined the

¹ For Bouche, see Michaud, *Biographie universelle* (Paris, 1843), 5: 164-165.

² Bibl. nationale de France. Report of Cadet de Saineville. Fonds français 22015, f^o. 258 r^o. 3 May 1788.

³ *Archives parlementaires de 1787 à 1860: Recueil complet des débats législatives et politiques des chambres françaises*, ed. J. Mavidal (Paris: P. Dupont, 1862), I, p. 284. Discours du Roi, à la fin du Lit de justice, tenu à Versailles, le 8 mai 1788.

protests of dismissed magistrates. All Orders called for the convocation of an Estates-General. On 5 July, Louis XVI's principal minister, Controller-general Loménie de Brienne, archbishop of Toulouse, seemed to yield to popular anger. In the king's name he requested that savants and other educated persons throughout France submit written proposals for the form and agenda of an Estates-General, which had not met for the past 174 years.⁴

Bouche's *Droit public* presaged the avalanche of pamphlets and longer works released during the summer and autumn of 1788. However, Loménie de Brienne would invite memoranda and proposals addressed to the government, not to the public; so, for the time being, these writings were exempt from censorship.⁵ Many of them nevertheless circulated in printed form throughout the kingdom. Bouche's manuscript was book-length and not related to questions regarding the Estates-General. It therefore was sent to the *Direction de la Librairie* for censorial examination. Cadet de Saineville was given the task and summarized the manuscript thusly:

L'objet de Mr Bouche est de prouver que c'est à tort que le Clergé et ceux possédans fiefs en Provence se refusent à contribuer aux charges du Roy et du pays, proportionnellement à l'étendue et à la force de leurs possessions territoriales.

He composed brief outlines of each of Bouche's seven chapters. He "modified" sentences where Bouche was apparently carried away by patriotic zeal and theatrical expression. In treating chapters 4 and 5 on fiefs, the censor eliminated several passages altogether. Chief among them dealt with Bouche's claim that fiefs, originally emanating from the sovereign, still constituted part of the royal Domain; and therefore, the king could, if he so desired, reacquire them from present claimants of ownership. For his part, Cadet de Saineville called the reasoning behind such an action both false and dangerous.⁶

The censor feared that, despite modifications and excisions, Bouche's text might yet inflame passions among holders of tax exemptions in Provence, who considered their privileges to be legitimate property. To be sure, Cadet de Saineville suspected that the age of proprietary tax privilege was coming to an end, but the government was not yet prepared to admit it. How, then, the censor asked, might he treat Bouche's essay? Bouche had requested a royal *privilege* for it, in other words, the king's seal of approval.

⁴ *Recueil de documents relatifs à la convocation des États-généraux de 1789*, ed. Armand Brette (Paris, 1894), I, p. 21. Raymond Birn, "The Pamphlet Press and the Estates-General of 1789," in *Studies on Voltaire and the Eighteenth Century* 287 (1991), 59-69.

⁵ Later in the year, however, a royal censor was appointed to examine exclusively all works treating the upcoming Estates-General. See report of J. Poillin. BnF. 22014, f^o. 50 r^o. 29 December 1788.

⁶ Report of Cadet de Saineville. BnF. 22015, f^o. 259 r^o.

Cadet de Saineville considered it awkward to recommend this. He wrote to his superior, Keeper of the Seals Chrétien-François de Lamoignon de Basville:

Je ne crois pas pouvoir, comme Censeur, approuver purement et simplement, sans risquer de me compromettre un pareil ouvrage pour lequel on demande approbation et privilège.

