

Slander or the paradoxes of freedom of speech

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Two books devoted to slander during the Age of Enlightenment highlight the explosive nature of speech and literature when they are given free rein. The attacks aimed at the King and Marie-Antoinette quickly started to pose a threat to the new democratic power. Then, how can we ensure that the principles of the freedom of press are compatible with the protection of individual reputations?

Books reviewed:

Robert Darnton, *The Devil in the Holy Water or the Art of Slander from Louis XIV to Napoleon*, Philadelphia, University of Pennsylvania Press (2010).

Charles Walton, *Policing Public Opinion in the French Revolution. The Culture of Calumny and the Problem of Free Speech*, New York, Oxford University Press (2009).

Unverifiable rumours, spread by pseudo-journalists held in low esteem by their colleagues, circulate about the sexual indiscretions of the President and his wife. While claiming to have contempt for such gossip, the public devours it with an unhealthy appetite; the government worries about it and launches an immediate police inquiry. Does this sound familiar? Yet what we are talking about is not the recent dealings of Nicolas Sarkozy with the media, excesses in the blogosphere, or even the continuing troubles of the British royal family with tabloids and their insatiable curiosity, but, during the Old

Regime, the libels¹ that were freely circulating thinly disguised scandalous anecdotes, supposed or entirely made-up, about the French Court. You will find everything you wanted to know about these libels in Robert Darnton's latest book, *The Devil in Holy Water*.

Grub Street Culture

For the last thirty years, Robert Darnton has cast a new light on the 18th century. Thanks to his history of the book and of reading, his continuing interest in the social world of authors, and his unfailing curiosity about the least canonical books of the literary world, we are able to examine the cultural origins of the French Revolution with a fresh eye. According to Darnton, it was not the masterpieces of Rousseau and Montesquieu that undermined the intellectual foundations of the Old Regime, but the erotic and political pamphlets of the literary bohemia that debunked the myths of the monarchy and undermined its prestige². This analysis, which emphasizes the paradoxical situation of a generation of young writers living in "Grub Street", attracted by the new found prestige bestowed on men of letters but forced to write scandalous pamphlets to survive, has given rise to considerable controversy. Some historians have criticized Darnton for neglecting the role of ideas in the genesis of the French Revolution; others have accused him of exaggerating the political effects produced by the circulation of these pamphlets, and still others have claimed that he has overemphasized the divide in the literary landscape between established philosophers and anti-establishment newcomers. Darnton himself has responded to these criticisms by refining his arguments, drawing up a list of the forbidden best-sellers of the 18th century, and showing that his method can also be applied to canonical works and mainstream authors: these are his

¹ "The *libelle* (libel) [is] a scandalous account of public affairs and private life among the great figures and the court and capital. The term does not get much use in modern French, but it belonged to common parlance in the book trade of the Ancien Régime, and the authors of such works were listed in the files of the police as *libelistes* (libelers)", Robert Darnton, *The Devil in the Holy Water*, p.2.

² This thesis was first established and developed in a series of articles published during the seventies and collected in *The Literary Underground of the Old Regime*, Harvard University Press (1982).

classical studies of the history of the publication of the Encyclopédie or of readers' responses to Rousseau³.

Nevertheless, libels are at the heart of his work – not just the famous and well-studied pornographic attacks on Marie-Antoinette, but also the bestsellers of clandestine literature such as the *Anecdotes sur Mme la comtesse Du Barry*, by Pidansat de Mairobert, or *Le Gazetier cuirassé ou Anecdotes scandaleuses de la cour de France*, by Charles Théveneau de Morande, published the same year, in 1771, in the midst of a political storm. Darnton has never ceased to study their transmission and to take a keen interest in the environment that had produced them. By publishing *The Devil in Holy Water*, he presents us with a kind of a reappraisal of this long term work.

Once again, the reader will encounter the charm of Darnton's books: the fast pace of the narrative, a nose for archives and bibliographical discoveries, a predilection for colorful characters and fantastic adventures. But this time, the narrative balance has shifted: where the historian previously offered a clear-cut, and often provocative thesis backed up by a few, cleverly chosen and suggestive examples, the argument is more nuanced now, and leaves ample room for a systematic study of these polygraphs and the pamphlets that were written in such numbers.

From the *Mazarinades* of the 17th Century to Pre-Revolutionary Libels

There are many different ways to read such a comprehensive survey. The first one is to look for an answer to a famous question: do (bad) books make revolutions? On this issue, the reader is likely to be disappointed, because Darnton seems more cautious these days with his assertions. Admittedly, he insists that such a surge of public affronts to the elite of the Court must have strained the affective and political bonds between the monarchy and its people. But for all its nuances, the argument becomes somewhat

³ See, for instance, Robert Darnton, *The Business of Enlightenment: A Publishing History of the Encyclopédie, 1775-1800*, Harvard University (1979). To get a better idea of the discussions it provoked, see *The Darnton Debate: Books and Revolution in the 18th Century*, Haydn T. Mason (ed.), Oxford, Voltaire Foundation, (1998). One of the most recent examples of such discussion is Simon Burrows' book, *Blackmail, Scandal, and Revolution: London's French Libellistes, 1758-92*, Manchester, Manchester University Press (2006), in which the author challenges with passion Darnton's view of the role played by libels and libelers in the crisis of the Old Regime.

hypothetical. In fact, the book shows that libels did not disappear with the Revolution – quite the opposite, in fact. When it came to it, the political culture of the Revolution did not hesitate to use the same methods of slanderous accusations and scandalous anecdotes.

