Censorship and Subterfuge in Eighteenth-Century France
The French Revolution has often been described as the most significant event of modern history. Although there were various causes for this tremendous upheaval, it had many intellectual forebears who propounded ideas hostile to the absolutism of government and church under the Bourbon dynasty. Yet ideas, in themselves, are ineffectual unless they can be disseminated, and the despotic power of French monarchs of the eighteenth century would seem to preclude any attacks upon their prerogatives. To govern the printed word, they had at their disposal a system of censorship, not entirely unknown in democratic societies, and strict regulation of the book trade. Nevertheless, critics of social, political, judicial, or religious institutions, together with those desiring freedom of expression in other areas, found it possible to reach the reading public. An answer to this seeming paradox may, I believe, be found in an examination of the administration of an official under whom many of the major works of so-called liberal thinkers were published.

During the period between 1750 and 1763, the task of supervising the publishing industry, including censorship, was entrusted to a young man of twenty-nine by the name of Malesherbes, born in a family of statesmen, whose legal career had already indicated a talent for leadership and sufficient diplomacy to cope with the temperamental inclinations of individuals forming the society of letters. During his thir-
teen years of stewardship, no single bureaucrat wielded more personal influence on the professional careers of authors or booksellers, on the progress of letters, or the dissemination of knowledge during the tumultuous formative years of the esprit philosophique. Despite Malesherbes's protests, Voltaire accurately described him in practice, if not in title, as the minister of literature.

The only compact, if loosely written, code for the supervision of the book trade had been approved by the Council of State as recently as 1723, and Malesherbes was forced to use as a basis for his administration this incomplete legal document, perhaps theoretically sound, but, as we shall see, practically inapplicable.

Certain of the major regulations are of interest. The Community of booksellers, printers, and those exercising related trades was legally governed by a Syndical Chamber, composed of members of the Community itself, whose activities were usually dictated by self-interest. They were expected to visit all establishments of the book trade and write a report, every three months, to the police, stating identities of workmen, number of presses, and quality and quantity of type characters. Print shops had to be open to inspection during hours of work or closed solely by a latched door. All books had to be taken, before offered for distribution, to the Chamber, to permit proper inspection. Foreign books had to pass through one of ten towns of entry where a permit would be given for their transportation to the Chamber. No individual was permitted to receive books other than booksellers.

Only thirty-six individuals were permitted to exercise the book trade, and they had to establish their business in a carefully defined geographical area, the University Quarter and inside the Palais-Royal. Only masters having seven years of training could own a shop. To receive this title, they had to pass an oral examination administered by their professional superiors, furnish evidence of good moral character, sign a certificate professing the Catholic faith, and obtain a testi-
monial from the rector of the university that they possessed a working knowledge of Latin and an ability to read Greek. Professors of emeritus standing might automatically become booksellers, although their number was fixed at three. If a bookseller also owned a printing establishment, both shops were supposed to be on the same premises. Only with special permission could storehouses be used outside his own home in so-called privileged places, such as schools or religious institutions. However, certain printed matter, such as edicts, decrees, almanacs, and the like could be sold by peddlers, one hundred and twenty in number, who agreed to wear a large copper disk labeled “peddler” and to carry their merchandise in a large, open carton. They could store their material only in their homes, which had to be located on certain designated streets near the Palais-Royal.

According to law, no book could be printed or reprinted for distribution without written permission being granted. At the beginning and end of the book, the privilege or permission had to be indicated, as well as the approval of the censor. Permissions were to be registered at the Syndical Chamber. The most flagrant infraction of the Code, one actually accepted by the administration, concerned the clause necessitating a printed endorsement of the censor. The latter had become increasingly hesitant about publicly approving books that other readers, from their personal point of view, might condemn for statements of an antireligious, antistate, licentious, or libelous nature. It was more convenient to incur the displeasure of an uninfluential author than the hostility of a member of the clergy or nobility. As a result, Malesherbes made use of what was known as the tacit permission. Originally it may well have been only a verbal authorization, but by 1750 it had become as common as a legal permission; and all books printed by this method had to be registered in written form. The official register of works given tacit permission was called “list of books printed in foreign countries, the sale of which is permitted in France,” evidence of the fact that
many of the countless books supposedly published in London, Amsterdam, and elsewhere were actually printed in France with the connivance of the government itself. Malesherbes tried to make use of tacit permission legal after being named director of the book trade. He ascribed his failure to the Frenchman’s odd respect for the law. If he saw inconveniences in a law, rather than make a change, he preferred to circumvent it. Malesherbes was therefore informed by his superiors that, though they recognized the need for a tacit permission, no public sanction of it would be issued. Even members of Parlement, constantly in opposition to royal authority, were aware of its existence, but never prosecuted those publishing books fraudulently, provided they had a tacit permission, although they staunchly refrained from registering a law legalizing this procedure.