The censor had several alternatives. He might simply reject the manuscript as unworthy of public discussion. But his superiors seemed unwilling to go that far. He might recommend a *permission tacite*. However, Cadet de Saineville believed that such toleration on the government's part represented veiled approval. He therefore opted for what he called an *approbation motivée*, acknowledgment

que le gouvernement n'avoit aucune part à l'ouvrage et n'en consentoit à l'impression que pour le livrer à la discussion publique.⁷

Cadet de Saineville maintained that he had occasionally recommended *approbations motivées* in place of royal *privilèges*. A work merited a *privilège* if it venerated the Catholic religion, showed proper respect toward the sovereign, upheld high moral standards, and injured no individuals. On the other hand, the *approbation motivée* signified that, while a work might not meet the standard established for a pure royal *privilège*, it still could be advertised and discussed in print and in public. Cadet de Saineville selected his words of approval carefully, placing the weight of a final decision upon his superior, the Keeper of the Seals. All that the censor could do, claimed Cadet de Saineville, was offer a recommendation:

...Si ses [Bouche's] idées sont présentées quelquefois avec chaleur, ses vües m'ont paru louables. Je n'ay rien trouvé dans ce Manuscrit qui m'ait paru pouvoir en empêcher l'impression.... J'attendray la Décision de Monseigneur pour delivrer à l'auteur copie de ce jugement.⁸

Lamoignon approved the censor's report. Bouche's *Droit public du Comté-État de la Provence sur la contribution aux impositions* was placed on sale in late spring 1788. Cadet de Saineville's approval, printed at the conclusion of the text, was less than enthusiastic. In fact, it was not even labelled an "APPROBATION" at all, but rather a mere "JUGEMENT DU CENSEUR". Cadet de Saineville wrote cryptically:

J'ignore s'il n'y a pas d'inconvénient à livrer à la discussion publique le système de l'Auteur sur des privilèges que le Clergé & ceux possédans Fiefs regardent

⁷ *Ibid.*, f^o. 260 r^o.

⁸ *Ibid.*, f^o. 259 r^o.

en Provence comme des propriétés auxquelles ils pensent qu'on ne peut donner atteinte.⁹

Encouraged by Loménie de Brienne's invitation of 5 July, Bouche next prepared *Supplémens divers pour servir de suite au Droit Public & à l'Histoire du Comté-État de la Provence*. Rather than print the *Supplémens* as a separate pamphlet, Bouche attached them to a second edition of the *Droit public*.¹⁰ Dealing with the question of representation in the Estates-General, Bouche favored doubling the size of the Third Estate from its form in 1614; and he supported a voting procedure by Head rather than by Order. The manuscript for the *Supplémens* was sent to historian censor Abbé Guyot for examination. Notwithstanding the fact that the reinstated Parlement of Paris was insisting upon the unrepresentative form and procedure of 1614, on 5 November Guyot recommended a royal *privilege* for Bouche's *Supplémens*. Guyot employed the standard formula of approval:

J'ai lu par ordre de Monseigneur le Garde des Sceaux, un Manuscrit, intitulé *Supplémens divers pour servir de suite au Droit Public & à l'Histoire du Comté-État de la Provence* par M. BOUCHÉ, & je crois qu'on en peut permettre l'impression.

Bouche's printer converted the *Supplémens* into chapters 8 through 11 of the second edition of the *Droit public*.

Bouche was fortunate. He successfully publicized two points that would lie at the heart of the liberal program of French revolutionaries—abolition of privileged tax exemptions and replacement of an unrepresentative political body. If he did not receive a ringing endorsement of his proposals from censors, he at least won their qualified approval. Censors Cadet de Saineville and Guyot sympathized, however reluctantly, with the reformist enthusiasms of 1788.

Another reform-minded barrister, A. Desgranges of the Parlement of Paris, was less fortunate than Bouche. Back in 1785, censor Armand-Gaston Camus had approved, in manuscript, Desgranges's *Essais sur le Droit et le Besoin d'être défendu sur toute accusation de crime, ou Essais sur la défense des accusés*. Camus noted that, in response to the régime's wish to court public opinion, much was being written about the need to revise Louis XIV's harsh criminal code of 1670:

Il paroît que le gouvernement, convaincu lui meme de la nécessité de faire des changemens dans cette partie importante de l'administration de la justice, donne la liberté de rendre public les projets dont differens auteurs tracent le plan, dans

⁹ Charles-François Bouché, *Droit public du Comté-État de la Provence, sur la contribution aux impositions: ouvrage utiles à toutes les provinces de la France* (Aix: Imprimerie de P.-J. Calmen, 1788) In-8°.

