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#### ***published in***

Redescriptions. Yearbook for Political Thought and Conceptual History  
2004

#### ***document version***

Publisher's PDF, also known as Version of record

[Link to publication in VU Research Portal](#)

#### ***citation for published version (APA)***

van Eijnatten, J. (2004). Between practice and principle: Dutch ideas on censorship and press freedom, 1579-1795. In *Redescriptions. Yearbook for Political Thought and Conceptual History* (pp. 85-113)

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*Joris van Eijnatten*

# BETWEEN PRACTICE AND PRINCIPLE

*Dutch Ideas on Censorship and Press Freedom, 1579-1795<sup>1</sup>*

## 1. Introduction

Most studies on the freedom of the press in the early modern Netherlands – the territory encompassed by the Republic of the Seven United Provinces, which existed *de facto* between 1579 and 1795 – have focused on the legislation concerning, and the actual practice of, governmental and ecclesiastical censorship. Ideas of press freedom and censorship have been all but neglected. Only H.A. Enno van Gelder treated the subject in two major studies on liberty and toleration in the Dutch Republic, dating respectively from 1947 and 1972.<sup>2</sup> Subsequent authors have emphasized both the latitude and the limits of Dutch press freedom, using archival evidence for censorship practices at the provincial and the local, mostly urban level.<sup>3</sup> The stress in Dutch historiography on the legal and practical aspects of press freedom, as opposed to the theoretical, is understandable. The relative freedom of expression, strong traditions of capitalist enterprise and the immigration of refugees from the Southern Netherlands, Poland, Germany, Spain and, after the Revocation of the Edict of Nantes in 1685, also France, made the

northern Netherlands into one of the major ‘intellectual entrepôts’ of Europe, where international newspapers as well as disreputable works were published.<sup>4</sup>

These various studies come to similar conclusions. Whilst preventive censorship (censorship before publication) was never imposed in the Republic, repressive censorship (censorship after publication) was all but lacking. Measures against unwanted books were taken by individual towns, the various Provincial States, the Provincial Courts and the States General, in response to complaints lodged by powerful politicians ranging from city magistrates to the Prince of Orange, by French, English, Spanish, Danish and Prussian ambassadors and diplomats, and by the synods of the official Calvinist church and its sister congregation, the Walloon church. From the end of the sixteenth century to the end of the eighteenth, edicts were proclaimed and resolutions passed against ‘seditious’, ‘scandalous’ and ‘libellous’ books; against writings on Arianism, Arminianism, Socinianism, pre-Adamitism, Cartesianism, the Sabbath, deism and the new psalmody of 1773; against publications by Grotius, Spinoza, Machiavelli, Hobbes, Rousseau, Voltaire and Hume – not to mention a host of less well-known ‘Spinozists’, Calvinist extremists and political hacks. Comedies, songs, poems, engravings, pamphlets, sermons, periodicals, almanacs, French-language newspapers and source publications of sensitive political documents were always at risk of being outlawed. Culprits were usually fined, sometimes banned, and, less frequently, subjected to torture and corporal punishment. Stocks of books were seized and burnt in public. On the basis of proclamations issued by the States General, the States of Holland, the Court of Holland and the Deputy Counsellors of the States of Holland, Weekhout has arrived at the figure of 263 forbidden books for the period between 1581 and 1700. Jongenelen has found that between 1747 and 1794 in Amsterdam alone no less than 254 titles were outlawed,<sup>5</sup> and suggests that censorship actually became stronger in the second half of the eighteenth century.

This is one side of the story. The other concerns the fragmented nature of the Dutch Republic. Power was divided over various provinces, levels of government, and influential political figures, resulting in a great many loopholes in the law, or at least in numerous flaws in the law’s enforcement. Often disputes occurred over

jurisdiction, while compliance was difficult to implement. Decisions made at a higher level of government, such as the States General, were often easily ignored at the lower, municipal, level. Dominant stadholders like William III had considerable leverage in influencing censorship trials, to either the advantage or the disadvantage of the accused. Secular governments throughout the Republic circumvented ecclesiastical calls for censorship through procrastination and empty promises. The magistrates who were called upon to execute edicts and proclamations had the same commercial instincts as booksellers, and may at times have willingly reduced their grip on the production of books for political reasons. All this made for a relative freedom of the press, or, perhaps more to the point, for a relative degree of censorship, with the actual enforcement of edicts and proclamations depending to a large extent on time, place and person. The Dutch authorities were mostly concerned to appease foreign powers, keep the domestic peace and serve their own interests. Accounting for the conspicuous lack of principled defences of press freedom in the Netherlands, Enno van Gelder argued that the consistent non-implementation of censorship edicts throughout the seventeenth century had all but made theoretical publications superfluous. A Dutch counterpart to John Milton's *Areopagitica* never appeared. Even worse, the *Areopagitica*, a treasure trove of arguments against censorship which in Anglo-Saxon historiography has justly been regarded as a classic statement, was apparently never quoted by any early modern Dutch author.<sup>6</sup> But perhaps it is too much to expect elaborate defences of press freedom before the latter part of the eighteenth century. Few early modern writers would have denied the need for at least some measure of censorship. It was patently obvious that a line had to be drawn somewhere; and if practical considerations were involved in determining where, exactly, that line had to be drawn, few felt the need to theorize on a common assumption. A book on Socinian theology was surely at least as reprehensible as Pietro Aretino's *Errant whore* (forbidden by the Court of Holland in 1669). Even those who found both books equally interesting would not have protested against their being forbidden. Everyone knew that some things were simply not done, or at least not done openly. One did not incite the populace to rebellion, defame magistrates, the church or foreign rulers, propagate atheism or spread pornography.

Nevertheless, there have always been supporters of a measure of press freedom. Which arguments did they put forward in the public domain? This article offers an overview of the arguments adduced during two long centuries of developing public opinion on the freedom of the press. Due attention will be given to the more significant authors and events in the history of Dutch press freedom between 1579 and 1795.

## 2. Religious Freedom, Republican Liberty

The debate on press freedom initially took place within the context of discussions on religious toleration.<sup>7</sup> Before the second half of the eighteenth century, the call for press freedom was in practice often limited to books of a religious nature. This claim may be illustrated by one of the earliest, and by the standards of his own time most radical, of Dutch advocates of religious liberty: the humanist playwright, engraver and pedagogue Dirk Volckertsz Coornhert (1522-1590). Coornhert was an avowed opponent of the Calvinist hardliners whose influence had grown significantly during the early stages of the Dutch Revolt. He believed that each individual should be absolutely free to interpret the sacred texts as he or she thought fit – and subsequently make known his or her views by word or in print. He defended such ideas in his *Synod, or on the freedom of conscience* (1582), a hypothetical account of a discussion held at the town of ‘Vryburch’ (Freiburg) among representatives of various religious groups. In the *Synod*, the views of these groups are represented by extracts from the writings of their spokesmen; a certain ‘Gamaliel’ speaks for Coornhert himself. The fifteenth session of the synod debated ‘the making, publishing, printing, selling, having, and reading of writings and books’.<sup>8</sup> The discussion was evidently inspired by a prohibition, issued by William of Orange on 20 December 1581 and applicable to the province of Holland, which outlawed offensive books, reports, and songs. Whilst this particular edict was intended primarily to thwart the publication of writings criticizing the prince’s government, it also represents the stricter enforcement of censorship following on the two fundamental political deeds that brought the

Dutch Republic into being. These deeds were the signing of the Union of Utrecht in 1579 and the abjuration of the King of Spain in 1581.