Other books might be printed with a simple tolerance or even with “assurances of impunity.” If it was thought that a work might be tolerated, yet sufficiently dangerous so that no one would assume responsibility for approving it, even tacitly, the printer was told to undertake its publication secretly by the lieutenant general of police, who pretended to be ignorant of its existence and thus had no reason for seizure. This kind of permission had also become common under the administration of Malesherbes, but it was not officially registered. The printer had to make sure of himself in case of inspection, if the book aroused animosity, but his security was actually guaranteed by the police, who warned him when a raid was to take place.

Coupled with the practical impossibility of obtaining written endorsements, Malesherbes was constantly annoyed with arguments over privileges, which permitted authors, but more usually booksellers, the exclusive right to print and sell a book over a designated period of years. Many of the arguments concerned those who, unsatisfied with this exclusive right, desired that privileges become a permanent possession, even hereditary, like a piece of property. The exclusiveness
of the privilege also brought about countless abuses. Some printers sought privileges, not to publish books, but to prevent others from doing so, presumably because the material might be competitive with that already printed by them, or solely through personal grudge. Others, in their greed, wished to profit financially by printing an edition of a successful book initiated by a competitor. Consequently, though the privilege was technically used to prevent counterfeits, actually it increased the number of illegal books. It also created monopolistic practices: a certain Courmont had obtained the right to print all public announcements, posters, and the like, not merely for Paris but for the provinces as well. Counterfeiting of French books with privilege in foreign countries simply could not be controlled. As an example, the County of Avignon, at that time a possession of the pope, sheltered many printers of illegal works, not merely because smuggling at this frontier was relatively simple, but also because printing costs could be maintained at a level below those of France. The fact that only successful books were counterfeited eliminated financial gamble. It was known to the officials that many French workers had migrated to Avignon to set up presses, of which, in 1754, there were about twenty, far more than necessary for the tiny county itself, but nothing was done about it.

Indeed, it is astonishing that Malesherbes, on his own initiative, took effective police action only once, at a time when he was forced to do so because of the open flaunting of the law forbidding counterfeiting. During a raid on the establishment of a bookseller named Ratillon, a huge cache of illicit books was seized in two large warehouses. The owner had been dealing in such books with numerous associates and had even formed an illegal company with partners in Paris and Versailles. The books were printed by a man named Machuel of Rouen, who used a fellow conspirator to transport the books to Paris by the use of carriages, including those of the nobility and diplomatic corps, such as the vehicles of the
king’s daughter and the ambassador of Malta. Machuel was actually the key figure in the affair, but, again, no prior action had been taken. Malesherbes writes, with little apparent concern, that he had long been known as the operator of a central agency for fraudulent publications. This time, he was temporarily placed in the Bastille, forced to sell his equipment, even, for a few years, losing his professional standing. Nevertheless, it is the only case of voluntary, energetic prosecution on the part of Malesherbes. Of the many suggestions for eliminating this abuse, all of them never seriously considered by the director, there was one of a curious nature. A plan was offered for the establishment of an illegal press to be run by the government, with the sanction of the police, supervised by a reliable printer who might locate genuinely clandestine presses by his contacts in the trade.