¹⁰ Bouche, *Droit public*... Seconde édition, revue, corrigée et augmentée (Aix: Imprimerie de P.-J. Calmen, 1788) In-8°.

l'esperance sans doute, que du choc des idées et de la contradiction que ces projets éprouvent, il naîtra la connoissance du meilleur plan possible et de legislation criminelle.¹¹

Camus added that most would-be reformers were proposing a complete overhaul of criminal justice legislation. For his part, however, the censor found Desgranges to be more circumspect, concentrating upon two modifications: guaranteed counsel for the accused and pre-trial communication of procedure to the accused and his counsel. Camus considered these reform proposals to be prudent. Although, he wrote,

l'ouvrage de Mr. Desgranges est écrit avec beaucoup d'interet, et même avec beaucoup de feu,

the author limited the need for changes to what was in the realm of the possible. Camus recommended publication of the *Essais*.¹²

At this point, however, the manuscript ran into difficulty. On 15 January 1785, three days following Camus's recommendation, an unknown party had the *Essais* eradicated from the register of permissions in the Book Trade office, at least until Guillaume-François-Louis Joly de Fleury, *procureur-général* of the Parlement of Paris, could review the matter. Such a procedure was irregular. Throughout the eighteenth century magistrates of the parlements had claimed certain censorship powers.¹³ Their post-publication condemnations were obstructionist, but pre-publication authority eluded them, remaining in the hands of the royal censors, *Directeur de la Librairie*, and Keeper of the Seals.¹⁴

When Joly de Fleury left unanswered the question of the propriety of Desgranges's *Essais*, the author proceeded to publish several hundred copies at his own expense.¹⁵ He justified this decision upon censor Camus's recommendation of 12 January, which he considered equivalent to a *permission tacite*. However, he was fearful of advertising the book or selling it openly through a bookdealer; and for the next 3½ years copies circulated semi-clandestinely. There matters stood until 1 May 1788, when King Louis XVI

¹¹ Report of Camus. BnF. Fonds français. 22014, f^o. 56 r^o. 14 January 1785.

¹² *Ibid.*, f^o. 57 r^o.

¹³ For coverage of post-publication censorship by parlements, see Barbara de Negroni, *Lectures inédites: le travail des censeurs au XVIII^e siècle* (Paris: Albin Michel, 1995).

¹⁴ For coverage of the activity of royal censors prior to 1763, see Catherine Blangonnet, *Recherche sur les censeurs royaux et leur place dans la société au temps de Malesherbes (1750-1763)* (Thesis, Paris: École nationale des Chartes, 1974-1975) and Raymond Birn, *La Censure royale des livres dans la France des Lumières* (Paris: Odile Jacob, 2007).

¹⁵ Desgranges, *Essais sur le droit et le besoin d'être défendu quand on est accusé et sur le rétablissement d'un conseil ou défenseur après le confrontation* (Paris: Savoye, 1785). In-12.

issued a royal declaration revising parts of the traditional criminal ordinance of 1670.¹⁶ Opposed by the parlements, the new regulations abolished the juridical principle of presumed pre-trial guilt, guaranteed counsel to the accused, and abandoned the form of torture known as *la question préalable*. Desgranges believed that the Declaration of 1 May affirmed what he had proposed in his *Essais*, and the government's revamping of the parlements a week later emboldened him. On 12 June, Desgranges addressed a letter to *Directeur de la Librairie* François-Claude Le Camus de Néville, writing:

Aujourd'hui, Monsieur, mon ouvrage déjà révetu de l'approbation de Mr. Camus censeur royal en date du 12 janvier 1785, est honoré d'une approbation bien plus autentique puis que la déclaration sur l'ord. criminelle du 1^{er} mai der en adopte les résultats.

Desgranges lamented the ill fortune he had endured, even as he claimed to have inspired the royal declaration on criminal justice. He added that the present Keeper of the Seals, Lamoignon de Basville, had thanked him warmly for a copy of the *Essais*,

qui devrait equivaloir à une permission tacite.

