

The Use of Censorship in the Enlightenment

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INTRODUCTION

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The contributions to this volume are a selection of papers presented at the international conference “The Use of Censorship from the Age of Reason to the Enlightenment” that took place in Copenhagen on May 12th and 13th in 2006. Denmark appeared to be a particularly appropriate place for having such a conference at that particular time for both historical and contemporary reasons. First, because Denmark was one of the first countries in Europe to abandon censorship and allow for freedom of the press. A law to that effect was signed in September 1770 by the Danish king, Christian VII, and had been initiated by Johan Friedrich Struensee, the personal physician and private counselor of the king.¹ Second, because only eight months prior to the conference, the publication of a series of drawings depicting the prophet Mohammed in the Danish newspaper *Jyllandsposten* had provoked an international crisis which brought the otherwise quiet Scandinavian country to world headlines for the first time since Hamlet killed his uncle. Whether the violent confrontations, which followed the publication of these drawings, were interpreted as an expression of the Danish media’s irresponsibility and lack of cultural sensitivity, or as evidence of the intolerance and excessive susceptibility of Muslim fundamentalists, or as proof of the Danish authorities’ incapacity to control the public landscape, or as a splendid example of how a tolerant and free society dares to debate difficult issues, or, in yet another fifth way, the situation opened up a space for reflection on a question which is rarely addressed in a cultural sphere where the values of freedom of the press and liberty of expression are often taken for granted—the question was this: Did the Danish king make a good decision in 1770?

¹ For recent work on Struensee, see S. Bech Cedergreen, *Struensee og Hans Tid*. Copenhagen: Forlaget Cicero 1989; A. Amdisen, *Til Nytte og Fornøjelse. Johann Friedrich Struensee (1737–1772)*, Copenhagen: Akademisk Forlag 2002; J. Glebe-Møller, “Struensee et le *Traité des trois imposteurs*,” *La Lettre Clandestine* 14 (2005–2006), pp. 147–151; J. Glebe-Møller, *Struensees Vej til Skafottet. Fornuft og Åbenbaring i Oplysningstiden*. Copenhagen: Museum Tusulanum 2007.

Responding to such a question is not an academic responsibility (which of course does not prevent individual academics from having an opinion about it). It is, rather, a political responsibility. Which laws to establish and which course of action to take at the political level should—at least according to occidental, democratic principles—be negotiated via a process of public debate which involves not only academics, specialists or politicians, but everyone. It is the responsibility of academia, however, to provide the necessary background for negotiating an informed collective reply to this question. It is thus the task of intellectuals to clarify the basic terms involved and to give historical depth to the debate. In short, in the present case, the academic establishment must help provide an adequate conception of the origins and meaning of notions such as ‘censorship’ and ‘freedom of the press’. The conference on censorship in Copenhagen was partly meant as a contribution to the fulfillment of this important task.

There are obvious reasons for beginning a general discussion about the uses of censorship by questioning the role of this phenomenon in the early modern period and the Enlightenment. At the most general level, a historical approach to the question of censorship allows for a better understanding of the historicity of values such as freedom of thought and expression. Indeed, any serious investigation of a phenomenon such as censorship must begin by questioning the universality of our own evaluations of it. Studying the uses of censorship at a time in our own history when freedom of expression was not taken for granted as a value provides the basis for such investigations, and allows us to better comprehend mindsets and value systems which are fundamentally different from ours regarding this issue. Discussing the problem from this historical viewpoint thus corresponds to the acknowledgement of the fact that it *has been*, and thus *can be* otherwise. But a historical approach also provides for a better understanding of the genealogy of our own mindset, and of how the ideals of freedom of thought and expression came into being. This corresponds to a better understanding of *how it became the way it is*, given that it could have been otherwise.

But why must a study of the uses of censorship pay particular attention to the Enlightenment, and not to some other historical period? Surely, the history of censorship in occidental culture is as old as that culture itself. On the first pages of the *Aeropagitica* (1644), Milton thus outlines a history of censorship that spans from the laws against atheism in ancient Greece to the *anathema* pronounced by the council of Trent

and the persecutions by the Spanish Inquisition.² The term ‘censor’ itself goes back to ancient Rome, where the censors were certain high ranking magistrates responsible for supervising public morality. During the Middle Ages, censorship was mainly the affair of the Church, but it was less problematic and did not demand much of an institutional apparatus given the absence of printing and, in consequence, the scarcity of books. This did not, of course, prevent drastic measures from being taken when dangerous ideas were published: the condemnations of philosophers and theologians such as Marsilius of Padua and John Wiclef in the fourteenth century are prominent examples of this. With the invention of the printing press in the fifteenth century, the need for a more elaborate system of censorship arose.³ Indeed, as Rousseau would later complain, this ‘terrible art’ became the cause of ‘frightful disorders’ because it allowed for swift and efficient diffusion of ideas, including ideas dangerous to public order.⁴ For example, more than 300,000 copies of Martin Luther’s writings were sold in the period from 1517 to 1520. In most of Europe, laws, mechanisms and institutions for censoring were put in place in the sixteenth century.⁵ Censorship, then, became a significant institutional force in European societies almost two centuries before the Enlightenment.

However, it was not until the middle of the seventeenth century that the fundamental justification of the systems of censorship was put into question. Surely, there were particular cases of excessive censorship, i.e. of *abuse* of censorship, and these cases were of course questioned and criticized—for example, Giordano Bruno being burnt at the stake in 1600, and Giulio Cesare Vanini who suffered the same destiny in 1619. But censorship *as such* was not considered excessive or abusive before the early modern period. All this changed towards the middle of the seventeenth century. The criticism of the Roman Catholic Church’s censorship of Galileo’s theories concerning the movements of the earth in the 1630s stand out as one of the earliest and most prominent examples of a case where it was the very system of censorship which was questioned, most famously by Galileo himself in a whisper: “And yet it moves!” More outspoken was John Milton’s plead in favor of the ‘Liberty of Unlicenc’d

² Milton, *Aeropagitica*, Oxford: Clarendon Press 1886, pp. 6–10.

³ B. de Negroni, *Lectures interdites: le travail des censeurs au XVIIIe siècle*, Paris: Albin Michel 1995, pp. 27–28.

⁴ Cf. G. Minois, *Censure et culture sous l’ancien régime*, Paris: Fayard 1995, pp. 17–41.