If counterfeiting remained an insoluble problem, control of the shipment of books, especially those arriving from foreign countries, caused no less concern. Although the Code of 1723 contained laws covering this aspect of the book trade, they were easily broken and served only to augment, by cumbersome administrative routine and an impractical system of inspection, the interminable delays suffered by bookdealers in their commercial activities. If books were to be imported, the Code stipulated that only ten towns might serve as ports of entry: Paris, Rouen, Nantes, Bordeaux, Marseille, Lyon, Strasbourg, Metz, Amiens, and Lille. It was a law both awkward and inefficient, forcing shipment of books to their destination by the most circuitous routes. Malesherbes notes in a memoir that many precautions had been taken to ensure that shipments arriving at ports along the English Channel be made directly to Rouen, although, in this city, the director admits, illegal activities are rife. It was also ruled that books printed in the County of Avignon must proceed to Lyon for inspection regardless of their final destination, but it was a plan actually unfeasible owing to the close relationships existing between the official supervisors in Lyon and their confed-
erates in Avignon. Indeed, to create further complication, it
appears that many of those hired for inspection duty at the
ports of entry were illiterate and unable to execute their du-
ties. Many intendants or governors of provinces were com-
pletely unaware of their responsibilities in this area. Yet, in
one case, when an official at Dieppe assumed the role of book
inspector in this city, which was not officially recognized as
a port of entry, Malesherbes complimented him for his sagac-
ity, since the law had created so much inconvenience for
the inhabitants of that city. In addition to outright smug-
gling, other means were used to nullify the laws. The personal
effects of travelers could not be inspected, and, even more
surprising, the introduction of illegal books might readily be
realized by the simple expedient of the postal service, which
evidently was not checked. Cases of books were often sub-
stituted for boxes of other merchandise. Correspondents of
Parisian booksellers covered illegal contents of cases with
books having a permission or inserted in these books leaves
of a prohibited edition. Customs inspectors in Paris had every
opportunity to make substitutions. When Malesherbes gave
verbal orders to return prohibited books to a foreign printer,
they were usually delivered to a Parisian bookseller. The re-
quirement that printed material should be immediately de-
posited in the Syndical Chamber, after inspection at the cus-
toms, was flagrantly broken when coaches of aristocrats,
including princes of the blood, often containing contraband,
refused to stop at the barriers for inspection. Few paid any
attention to the law forbidding shipment of books to individ-
uals, unless it was applied by officers of the Chamber for their
personal profit. One daring bookseller even used the name
and address of the lieutenant general of police to effect the
entrance of prohibited books into the city. He was caught,
but given only a small fine. Many efforts were made to avoid
completely any inspection by a syndical chamber. One ob-
server, noting the many prohibited books sold in Versailles,
blamed the excessive number of booksellers functioning in
that town, as well as so-called book agents. He advised that bookdealers be reduced to eight (four within the chateau) to ease supervision. The real villains were the agents, who rented their property close to Paris as depots for books. Their sole function was to circumvent the law, their excuse being that visits of the Syndical Chamber caused delays that were damaging to business.

From a psychological point of view, the most naively incredible law of the Code provided for the policing of the book trade by its own members. Businessmen with a sense of civic responsibility may have existed in the eighteenth century, but the average bookseller, whose major ambition was associated with monetary gain, found little satisfaction in forcing himself or professional friends to sacrifice profit in order to obey the law, or to inflict punishment upon himself or others for so doing. Although subject to higher authority, one syndic and four assistants shared the responsibility of governing their trade, and the gravity of illegalities committed under this system was no less than might have been expected. Obviously, the officers of the Chamber were both parties and judges in the examination of books. Knowing, in general, through correspondence, what each case contained, they inspected most superficially. If printed material was addressed to individuals, only those without foresight to warn or to cajole them were hurt. Even in these cases, the severity of the officers was quickly mitigated by sharing the seized books with the guilty. Agreements were made between them and the customs officers to substitute cases before their arrival at the Chamber. No register of prohibited editions was maintained, as was legally required. Indulgence with relatives or friends, undue severity with rivals, and preoccupation with their own interests reduced the inspection of these supervisors to a name only. All the most important booksellers, who at some time had acted as officers of the Chamber, traded in prohibited books. The fact that they had only once been given mild punishment accentuates the frequency of the practice; otherwise,
because of their prominent position in the community, they would have been left untouched. As a result, control of the publishing industry and inspection of books by officers who were themselves booksellers engendered so many gross infractions that Malesherbes took steps to rectify the situation. Although one printer or bookseller may not have been more trustworthy than another, he endeavored to force approval of his own selection of candidates for supervisory duties in the Chamber. Indeed, he managed to appoint two inspectors in 1757 to check on the activities of these officers. However, two inspectors for the entire city of Paris were scarcely sufficient to control illegalities of the trade; furthermore, in the provinces such inspectorships were virtually impossible, since governors and police officers, despite their inefficiency, were already responsible for this type of duty. It should also be emphatically noted that the problem of controlling printers in cities or towns where neither a parlement nor governor existed remained unsolved, proving conclusively that large areas of the kingdom were without any supervision whatsoever.

Illegalities likewise occurred in the distribution and sale of books. In the provinces books printed in Lyon and other southern cities were taken to Italy or Spain by itinerant merchants who inhabited the mountains of Savoy. Since authors were forbidden to deal commercially with their own books, people of quality, especially women, did them the favor of selling copies for more money than the amount demanded by booksellers. Peddlers roamed around the countryside or sold "under the cloak," even in Paris and Versailles—in Malesherbes's own words, an everyday occurrence.