He asked Le Camus de Néville to grant him a genuine one.¹⁷ The *Directeur* forwarded Desgranges's request to a new royal censor, Lemerrier, who subsequently received his own letter from the audacious author. On this occasion Desgranges pleaded for a royal *privilege*. He asserted that only a *privilege* would guarantee the *Essais* widespread publicity in journals and periodicals and thus work at fulfilling the purpose of the royal Declaration of 1 May.¹⁸ But Lemerrier preferred to keep his distance from the matter, and hid behind a bureaucratic wall. "Ce n'est pas moi qui donne la permission", he wrote.¹⁹ Frustrated, Desgranges nevertheless proposed a second printing of his book. Far from sporting a *privilege*, it skirted the frontier of legality.

During the second half of 1788, reform of fiscal practice and revision of juridical procedure thus served as topics of inspiration for the quills of progressive barristers, while royal censors were left perplexed as to how they were to treat these proposals. After all, Loménie de Brienne's 5 July request for undiluted public input regarding the form to be taken by the anticipated Estates-General was a partial admission of press freedom.

¹⁶ http://ledroitcriminel.free.fr/la_sciences_criminelle/penalistes/introduction/declaration_louis16.htm. Déclaration du roi, faite à Versailles. 1 May 1788.

¹⁷ Letter from Desgranges to Le Camus de Néville. BnF. 22014, f^o. 59 r^o. 12 June 1788.

¹⁸ Letter from Desgranges to Lemerrier. BnF. 22014, f^o. 58 r^o. 14 June 1788.

¹⁹ Letter from Lemerrier to Desgranges. BnF. 22014, f^o. 59 r^o. Undated.

Nevertheless, official royal censorship had not entirely been abandoned. On 19 November 1787, for example, Louis XVI had issued the so-called Edict of Toleration, recognizing the civil existence of French Calvinists.²⁰ As the culmination of forty years of juridical, religious, and philosophic wrangling over discrimination against Protestants, the Edict was a fairly timid affair—far less encompassing than the articles on religious liberty in the various American constitutions or in Habsburg Emperor Joseph II's *Toleranzpatent*. The French decree failed to legitimize non-Catholic public worship; Calvinist ministers were enjoined from preaching or delivering certificates of marriage and burial; and members of their flock could not be admitted to the teaching profession or hold judicial or municipal office.

What the Edict of Toleration did accomplish for Protestants was to award them a civil existence without having to consult Catholic authorities. If they wished, a Calvinist couple might ask the *curé* for permission to marry them. Failing to win his consent or displaying an unwillingness to do so, they might have recourse to a royal judge. Children of the civil marriage were to be deemed legitimate. Arguments favoring the Edict of Toleration were pragmatic, theological, and juridical: (1) France's example of civil rights for minority Protestants was intended to influence reciprocity in countries where Protestantism was the majority religion; (2) Jesus never dismissed the civil marriage contract, and his only law on marriage was to ban polygamy and divorce; (3) French jurisprudence had the prince establish the validity of marriage, and the Church itself recognized marriages contracted without the presence of a priest (those of heretics prior to conversion, for example).

A printed essay, *Du mariage des Chrétiens; ou la nouvelle loi sur l'état civil des non Catholiques en France, justifié aux yeux de la religion et de la politique, par un avocat au Parlement de Paris*, had been meant to prepare the public for understanding the Edict of Toleration.²¹ Very likely the essay was published with the support of the government. However, it was not awarded a quick *privilège*. Assigned to royal censor Camus, who was tough-minded on religious matters, it endured a scrupulous and narrow reading. Camus approved it in a general sense; but he hesitated over details. For example, he was skeptical about the assertion of the legitimacy of mixed marriages and criticized a section where the author of *Du mariage des Chrétiens* treated harshly the role of priests

²⁰ Jourdan, Decrusy, Isambert, Taillandier, eds., *Recueil général des anciennes lois françaises, depuis l'an 420 jusqu'à la révolution de 1789* (Forborough: Gregg, 1964), 29: 472-482.