The participants at Coornhert's synod include both Catholic spokesmen and the Genevan Calvinist Theodore Beza (1519-1605), who state that heretical books hinder their religion, and that such books should be prevented from being written, printed, disseminated, and read. Gamaliel-Coornhert himself observes that the government has every right to forbid any book that conduces to social or political unrest, and to punish trespassers. But people – whether they be learned or unlearned, clergyman or citizen – should be free to contribute whatever they deem necessary to the 'conversion of the church.' This, after all, is what the Reformation has been all about. Error should be combatted with truth, not proscription; people would read forbidden books anyway. Apart from the principle of religious freedom and the assertion that outlawing books is counter-productive, Gamaliel-Coornhert mentions a third argument. The people have already suffered so much for the sake of freedom of conscious: "What will be the effect on people's hearts of the new interdiction concerning a freedom that has been pursued for so long and obtained at such high costs?" Surely, believed Gamaliel, this would lead to rebellion. In the *Synod*, Coornhert also quotes the magistracy of the town of Leiden. A *Remonstrance* issued by the magistracy in 1582 contained a sharp protest against proceedings at a synod held in Middelburg in the province of Zeeland, where the clergy had demanded censorship measures.<sup>9</sup> The Leiden magistracy argued that it was politically wiser to allow each person to uphold his own beliefs, since he would then support the existing regime more readily. It surprised the magistracy that books were now permitted only on the basis of 'grace and privilege', in exactly the same manner as the heresy-hunters of Rome had imposed censorship. Members of the synod familiar with their own immediate religious history should know that liberty also implies freedom of speech. It is tyrannical to forbid good books; and bad books will always be neglected by real lovers of truth.

The three arguments adduced by Coornhert and the Leiden magistracy barely changed during the seventeenth and eighteenth centuries. They crop up repeatedly among dissenting Arminians, lenient Calvinists and various historians and jurists, political pamphleteers, journalists and satirists. They follow from three

principles: (1) freedom of belief or religious worship, (2) political prudence, and (3) the limited effectiveness or even the counter-productive nature of prohibitions. The stricter Calvinists did not, of course, support freedom of the religious press without substantial reservations. This was partly due to their definition of ‘Christian freedom’. The human conscience, they claimed, is truly liberated only when it has been freed by the grace of God and secured by his Word.<sup>10</sup> In consequence, only that truth may be reproduced in public which has the power to liberate. This argument from Christian freedom justified calls for censorship until at least 1750.<sup>11</sup>

The political administration of the Republic generally emphasized equitable and moderate control rather than either absolute freedom or outright suppression. Consequently, it is not surprising to find that some of the most outspoken defenders of republican freedom made no mention at all of freedom of the press. One of the most comprehensive defences of ‘True Freedom’ – meaning a republican administration devoid of the corrupting, monarchical element represented by the stadholdership of the House of Orange – was a little duodecimo of almost one thousand pages which first appeared in 1662, called *Political discourses treating in six different books, towns, countries, wars, governments, churches, and morals*.<sup>12</sup> The title page mentioned ‘D.C.’ as the author. This (i.e. ‘Del Court’) referred to Johan de la Court (1622-1660) or his brother Pieter (1618-1685); since Pieter published Johan’s writings posthumously, the book may well have been written by both.<sup>13</sup> The De la Courts were Leiden textile merchants who held pronounced political views derived in part from Machiavelli and Hobbes. Such views were probably shared by many anti-Orangist regents, but the magistrates who held power during the so-called ‘stadholderless period’ between 1650 and 1672 considered the De la Courts much too outspoken. The book was forbidden in the town of Leiden, whilst a similar text, the *Political maxims of the State of Holland* (1669), was forbidden throughout the Province of Holland.<sup>14</sup> One might have expected writers so concerned to defend true freedom, and whose own books were subject to both criticism and censorship, to have defended the freedom of the press. None of the six *Political discourses*, however, so much as even mentions the press; nor do the *Political maxims*. Given the fact that the De la Courts would later be seen as the godfathers of nineteenth-century

Dutch liberalism, it is interesting to know what they *do* say on freedom. The best government, claim the De la Courts in the *Political maxims*, is one which serves the interests of the sovereign by serving the welfare of the state as a whole. It is consequently in the interest of republican magistrates – to whose collective rulership the De la Courts assign an all but absolute power – to foster populous towns of great economic and military power. One way to ensure population growth is to maintain ‘freedom or Tolerance in regard of the various outward religions’ (this liberty is subsequently qualified as a ‘greater freedom than is enjoyed in other Lands’ and one that does not present any danger to the ‘free government’). A second means of ensuring population growth is complete freedom to participate in the economy.<sup>15</sup> Neither the freedom of belief nor the freedom of economic enterprise is, however, brought to bear specifically on the freedom of the press, although to us it may follow that the two former freedoms imply the latter. The De la Courts were more concerned to break the power of the church and the guilds, and to find a balance between civil liberty and republican government, than to ensure the possibility of a public debate on the basis of unlimited press freedom.

This conclusion applies to the Dutch republican tradition in general. The more profound seventeenth-century political thinkers – Hugo Grotius (1583-1645), Pieter de la Court, Ulrich Huber (1634-1694), and others – were often primarily concerned to analyze the existing political institutions of the Dutch Republic in the context of a more abstract political philosophy, and to show that these institutions maintained, or at least did not negate, certain civil liberties.<sup>16</sup> The latter might include freedom of conscience, freedom of religious worship and the freedom to discuss political issues. Combining classical republican thought with natural law theory, these political thinkers generally made the point that a government which did not listen to its citizens lapsed into tyranny, and that citizens who did not respect the laws lapsed into anarchy. Achieving an equitable balance between civil freedom and political authority necessitated, above all, the protection and maintenance of privileges. Spinoza did try to show that the *libertas philosophandi*, the liberty to philosophize or freedom of thought, was compatible with, and essential to, both religious piety and a stable society.<sup>17</sup> Gerard Noodt strove to demonstrate that citizens had the inalienable right to pursue



their own good, and that the government should protect their freedom while prudently enacting laws to prevent citizens from vice and misdemeanour.<sup>18</sup> However, no writer on republican theory of either the Orangist or States-oriented variety defended the idea of a public opinion based on a free press.<sup>19</sup> A major apology for classical republicanism, the *Treatise on freedom in the civil state*, published posthumously and anonymously in 1737, did not change this state of affairs. The writer, a magistrate from the province of Zeeland called Lieven de Beaufort (1675-1730) characteristically discussed the freedom of citizens to vent their opinion on matters of government. He observed that while such freedoms had been possessed by the Romans, they were lacking in contemporary absolutist monarchies. He contended that the Dutch Republic still recognized the ancient Roman freedoms, and that ‘nobody is punished for speaking freely or for reading a forbidden book’.<sup>20</sup> Yet he, like his seventeenth-century predecessors, did not show the slightest inclination to formally defend press freedom. Similarly, academic apologies for *libertas philosophandi* or freedom of speech conspicuously failed to explicitly consider the press.<sup>21</sup>

### 3. Pasquinade, Prevention and Public Opinion

The condemnation of pasquinades is at least as old as Law of the Twelve Tables (450 BCE), which threatened writers with the death penalty. The government of the Republic regularly responded to pasquinades against the various stadholders, local and provincial magistrates, and foreign sovereigns ranging from James I of England to Frederick II of Prussia. In general, the government acted far more stringently against pasquinades subverting their own status and authority than against subversive religious writings.<sup>22</sup>