Among other laws openly violated, the regulation that one registered storehouse only must be owned by a single bookseller was necessarily broken by all fraudulent dealers, who were forced to possess at least two. The establishment of presses in officially identified locations ceased to aid supervisors when there existed more than one hundred small portable presses that were noiseless and easily hidden in closets. Priv-
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illeged places for storing books, notably religious institutions, were admittedly never inspected, although there was nothing in the law to prevent such action. A knowledge of ancient languages, legally required for booksellers and printers, was no longer enforced unless it was used by officers of the Chamber to hamper the professional advancement of undesired candidates. Malesherbes confessed ignorance of procedure used to procure a certificate from the rector of the university, but stated with certainty that many members of the book trade could scarcely read French.

Although the director complained about the inefficiency of provincial governors, he nevertheless placed himself, without the slightest qualms of conscience, in the paradoxical position of being responsible for the application of regulations, yet personally suggesting or condoning their circumvention. If laws had to be broken to assist the publishing industry in general or those plying that trade, he did not hesitate. Approval of the city of Dieppe as a port of entry was based on a desire to expedite the shipment of books, although it lacked legality. Similarly, he violated regulations by permitting publication of prohibited books in Lyon to aid French printers. The sale of books “under the cloak” was generally accepted because it served as a means of distributing literature often offensive only to a small segment of the population, but without giving this system the official approval of the government. Malesherbes was prone to suggest the use of a foreign frontispiece to permit publication of a manuscript that could not otherwise be condoned. If an author were having censorship difficulties, Malesherbes often gave his personal approval. He frequently ruled that, though seizure of books in provincial cities was quite legal, no prosecution of those guilty should be forthcoming. His personal permission was given for at least one text even before censorship was completed.

The director’s task as administrator was made no easier by the intervention of influential individuals who arbitrarily broke rules in their personal dealings with publishers. When
Malesherbes ordered the seizure of a memoir libeling the magistracy of Strasbourg, it was discovered that certain copies were stamped and addressed to the dauphin and to almost all the princes of the blood. Nothing could be done about preventing such people, above the law, from receiving prohibited material. In many cases, Malesherbes was placed in the awkward position of not being informed whether the king had expressly authorized the publication of a book, particularly since authors and printers were prone to use these so-called indirect permissions as an excuse to avoid legal formalities.

Innumerable technical irregularities were prevalent. Malesherbes received complaints that censors sealed manuscript rather than printed pages after approval, thus permitting censorable material to appear in the final copy that had presumably been sanctioned. Other manuscripts would be received with lines written so closely together that no space was available for corrections, necessitating the use of detached sheets, which might readily be mislaid. The director frequently ordered that shipments of books be taken neither to the customs nor to the Syndical Chamber. Or he informed individuals that the passage of a book to the Chamber was merely a matter of form. When Stanislas, the deposed king of Poland, asked that a shipment be delivered directly to a nobleman in Paris, obviously not a bookseller, he readily consented. When the bishop of Grenoble wrote that he did not want his books sent to the Chamber, stating that regulations applied only to books for sale and not to those given away, Malesherbes happily acceded to this interpretation. The most common but technically illegal practice of the director, utilized so much that it might be called a policy, was to suspend judgment of a book until a few copies were sold, so that their effect upon the public might be ascertained. His extensive use of the tacit permission, which could always be countermanded, may be partially explained by his fondness for this policy, particularly when a book dealt with matters of gov-
ernment or public law where official approval might create an undesired reaction on the part of the public.

Official indifference to, or actual sanction of, infractions of regulations and methods of circumvention, hypocritical insistence on arbitrary "rights," financial greed, and professional jealousy on the part of booksellers caused innumerable disputes, multiplied by indignant or self-pitying complaints of authors often victimized by a hypersensitiveness so commonly associated with their temperament. These disputes were frequently referred to the judgment of Malesherbes, adding another responsibility to his position, although he always refused to judge affairs that he considered legally contentious, generally endeavored to steer a neutral course in other cases, or ignored them completely.