⁵ Cf. *ibid.*, pp. 43–70.

Printing' in his *Aeropagitica* from 1644, where he argued that book censorship "will be primely to the discouragement of all learning, and the stop of Truth, not only by the disexercising and blunting our abilities in what we know already, but by hindring and cropping the discovery that might bee yet further made in both religious and civill Wisdome."⁶

The period where censorship as such became gradually more problematic coincides with the advent of the ideal of tolerance in European intellectual history. The first important question to ask in that connection is whether this coincidence is a simple contingent historical fact, or whether there are intrinsic conceptual connections between tolerance and freedom of expression and, conversely, between intolerance and censorship? The answer to this question is less obvious than one might expect. Most people would be inclined to answer affirmatively: Yes, censorship is, at a certain level, constitutively intolerant insofar as freedom of expression is one of the primary features of a tolerant society. In many ways, contemporary thought construes censorship as the opposite of tolerance. Indeed, to be intolerant is, in many contexts, presented as nearly equivalent to denying freedom of expression. For an example, one may consult the opening remarks by Ole P. Grell and Roy Porter in their introduction to an edited volume on toleration in Europe during the Enlightenment: "[...] Thomas Jefferson [...] boldly proclaimed the 'illimitable freedom of the human mind'. *Toleration* was thus to acquire a secular cast as, in liberal ideologies, *freedom of thought and speech* became definitive of human rights [...]"⁷ On this understanding, the promotion of freedom of thought and expression is equated with the progress of tolerance, and limitation of freedom of thought and expression amounts to intolerance.

Seen in this light, it is hardly surprising that the question of censorship in the Enlightenment most often evokes the somewhat Manichean opposition between conservative religious and political institutions trying to suppress everything new and unorthodox, on the one hand, and, on the other, courageous and enlightened free-thinkers fighting for tolerance and freedom of expression, sometimes successfully, sometimes not.

⁶ Cf. Milton, *Aeropagitica*, p. 5. Milton is arguing against the ordinance of the Parliament from June 14, 1643, according to which "[no] Book, Pamphlet, paper, nor part of any such Book, Pamphlet, or paper, shall henceforth be printed, bound, stitched or put to sale by any persons whatsoever, unless the same be first approved of and licensed [...]" (cited in *ibid.*, p. xv.)

⁷ O.P. Grell and R. Porter, "Toleration in Enlightenment Europe," in *idem* (eds.), *Toleration in Enlightenment Europe*, Cambridge: Cambridge UP 2000, p. 1, italicized by me.

As Eduardo Tortarolo points out, the historiography of the early modern period and the Enlightenment still remains largely committed to this false dichotomy.⁸ This almost instinctive association of freedom of speech and tolerance is, however, very problematic unless we restrict the meaning of the terms involved considerably. ‘Toleration’ in many seventeenth and eighteenth century conceptions concerned first and foremost a certain state of peaceful coexistence. For many Enlightenment thinkers, toleration was more a question of inter-confessional peace than freedom of expression. The core of John Locke’s notion of toleration, for example, concerned “freedom of worship and the peaceful coexistence of dissenting Churches alongside each national, or public, Church.”⁹ If we consider the concept of tolerance from this perspective, there is nothing intolerant *per se*—quite the contrary—about suppressing an opinion manifestly (or covertly) aiming at disturbing public order (say, a revolutionary pamphlet). Viewed in this way, intolerance is not equivalent to limiting the liberty to philosophize, but corresponds to all opinions liable to threaten the peaceful co-existence of people within the State, to the extent that tolerance is conceived as an instrument of *conservatio tranquillitatis*.¹⁰ Hence, there is no contradiction between Locke’s defense of toleration and his recommendation that Catholics and atheists be excluded from such toleration. In Locke’s view, both forms of thinking represented serious threats to the stability of the State, the first by conspiring to divide sovereignty, and the second by spiraling society into sheer anarchy by dissolving any notion of morality.¹¹ Similar remarks can be made about the position held by another champion of the moderate Enlightenment,

⁸ E. Tortarolo, “La Censure à Berlin au XVIIIe siècle,” in *La Lettre clandestine* 6 (1997), p. 253: “Si la circulation clandestine des textes au XVIIe et au XVIIIe siècle est étudiée avec toute la sympathie qu’excitent les victimes de l’obscurantisme et de l’oppression, au contraire les censeurs et les dispositifs de la censure ont constitué l’un des sujets les plus désagréables de l’historiographie portant sur l’âge moderne.”

⁹ J. Israel, *Radical Enlightenment. Philosophy and the making of modernity 1650–1750*, Oxford and New York: Oxford UP, p. 265.

¹⁰ Cf. B. Plachta, *Damnatur Toleratur Admittitur. Studien und Dokumente zur literarischen Zensur im 18. Jahrhundert*, Tübingen: Max Niemeyer Verlag 1994, pp. 79–83.

¹¹ It is only in his 1667 *Essay concerning Toleration* that Locke unequivocally states that Roman Catholics “are not to enjoy the benefit of toleration” (J. Locke, *An Essay concerning Toleration*, in D. Wootton (ed.), *John Locke. Political Writings*, Middlesex: Penguin Books 1993, p. 202). There is some uncertainty whether he still held this opinion in the 1689 *Epistola de tolerantia*. It is not the place here to discuss these matters in any detail. On the exclusion of the atheists from toleration, see J. Locke, *A Letter concerning Toleration*, in *Two Treatises of Government and A Letter Concerning Toleration*, ed. I. Shapiro, New Haven and London: Yale UP, p. 246.

Gottfried Wilhelm Leibniz. For him as well, tolerance and freedom of expression were not necessarily linked. Thus, it is not *in spite of* Leibniz's ideals of peaceful, harmonious, co-existence of all men, but *because of* these ideals that he recommended censoring libertines, atheists and enthusiasts in certain extreme cases. For, in these cases, their freedom of speech *threatened* peaceful co-existence. As he wrote: "It is with great reason that, all over Europe, people think about the improvement of mores, and I think that presently we should fear more what may come from libertinism than what may be contrary to freedom."¹²

We must direct our attention to a specific strand of the Enlightenment in order to understand how tolerance and freedom of expression became so closely linked.¹³ The origins of the more liberal notion of tolerance can be traced back to what is labeled today as 'Radical Enlightenment', and whose *cri de guerre* was the *libertas philosophandi* defended by Spinoza in his *Tractatus Theologico-Politicus* from 1670. Jonathan Israel's groundbreaking work on the role of this influential and all-encompassing subterranean intellectual movement in 'the making of modernity' clearly demonstrates that we must separate this strand of Enlightenment from the more mainstream, moderate thinkers of the Enlightenment described above. Putting aside the difficult question of what Israel means exactly by 'the making of modernity' in this context, there can be no doubt that the contemporary, occidental conception of tolerance is closer to Spinoza's conception than to Locke's. This is one of the reasons why today any limitation of the freedom of expression is unequivocally considered as intolerance and censorship to be an inherently suspicious institution in any state apparatus.