Magistrates were usually expected to have studied law at one of the five Dutch universities. A number of them defended *Dissertationes juridicae de famosis libellis* as candidates for the juridical doctorate, treating the legal measures against reprehensible books, especially against pasquinades. These legal dissertations were not likely to be innovative or unduly lenient in respect of the press. Indeed, without

exception they are so many defences of a conservative, magisterial republicanism, regardless of whether the writers stood in the Orangist or ‘true freedom’ traditions. All dissertations appeared between the second half of the seventeenth century and the end of the eighteenth. One doctorate was obtained by a certain Isaac Lodewijk Panhuys – in all respects an obscure political thinker, who is simply mentioned here as the writer of a late but typical juridical dissertation on pasquinades.<sup>23</sup> Writing in 1793 under the restoration regime of the stadholder William V (1748-1806), Panhuys developed an argument based on natural law in favour of forbidding pasquinades. Man is designed to be happy, and one way to augment his happiness is to live in communion with others, that is, in civil society. Here he will enjoy the good opinion and esteem of others; *famosi libelli* that detract from his happiness by spreading slander and insult should consequently be forbidden. Panhuys demonstrated that the conclusions which he had derived from natural law were supported also by Roman law. He then went on to examine the position of the pandects on infamous books. Other dissertations similarly focused on technical juridical issues in Roman law regarding injuries sustained by slander.<sup>24</sup>

Such dissertations hardly afforded apposite occasions to argue against repressive censorship. In other writings, too, reasoned pleas for press freedom are difficult to find. In 1664, one writer responded to the suppression, by the Utrecht magistracy, of a States-oriented pamphlet denouncing rule by the stadholder as a despotic infringement of the true republican freedom of Holland.<sup>25</sup> The author’s argument was not that curbing the press was bad in itself. His point was that the Utrecht chief of police forbade anti-Orangist writings while permitting the circulation of villainous pasquinades in which the States of Holland and republican heroes like Hugo Grotius were disparaged. The chief of police had to make a choice. He had to either forbid all political pamphlets, or allow the province of Holland to publicly defend itself against the Orangists in the town of Utrecht. A later pamphlet, *Mercury in mourning* (1699), was written in response to a government crackdown on two *Mercuries* or newspapers issued in The Hague. The pamphlet is a dialogue between two erudite minds. One is Cato, who pleads for respectability and noble-mindedness; the other is Maecenas, whose attitude is that of a wit.<sup>26</sup> Cato, the

moralist, is naturally quite pleased with the prohibition of the *Mercuries*. He believes that the licence they took was far too great, and that their 'unlimited freedom' was bad for morality. Maecenas, by contrast, defends their satirical character, arguing that ridicule follows naturally from the satiric genre, which, in the way it was practised by 'literary heroes' ranging from Juvenal and Horace to Erasmus and Scaliger, has always been beneficial to society. As Tiberius said, in a free state the tongue should be free.<sup>27</sup> Again, this dispute concerned the degree of licence, or the extent of magisterial control, rather than the principle of press freedom. Cato believed that certain boundaries had been transgressed, which Maecenas denied. On the other hand, even Maecenas declared to be uncompromising on the point of pasquinades, which in his view should be punished severely.

Well-known among eighteenth-century writers was an essay included in the highly influential *Holland Spectator* by Justus van Effen (1684-1735), an important figure in eighteenth-century literary life who introduced the genre of the spectator to the Dutch Republic.<sup>28</sup> Written in 1733, Van Effen's essay was instrumental in fixing in the Dutch public mind the idea that eighteenth-century England enjoyed unlimited freedom of the press, and that the English themselves were uncommonly proud of the fact; but he also argued that self-discipline, based on a code of mutual politeness, was necessary, and that it had to be backed by the threat of censorship.<sup>29</sup> If his views seem rather conservative, Van Effen had at least broached the subject as a matter of public opinion. There has, after all, scarcely been a period in Western history when satire as such was more popular than the age of Swift and Voltaire.<sup>30</sup> In the 1780s, when the pasquinade became an important and popular tool in the hands of political commentators, its positive aspects were frequently emphasized.<sup>31</sup> On the title page of an *Essay in defence of the pasquinade* (1785), the author made certain to include the advice, 'read before you judge'.<sup>32</sup> A pasquinade, according to the author, is a piece of writing that exposes the moral failings of a certain individual, who is mentioned by name (to most oppositional writers during the 1780s, this person would have been the stadholder, William V). If a writer of pasquinades is well intentioned, restricts himself to revealing moral failings, and avails himself of this means only in the last resort, then he should be free to publish. Proper motives for writing a pasquinade are self-defence

or the defence of society and the wish to unveil national enemies and expose political leaders as common criminals. Such views were countered by conservative defenders of the Orangist regime.

Only a minority of Dutch authors argued in favour of preventive or precautionary censorship, the founding of colleges of censors to supervise and edit manuscripts prior to publication. The Reformed clergy certainly did explicitly call for the appointment of censors. The topic had been broached at the Synod of Dort, which called for the 'visitation' of books before they were actually published – a suggestion warmly supported by delegates from England, the Pfalz, Hesse, Basel, Geneva and Bremen.<sup>33</sup> Preventive censorship, it was suggested, should focus on religious writings, while censors appointed by the government must consist of both ecclesiastical and political officials. Suggestions were made regarding a Protestant Index, the prohibition of useless books and the encouragement of useful ones, as well as measures against sculptors, painters and engravers. Throughout the seventeenth and eighteenth centuries the political administration ignored the repeated call by the church for official censors. Thus, in contrast to other European countries, in the Dutch Republic a system of preventive censorship was never established outside the church and the theological faculties. The church applied to itself what it was not able to apply to the public at large. The task of appointing *visitatores librorum* was delegated to the *classis*, or supra-local consistory, and to the five theological faculties. Though much archival research remains to be done, it seems clear that the church was quite successful in reining in its own clergy. But since the church's only means of control was the imposition of ecclesiastical discipline (by preventing church members from participating in communion), and because further measures required the cooperation of the magistracy, it is not certain how strict the church's policies actually were, or how successful it was in suppressing dissent.

There are some exceptions to the rule that only the church called for preventive censorship. One was Johann Friedrich Reitz (1695-1778), a professor of rhetoric who held an academic address *On the censors of books* in 1751 at the end of his term as rector of Utrecht university.<sup>34</sup> Reitz claimed that edicts were useful and necessary, if only to enable the Christian magistracy to show by their example that they actually do abhor the books they themselves forbid. He set

up an argument for official *censores librorum*, appointed to approve or disapprove of publications. He suggested that the magistrate employ, for this purpose, a commission of men from different orders in society and experienced in different kinds of disciplines. This commission, he advised, should not only condemn books harmful to morality and religion, but also commit them to the flames. It should further impede the publication of useless, superfluous and absurdly verbose books. It should also prevent bookshops from selling forbidden books at auctions, and regularly conduct visitations to cleanse publishers' stocks of scandalous books.

Reitz, who was patronized by the stadholder, was not necessarily mounting a rearguard action. The idea of preventive censorship had become popular in some government quarters – so much so that a 'Plan' or draft concerning the issue was submitted by the Court of Holland to the States of Holland in 1769.<sup>35</sup> Based on an earlier concept written in 1765, the Plan was instigated by several orthodox preachers then involved in a controversy called the 'Socratic War'. This was a major pamphlet war sparked off by a Dutch translation of the *Bélisaire* by the French philosopher and encyclopaedist Jean François Marmontel (1723-1799). The main issue was the question whether heathens like Socrates could earn entrance to paradise by living virtuously. Responding to this intense public debate on the limits of the Christian tradition, the Plan envisaged the appointment of official censors and the imposition of severe penalties on trespassers (ranging from fines and enforced closure of bookshops to banishment). The Plan was conceived particularly to control the publication of books that 'undermined the foundations of the Christian Religion or Holy Scripture', ridiculed the Reformed faith, or corrupted the youth through obscenities. Anonymity was outlawed. Commissions of local censors were required to examine books published in the German, Dutch, French or English languages – in this order, which points to the growing significance of German thought in this period.<sup>36</sup> In itself the Plan was hardly novel or unique; it was simply one more call for the establishment of *visitatores librorum* by anxious clergymen. This time, however, the call was heeded by part of the administration, and, more importantly, hotly debated in public.