Quarrels between authors and booksellers were often caused by the habit of publishers to use arbitrarily the authority of the director in declaring that an author's manuscript had been disapproved, in order that they might publish it later without being forced to expend funds for its purchase. Rarely were booksellers punished for printing works without the permission of the author. Others endeavored to lower the purchase price of a manuscript by threatening to print unauthorized editions. Even the greatest authors were not immune. Voltaire himself, through his agent, was victimized in this way when the proposed publisher of his famous history *Le Siècle de Louis XIV* hypocritically declared that a demand of four thousand livres for the manuscript was exorbitant. Nor were booksellers at a loss to quarrel among themselves. Such disputes may be illustrated by a conflict between a Parisian publisher, Garnier, and his professional counterpart in Lyon, a man named Bruyset. Garnier contended that Bruyset was counterfeiting some of his books and requested an order to raid his stores in Lyon to effect their seizure. The order was forthcoming, and Madame Garnier, probably accustomed to victory in domestic disputation, was dispatched to see that justice prevailed. The inspection, how-
ever, uncovered only sixteen copies of a work of an author named Collet for which Garnier had exclusive rights. Garnier voiced his dissatisfaction to the chancellor and finally instituted court proceedings, stating that despite Garnier's privilege for this work Bruyset had obtained copies of Collet's work printed in Avignon and had shipped them to Lyon contrary to the law prohibiting the entrance of counterfeit books into France. Meanwhile, in a letter exuding self-confidence to Malesherbes, Bruyset contended that the books were merely passing through Lyon en route to Frankfurt and were not intended for him. It was apparent that justice was on the side of Garnier. Bruyset, one of the most unscrupulous book-sellers of the eighteenth century, unquestionably engaged in many illegal procedures. However, the self-confidence he always expressed in correspondence with Malesherbes indicates that the director protected rather than prosecuted him whenever possible.

In other arguments Malesherbes even received letters concerning disputes over payment for a book. In Marseille two priests inspected a copy of an official decree in the shop of a man named Isnard. They wanted to take the copy and have Isnard collect the money for it at their residence. Isnard said that the copy was theirs only if the money was immediately forthcoming, whereupon the priests pummeled the bookseller with their fists and even tried to make off with the remaining copies of the decree. The clerics threatened to inform Malesherbes of the argument, and Isnard actually wrote the director to defend himself in this petty, inconsequential squabble.

Authors also brought their quarrels to Malesherbes, although, rather than entailing interpretation of regulations, they usually were a matter of antagonistic attitudes concerning the contents of a book. Such arguments were most troublesome for Malesherbes; he was dealing, not with infractions of a stated law, but rather with the subjective opinions of sensitive personalities. Unless he evoked the law against libel, there was no legal basis for action, yet he was constantly re-
quested to take a stand in disputes by those who wished satisfaction against hostile criticism. The director refused to accept these requests unless pressure was brought to bear from his superiors, but he continually tried to impart to literary opponents his own emotional stability and to exercise his natural quality of tact, together with elementary principles of psychology, in order to appease those who considered themselves victims of unjust attack. He believed the course left open to such individuals was simply to print their own rebuttal. In so doing, the director often exhibited tendencies toward liberalism, by his approval of free and open discussion and democracy, by his belief in the judgment of the public and his disinclination to establish despotic control over literature. Even theologians brought their debates to Malesherbes for arbitration, but, in this highly delicate area, he utterly refused to assume responsibility, basing his decision on what he must have considered, at least in his official capacity, as a happy state of ignorance.

Incredible as it may seem, others, with wounded sensibilities, came to the director to obtain redress for equivocal dedications. Before dedications could be printed, regulations required approval by the recipient. Some, however, did not take the trouble to read the actual dedication before granting approval, believing that it must, by definition, contain words of praise. Shocked to discover that eulogy could degenerate into ridiculous flattery, they came mourning to Malesherbes.

Complaints based upon pride in ancestry brought the director additional woes. Although he always tried to assuage ruffled feelings, he realized that problems arising from the publication of genealogies were insoluble because censorship in this specialized area remained essentially ineffective. In one case, a marshal of France became infuriated when a certain Madame de Lismore inserted an article in a genealogy claiming that she was related to him. He demanded the elimination of the insertion in all unsold copies, together with the
printing of a public notice containing his protests. Malesherbes calmly explained to the marshal that the censor could not be held blameworthy and hinted that the matter was being given too much importance. More critical problems concerning genealogical publications arose when a large number of families were involved. What should be done with a proposed genealogy of the nobility of Lorraine that would expose the false claims to ancient aristocratic ties of those only recently ennobled? The censor stated that the work should be prohibited, but Malesherbes permitted publication, believing that authentic genealogies hurt only those who had assumed titles to which they had no right. As a true aristocrat, he sympathized with noblemen who, through impoverishment, had begun to doubt the legitimacy of their extraction, and condemned those who usurped honors belonging only to the old nobility.