²¹ (Paris, 1788). In-12.

as administrators of marriage contracts. Camus also expressed particular dislike of being presented with an already published work:

C'est un des inconveniens de ce qu'on presente à la Censure des livres tout imprimés, de ne pas pouvoir faire changer des expressions qui, sans etre capables de decider la reprobation entiere de l'ouvrage, soit cependant peu mesurées.

Recommending *cartons* for paragraphs considered injurious to the clergy, Camus finally approved the bulk of *Du mariage des Chrétiens*: "Au surplus je pense que la permission de distribuer l'ouvrage peut etre accordée."²²

In 1788 royal censors still were blaming the intellectual icons of the Enlightenment for what they considered the debasement of French culture. For example, on 20 June, censor Le Chevalier examined a "philosophical" dictionary compiled by Jean Chas from d'Alembert's works, particularly his *Mélanges de Littérature, d'Histoire et de Philosophie*. Called the "Esprit, maximes et principes de d'Alembert", the collection, according to Le Chevalier, "n'a pas été faite avec assez de discernement, de goût et de circonspection." Le Chevalier poured faint praise upon d'Alembert:

Les œuvres de d'Alembert ne sont pas sans mérite, mais elles ne sont pas non plus sans défauts et même très graves à certains égards. . .

According to the censor, Chas should have selected texts more carefully, collecting those which could benefit young "Littérateurs" and omitting those which could harm the genuine principles of literature, morals, and philosophy. Because Chas did not entirely succeed in this endeavor, only a *permission tacite* would do.²³

When it came to examining the reformist vision of the philosophes, censors might betray confusion and even disagreement with one another. On 24 April 1788, for example, Alexis-Toussaint de Gaigne rejected a second edition of the marquis de Condorcet's *Réflexions sur l'esclavage des nègres*, originally published in 1781 under Condorcet's pseudonym "...M. Schwartz, Pasteur de Saint-Évangile à Bienne."²⁴ However, the potential embarrassment of refusing a new edition of a work already sporting a *permission tacite* and written by the perpetual secretary of Paris's Academy of Sciences, proved too great for the *Direction de la Librairie* to accept; and another censor, the hard-working Jean-Baptiste Artaud, was asked to give a second opinion. In his report dated 27 June, Artaud recognized the significance of Condorcet's book, "l'idée mère de tout ce qui a été fait et écrit depuis sur l'esclavage des nègres." The censor

²² Report of Camus. BnF. 22016, f°. 120 r°. 26 June 1788.

²³ Report of Le Chevalier. BnF. 22016, f°. 125r°. 20 June 1788.

²⁴ Neufchâtel: Chez la Société typographique, 1781. In-8°.

added that Condorcet/Schwartz advocated emancipation “avec une chaleur très philosophique”—that is, based upon moral grounds, rather than upon economic or political ones. Yet, also according to Artaud, authorities needed not worry that the *Réflexions* might create a groundswell for emancipation:

d'autant que les speculations d'un ecrivain quoiqu'eloquent qu'il soit, l'emportent rarement sur les speculations de l'interet personnel, qui milite jusqu'icy en faveur de l'esclavage des negres. . .

Artaud found that few beneficiaries of slavery would be convinced by Condorcet's arguments. As a matter of fact, Artaud noted that Condorcet himself had recognized the interests of the slaveholding sugar planters and proposed a gradual, not sudden, liberation of their chattel. Whenever the censor located ideas that were too rigorous or too shocking, Condorcet willingly modified them. Therefore, because of its moderation, the edition at hand should be tolerated, garnished with a *permission tacite*. Artaud predicted that the *colons*, who had cried over the first edition, would also cry over the second. In time, he wrote, emancipation will come, and the slave trade will end—though only when economically feasible.²⁵ De Gaigne's rejection of the *second* edition of Condorcet's *Réflexions sur l'esclavage des nègres* confirmed that a once-permitted and circulating work was not necessarily safe from future reproof. This was particularly true for “gossip” literature, piquant and unflattering “insider” observations of the Royal Court. By late August 1788 the French state was virtually bankrupt, and the time was hardly propitious for the republication, “corrigée et augmentée”, of a satirical *Galerie de l'ancienne cour, ou mémoires-anecdotes pour servir à l'histoire des règnes de Louis XIV et de Louis XV*, originally published two years earlier. Evaluating a fresh manuscript, censor Roux noted:

Comme certaines anecdotes peuvent être indifférentes dans un temps, et tirer à conséquence dans un autre, malgré la première permission tacite accordée, et la circulation paisible de l'ouvrage, j'ai exigé des correctifs et des suppressions, même dans la partie déjà publiée précédemment.²⁶

Roux noted that the *Galerie* was not a work of history, but rather contained the raw materials for one. Furthermore,

La franchise de l'auteur est extrême sur la vie privée des Rois, des princes, de toutes les personnes qui ont figuré sous les deux règnes précédents.

²⁵ Report of Artaud. BnF. 22016, f^o. 89 r^o. 27 June 1788.

²⁶ Report of Roux. BnF. 22014, f^o. 210 r^o. 29 August 1788.

Roux requested the suppression of newly added anecdotes that seemed bolder than those previously published. An expurgated second edition of the *Galerie de l'ancienne cour* appeared at the end of the year.²⁷

While one royal censor revealed ambivalence toward Condorcet's plea for the eventual abandonment of plantation slavery and another looked unfavorably upon the publication of Court gossip and rumor, certain subjects skirting the frontier of controversy might be endorsed with enthusiasm. Take, for example, the late-Enlightenment's approach toward the Ottoman-Islamic "other". In September 1788, royal censor Dudin examined Abbé Antoine de Cournand's French translation, in manuscript, of Giambattista Toderini's *Letteratura turchesca*. Paraphrasing Toderini, Dudin regretted Christendom's prejudices regarding Islam, particularly the widespread belief that the Law of the Prophet condemned the Ottoman Turks to a state of permanent ignorance. On the contrary, the censor wrote:

Aujourd'hui que chez nous mêmes les Lettres et la Philosophie ayant fait plus de progrès, nous sommes accoutumés à voir les choses sous un point de vüe plus vrai, nous commençons à rougir de ce préjugé, et à nous convaincre que les Turcs, ainsi que les autres Nations européennes, sont en état de cultiver avec succès les sciences et les lettres.

A longtime resident of Constantinople, Toderini was well-acquainted with Turkish savants, religious scholars, jurists, mathematicians, and physicists. He thought highly of them. Wishing to transmit knowledge to future generations, the Turks, he believed, had established and developed printing for their own purposes. Europeans would greatly profit from becoming aware of Ottoman scientific, mathematical, and literary gifts; and, according to censor Dudin, no one was more qualified to instruct them—without prejudice—than Abbé Toderini.²⁸

No sooner had Dudin displayed admiration for abbé Toderini's positive revelations of Ottoman civilization, than the censor confronted an equally challenging subject. This was Abbé Louis-Pierre Anquetil's manuscript, *Louis Quatorze, sa Cour et le Régent*. Anquetil had understood that he was taking on a highly controversial topic. He therefore liberally acknowledged both his sources and other historians. According to Dudin, he modestly called his history a "compilation". Such gratitude toward his predecessors lifted some interpretive

²⁷ *Galerie de l'ancienne cour, ou Mémoires anecdotes, pour servir à l'histoire de Louis XIV et Louis XV*, 2nd edition (1788-1789), 4 vol. In-12.

²⁸ Report of Dudin. BnF. 22015, f^o. 281 r^o. 8 September 1788. Abbé Giambattista Toderini, *De la littérature des Turcs*, tsl. from the Italian by abbé de Cournand (Paris: Poinçot, 1789), 3 vols. In-8^o.

responsibility from Anquetil's shoulders, and Dudin praised Anquetil for having painted a balanced portrait of Louis XIV:

Si, en qualité d'historien, on n'a pu s'empêcher de peindre les fautes de ce grand Prince, cette histoire est écrite avec tant d'impartialité qu'on est forcé d'admirer et de plandre ce Roi...