Widespread opposition to preventive censorship characterized the 1760s and 1770s. One response to the censorship Plan of 1769 was

an anonymous *Letter to a gentleman in the government of Holland on limiting press freedom* (1769).<sup>37</sup> The author pointed out that the laws would be in flagrant contradiction with the constitution of the Republic. The edicts mentioned in the Plan, including one issued by William of Orange in 1581, were completely irrelevant. The Dutch people had outgrown such backward laws; even Catholic princes were now relinquishing their control over the press! Apart from being unconstitutional, censorship would surely endanger 'Liberty, Learning, and the Book Trade'. In short, press censorship was contrary to the constitution, trade interests, and freedom-loving spirit of the Dutch nation. Book sellers from various towns also lodged protests.<sup>38</sup> Several Leiden booksellers chartered their colleague Élie Luzac (1721-1796), in his quality of lawyer, to write a celebrated rebuttal of the Plan on their behalf.<sup>39</sup> Apart from publishing books, this third-generation Huguenot was a prolific and well-known writer on Dutch political issues. Luzac's *Memorandum* listed six objections to the Plan. First of all, the law was too vague. Ambiguous legal terms would force a judge to make all kinds of presuppositions, resulting in arbitrary judgement. The Plan put too much trust in the ability and impartiality of censors. Secondly, the law was impracticable, for example because book sellers were required to make lists of all the books and manuscripts in their possession on a weekly basis. Implementation of the law would, in the third place, ruin the book trade. No author would attempt to publish his work if he knew that it was to be subject to censorship. In the fourth place, the law contradicted the natural freedom of citizens as well as the civil freedom enjoyed by inhabitants of these Provinces. Freedom of thought is a natural right, a *ius connatum*. Besides, the constitution of the Republic guarantees freedom of worship, and consequently also the freedom to defend one's views. The law, furthermore, contradicts the commercial and cultural traditions of the Republic, where freedom of thought had always inspired inquiry and innovation. Finally, the law would not be effective. People cannot be prevented from reading. Insincerity will reign. What is worse, to read Hobbes and Spinoza as an honest man, or to attend church services as a hypocrite? What is more immoral, to enjoy an *Académie des dames*, or to frequent a brothel? No society is perfect, and freedom of the press will necessarily entail certain imperfections.

In Luzac's *Memorandum* various ideas concerning press freedom were mentioned together and linked explicitly with arguments derived from constitutional and natural law. To Coornhert's threefold argumentation (on the unfree, imprudent and counterproductive nature of prohibitions), the implicit contribution of the brothers De la Court (on the economic importance of free industry) and the republican political argument was now added the claim that men had a natural right to freedom of expression. Ultimately the Plan was rejected on the grounds of practical infeasibility.<sup>40</sup> As Denis Diderot (1713-1784) wrote, commenting on the Calvinist divine Petrus Nieuwland (1722-1795), one of the orthodox instigators of the Plan:

'C'est ce Nieuwland qui a pensé faire établir en Hollande des censeurs d'ouvrages; heureusement on jeta sa supplique derrière le banc. Cependant pour donner quelque satisfaction à la cabale intolérante, on afficha un placard contre les imprimeurs d'ouvrages impies; mais le gouvernement fit dire aux imprimeurs et libraires d'aller toujours leur chemin.'<sup>41</sup>

#### 4. Moderation, Human Rights and Politeness

The debate of the 1760s on preventive or precautionary censorship reflected growing dissatisfaction among writers and opinion makers with the existing *ad hoc* policies regarding the press. Luzac himself had firmly defended freedom of speech as early as 1749 in an anonymous *Essay on the freedom to make known one's opinions*.<sup>42</sup> However, his plea for press freedom was primarily intended for the cosmopolitan élite of francophone *lettrés*. The development of an informed public opinion on press freedom is better gauged by glancing at the way the theme was treated in the spectators, which flowered between the 1750s and the 1770s.

One of the more critical Dutch spectators, the *Thinker* (1764-1775) illustrates the role of spectators in disseminating ideas and initiating debates. Soon after its start in 1763, the spectator published a translation from an English periodical 'On the freedom of thinking and writing on religious subjects'; an editor of the *Thinker* subsequently elaborated on it.<sup>43</sup> The first essay discussed the liberty

to debate, free from government coercion, on 'speculative' religious doctrine.<sup>44</sup> Liberty is the *sine qua non* of progress in any science, so why make an exception for religion, 'the most excellent Science of all', and the most important to man? The second article put the debate on press freedom in a broader perspective. It is telling that this essay, too, was linked with England. It responded to the arrest of the London journalist and member of parliament John Wilkes (1725-1797). Wilkes had attacked the ministry of Lord Bute in a caustic article in the *North Briton* of April 1762; thrown into the Tower of London, he was released after a week because of his immunity as a member of parliament. His article in the *North Briton* was later denounced as a seditious libel and Wilkes had to flee to France. Wilkes is generally acclaimed for having widened the scope of press freedom, among other things by bringing to court government warrants against the press that were subsequently ruled as illegal.<sup>45</sup> The *Thinker* took up Wilkes' plea for press freedom by posing the question, 'whether it is in itself equitable, or possibly even advantageous to Society or Religion, to limit Freedom of the Press as little as possible?'<sup>46</sup> The author applied explicitly to the press the traditional argument from natural law, viz. that freedom of thought and the freedom to communicate ideas had not been renounced when mankind left the state of nature and developed societies. A good republican administration will assume that citizens should be free to point out the mistakes made by magistrates in governing the country. Likewise, it is possible to guard the truth only if libertines were free to put forward their objections, so that educated Christians could in turn convince them of their spurious assumptions. In any case, added the *Thinker*, it is impossible to forbid books in the Republic, since they were easily imported from elsewhere. The third article contains a (possibly fictional) response to the second article from a reader of the *Thinker*.<sup>47</sup> This reader evidently represented the conservative republican tradition as it had surfaced earlier in the century in magistrates like De Beaufort, law scholars like the Huguenot refugee and Groningen professor Jean Barbeyrac (1674-1744), and journalists like Van Effen.<sup>48</sup> Arguing from the same natural law premises as the *Thinker*, the critic pointed out that any government had the duty to preserve the social order, and thus needed to control the press. Pasquinades accusing the government of disloyalty, embezzlement,



treason, or infringement of privilege were a direct threat to orderly society. The Wilkes affair thus stimulated the Dutch debate on press freedom to a greater extent than Milton had done.<sup>49</sup> In 1769 an essay by Wilkes himself was published anonymously as a *Discourse by a famous writer on freedom of the press*.<sup>50</sup>