It thus becomes clear that, when we asked our initial question—did the Danish king make a good decision in 1770?—replying to this is not simply a matter of voting for or against the Enlightenment. It is, in many respects, more a question of voting for or against different strands of the Enlightenment, most importantly the two strands that Israel calls 'Moderate Enlightenment' and 'Radical Enlightenment'. This is an important lesson to draw, for contemporary debates about freedom

¹² G.W. Leibniz, *Opera omnia*, ed. L. Dutens, Genève: Fratres de Tournes 1768, p. 268. On this, see also M. Lærke, "Leibniz, la censure, et la libre pensée," in *Archives de philosophie* 70/1 (2007), pp. 373–388, and "Leibniz et la tolerance," in *Bulletin de l'Institut d'histoire de la Réformation* 28 (2008), 29–42.

¹³ Cf. J. Israel, *Locke, Spinoza and the Philosophical Debate Concerning Toleration in the Early Enlightenment* (c. 1670–c. 1750), Amsterdam: Koninklijke Nederlandse Akademie van Wetenschappen 1999.

of the press as well: Someone who speaks in favor of censorship is not necessarily someone who implicitly values the oppressive institutions of the *Ancien Régime* or defends the virtues of the medieval inquisition. He can be as much an Enlightenment thinker as the next man, although he might not be the same *type* of Enlightenment thinker as him. It is all a question of what we value most—*libertas philosophandi* or *conservatio tranquillitatis*—since the possible co-existence of these two states of affairs in a society is far from obvious.

The topic of censorship during the Enlightenment has been studied in a number of recent books and anthologies.¹⁴ The ambition of this volume is to provide an interdisciplinary approach to the topic, to study the role

¹⁴ Apart from the books by B. de Negroni, G. Minois and J. Israel already quoted above, these include, among others: A.M. Patterson, *Censorship and Interpretation: The Conditions of Writing and Reading in Early Modern England*, Madison: University of Wisconsin Press 1984; R. Myers and M. Harris (eds), *Censorship and the Control of Print in England and France 1600–1900*, Winchester: St. Pauls Bibliographies 1992; P. Spalding, *Seize the Book, Jail the Author: Johann Lorenz Schmidt and censorship in Eighteenth-Century Germany*, West Lafayette: Purdue UP 1998; F. Weil, *L'Interdiction du roman et la librairie, 1728–1750*, Paris: Aux Amateurs de livres 1986; D. Döring, *Frühaufklärung un obrigkeitliche Zensur in Brandenburg. Friedrich Wilhelm Stosch und das Verfahren gegen sein Buch "Concordia rationis et fidei"*, Berlin: Duncker & Humblot 1995; E.S. Clegg, *Press Censorship in Elizabethan England*, Cambridge: Cambridge UP 1997; E.S. Clegg, *Press Censorship in Jacobean England*, Cambridge: Cambridge UP 2001; F. Weil, *Livres interdits, livres persécutés: 1720–1770*, Oxford: Voltaire Foundation 1998; J.C. Laursen and J. van der Zande (eds.), *Early French and German Defenses of Freedom of the Press: Elie Luzac's "Essay on the Freedom of Expression" (1749) and Carl Friedrich Bahrdt's "On Freedom of the Press and Its Limits" (1787)*, Boston: E.J. Brill 2003; J. Domenech (ed.), *Censure, autocensure et art d'écrire*, Ed. Complexe: Bruxelles 2005; W. Haefs and U.-G. Mix (eds.), *Zensur im Jahrhundert der Aufklärung*, Göttingen: Wallstein Verlag 2007; R. Birn, *La Censure royale des livres dans la France des Lumières*, Paris: Odile Jacob 2007. See also the issue of *La Lettre clandestine* 6 (1997) on the theme "Censure et clandestinité aux XVIIe et XVIIIe siècle." Among other recent works not exclusively devoted to the history of censorship, but containing valuable information about public debates and book culture in seventeenth and eighteenth century Europe, I should also mention the following commentaries: R. Darnton, *The Business of enlightenment: A publishing History of the Encyclopédie, 1775–1800*, Belknap Press: Cambridge 1979; P. Zagorin, *Ways of Lying: Dissimulation, Persecution, and Conformity in Early Modern Europe*, Cambridge: Harvard UP 1990; A. Gestrich, *Absolutismus und Öffentlichkeit. Politische Kommunikation in Deutschland zu Beginn des 18. Jahrhunderts*, Göttingen: Vandenhoeck & Ruprecht 1994; J.-P. Cavaillé, *Dis/simulations. Jules César Vanini, François La Mothe Le Vayer, Gabriel Naudé, Louis Machon et Torquato Accetto. Religion, morale et politique au XVIIe siècle*, Paris: Honoré Champion 2002; U. Goldenbaum, *Appell an das Publikum: Die öffentliche Debatte in der deutschen Aufklärung*, Berlin: Akademie Verlag 2002; D. McKitterick, *Manuscript and the Search for Order, 1450–1830*, Cambridge: Cambridge UP 2003; F. Moureau, *La Plume et le plomb: espaces de l'imprimé et du manuscrit au siècle des Lumières*, Paris: Presses de l'Université Paris-Sorbonne 2006.

ensorship played in the intellectual culture, how it was implemented, and how it affected the development of philosophical concepts and forms of literary writing. It includes contributions by philosophers, intellectual historians and literary theorists. The contributions have been organized according to three main themes. First, the section 'Censoring the Enlightenment', contains three contributions all of which consider examples of how the ideas of the Enlightenment were submitted to censorship. Second, the section titled 'Institutions and practices of censorship' includes articles about the institutional and practical aspects of seventeenth and eighteenth century censorship. Finally, the contributions in the section 'Enlightenment reflections on censorship' study the stand three Enlightenment thinkers took on the issue of censorship.