The censor interpreted Anquetil's manuscript as "... une histoire philosophique de Louis XIV," not because it was sown

de ces maximes hardies, trenchantes et libres que quelques faux beaux esprits modernes croient être de la philosophie; mais par la maniere vraie, judicieuse et bien sentie dont l'auteur peint son héros.

Recalling Anquetil's previous successes (*L'Esprit de la Ligue*, *L'Intrigue du Cabinet*, *La Vie de Villars*), Dudin enthusiastically recommended publication. The work appeared in 1789, in four volumes.²⁹

In November censor Perrin de Cayla was presented with a French translation, in manuscript, of Eobald Tozen's *Einleitung in Die Allgemeine und Besondere Europäische Staatskunde* (Bützow: Schwerin and Wismar, 1785, 3 vols. In-8°).³⁰ Former justice minister in the duchy of Mecklenburg, Tozen was a professor at Bützow University who, since the 1750s, had written about the European political scene, country by country, from a German Protestant perspective. An earlier work, *Der Gegenwärtige Zustand Von Europa: Worin Die Natürliche und Politische Beschaffenheit der Europäischen Reiche und Staaten Aus Bewärten Nachrichten Beschrieben Wird*, had been translated into English as *The Present State of Europe* in 1770; however, until 1788, Tozen's printed efforts had not yet extended to French translation.³¹

Perrin de Cayla appreciated Tozen's erudition in the 1788 manuscript, whose French title was *Introduction à la Connoissance des Etats en général et de ceux de l'Europe en particulier*. The censor found the work understandably uneven because of its length. Except for noting Tozen's observation that, notwithstanding her American misadventure, Great Britain still ruled the seas, the censor limited his remarks to the German's analysis of France. The manuscript had been sent originally to France's ministry of foreign affairs, where the existence of several questionable passages was noted. Nevertheless, the ministry passed it on in toto to the *Direction de la Librairie* for examination. Though

²⁹ Report of Dudin. BnF. 22014, f°. 3 r°. 2 October 1788. Louis-Pierre Anquetil, *Louis XIV, sa cour et le Régent* (Paris: Moutard, 1789), 4 vols. In-12.

³⁰ Report of Perrin de Cayla. BnF. 22016, f°. 39 r°. 8 November 1788.

³¹ *The Present State of Europe: Exhibiting a View of the Natural and Civil History of the Several Countries and Kingdoms*. Tsl. Thomas Nugent (London, 1770), 3 vols. In-8°.

Tozen had taken umbrage at exorbitant taxes and the high cost of grain that plagued France, Perrin de Cayla brushed aside the author's critical remarks:

Je pense qu'un grand État comme la France doit peu s'inquieter des clabauderies de quelques écrivains ennemis, et qu'il lui conviendrait peu d'imiter certains gouvernements qui entretiennent des champions dans les différens coins de l'Europe prêts à entrer en lice avec le 1^{er} qui ose dire son avis sur leur compte.

Perrin de Cayla recognized that, like all Protestant authors, Tozen had few kind words for Louis XIV, and the censor suggested (though he did not demand) suppression of some of the most insulting remarks. For the censor, the only phrases ripe for elimination were those that pictured Spain as subservient to France. Such assertions are "certainement imaginaire, de leur Cabinet à celui de Versailles." In essence, shorn of phrases injurious to Spanish pride and with a more balanced view of Louis XIV,

le livre de M. [sic] Totz n'en sera pas moins un bon livre et très utile aux jeunes gens qui de destinent aux affaires étrangères.

Curiously enough, there is no evidence that the *Introduction à la Connaissance des Etats* ever appeared.