When discontent resulting from economic decline and social stagnation were exacerbated by reports of freedom fighters in the American colonies and by the military catastrophes of the Fourth Anglo-Dutch Sea War (1780-1784), Dutch public opinion was ready to extend ideas on freedom of thought, speech and the press to the political arena. During the hectic 1780s the United Provinces experienced a *de facto* unlimited freedom of the political press, to the satisfaction of a handful of proto-revolutionary Frenchmen, and to the general dismay of German commentators. Those who called for far-reaching political reforms during these years – the so-called ‘Patriots’, hence the term *Patriottentijd* which refers to this period – celebrated their freedom in a noisy cacophony of debates on the highly complicated and often parochial constitutional arrangements of the Dutch Republic. Discussions were initiated with a pamphlet of 76 pages addressed *To the people of the Netherlands*. This sensational indictment of the stadholder’s power and influence began to circulate anonymously on September 26, 1781. It was considered so subversive that the States of Holland immediately forbade both its sale and its possession, and promised a substantial amount of money to anyone who could reveal the writer’s identity. More than a century later, the pamphlet was shown to have been written by Joan Derk van der Capellen tot den Pol (1741-1784), a baron from one of the eastern provinces who corresponded with some of the North American rebels and held distinct ideas about representation in government. *To the People of the Netherlands* was mainly concerned to point out the way in which, throughout the history of the Republic, the stadholders of Orange had subordinated the interests of the Dutch people to their own dynastic gain and to the deceitful claims of England. Towards the end of the pamphlet the author linked classical republican doctrine with the freedom of the press. He exhorted the people of the Netherlands to take care of freedom of the press, for it is the only support of Your national freedom. If one cannot speak freely to one’s fellow citizens, and cannot warn them on time, then it will be all too

easy for the oppressors of the people to play their part. This is the reason why people whose conduct cannot bear investigation always manoeuvre against the freedom of writing and printing and would like to see that nothing is printed or sold without permission.<sup>51</sup>

Whilst republicans like De Beaufort had implicitly restricted press freedom to a bunch of magistrates, Van der Cappellen considered press freedom as a precondition for public debate and open criticism, and as a democratic means of controlling political power. The pamphlet was reissued thrice in 1781, published again in 1784 and 1795, and translated into French, German, and English.

The Patriots were in favour of freedom of the press practically by definition; in fact, the term ‘freedom of the press’ (*vrijheid van drukpers*) itself first came into common usage during the 1780s.<sup>52</sup> A glance at some Patriot writings illustrates the extent to which the theme was taken up by public opinion, and provides a few additions to the repertoire of arguments. A small, anonymous *Handbook for the Netherlands, or definitions of the most oft-used political words* (1786) discussed press freedom under the heading ‘People’s vote’ (or, more literally, ‘People’s voice’, as in *vox populi*). As Van der Capellen had done, the author presented absolute freedom of the press as the basis of public opinion and constitutional reform.<sup>53</sup> Ironically, Luzac’s 1749 essay on freedom of speech was now reissued by his Patriot opponents.<sup>54</sup> A Leiden poetry society organized a competition for the best poem on press freedom. One author, an otherwise insignificant Patriot called Jacob van Dijk, added a novel argument in verse: above all other peoples, the Dutch should be the ones to favour press freedom. For had not Laurens Janszoon Coster of Haarlem (c. 1370-c. 1440) invented the printing press, prior to Johann Gutenberg of Mainz?<sup>55</sup> Freedom of the press surfaced in so-called ‘barge conversations’, discussions held between passengers travelling by water,<sup>56</sup> and, of course, in the political press. The Patriot *Post from the Nether Rhine*, for instance, included a letter by one ‘Janus Eleuterophilus’ (John Freedom-Lover) on press liberty.<sup>57</sup>

Then there were the political debating clubs and societies. A Patriot society called *Amore Patriae* issued, subsequent to a private debate by its members (held on 16 October 1781, three weeks after the appearance of Van der Capellen’s *To the people of the Netherlands*), the *Considerations on the use of forbidding anonymous writings* (1781).<sup>58</sup>

The authors classified anonymous writings into three groups. The first group comprised the extracts or copies of resolutions, petitions, addresses, letters, advice and protests issued by, or offered to, the civil authorities on any administrative level. This group of writings should be completely free, since the Republic is (or should be) ruled by popular government. The second group of writings are those which attempt to shed some light on the behaviour and ideas of the two parties (i.e. the Patriots and the Orangists) involved in contemporary political debate; these, too, must not be forbidden. The third group of writings had a much baser purpose, aiming only to stir up dissension, provoke turmoil, throw suspicion on governments, defame and slander eminent persons, and do other things detrimental to both society and individuals. Such *libelli famosi* (the authors labelled Van der Capellen's shocking anti-Orangist pamphlet as such) ought to be outlawed. This plea for mitigated press freedom was disputed soon enough by another Patriot pamphlet called *Freedom of the press, indissolubly connected with the freedom of the Republic*.<sup>59</sup> The anonymous author could understand why such classifications were made, but immediately made clear that he supported total freedom of the press, contending that it was absolutely ineffectual to forbid the third group of writings, since suppressed publications will only be all the more eagerly bought and read. The idea that press freedom and a certain level of civilization were mutually inclusive led to the use of a copious vocabulary focusing on notions of modesty, prudence, moderation, toleration, and forbearance. A much-read pamphlet by Johannes Allart (1754-1816) is symptomatic in this regard. Himself a publisher, Allart published an initially anonymous and enormously popular pamphlet of some 300 pages in September 1783, called simply *Freedom*.<sup>60</sup> The first fifty pages, devoted to the question, 'What it means to be a free people', made it clear that true religion and liberty are the twin pillars of the state and the foundation of a people's happiness. A free people should be allowed to think, speak, and write in freedom on both political and religious matters. Yet, Allart emphasized that everything ought to be debatable, as long as it was discussed in all due civility and modesty. In his case, the stress on politeness, moderation and self-discipline was probably meant to head off objections from the (probably quite substantial) part of the population in favour of

political liberty and inclined to Patriotism, but less given to the idea of unrestricted religious freedom.

Some writers naturally objected to the half-way measures suggested by moderates like Johannes Allart. An interesting response originated in the early 1780s in a society at Haarlem called 'Diligence, the Mother of Sciences'. It was apparently the only society to successfully organize an essay competition on press freedom.<sup>61</sup> Established in December 1779, the Haarlem society was a rather minor Mennonite affair; and it awarded the first prize to a certain Jan Brouwer, a Mennonite theology student. The question posed by the society ran as follows: 'Is freedom of the press a necessary requirement for maintaining the freedom and independence of a commonwealth? And if so, which are the advantages ensuing therefrom?' Brouwer refuted the arguments adduced in Allart's *Freedom*, arguing that the practical disadvantages of press freedom are not outweighed by the principle on which it is based, which is the indefeasible freedom of citizens. If a publication oversteps the mark, it should simply be taken to court. In any case, civilization (or 'enlightenment') will act as a safety net. Libellous writings will not influence the people, since the common crowd is hardly able to read, while educated persons will never let themselves be influenced by despicable books. The advantages of press freedom are, on the other hand, perfectly evident. It allows both religious and political truth to prevail in the face of irreligious sceptics on the one hand, and cowardly flatterers, hired hacks, hypocritical scoundrels and bribed traitors on the other. The gist of Brouwer's apology for press freedom is comparable to that of the so-called 'Leiden Draft' (*Leids Ontwerp*), a political blueprint drawn up in October 1785 at a provincial gathering of the armed corps of Holland. The draft ended with a number of articles, two of which concerned the 'Right of the People in respect of Petitions.'<sup>62</sup> These articles stated that the right to submit petitions to government was constitutional – the Republic itself owed its existence to the Spanish violation of the right to submit petitions.<sup>63</sup> Since the people could only make proper use of this right if they were 'enlightened and educated', and since enlightenment and education depended on the liberty to speak and write, it stood to reason that freedom of the press must be 'maintained inviolably'.