The position of director of the book trade assigned to Malesherbes in 1750 included the assumption of responsibility for executing censorship regulations and supervising the activities of the royal censors.

Before 1741 censors were appointed without permanent title and, for the most part, lacked efficiency. Consequently, in 1741, hoping to render the censorial system more effective, the authorities increased the number of censors to seventy-nine and granted them permanent status. By 1762 the list had been augmented to one hundred and twenty-two names, divided into the various areas of learning. Of the sixty names in the general field of literature and history, there are scarcely more than half a dozen who have the most modest claim to renown. In addition to these individuals, other high authorities, notably ministers and obviously the king, assumed this prerogative. At least one minister permitted his secretary to do his censoring for him, and, if Malesherbes approved, an author might choose his own censor, even though the man chosen had no official status. In principle, a book was assigned to a censor presumably specialized in the subject matter of
the book, although this procedure could not always be carried out when manuscripts in one particular area were submitted simultaneously.

There were, however, few attractions to induce competent individuals to assume the function of censor. Despite the award of permanent tenure in 1741, poor pay scarcely out­weighed the antagonism of noted authors or their aristocratic supporters incurred by disapproval of a manuscript. Unlike many other governmental positions, pensions were not automatically granted. Their distribution was often based upon such factors as impoverishment; there is no mention of efficiency as a necessary condition for the receipt of a pension.

During his thirteen-year tenure of office, Malesherbes's relationships with his censors remained excellent. Lacking the arrogant attitude so often displayed by officials of the ancien régime, the director shielded his assistants as much as possible from public and private enmity, never censured them openly and seldom privately, disliked to intervene in their labors or to question their decisions, and gave them unqualified support in clashes with others, unless thwarted by superiors, even to the point of endangering his own status. Only occasionally, when he believed that a censor was biased or unnecessarily strict, did he override his decision; even in these cases, the director usually appointed a second censor. Indeed, when a censor hesitated to make a decision, he frequently assumed this responsibility. Nevertheless, despite the attractions of a benevolent supervisor, some financial return, and a position of authority, the profession of censor involved psychological problems as well as delicate decisions over and above judgments based on censorship regulations. Foremost in the mind of most censors was fear of reprisal for adverse criticism. They refused to have their identity revealed to authors if their censorial reports contained hostile comments. Others declined giving public approval to manuscripts because of a belief that such approbation might witness their lack of literary taste. If one were appointed to censor a jour-
nal, it was found impossible to verify the accuracy of all quotations with the original sources.

Custom dictated that censorship be performed by those residing in Paris. Although Malesherbes favored delegation of authority in the provinces, he found it difficult to achieve owing to utter confusion or ignorance in regard to established regulations. He may, indeed, be partially blamed for lack of action in ameliorating this situation; directives could have been dispatched to responsible officials; a more rigorous policy might have been adopted to check overt acts of illegality; he might have forcefully appealed for additional supervisory personnel under his authority (there were only two provincial inspectors of the book trade). Governors of provinces, whose help was needed, often showed indifference, and their official rank precluded domination by Malesherbes unless he applied pressure through the chancellor, which he was temperamentally unprepared to do. Yet the director, conscientious within the self-imposed limitations of his responsibilities, had inherited a system traditionally accepted, and it would be difficult to censure him if he had concluded that a truly effective method of supervision could not be realized through the efforts of a single individual who lacked the support of publishers, writers, the public in general, and even superiors in administration or society, who occasionally showed interest in his functions, not to improve conditions, but only to intercede in isolated, individual cases.

We have noted that the Code of 1723 provided punishment for those who permitted the appearance of books containing libels against individuals or families, attacks against the church, state, or king, and licentious, immoral material.

When concerned with complaints of real or supposed victims of libels, Malesherbes usually stated that he could do nothing about them, except to determine whether they had been printed in defiance of a censor’s disapproval, or to place an offcut over the disputed passage. Having endeavored originally to make the delicate decision between legitimate
criticism and defamation, it became his firm policy, despite commiserative notes to complainants, never to intervene in contentious cases where printed libel might be involved, unless forced to do so because of the rank of the individual supposedly maligned. He did, however, take the trouble to explain his position and indicate possible courses of action to those who appealed to him, though always counseling restraint. He was of the belief that disputes, unless defamation of character was obviously involved, should be advocated rather than forbidden, particularly as a means of furthering the progress of knowledge. In his words, the use of print in disputation had never hurt people of true merit. However, unless under the form of allusions, only rarely were libels condemned through the censorship. Authors realized that defamatory passages could easily be detected and consequently associated themselves with unprincipled French printers or foreigners in the publication of their material, gambling that the appearance of their libels in Paris would arouse no public clamor and thus reducing to a minimum any likelihood that Malesherbes would take action.