Censoring the Enlightenment

It is important to recall that the diffusion of the ideas of the Enlightenment was far from being the only concern of the censorship institutions. Among the long list of official condemnations in eighteenth-century France studied by Barbara de Negroni, only eight percent concern philosophical works.¹⁵ An overwhelming majority of cases relate to the religious war between Jansenists and Jesuits, e.g., the implementation of the ban of Jansenist opinions emitted in 1713 by Clement XI in the bull *Unigenitus*.¹⁶ Another example is, as Wiep van Bunge notes in his contribution, the great effort made in Holland, towards the end of the seventeenth century, to put a stop to the production of pornographic literature because of the damaging effect that the considerable production of such licentious writings had on the political relations of Holland with its neighboring countries of a more prude nature.

Still, the ideas of Enlightenment *were* censored, and many stunning examples of this have been studied, from Adriaan Koerbagh's condemnation and subsequent death in prison on account of his book from 1668 with the extraordinary title *Een Bloemhof van allerley Lieflijkheyd sonder Verdriet* (i.e. 'A Garden of all Kinds of Loveliness without Sorrow'), to Bishop Bossuet's suppression of Richard Simon's *Histoire critique du vieux Testament* in 1678, and the *Berufsverbot* against Christian Wolff engineered by the Halle pietists in 1723.

¹⁵ Cf. Negroni, *Lectures interdites*, p. 195.

¹⁶ Cf. *ibid.*, pp. 106–162.

We risk, however, running afoul of historical truth if we restrict our study to what Negroni calls ‘les censures à grand spectacle’, i.e. the overt, public post-publication suppressions of writings, which often served purposes other than simply getting the printed work in question out of circulation. More often than not, such measures served to convey political messages at times only marginally related to the work in question.¹⁷ The institutions of both pre- and post-publication censorship were highly sophisticated public guides in the Republic of Letters, and for the most part controlled by clerics, intellectuals and politicians who considered themselves guardians of morality and good taste. Furthermore, censorship was not exclusively a question of public morality or political control, but an economic tool for regulating the book market as well. Seen in this light, censorship was an integral part of an institutional apparatus construed to ensure that this or that piece of information was channeled to those people who could make adequate use of it.

At the institutional level, censorship during the Enlightenment had two faces: in most countries, it involved two types of institutional mechanisms, one which functioned through *exclusion* and *prohibition*, and the other which worked by means of *distribution* and *regulation*.¹⁸ Without the distinction corresponding exactly to this, it is the case that most of the post-publication strategies of censorship were ‘prohibitive’, i.e. based on bans, book burnings and punishments, whereas most pre-publication strategies were ‘regulative’ in the sense that they were based on surveillance and licensing systems.

In addition, regulatory pre-publication censorship was not publicized in any way comparable to the dramatic post-publication bans and book burnings. Contrary to prohibitive censorship, regulative censorship was not simply a question of determining whether this or that opinion or piece of writing was suitable for the public, i.e. whether it should be banned or not. Rather, it was concerned with determining which writings were suitable for which public. To a certain extent, regulative censorship mechanisms played the role of the ‘traffic police of the Enlightenment’, as

¹⁷ Negroni, *Lectures interdites*, p. 218, my trans.

¹⁸ Daniel Roche suggests a slightly different, but related, distinction between preventive and prohibitive censorship (cf. D. Roche, “Censorship and the Publishing Industry,” in R. Darnton and D. Roche (eds), *Revolution in Print. The Press in France 1775–1880*, Berkeley and Los Angeles: University of California Press 1989, p. 3.) B. de Negroni prefers noting a distinction between ‘secret’ and ‘spectacular’ censorship (cf. Negroni, *Lectures interdites*, p. 62.)

Raymond Birn has put it.¹⁹ As will become clear from the contributions to this volume, such regulative pre-publication mechanisms took many forms, to a greater or lesser extent governmental, secular, and local. It is worth noting that the parts of the censorship mechanisms which were probably most efficient, were those which were the least visible.

Moreover, regarding post-publication intervention, it was often a question of finding a delicate balance between preventing distribution while still avoiding the publicity involved in an official ban when the suppression of the work was, in fact, the primary objective. Regarding the French censorial system, Voltaire acutely observed: “Being censored by these gentlemen only makes people buy the book. The book sellers should pay them for burning everything which is printed.”²⁰ The authorities were of course keenly aware of the publicity connected with a ban and developed techniques to avoid the effects of this counter-productive commercial mechanism. Barbara de Negroni points out in this connection the existence of ‘discreet suppression’ of works already printed and published.²¹ When the authorities were genuinely concerned with the diffusion of some work, they would opt for such inconspicuous procedures rather than go ahead with book burnings, imprisonment of the author, etc.

As already mentioned, Spinoza and his philosophy played a key role in the development of the Enlightenment ideal of freedom of expression. Studying how the authorities reacted to the diffusion of Spinoza’s ideas thus provides a key to understanding how censorship evolved in Europe. As Manfred Walther notes in his article on the reactions to Spinozism in Germany, any examination of censorship of Spinoza in Germany before 1744 would be singularly short, since no work by Spinoza was published on German soil prior to that year. This very fact, however, is strong evidence of an ongoing concern with Spinozistic ideas which began with the publication of Spinoza’s *Tractatus Theologico-Politicus* in 1670. It is no coincidence that the first public refutation of Spinoza—written by Leibniz’s teacher, the historian of philosophy Jacob Thomasius—came from a German town, namely Leipzig, which at the time was one of the

¹⁹ Cf. R. Birn, “Book Censorship in Eighteenth-Century France and Rousseau’s Response.” Paper delivered at the international conference *The History of Censorship*, held at Princeton University, September 26–27 2003.

²⁰ Voltaire to the Abbé de Voisenon, 24 July 1756, in *Oeuvres de Voltaire*, ed. M. Beuchot, Paris: Firmin Didot Frères 1832, vol. LVII, p. 108, my trans.