The failure of the Patriot movement in 1787 led to the first catalogue of the rights of man in the Netherlands, by the Frenchman

Mirabeau. Requested to write in defence of the Patriots, he wrote a rabidly anti-Orangist *Letter to the Batavians concerning the stadholderate* in 1788.<sup>64</sup> Mirabeau included a ‘Déclaration des droits de tout peuple qui veut la liberté’, consisting of 26 articles, the last of which stated: ‘La liberté de la presse doit être inviolablement maintenue.’ It was a statement which reflected the views of the more radical Patriots of the 1780s, most of whom had now been banished, and led a precarious existence in the Austrian Netherlands, France, and Germany. When the Orangist order was restored by Prussian troops in 1787, it became hazardous to praise a libertarian principle which was looked upon by the authorities as a major cause of Patriot excess. Thus, whilst the *General* (or *Universal*) *Magazine* had earlier displayed its moderately Patriot colours by publishing an essay on theories of revolt in Grotius, Pufendorf, Barbeyrac and Vattel, in 1788 it issued an essay, once again translated from the English, ‘On misuse of the press’.<sup>65</sup> How to solve the problem of licentiousness? The author suggested inward moral reform (people should refrain from reading slanderous trash), combined with the appointment of respectable censors to delete insulting passages from publications. Two significant writers in the conservative republican tradition – both noted for their Orangism and their support for the restoration régime between 1787 and 1795 – were Johan Meerman (1753-1815) and Adriaan Kluit (1735-1807). Meerman, who stemmed from a wealthy family, held significant posts in the pre-revolutionary administration. His *The beneficial consequences of civil freedom and the adverse consequences of popular freedom, particularly in relation to this commonwealth* (1793) was basically an attempt to convince the Patriots that the rights for which they had recently been struggling in so disorderly a manner had, in fact, always been enjoyed by citizens of the Dutch Republic.<sup>66</sup> Kluit, a professor of history at Leiden, quoted Meerman’s views concerning press freedom verbatim in *The rights of man in France are no imagined rights in the Netherlands*.<sup>67</sup> In effect, the views of Kluit and Meerman resembled more than a little the moderate opinions of the Patriot Allart. They rejected an absolute freedom of the press, called for polite sociability and self-discipline, and approved of intervention by the authorities.

One of the major Dutch writings on natural rights that appeared in the aftermath of the American, Dutch and French Revolutions

was a treatise by a leading Patriot intellectual, Pieter Paulus (1753-1796).<sup>68</sup> He had originally written his treatise as an entry in an essay competition organized by Teyler's Theological Society, one of the major learned societies of the time. The questions posed by Teyler's were: 'In which sense can people be said to be equal? And which are the rights and obligations that can be said to result from this equality?' Paulus not only argued that all men are by nature equal, but also demonstrated, by larding his text with numerous references to the bible, that Christianity is in close agreement with nature. Jesus was both the best human being and the best citizen, and his basic message concerned the fundamental equality of mankind. All citizens have the same rights and obligations, including the freedom to vote, speak and write. Directly following the fall of the Dutch Republic in January 1795, a committee of four (including Pieter Paulus) was appointed by the Provisional Representatives of the People of Holland to write a declaration of human rights. The 'Publication of the Rights of Man and of the Citizen', a Dutch version of the French declarations of 1789 and 1793, was formally acknowledged by the States General and almost all Provinces. It consisted of 19 unnumbered statements. The freedom of the press was affirmed in the fourth statement: 'each person is therefore free to reveal his thoughts and sentiments to others, either through the press or by any other means'.<sup>69</sup> On 13 July 1797 the National Assembly, following extensive deliberations, published the blueprint for a new constitution. It listed the rights of man and of the citizen in a prologue. Freedom of action was laid down in Article VI; one of the actions over which the citizen could dispose freely was 'making known his thoughts and sentiments by word or writing, or by means of the Press.'<sup>70</sup>

## 5. Conclusion

Between 1579 and 1795 the ten following arguments were put forward in favour of a free press. (1) The first argument follows from religious liberty. Religious ideas may be spread by persuasion only and never by violence, whilst the dissemination of truth may not be obstructed. (2) The second argument was derived from the idea of

prudence. People who are free in a religious sense, will have no motive for rebellion; on the contrary, they will readily support the regime that guarantees their freedom. (3) The third argument is a negative one. Prohibitions merely foster the desire to read: they are ineffective, even counter-productive. These three arguments are initially found in the context of writings on religious tolerance and religious freedom. Two arguments, a political and an economic, were added in the seventeenth century, though neither of them was applied explicitly to the freedom of the press. (4) The political argument is derived from the 'positive' interpretation of freedom inherent in classical republicanism. Citizens should be free to submit advice and petitions to the government, as the Romans had been free to do. (5) The economic argument is implicit in the mercantilist theory of the De la Courts, but it is otherwise quite common in the eighteenth century: the Dutch economy is based on free entrepreneurship, and will therefore profit from a free trade in books. (6) Often the historical argument of the 'ancient constitution' was adduced. According to this argument, the laws of the Republic provided for constitutional guarantees for political and economic liberties. A substantial part of the early modern debate was concerned with the question whether pasquinades were permissible. Pasquinades were connected with the issue of civilization, or 'politeness'. (7) According to the argument from civilization, freedom of inquiry, especially religious and philosophical inquiry, is essential to the progress of the human race. Civilization or enlightenment is the moral guarantee for a free press, and vice versa. This seventh argument (which itself is based in part on the idea of religious freedom) leads to a version of the argument from effectiveness: civil(ized) people will never read despicable books. (8) The argument from civilization or politeness is tied up with patriotic feeling. Dutchmen in particular should staunchly defend the freedom of the press, because their nation was responsible for having invented the printing press in the first place. (9) The argument from utility points out that by maintaining press freedom and permitting the publication of pasquinades, society makes it possible to publicly expose liars and thus purify political life. In addition, press freedom encourages the arts and sciences, and thus the enlightenment. (10) Finally, freedom of the press is a human right.

Every human being has a right to freedom of speech, and thus also the right to present his or her opinions to the public in print.

These ten arguments may be further classified into three groups: a normative, a utilitarian and a political-cultural group.<sup>71</sup> The normative group includes those arguments concerned with freedom of choice or freedom of the will: these include the arguments from *freedom of belief* (1) and *human rights* (10). Incidentally, the connection between the plea for religious freedom and that for human rights is not only logical-systematic, but also historical.<sup>72</sup> The utilitarian group includes the arguments from *prudence* (2), *limited effectiveness* (3), *commerce* (5) and *utility* (9). Finally, the third, political-cultural group includes the arguments from *republican political theory* (4), the *ancient constitution* (6), *politeness* (7), and *patriotism* (8).

Liberty was not inherent in Dutch history, and the lack of principled defences of the freedom of the press should not surprise us. Press freedom as an enlightened, proto-liberal notion, as an inalienable human right, developed only in the latter part of the eighteenth century. Nevertheless, I would contend that the classification suggested by two centuries of Dutch theorizing on the freedom of the press offers a useful tool for examining the subject in a much wider spatial (western Europe and the American colonies to begin with) and temporal (early modern and modern) context. Such a catalogue of arguments will be a helpful instrument in constructing the history of thought about the freedom of the press.

## Notes

<sup>1</sup> This article was published earlier as 'Van godsdienstvrijheid naar mensenrecht. Meningsvorming over censuur en persvrijheid in de Republiek, 1579-1795', in: *Bijdragen en mededelingen betreffende de geschiedenis der Nederlanden* 118/1 (2003), 1-21.

<sup>2</sup> H.A. Enno van Gelder, *Vrijheid en onvrijheid in de Republiek. Geschiedenis der vrijheid van drukpers en godsdienst van 1572 tot 1798* (Haarlem, 1947); Enno van Gelder, *Getemperde vrijheid. Een verhandeling over de verhouding van Kerk en Staat in de Republiek der Verenigde Nederlanden en de vrijheid van meningsuiting in zake godsdienst, drukpers en onderwijs, gedurende de 17e eeuw* (Groningen, 1972).