Similarly, manuscripts composed solely to appeal to man's baser instincts infrequently reached the censor because of the ease of detection, although there were a number of borderline cases that were generally passed unless there happened to be a more compelling reason for disapproval. Literary licentiousness seldom troubled Malesherbes.

On the other hand, a state of confusion existed in the censorship of books treating religion. It is common knowledge that Malesherbes's personal policy, in dealing with Voltaire, Rousseau, and others, favored liberalism, which, one may safely hypothesize, extended to complete freedom of expression in the field of theology. He was compelled to contrary action only through the intervention of superior authority or when he believed that he must abide by the law for the maintenance of public order. In this policy he was supported by a number of censors, as well as by a large segment of the pop-
ulace. The average Parisian eagerly sought prohibited books ridiculing the church. In his manuscript diary of 1760 a book inspector noted that a few copies of such a work entitled *Praise of Hell* were circulating in Paris, a book badly written but anxiously sought because religion, priests, and monks were so maltreated. Neither did Malesherbes endeavor to prohibit the sale of Protestant works, often using the argument that, though official permission might seem to sanction independent expressions of opinion, verbal tolerance should be granted, since the book would appear anyway, the sale of which might fill the coffers of foreign rather than native booksellers. A discourse on irreligion by Haller, despite open disparagement of the church, was tolerated, even though the censor was a professor at the Sorbonne. In similar spirit a treatise was banned for supporting the authority of a monarch to force adherence of his subjects to ecclesiastical decisions. Other texts, however, were prohibited for an unseemly intermingling of devotion and gallantry. Malesherbes himself permitted attacks on liberal thinkers in keeping with his beliefs that there should be free expression in debate. But, above all, censors were particularly sensitive about approving treatises supporting the church unless their quality equaled that of antagonistic texts. Many manuscripts precluded official approbation because of their general mediocrity, although the contents were innocuous. It was generally believed by the censors that a mediocre work in the field of religion did more harm than good; it would be little read by the common folk and ridiculed by the incredulous.

Because of the delicacy of censorship, responsible officials also disliked to approve political works if they had any doubts concerning the contents. Books that might arouse the ire of foreign countries currently friendly or at peace with France were rejected. Similarly, those that seemed to oppose government foreign policy were never approved unless Malesherbes had the permission of a minister. During the Seven Years' War, attempts were made to ban the many books expressing
anglophile opinions. In the case of a proposed translation of two English pamphlets concerning the war, Malesherbes believed that no official sanction could be granted, but realized that if the foreign petitioner did not print the translations, one of his competitors would do so even without complying with the formality of seeking permission. Consequently, the director used another customary method in handling the affair: he simply did not reply to the request. The greatest problem of political censorship, however, was to stem the flood of anti-French propaganda through foreign gazettes, notably the *Gazette de Hollande*, which had already been given an exclusive privilege. Malesherbes realized that it would do no good to try to prevent the entry of copies into France, nor would the reprinting of the gazette, excluding censorable passages, be effective; such reprints would simply give greater value to the original. His solution was practical: suppress the exclusive privilege and make reprints selling in France for considerably less than the original. Once profits decreased, those responsible for printing objectionable material would abide by the wishes of the French government. Another affair concerned the abbé Coyer's *Histoire de Sobieski*, a work containing outspoken republican statements that had vexed Louis XV. The chancellor wrote Malesherbes that it was incredible how such a book could have appeared without permission and that the censor must be punished. The director was forced to admit that the book had been granted tacit permission and earnestly requested that the censor be given a hearing to justify himself—a request in keeping with his innate sense of justice. In this case, however, both author and censor received sentences. Malesherbes had covered himself by refusing an express permission, but the work would have appeared "tacitly," with the director's blessing, as did hundreds of other books, if it had not been singled out for attack by those in power.