²¹ Negroni, *Lectures interdites*, pp. 62–73.

main bastions of German Protestantism.²² From very early on, German authorities were at a loss as to how to prevent Spinozistic ideas from spreading: should they be refuted—an action which would at the same time contribute to make these dangerous opinions even more known? Or, should they be banned—although bans were hard to enforce with the Dutch printing houses just on the other side of the border? Furthermore, a ban might stimulate the curiosity of the public, and would have to be enforced with great efficacy in order to avoid being just as counter-productive as the refutations. How did the German authorities react to the publication of Spinozistic ideas? Walther considers three important examples, namely the cases of the Spinozistic writers Friedrich Wilhelm Stosch (1648–1704) and Theodor Ludwig Lau (1670–1740), and the circumstances surrounding the first publication of Spinoza's *Ethics* in German, which came in 1744 translated by Johann Lorenz Schmidt (1702–1749). The way in which the authorities dealt with Stosch and his works shows that, far from being obstacles to the development of modern ideas and unequivocally on the side of religious orthodoxy, the German institutions of censorship—which were often under the control of moderate intellectuals—were trying to find a balance between preventing dangerous, radical ideas from spreading, while at the same time not giving into religious fanatics. They did not want to give atheists and libertines room for maneuvering, but they wanted nonetheless to permit, and even encourage, a modern rationalistic approach to theology and provide a genuine space for scientific research. The example of Lau shows that, even in the cases where a rigorous ban was effectively enforced, this, nonetheless, did not prevent the text in question from being discussed among intellectuals: in spite of the fact that only very few copies of his books survived, there were still manuscript copies in circulation. Finally, there is the case of Johann Lorenz Schmidt's translation of Spinoza which was not suppressed at all. According to Walther, this fact shows that in Germany, by the middle of the eighteenth century, Enlightenment ideals of tolerance and freedom of expression had gained a better foothold, mainly as a result of Christian Wolff's final victory over the pietists in Halle and the new and more moderate regime of censorship instated by Frederic the Great after his accession to the throne in 1740.

²² The text in question is the *Adversus anonymum, de libertate philosophandi*, published as a 'program' written on the occasion of a public seminar held in Leipzig on May 8th, 1670. On this, see M. Lærke, *Leibniz lecteur de Spinoza. La genèse d'une opposition complexe*, Paris: Honoré Champion 2008, sect. II, 1.1.

Certainly one of the most famous cases of persecution of a writer in the Dutch Republic was the case of Pierre Bayle. But in what way did these circumstances affect the writings of the French scepticist and the way in which Bayle chose to express his opinions? Hubert Bost argues against Gianluca Mori's Straussian reading of Bayle and claims that the French Huguenot did not 'write between the lines' nor dissimulated his true opinions in his writings²³—Bayle did not censor himself and he did not really have to. Although his writings were forbidden and burned in France, Bost argues, Bayle enjoyed a relatively high degree of freedom of expression in Rotterdam. He took advantage of this to the fullest in his writings, and although he was reproached for his opinions by members of his own community, he was never in any serious fashion forced to retract from his writings. Certainly, Bayle lost his teaching position as a result of the accusations Pierre Jurieu had made against him, and eventually they brought him before the consistory of the Walloon Church. However, according to Bost, the loss of his position was a blessing in disguise which allowed Bayle to have more time to work on his *Dictionnaire*, and it did not in any way hinder his intellectual output. Subsequently, he was once again brought before the Walloon consistory of Rotterdam and requested to alter a certain number of texts in the *Dictionnaire* in the second edition and, moreover, to express his respect for the decisions of the consistory in some other text. Bayle, however, never really did retract on his writings—none of the texts that he subsequently published on this matter contained any expression of regret, but only further justification of his original position. Thus, according to Bost, there is no evidence that Bayle felt compelled to dissimulate his opinions in any serious way.

Jonathan Israel, criticizing Robert Darnton's descriptions of the reactions by 'the defenders of the old orthodoxies and the Old Regime,' argues that the dividing lines between the editors of the *Encyclopédie* and the defenders of the *Ancien Régime* were much less clear than Darnton suggests, but that "the reality of the battle over the *Encyclopédie* was vastly different and more complex" (*infra*). In fact, "nothing at all can be understood about the subject unless one begins by differentiating clearly and emphatically between radical and moderate Enlightenment" (*idem*). According to Israel, the intellectual and political battles over the *Encyclopédie* must be considered as a 'three-cornered contest': it is misleading to consider the 1759 ban of the *Encyclopédie* simply as

²³ Strauss' famous reading strategy is developed in L. Strauss, *Persecution and the Art of Writing*, Glencoe, Ill.: Free Press 1952.

the reaction of the orthodox and conservative counter-Enlightenment to Enlightenment thinking openly expressed in the work. According to Israel, the *Encyclopédie* is a work written on two distinct levels: there is on the one hand, a surface-level which promotes moderate Enlightenment ideas, which were no longer really rejected even by conservative institutions such as the Papacy or the Sorbonne. On the other hand, there is a deeper and hidden level of subversive, radical thought which promotes materialism, non-providential deism and the rejection of traditional religion—in short, Spinozism. The ban of the *Encyclopédie* was mainly a reaction of the moderate Enlightenment against these radical ideas. This becomes clear from Voltaire's gradual disengagement from the project. The front figure of the French moderate Enlightenment was becoming progressively more aware of the fact that the *Encyclopédie*—a philosophical 'engine of war' construed by Diderot and d'Alémbert—was directed not only against orthodoxy, but against the moderate strands of the Enlightenment as well. Israel thus argues that the accusations against the *encyclopédistes* for promoting atheism, materialism and the destruction of organized religion were in fact entirely justified.

Institutions and Practices of Censorship

Throughout the second half of the seventeenth century and the first half of the eighteenth century, the institutions in charge of censorship became gradually more secular and less controlled by church authorities (except in the Netherlands, of course, where, at least nominally, censorship was always under secular control.)²⁴ Even in Italy, the Roman Catholic Church had lost much of its control by 1750. Much had changed since Galileo was condemned in 1633.²⁵ This process of secularization did not mean, however, that censorship became any more moderate or lenient. Quite the contrary—secular authorities responded to the challenge of the new ideals of tolerance and freedom of expression by instating more complex, more elaborate, and also, to some extent, more severe systems of censorship. Thus, as Jonathan Israel writes: "despite the end of ecclesiastical control over censorship, mid-eighteenth century Europe still presented, in the eyes of radical thinkers, a thoroughly dismal

²⁴ Israel, *Radical Enlightenment*, pp. 103–104.