- <sup>3</sup> I will not provide an extensive overview of the literature here. The reader is advised to consult Ingrid Weekhout, *Boekencensuur in de Noordelijke Nederlanden. De vrijheid van drukpers in de zeventiende eeuw* (The Hague, 1998), which is the most comprehensive study to date on the implementation of censorship laws.
- <sup>4</sup> The classic study is still G.C. Gibbs, 'The role of the Dutch Republic as the intellectual entrepôt of Europe in the seventeenth and eighteenth centuries', in: *Bijdragen en Mededelingen betreffende de Geschiedenis der Nederlanden* 86 (1971), pp. 323-349. Also Jeremy Popkin, *News and Politics in the Age of Revolution: Jean Luzac's Gazette de Leyde* (Ithaca, London, 1989).
- <sup>5</sup> Weekhout, *Boekencensuur in de Noordelijke Nederlanden*, pp. 371-372; Jongenelen, *Van smaad tot erger*, p. ii.
- <sup>6</sup> Enno van Gelder, *Getemperde vrijheid*, 236. According to Enno van Gelder (259-260), a pamphlet entitled *Korte bemercking op het tegenwoordigh boeckverbieden, door een liefhebber van de waerheydt* (1690) is the only (indirect and uncertain) sign that Milton's *Areopagitica* may have influenced Dutch public opinion. I have not found a single reference to Milton's tract in any of the Dutch sources I have consulted.
- <sup>7</sup> On the topic in general, see Joris van Eijnatten, *Liberty and Concord in the United Provinces. Religious Toleration and the Public in the Eighteenth-Century Netherlands* (Brill's Studies in Intellectual History 111) (Brill, 2003).
- <sup>8</sup> D.V. Coornhert, *Synodus of vander conscientien vryheyt*, 2 vols., s.l., s.a. [1582], II, pp. 127-146. The section refers, among others, to the edict of 22-9-1540, against the printing and selling of heretical books.
- <sup>9</sup> The text was included as 'Remonstrance of vertoogh by die van Leyden (...),' in: P. Bor, *Oorsprongk, begin, en vervolgh der Nederlandsche oorlogen, beroerten, en borgerlyke oneenigheden (...)* (Amsterdam, 1680), 'Byvoegsel van authentyke stukken' (second part), pp. 115-119.
- <sup>10</sup> An excellent discussion of developments regarding this notion of freedom is given by Martin van Gelderen, 'De Nederlandse Opstand (1555-1610): van "vrijheden" naar "oude vrijheid" en de "vrijheid der conscientien"', in: Haitsma Mulier and Velema eds., *Vrijheid*, pp. 27-52, espec. 42-50.
- <sup>11</sup> One of the last major statements in this tradition was made by the theologian Daniel Gerdes in his *Twee godgeleerde verhandelingen over de vryheid des geloofs* (Groningen, 1741). See also Joris van Eijnatten, *Mutua Christianorum Tolerantia. Irenicism and Toleration in the Netherlands: The Stinstra Affair 1740-1745* (Studi e testi per la storia della tolleranza in Europa nei secoli XVI-XVIII 2; Florence, 1998).
- <sup>12</sup> *Politike discoursen handelende in ses onderscheide boeken van steeden, landen, oorlogen, regeringen, kerken en zeeden. Beschreeven door D.C.* (3rd ed.; Amsterdam, 1663).

- <sup>13</sup> On the authorship, see Ivo W. Wildenberg, *Johan & Pieter de la Court (1622-1660 & 1618-1685). Bibliografie en receptiegeschiedenis. Gids tot de studie van een oeuvre* (Amsterdam, Maarsse, 1986), pp. 24-35.
- <sup>14</sup> This is the title used in the English translation (London, 1743) for the Dutch original: *Aanwysing der heilsame politike gronden en maximen van de republike van Holland en West-Vriesland* (Leiden, Rotterdam, 1671). This book was an enlarged edition of the *Interest of Holland* (1662), which had been outlawed at Leiden.
- <sup>15</sup> [De la Court], *Aanwysing der heilsame politike gronden*, pp. 57-64.
- <sup>16</sup> Ernst H. Kossmann, *Politieke theorie in het zeventiende-eeuwse Nederland* (Amsterdam, 1960); Theo J. Veen, *Recht en nut. Studiën over en naar aanleiding van Ulrik Huber (1636-1694)* (Zwolle, 1976); Hans W. Blom, *Morality and causality in politics. The rise of naturalism in Dutch seventeenth-century political thought* (s.l., [1995]).
- <sup>17</sup> Jonathan I. Israel, *Radical Enlightenment. Philosophy and the making of modernity, 1650-1750* (Oxford, 2001), 159-175.
- <sup>18</sup> Govaert C.J.J. van den Bergh, *The life and work of Gerard Noodt (1647-1725). Dutch legal scholarship between humanism and enlightenment* (Oxford, 1988); Fabrizio Lomonaco, *Tolleranza e libertà di coscienza. Filosofia, diritto e storia tra Leida e Napoli nel secolo XVIII* (Naples, 1999); Joris van Eijnatten, 'Gerard Noodt's standing in the eighteenth-century Dutch debate on religious freedom', in: *Dutch Review of Church History* 79/1 (1999), pp. 74-98.
- <sup>19</sup> A recent bibliography of seventeenth-century Dutch political thought has no index entry for 'freedom of the press': G.O. van de Klashorst and H.W. Blom, *Bibliography of Dutch seventeenth century political thought. An annotated inventory, 1581-1710* (Amsterdam, Maarsse, 1986).
- <sup>20</sup> *Verhandeling van de vryheit in den burgerstaet* (Leiden, Middelburg, 1737), pp. 61, 135
- <sup>21</sup> Cf. the following academic orations: Christian Heinrich Trotz, *De libertate sentiendi dicendique iurisconsultis propria* (at Franeker, 1741); Paulus Chevallier, *De fructibus, qui ex juste temperata cogitandi libertate in theologum redundant* (at Groningen, 1752); Ladislaus Chernac, *De libertate philosophandi in licentiam non vertenda* (at Deventer, 1776). These addresses are reminiscent of earlier orations on the topic, such as Henricus Bornius, *De vero philosophandi libertate* (at Leiden, 1653).
- <sup>22</sup> Simon Groenveld, 'The Dutch republic, an island of liberty of the press in 17th century Europe? The authorities and the book trade', in: Hans Bots and Françoise Waquet, *Commercium litterarium. Forms of communication in the Republic of Letters 1600-1750* (Amsterdam, Maarsse, 1994), pp. 281-300, p. 286, shows that the States General and the States of Holland primarily opposed political works (55.8%), followed by

religious works (37.4%). For a discussion of the administration's response to early seventeenth-century pamphleteering, see the chapter on '*Libelli non grati*: Pamphlets and the political culture of control' in Craig E. Harline, *Pamphlets, printing, and political culture in the early Dutch Republic* (*International Archives of the History of Ideas* 116) (Dordrecht, Boston, Lancaster, 1987), pp. 111-133.