There were other reasons for censorial disapproval not specifically covered by the Code of 1723. Often censors became
self-appointed experts, not always with justification, in subject-matter areas pertaining to the manuscript they were reviewing. One book on arithmetic was banned because it was considered to instruct incorrectly. Another censor voiced dissatisfaction with a *Mémoire sur la milice* merely because the author did not discuss the crucial problem of the appropriate size of a standing army in France. Publication of an apology for luxury was refused because the censor did not agree with the author. Similarly, a treatise on smallpox received disapproval because it contained statements contrary to the opinion of the Faculty of Medicine. As we have seen, rejections could be based on the general mediocrity of a work, it apparently being a policy of some to “protect” the public from books of little literary value. On the other hand, a censor named Moncrif would approve works actually because of their mediocrity, believing them, for that reason, to be harmless, though his pride as a man of letters prevented him from giving approval by name. Malesherbes himself was capricious in this matter of mediocrity. Although he rejected some books of inferior quality, he would approve others, primarily out of sympathy for impoverished authors. Other censors, believing themselves to be arbiters of good taste, banned books solely for stylistic reasons.

Complaints reaching Malesherbes against censors who demanded excisions were not so numerous as might be expected, probably because authors generally accepted the unofficial, tacit permission having less stringent requirements than an open approval, or because the director, in most cases, was known to support the censor, or because arrangements between author and censor were made verbally. The greatest source of irritation was the slowness of the reviewer. One author complained that his censor had read only one-twentieth of his manuscript in eighteen months, a rate of speed that would require fifteen years before censorship was completed.

In general, then, the form rather than the spirit of censorial laws was obeyed. Censors found it useful to suggest sale of
books under the cloak, an illegal procedure. A reviewer of licentious tales was willing to follow the policy of ignoring the fact that they existed. Permitting the illicit distribution of an obviously lascivious tale, he added the curious statement that, except for a few lines describing the lubricity of a monk, one could not write more decently on such an indecent subject. It concerned prostitutes, and the place of debauchery where they are found is described, but even ladies could read the story without blushing. Censorship of journals seems to have been nonexistent at times, and, at the most, superficial. Censors wrote to Malesherbes that a manuscript should not be printed by express approval, but might be distributed by peddlers as if the book were printed in a foreign country. In more than one case the director informed the author that permission had been refused, but that he had instructed his inspector not to be severe if the book appeared without sanction. Finally, execution of regulations was hampered by the indifference of censors in forcing obedience to their orders or by actual collusion between censor and author or printer. At least once, Malesherbes himself gave oral approval for a book without taking the trouble to ascertain its contents. When copies were seized, he admitted, with embarrassment, that he had even forgotten that he had granted such permission.

Although a lawyer himself, Malesherbes may be said to have failed as director of the book trade and as chief of the royal censors if one interprets his function as being that of a strict administrator of existing regulations, but he was temperamentally unfitted and philosophically unwilling to act in that capacity in many cases. He remained normally unworried, calm in conscience despite countless violations, by nature prone to forget, to forgive, to tolerate, rather than to punish. Yet, in his case, equanimity was the final product neither of apathy nor indifference. Impelled to write his reflections on the book trade in 1758, he attacked certain laws held sacred by privileged groups and condemned others that
in his opinion were more damaging than beneficial. Nor can the fact that no concrete steps were taken to ameliorate conditions by using his logical proposals serve as evidence of the director’s irresponsibility. The hierarchy existing within the monarchy was such that superiors could scarcely be prodded to action. Legal changes in France were difficult to effect. Consequently, Malesherbes followed the only course available, even though it involved personal judgment rather than objective application of regulations. In his own words, bad laws could be made harmless through circumvention. The Code of 1723, except in the principle of censorship, rarely coincided with his liberal philosophy of administration. When conflicts arose, he preferred to follow personal conviction rather than to act as an automaton, judging in strict adherence to injurious laws.

Thus, the attitudes of officials, the power of privileged individuals or groups, incompetency of booksellers policing their own trade, cumbersome administrative procedure in transportation, abuses of laws openly violated and seldom punished, in sum, a crass lack of respect for the Code of 1723, resulted in complete, incredible chaos. License in the book trade had reached the point where sale of prohibited books took place under the eyes of the king at Versailles. Only two months before Malesherbes’s retirement in 1763, an observer wrote that the book trade was a completely unrestricted business of brigandage. Nothing could be more conclusive than the director’s own opinion, stated in 1759, that there was little regulation and less consequence in what had been done, up to that date, in the management of booksellers and censors. Louis XV found himself totally powerless to prevent freedom of expression, which was to sweep the ancien régime to its ultimate doom.