²⁵ *Ibid.*, p. 109.

aspect.”²⁶ This was manifested by ever more elaborate and sophisticated legal frameworks for dealing with illicit literature. A spectacular example of a prohibitive post-publication censorship law of extreme severity was Louis XV’s decree concerning the book trade in 1757 after Damiens’ attempt to kill him—a failed regicide that the French king considered to be linked to the diffusion of bad books. According to this decree, the writing, printing and diffusion of texts that “tends to attack religion, to stir up the spirits, to question Our authority, and to trouble the order of and the tranquility of our states” became punishable by death.²⁷ The extreme character of such a measure was, however, an indicator, primarily, of the difficulties the authorities had with implementing the rules at the institutional level.

The *de facto* degree of liberty of expression in a society depends not only on the existence or non-existence of laws concerning post-publication censorship or pre-publication licensing systems, but on the existence of well-functioning censorship institutions capable of implementing these laws and systems in a consistent fashion as well. Thus, one should not take the degree of severity of the censorship laws as a direct indicator of the degree of censorship actually exercised. Furthermore, insofar as the institutional implementation of such laws always involves a certain *interpretation* of these laws, a regime of censorship requires that they should be upheld in an *homogenous* and *equal* fashion as well. Alternatively, one would have to speak of several regimes of censorship. An example of this, as Eduardo Tortarolo has pointed out, is the ‘functional ambiguity’ of censorship in eighteenth century Germany. This ‘functional ambiguity’ was a result, from the macroperspective, of the political frictions between the different German states and, from the microperspective, of the internal conflicts between individual censors who were not subject to common rules of a unique central censorship institution governed by a single government official (such as the French *directeur de la Librairie*.)²⁸ For this reason, although Frederick the Great tried to enforce

²⁶ *Ibid*, p. 117.

²⁷ See the declaration of April 16th, 1757, Articles 1 and 2, cit. in Negroni, *Lectures interdites*, p. 33: “Tous ceux qui seront convaincus d’avoir composé, fait composer et imprimer des écrits tendant à attaquer la religion, à émouvoir les esprits, à donner atteinte à note autorité, et à troubler l’ordre et la tranquillité de nos Etats, seront punis de mort: // Tous ceux qui auraient imprimé lesdits ouvrages, les libraires, colporteurs, et autre personnes qui les auraient répandus dans le public, seront pareillement punis de mort.”

²⁸ E. Tortarolo, “La Censure à Berlin au XVIIIe siècle,” in *La Lettre clandestine* 6 (1997), pp. 254–256.

clear principles and rules of censorship in the mid-eighteenth century, there was still an “extreme diversity of interpretation in the practice of Prussian censorship.”²⁹ Similarly, in France, and in spite of the existence of a centralized system, the exercise of censorship remained, throughout the Enlightenment and especially in the eighteenth century, out of balance, ambiguous and weakened by the conflicting interests of the parliament, the government, the Sorbonne, the Gallican Church and the Pope. Thus, as Barbara Negroni notes, there was a veritable ‘war of the censors’—a power struggle among the different parties involved in the censorship system, all of whom were trying to advance their own political agenda through this system, mutually accusing each other of excessive tolerance, lack of competence or even of nurturing secret sympathies for the subversive ideas they failed to eradicate.³⁰ Furthermore, François Weil has pointed out some purely arbitrary aspects of the enforcement of the French system of censorship: “quite often it is pure chance that is at the origin of flexible or ‘rigid’ measures, as it was called at the time. And this aspect of chance could be felt both in preventive censorship and in decisions made after printing.”³¹

Finally, state interests, other than those of control and surveillance of the book trade, often interfered with the mechanisms of censorship producing unintentional or intentional loopholes and grey zones in the exercise of censorship. Of particular interest are the categories of ‘tacit permission’ and ‘simple tolerance’ often employed by the French royal censors. They referred to a grey zone of publications which were not exactly permitted, but, nonetheless, sold openly without the intervention of the authorities. Unspoken acceptance of dangerous material was partly given for commercial reasons. Books that were banned would simply be printed abroad and then smuggled in—a practice which was detrimental to the local book trade.³² Tacit permissions were also given in order to avoid a greater evil, and to keep some track of written material which might otherwise have slipped into clandestinity and circulated in manuscript form—a form of distribution which was entirely out of the control of the censors. Malesherbes, the director of the French book trade from 1750 to 1763, who was, in general, favorable to Enlightenment ideas,

²⁹ *Ibid.*, p. 256.

³⁰ Cf. Negroni, *Lectures interdites*, pp. 218–228.

³¹ Cf. F. Weil, “Les livres persecutés en France de 1720 à 1770,” in *La Lettre clandestine* 6 (1997), p. 269.

³² *Ibid.*, p. 267.

played repeatedly with these grey zones, exploiting the functional ambiguities of the otherwise strongly centralized French licensing system to its utmost.

It is in relation to such ambiguous and illegal—or rather extra-legal—categories that “the system of censorship reaches [...] the *summum* of ambiguity and contradiction.”³³ At the same time, it opens up a discursive area which needs defining. Are such grey zones, as Eduardo Tortorola suggests, “a field where the collaboration and the negotiation between the institutions of government, the political elite and the intellectuals seen as a social group took place”?³⁴ Are they, rather, spaces for an intricate game of power about the ‘right to censor’ as Negroni notes? Or, are they areas for the expression of the rigidity or the leniency of the individual censors, police inspectors or members of parliament—a discursive field where, say, Malesherbes could prove his indulgence and modernity or where Joly de Fleury could vent his conservatism and religious zeal? Whether censorship should be treated as an area for public negotiation, as an institutional *dispositif* for the implementation of an impersonal power relation, or as a war zone where individual or collective political interests are confronted is often a question of methodology. In most cases, fortunately, these different approaches are not mutually exclusive.

Somewhat paradoxically, the use and effects of censorship may, in some cases, become most evident when its institutions are no longer effective. What happens in a society when the censorship institutions collapse and there is nothing to take their place? In his classic *Strukturwandel der Öffentlichkeit*, Jürgen Habermas argues that the emergence of a ‘bourgeois public sphere’ is tightly linked to the ‘use of reason’, thus prolonging the Kantian idea—expressed in the famous *Was ist Aufklärung* from 1784—namely, that allowing freedom of expression necessarily leads to the release of a potential for rationality.³⁵ Following this analysis, it might seem that censorship, primarily, presents an obstacle to the development of reason, and that lifting it would be unequivocally beneficial for society. History might, on this point, prove both Kant and Habermas wrong. Tue Andersen Nexø studies a case where this is far from being the case, namely the breakdown of censorship during the English civil war in the 1640s. In the spring of 1641, the English licens-

³³ Negroni, *Lectures interdites*, p. 36.