In December, realizing that uncensored works about the upcoming Estates-General were spreading throughout the kingdom, Keeper of the Seals Charles-Louis de Paule de Barentin appointed J. Poillin to examine books and pamphlets specifically treating the anticipated conclave. One of Poillin's first assignments was a manuscript, *Soyons de Bonne Foi*, by Count Pierre-Antoine Duprat.³² Duprat opposed the convocation of the Estates-General altogether, maintaining that it should be summoned only to levy new taxes. And, despite France's dire financial situation, Duprat maintained that new taxes were not necessary. Rather, according to Duprat, a universally applicable collection system, based upon one's income and worth, and the abolition of abuses at Court, in the ministries, and the royal Treasury, would resolve the state's financial problems.

Poillin disapproved of Duprat's pamphlet "...dans l'Etat où il est." The manuscript ridiculed the Court and parlements, while concentrating all legislative power in the hands of the Estates-General, not the king. Furthermore, Poillin found the audacious first fourteen pages of *Soyons de Bonne Foi* to be more appropriate for the next generation than the present one (a curious prediction of France's political future). According to Poillin, Duprat's rhetoric, while rich in patriotic zeal, was unacceptably harsh and offensive toward the powers who were running France. For that reason, the pamphlet ought to be

³² Report of Poillin. BnF. 22014, f^o. 111 r^o. 29 December 1788.

disqualified from among those requesting permission to print. The censor's verdict proved toothless. Early in 1789 *Soyons de Bonne Foi* appeared in published form.³³

By the end of 1788 authors, printers, and readers were considering prepublication royal censorship to be superfluous. Pamphlets and even books were avoiding examination, and the government was not clarifying matters. On 27 December, chief minister Jacques Necker issued a *Résultat du Conseil d'État* guaranteeing Third Estate members in the upcoming Estates-General at least equal numbers as those representing the First and Second Estates. However, Necker left open the question of vote by Order or by Head, and thus tacitly invited yet more printed debate. In January 1789, what was to become the Revolution's quintessential uncensored pamphlet saw light of day: Abbé Sieyès' *Qu'est-ce que le Tiers État?* Hundreds of different pamphlets followed, some like Abbé Raynal's advocating equitable taxation, a humane legal code, and the writing of a constitution (*L'Abbé Raynal aux États-Généraux*) (Marseille, 1789); others like Jean-Joseph Mounier's, reaching into history for precedents to the Estates-General scheduled for May (*Nouvelles observations sur les États-généraux de France*) (1789); or like Jean-Paul Rabaut Saint-Étienne's, ignoring history altogether and appealing to the Third Estate to assume its rightful place as the "chambre de la nation" (*Question de droit public: doit-on recueillir les voix dans les États-généraux, par ordres ou par têtes de délibérans?*) (1789). Between May 1788 and January 1789 more than fifteen hundred published titles appeared.³⁴ And in March-April the *cahiers de doléances* affirmed the concept of press freedom.³⁵ The question that now challenged authors of the *cahiers*, pamphleteers, revolutionaries, and future liberal governments alike was how to fill a theoretical void by replacing the piecemeal censorship of the ancien régime with a unitary positive statement appealing to natural rights and notions of common decency, and enforced by public opinion and the courts.³⁶

³³ Pierre-Antoine Duprat, *Soyons de Bonne Foi* ([Paris, 1789]). In-8°.

³⁴ Birn, pp. 60-61. Vivian R. Gruder refines censorship and seizure activity in 1788: "The greatest intensification of censorship in Louis XVI's reign accompanied the Crown's suppression of the parliamentary courts in May 1788, a policy that endured until the recall of the Paris parlement on 23 September." In Gruder, *The Notables and the Nation: the Political Schooling of the French, 1787-1788* (Cambridge, Massachusetts: Harvard University Press, 2007), pp. 190.

³⁵ Charles Walton, *Policing Public Opinion in the French Revolution* (Oxford and New York: Oxford University Press, 2009), pp. 74-93.

³⁶ For the National Assembly debate over Article 11 of the Declaration of the Rights of Man and of the Citizen, see my chapter, "Religious Toleration and Freedom of Expression", in *The French Idea of Freedom: The Old Regime and the Declaration of Rights of 1789* (Stanford: Stanford University Press, 1994), pp. 272-282.