Thus, the direct link between libels and the fall of the Old Regime recedes in favor of a more long-term analysis of the codes of satirical literature and its political usage. In fact, it seems that the historiographical discussion of the origins of the Revolution, which was so important at the time of the bicentenary, is now part of the past. After all, if we take a comparative approach, it has not prevented England, a country that enjoyed greater freedom of press and where slanderous attacks were also widespread at the turn of the century – even in daily newspapers –, from developing a strong patriotic attachment to its royal family.

A second take on this book, probably more in keeping with the goals of its author, is to dive with him into this world of libels and libelers (*libellists*), of which he paints a colorful portrait, with its codes, usage, its great men and renegades. Here, Robert Darnton has a great deal to offer with his incomparable knowledge of the protagonists of this small world. He even manages to discover a totally forgotten book, a novel written by a prolific author of libels, Anne Gédéon Lafitte, marquis de Pelleport, during his long captivity in the Bastille, a novel in which fictitious characters describe in great detail the habits of this literary bohemia⁴. A highly colorful character and fallen aristocrat, Pelleport is also the author of another *roman à clés*, the very *Devil in the Holy Water* from which Darnton has borrowed his title: this scandalous tale describes with fervor and an abundance of detail the unsuccessful attempts of the French police inspector Receveur to dismantle the network of libelers who have taken refuge in London as well as the betrayal by Théveneau de Morande, prince of libelers turned police informer.

Undeniably, one of the most fascinating aspects of Darnton's account concerns the intricate links between the libelers from London and the French police who are

⁴ Robert Darnton republishes this work which he presents as “an unknown literary chef-d’oeuvre”, which may be somewhat of an exaggeration: Marquis de Pelleport, *Les Bohémiens*, edited by R. Darnton, Paris, Mercure de France (2010) (1st edition, 1790).

responsible for their surveillance, and who arrange for the withdrawal of slanderous works. A complex game of bargaining and blackmailing emerges: police inspectors are sent to London on a mission to infiltrate the circle of French authors, who, in turn, demand money in exchange for not publishing their collections of scandalous anecdotes. However, these interchanges are ambiguous because some authors agree to work for the police while the inspector of the bookstore himself, Pierre-Antoine-Auguste Goupil, organizes a vast traffic of clandestine libels whose editing he oversees, revealing their dangers to his superiors and making them buy them back at great cost.

These conniving games, as well as the novels in which the libelers themselves play a role and make fun of the efforts of the police, are fascinating for what they reveal about the administrative and controlling organs of absolute monarchy, and Darnton excels in making sense of it all. But these games also cast a doubt on the actual political importance of these libels, insofar as they seem to operate in a kind of enclosed self-referential system. What if the police were the only ones to believe in the dangers of libels? And what if the shortcomings of the police authorities and the paranoia of the existing powers had artificially fed the market for this kind of scandalous literature and made slanderous blackmailing a perilous, yet lucrative exercise? In this case, the police archives and the libels themselves, far from being two opposing sources that confront one another, mirror each other to form one single corpus that leads us to overestimate their impact.

Finally, a third possible approach is to take calumny seriously as an object of history. One of the most important contributions of Darnton's analysis is to show that slander constitutes a literary and editorial genre in itself, born of the ambition to expose, more or less explicitly, the secrets of great men. Like any genre, slander is the product of a literary tradition, which can be traced back to the work of Pietro Aretino, whose reputation was deeply ambiguous at the time: disparaged as a master of calumny, Aretino was also praised for his courage against the power and the Church, to the point that Voltaire did not hesitate to claim to be one of his disciples.

Therefore, because of its literary pedigree and this context of absolutism, slander ceases to be sheer calumny and becomes a form of denunciation, of social and political criticism instead. In the second part of his book, Darnton provides a description of the “basic ingredients” of this literature – the short story and the portrait – based on the model of private lives in which scandalous anecdotes always have a political meaning. The difficulty, then, is to distinguish what is the product of a tradition of fairly codified writing – that can be found in Rome at the Renaissance, in the Paris of la Fronde, and in France during the Enlightenment – from what corresponds to a socio-cultural transformation that is unique to the disappearing Old Regime and was made possible by its encounter with British journalism and new printing methods for disseminating the news. In other words, are the libels that mock the behavior of Louis XV and his royal mistresses or denounce the loose morals of Marie-Antoinette different in nature from the *pasquinades* and the *mazarinades* of previous centuries?