³⁴ Tortorola, “La Censure à Berlin,” p. 254, my trans.

³⁵ Cf. J. Habermas, *The Structural Transformation of the Public Sphere*, trans. T. Burger and F. Lawrence, Massachusetts: MIT Press 1991, p. 27.

ing system, which functioned as a form of pre-publication censorship, ceased to function. All printed material was, as Nexø says, thrown “into a legal no-mans land, where claims of regulatory authority, including licensing, were continually evaded by printers and booksellers” (*infra*). This allowed for a great number of political pamphleteers to produce an incredible amount of slanderous and hopelessly unreliable publications. The vast number of anonymous pamphlets printed in that period is a remarkable illustration of the fact that, in some instances, the liberation of public discourse certainly does not create a discursive space governed by rationality. At times, quite to the contrary, it produces a rambling, chaotic and largely anonymous discourse where it is no longer possible to distinguish truth from errors, and errors from lies, i.e. what Nexø describes as a ‘labyrinth of lies, forgeries and falsehoods’. At the same time, this confused discourse was arguably “the first instance of a print-mediated public sphere of political debate in the history of England” (*infra*). Nexø argues that this constitutes a structurally distinct type of public sphere than the one described by Habermas.

The fact that “a crucial dimension of genuine seventeenth century censorship did not involve the suppression of books at all” becomes clear from Wiep van Bunge’s contribution about censorship in the Dutch republic. The alternative was to go for the *author*. Despite the fact that, in the Netherlands, book censorship proper fell entirely under the jurisdiction of the secular authorities, the Reformed Church was by no means without options for controlling the publications of the members of their communities. There was an informal licensing system enforced by means of the so-called *visitatie-rapports*. When this proved insufficient, they would also have recourse to disciplinary punishments, for example by stripping unruly writers of the positions they held in the community. Thus, Pierre Bayle lost his position at the Illustrious School of Rotterdam in 1693 as a result of an indictment against the *Pensées diverses sur la comète* (1682), and Balthasar Bekker was stripped of his position as minister in Amsterdam because of his *De betoverde Weereld* (1691). Moreover, if writers in the Dutch Republic enjoyed a freedom of expression relatively greater than anywhere else in Europe, it is nonetheless false that official censorship was a rare occurrence. According to Wiep van Bunge, the absence of any centralized policy of censorship might have encouraged, and indeed did encourage, freethinking. However, it also permitted the implementation of censorship in local courts, occasioning a series of cases, where very severe punishments were inflicted on writers who had transgressed the limits of the religiously tolerable. Hence, it is

misleading to assume, regarding individual cases, that local implementation of censorship was any less rigorous than an over-arching national one.

Enlightenment Reflections on Censorship

The popular image of the heroic Enlightenment thinker standing up against the vicious censors of the *Ancien Regime* is blurred by the fact that numerous Enlightenment thinkers explicitly *defended* the practice and institution of censorship. Even Spinoza who, in his *Tractatus Theologico-Politicus* (1670), contributed more than any other philosopher to the definition and promotion of the ideal of freedom of expression, nonetheless recommended some degree of distributive censorship regarding his own writings under the pretext that the views exposed in them could be abused by certain people to stir up trouble: “[...] I do not invite the common people to read this work, nor all those who are victims of the same emotional attitudes. Indeed, I would prefer that they disregard this book completely rather than make themselves a nuisance by misinterpreting at their wont.”³⁶ Among the more skeptically inclined partisans of the Enlightenment, there was a tendency to ‘censor’ everything that could be doubted, as the practical equivalent to the epistemological *epoché* of the skeptic: if we should suspend our judgments about all things about which we can have no knowledge, we should also burn all the books which claim to contain such knowledge. Most famously, in the final remarks in his *Enquiry Concerning Human Understanding*, XII, 3, David Hume thus discussed the practical consequences which had to be drawn from the principles of skepticism: “When we run over libraries, persuaded of these principles, what havoc must we make? If we take in our hand any volume; of divinity or school metaphysics, for instance; let us ask, *Does it contain any abstract reasoning concerning quantity or number?* No. *Does it contain any experimental reasoning concerning matter of fact and existence?* No. Commit it then to the flames: for it can contain nothing but

³⁶ B. de Spinoza, *Tractatus Theologico-Politicus*, trans. S. Shirley, Indianapolis/Cambridge: Hackett 2002, Preface, p. 394. Spinoza was very serious about this. He took concrete action to prevent the publication of a Dutch translation in 1671, probably because this signified considerable danger to himself, but presumably also because he saw no need to enlarge his audience to readers unfamiliar with Latin. See Spinoza to Jarig Jelles, Letter 44, in *ibid*, p. 882.

sophistry and illusion.”³⁷ Jean-Jacques Rousseau is yet another example of an Enlightenment thinker who favored censorship. Thus, in his *Discours sur les sciences et les arts* (1750), he deplored the invention of the art of printing and recommended that it be banished. Indeed, he recommended rather drastic measures in order to successfully regulate printed discourse: “Throw the printing presses in a well!”³⁸

Diderot, in his *Lettre sur le commerce de la librairie* from 1763, intended for the new *directeur de la librairie*, Sartine, argued for generalizing tacit permissions on the grounds that bad books are inevitable and that the only consequence of censorship was to make Dutch printers rich at the expense of French curiosity. According to Diderot, censorship was not only inefficient, but directly counterproductive—it inevitably resulted in the exact opposite of what it was designed to do. The acknowledgement of this fact did not, however, lead Diderot to discard censorship as useless, but rather encouraged him to actively make use of this counterproductive mechanism to promote his own ideas. Thus, Colas Duflo shows how Diderot tacitly appealed to these mechanisms by ‘publicizing censorship’, hereby not only advertising his texts to the public, but also inciting readers to approach them in a particular fashion, i.e. “to oblige the reader to read actively and interpret continually” (*infra*).

³⁷ D. Hume, *An Enquiry Concerning Human Understanding*, ed. E. Steinberg, Indianapolis/Cambridge: Hackett 1993, XII, 3, p. 114. See also W. Schröder, “Critique de la métaphysique et la fabrication de la modernité,” in C. Secrétan, T. Dagron and L. Bove (eds.), *Qu’est-ce que les Lumières “radicales”? Libertinage, athéisme et spinozisme dans le tournant philosophique de l’âge classique*, Paris: Éditions Amsterdam 2007, pp. 283–284.

³⁸ Cf. J.-J. Rousseau, *The Discourses and other early political writings*, ed. V. Gourevitch, Cambridge UP: Cambridge 1997, pp. 25–26. Incidentally, “jeter les presses dans un puits” was the title of a paper presented by Alain Viala in Copenhagen. The contribution is unfortunately not included in this collection. In *Le Contrat social* (1762), Rousseau seemingly changed his position and proclaimed: “public opinion is not subject to constraint.” Thus, he argued that the censors should not be censoring public opinion, but that public opinion should be the censor or, more precisely, that the censors should be working in the service of public opinion, namely as “ministers who declare the public opinion” (J.-J. Rousseau, *The Social Contract and Other Later Political Writings*, ed. V. Gourevitch, Cambridge UP: Cambridge 1997, p. 141). According to this apparently new conception, censorship was not something which should regulate public discourse *from without*, i.e. as a political regulation which emanates from an authority placed above the public, but something that should be an instrument for implementing rules of legitimate discourse defined *from within the public sphere itself*. As Alain Viala argued in his presentation, the apparent contradictions between these different statements at different stages in Rousseau’s career can be resolved by noting that the subjection of the institutions of censorship to ‘public opinion’ recommended in *Du contrat social* is not quite an invitation to a democratic debate about the principles of censorship. In fact, the ‘people’ in question is only the *senior pars* of the population.

Duflo also points out how, in the *Encyclopédie*, Diderot took this publicizing strategy one step further by making explicit, not only the fact that he was writing under the pressure of possible censorship, but the *means* by which he was responding to this pressure as well, thus unveiling his own ‘bypass strategies.’ Duflo proceeds to depict a Diderot who worried about whether posterity would be able to grasp the details of such allusive, ironic and deliberately obscure writing, having lost the knowledge of the context in which the texts were written. In fact, Duflo argues, Diderot feared that censorship might after all have the final say: “censorship which was described initially as ineffective, will at least have succeeded, in a way, by preventing everyone from expressing their ideas clearly, in creating general confusion” (*infra*). Finally, Duflo outlines Diderot’s vision for another type of censorship, namely an open type of ‘public censorship’, a notion that lurked behind many other Enlightenment theories of censorship. For example, in the *Letter Concerning Enthusiasm* (1708) and the *Sensus Communis: An Essay Concerning Wit and Humour* (1709), Shaftesbury already argued that public discourse could regulate itself to a large extent, insofar as bad writers would be ‘suppressed’ by public opinion and sufficiently chastised by the ridicule they would be exposed to. Duflo shows that Diderot’s notion of public censorship follows similar lines of reasoning.³⁹ Thus, for the editor of the *Encyclopédie*, “there are two uses of censorship: the bad one, which encourages the ideas it opposes by the very violence of the prohibition, and the good one, which publicizes the very ideas that it refuses, which puts them on stage in order to ridicule them” (*infra*).

Tristan Dagron analyzes the English deist John Toland’s notion of religion in order to explain why the English deist did not accept Pierre Bayle’s notion of a society of atheists as presented in the *Pensées diverses sur la comète*. Dagron discusses why Toland was intolerant towards atheists, thus ‘censoring’ atheism in a manner reminiscent of that of Locke. According to Dagron, we must look for an explanation of Toland’s position in his conception of ‘natural religion.’ Thus, through a close reading of a significant passage in the *Adeisidaemon* from 1708–1709, Dagron points to the relation that Toland established between superstition and

³⁹ On Diderot and Shaftesbury, see R.P. Legros, “Diderot et Shaftesbury,” in *The Modern Language Review* 19/2 (1924), pp. 188–194. We find a similar argument in Helvétius: “La critique revelera les erreurs de l’auteur: le public s’en moquera; c’est toute la punition qu’il mérite” (C.-A. Helvétius, *De l’homme, de ses facultés intellectuelles et de son éducation*, London: Société typographique 1773, sect. IV, chap. 16, vol. I, p. 329.)

atheism, and how the English deist considered 'natural religion' as a virtuous mean between these two extremes. The analysis of this concept of 'natural religion' leads to some surprising conclusions concerning Toland's attitude towards religion. According to Dagrón, the new conception of religion that Toland developed in his well-known treatise *Christianity Not Mysterious* from 1697 was not designed so much to promote purely rationalistic religion as it was meant to defend a common notion of religion grounded in the significations of common language. Hence, Toland's notion of Christianity without mysteries had more in common with Erasmus' humanistic conception of natural religion than with purely rationalistic conceptions of religion such as Lodewijk Meyer's or Spinoza's. He argues that Toland, far from being a 'rational theologian', developed an elaborate sociology of natural religion on the basis of ideas that he derived mainly from texts by Giordano Bruno. Thus, if Toland 'censored' atheists it was because he saw both atheism and superstition as forms of thinking about religion which pretended they could unveil its *truth* (or untruth). By taking this position, both the atheist and the superstitious forget that religion is not concerned with truth, but only expresses certain fundamental moral common notions.

G.W. Leibniz's approach to the freedom of expression and toleration is an example of a moderate approach to the question of censorship. As Mogens Lærke argues, the Hanoverian philosopher very carefully considered when the Republic of Letters was capable of defending the public against the dangers of libertinism and impiety through erudite refutation, and when some type of authoritative action on the part of the political or ecclesiastical institutions was required. Leibniz construed a complex and context-sensitive conceptual balance, which allowed deciding in each case the adequate action that ought to be taken. This balance was construed in such a way as to allow for a constant negotiation and adjustment of the limits of what is tolerable for the authorities, the public, and the writers. It also permitted to evaluate individual instances of censorship. For example, the Roman Catholic Church, according to Leibniz, exercised excessive censorship when it condemned Galileo, but Spinoza went too far in the *Tractatus Theologico-politicus* and his book merited some degree of prohibition.