The Liberation of Speech and the Democratic Transition

By some editorial coincidence – which may point to a current trend in historiography – another book dedicated to slander at the end of the 18th century has been published lately, almost at the same time. Charles Walton is Darnton’s former student, but his approach is quite different: he is interested in understanding how the intellectuals of the Enlightenment, and later the revolutionaries, were forced to bring the new principles of freedom of press in line with the protection of individual reputations. The confrontation is no longer between the police and the libelers, but between a new liberal and egalitarian order, established by the Revolution, and the culture of honor, so deeply engrained in the society of the Old Regime.

In this perspective, Walton abandons the exploration of libels as an editorial genre in order to combine three different approaches: an intellectual history of the debates about the freedom of press that lead to the article XI of the Declaration of the Rights of Man and was pursued during the Revolution; a cultural history of the logic of honor, which was still very important during the Old Regime and did not disappear with the society of order; and lastly, a sociopolitical history of the micro-conflicts that brought

into play, during the Revolution, slanderous practices and threats to the honor of individuals. A strong thesis thus emerges from these three combined analysis, each conducted on a different scale: the Revolutionary violence, during the Terror in particular, can be explained by the sudden passage of a society structured by the culture of honor, and in which the social value of a person depends, before anything else, upon his reputation and in which slander is the worst possible crime, to a more liberal society, formally egalitarian, in which freedom of speech is theoretically ensured. The skillfulness of this demonstration consists in showing that it is not the Jacobean principles that are responsible for the revolutionary violence, but the liberal principles themselves, not because of some intrinsic defect, but because of the explosive charge inherent in their application to a society still very much structured by a hierarchical and moral conception of social relations.

Like any broad interpretation of the revolutionary radicalization and the reign of Terror, Walton's thesis is likely to be discussed in the future, and perhaps challenged, but it has the undeniable merit of replacing specious alternatives (the theory of circumstances or the Jacobean ideology) and of giving central attention to the difficulties of any democratic transition. Above all, the reader will learn a great deal in the process about the challenges that the idea of freedom of speech itself entailed in the debates that took place during the Enlightenment and the Revolution. He will realize, for instance, that the most liberal philosophers of the Enlightenment, like Condorcet, were never in favor of complete freedom of the press – at least not in the way we understand it now: they were satisfied with the mere suppression of prior censorship and, at times, set strict limits to freedom of speech. The reader will also learn that truly libertarian positions – the claim that we must fully trust the judgment of public opinion and prohibit nothing – were actually defended by very few, even during the first years of the Revolution. Soon, the deputies themselves were confronted with the issue of their own respectability and vulnerability to calumny. So, in order to protect their own dignity, they invented a crime of *lèse-nation*, on the model of the crime of *lèse-majesté*.

The Declaration of the Rights of Man of 1789 asserting that “the free communication of thoughts and of opinions is one of the most precious rights of man: any citizen thus may speak, write, print freely, save [if it is necessary] to respond to the abuse of this liberty, in the cases determined by the law” (art. XI) was both establishing a right and setting its limits, thus keeping its future determination open. The abuses it mentioned could be of various kinds – from blasphemy to sedition – but most of the revolutionaries were aware, like Brissot – who had been a journalist and a writer before the Revolution – that “to punish calumny without undermining the freedom of press is the most difficult problem to resolve in politics”.

Having started with an examination of the control of public opinion during the Revolution, Walton considers the problem of the necessary limits of freedom of speech: How can we guarantee freedom of speech and protect people’s reputation and dignity at the same time? This is a question that our contemporary liberal societies are still constantly confronted with. On this issue, our inheritance from the Enlightenment is far more complex, and far more interesting, than the famous sentence attributed to Voltaire (“I don’t agree with what you say, but I will defend to the death your right to say it”) – a sentence that is clearly apocryphal, as Walton reminds us opportunely – implied. Read in parallel, his and Darnton’s books delineate a public space that is quite different from the one that the specialists of the 18th century have explored in the last decades: not a Habermasian space of the rational usage of reason and harmonious sociability, but an ensemble of malevolent discourses and rumors, dependent upon countless social and political conflicts, and driven by a new fascination, fueled by the press, for the private lives of famous men and courtesans.

Should we see in these two works signs of an evolution in historiography? We can, of course, read both of these books through the lens of standard questions, like the origins of the Revolution or the history of freedom of speech. Yet they seem to reveal a more salient aspect of our current relationship – both political and historiographical – to the Enlightenment: an ambiguous inheritance, constituted by a mixture of problems and contradictions rather than a stock of values that we must defend or reactivate. As an

object of history, slander thus forces us to think historically about the complex relationships that exist between the institutions that guarantee freedom of speech, or its repression, the forms of writing that encourage political denunciation, and the increasingly public nature of the private lives of famous people.

It seems therefore that the ambiguous relationship between the democratic ideal and the media can no longer be told as the history of a long drift from a public, critical space to a society of the spectacle threatened by a general preoccupation with the private lives of people. It is better to recognize, as these two books invite us to do, that the contradictions of freedom of speech are inherent in the cultural and political mutations that accompanied, during the long 18th century, the first democratization of European societies.

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