- <sup>23</sup> Isaac Lodewijk van Panhuys, *Dissertatio juridica inauguralis de famosissimis libellis* (...) (Leiden, 1793). Panhuys's views were evidently informed by the Wolffian jurist Frederik Willem Pestel (1724-1805), professor of law at Leiden.
- <sup>24</sup> E.g. Nicolaus Houttuyn (1683); J. de Graeff (1699); A.F. Godin Dom. Cokenga (1731); M. Geene (1773). Weekhout, *Boekencensuur in de Noordelijke Nederlanden*, p. 410, note 146) provides a list of additional dissertations on the subject.
- <sup>25</sup> *Hollands Nieuw Jaar gezonden aan den heere officier van Utrecht* ([The Hague], 1664).
- <sup>26</sup> *Mercurius in de rouw, of t'zamenpraak tusschen de geest van Cato en Maecenas, over het goede en quade der Mercuren* (The Hague, 1699). The figure of Cato refers, of course, to Cato the Elder, the Roman moralist; Maecenas refers to Gaius Maecenas, the patron of Virgil and Horace. The pamphlet is also discussed in Enno van Gelder, pp. 258-259.
- <sup>27</sup> Suetonius (*Tiberius* 28), 'in civitate libera linguam mentemque liberas esse debere.
- <sup>28</sup> Justus van Effen, *Hollandsche Spectator* (2nd ed.; Amsterdam, 1756), VI-ii, pp. 525-536 (discourse 220, dd. 4-12-1733).
- <sup>29</sup> *De al te groote vryheid der drukpers, geregtelyk tegen gesproken en bepaalt*. (...) (s.l., [possibly 1760 or 1761]).
- <sup>30</sup> Jacob Campo Weyerman (1677-1747), versed in the oblique literary techniques of Grub Street, Weyerman never used his considerable talents to write an outright defence of press freedom. An essay on satire by Weyerman is included in his *Den Amsterdamschen Hermes I* (1722) no. 1-8, Riet Hoogma and Mandy Ruthenkolk eds. (Leiden, 1996), pp. 41-52.
- <sup>31</sup> However, see *Het gedrag der Amsteldamsche burger heeren beschouwt* (Amsterdam, s.a.), a rhymed discussion between two citizens of Amsterdam, both of whom praise the measures taken by their magistracy in forbidding pasquinades and anonymous writings.
- <sup>32</sup> *Proeve eener verdediginge van het paskwil (leest eer gij oordeelt.)* (Utrecht, 1785). The German original probably is the anonymous *Versuch einer Vertheidigung der Pasquille* (s.l., 1783), which has been ascribed to either an Anton Michl or an Anton Mühl.
- <sup>33</sup> Enno van Gelder, *Getemperde vrijheid*, pp. 152-153.
- <sup>34</sup> Johannes Frederik Reitz, *Oratio de censoribus librorum* (Utrecht, 1751).

- <sup>35</sup> *Plan, om door middel van de aanstelling van Censores Librorum, de verkoop van quaade boeken te voorkomen* (s.a., 1769); the text of the Plan is printed in full in A.C. Kruseman, *Aanteekeningen betreffende den boekhandel van Noord-Nederland in de 17de en 18de eeuw* (Amsterdam, 1893), pp. 390-395.
- <sup>36</sup> Joris van Eijnatten, 'History, reform, and Aufklärung. German theological writing and Dutch literary publicity in the eighteenth century', in: *Zeitschrift für neuere Theologiegeschichte* 7 (2000), 173-204.
- <sup>37</sup> *Brief aan een heer van de regeering in Holland over het bepaalen van de vryheid der drukpers* (s.l., [1769]); the author, who called himself 'E.F.', expressed his agreement with the anonymous *Brief van een regent van eene Hollandsche stad, rakende de drukpers* (s.l., [1769]).
- <sup>38</sup> The petition written by the Rotterdam booksellers is included as 'Bylage. Request van de boekverkoopers der stad Rotterdam', in: *Brief aan een heer van de regeering in Holland*, pp. 17-31.
- <sup>39</sup> Luzac's 'Memorie van consideratien, gemaakt op het nader geredresseerd placaat tegens godslaterlyke boeken en geschriften (...)' may be found in *Nieuwe Nederlandsche jaerboeken* V (1770), part ii, pp. 788-896.
- <sup>40</sup> Cf. also the anonymous *Vrymoedig adres van een Hollander, aan zyne hooge overheid, de Ed. Gr. Moog. Heeren Staten van Holland en Westfriesland* (s.l., [1770]). The author, probably an Arminian, refers several times to Locke. Also *De zeegepraalende vryheid: zoo ten opzichte van 't geweeten als der drukpersse, te danken aan de vaderen van 't vaderland* (The Hague, 1769).
- <sup>41</sup> Denis Diderot, *Voyage en Hollande*, Yves Benot ed. (Paris, 1982), p. 129.
- <sup>42</sup> [E. Luzac], *Essai sur la liberté de produire ses sentimens* (s.l., 1749); John Christian Laursen and Johan van der Zande eds., *Early French and German defenses of freedom of the press. Elie Luzac's Essay on freedom of expression (1749) and Carl Friedrich Bahrdt's On freedom of the press and its limits (1787) in English translation* (Brill's studies in intellectual history 113; Leiden, 2003).
- <sup>43</sup> With an epigraph borrowed from Tacitus, *Histories* I, 1: 'Rara temporum felicitas, ubi sentire quae velis, & quae sentias dicere licet.'
- <sup>44</sup> *De Denker* (12 vols., Amsterdam, 1764-1775) I (1764), no. 20, pp. 153-160; the *Thinker* was edited by the Mennonite pastor Cornelis van Engelen.
- <sup>45</sup> On Wilkes, see Peter D.G. Thomas, *John Wilkes, a friend to liberty* (Oxford, 1996).
- <sup>46</sup> *De Denker* I (1764), no. 24, pp. 185-192.
- <sup>47</sup> *De Denker* I (1764), no. 30, pp. 233-240.
- <sup>48</sup> In fact, the critic explicitly refers to Van Effen's discussion in Discourse 220 of the *Hollandsche Spectator* (see above). On Barbeyrac, see Van Eijnatten, 'Gerard Noodt's standing'.

- <sup>49</sup> Articles in the *De letter- historie- konst- en boek-beschouwer* (Amsterdam, 1764), pp. 292-298 (part XX) and 413-426 (part XXII), offer a conservative response to the essays in the *Thinker*. The authors argue that complete freedom of the press should be accorded only to writings which foster the glory of God and the Kingdom of Christ, show respect to the authorities, and promote useful arts and sciences.
- <sup>50</sup> [J. Wilkes], *Vertoog van een beroemd schryver over de vryheid der drukpers. Uit het Engelsch vertaald* (Amsterdam, [1769]).
- <sup>51</sup> W.F. Wertheim and A.H. Wertheim-Geijse Weenink, *Aan het volk van Nederland. Het democratisch manifest van Joan Derk van der Capellen tot den Pol 1781* (Weesp, 1981), p. 143.
- <sup>52</sup> The oldest entries for the term (defined as ‘the right to publish writings freely’) in the vast *Woordenboek der Nederlandsche Taal* (The Hague, 1882–; CDRom-versie, Rotterdam 1995) (WNT) stem from these years.
- <sup>53</sup> [Anon.], *Handboekje voor Nederland, of bepalingen van de meest gebruikt wordende staatkundige woorden* (Amsterdam, 1786), pp. 38-40. Cf. *Het Weensche A.B.C. boek voor volwaszene perzoonen, benevens een brief eenes Oostenrykers aan zynen vriend in Brussel* (Amsterdam, [1782]), which discusses reforms (including press freedom) in Austria and the Austrian Netherlands.
- <sup>54</sup> [E. Luzac], *Onderzoek over de vryheid. Van zyne gevoelens mede te deelen* (Amsterdam, 1782).
- <sup>55</sup> J. van Dijk, *De vryheid der drukpers* (Rotterdam, 1786). A ‘Batavus’, too, commented on Coster as a national hero: [Batavus], *De vryheid der drukpers* ([Amsterdam], [1787]). Batavus may have been Bernard Bosch (1746-1803), a Reformed clergyman, poet, pamphleteer, revolutionary, and freemason. Earlier examples of poetry are [Jan de Kruyff], *Liberius prudens aen Christianus Batavus* (The Hague, 1769); and [Anon.], *De vrye drukpers aan Christianus Batavus, zynen wedergalmer en C:L:* (Rotterdam, [1769]). Cf. also [Anon.], *De druk-pers, en het schryven over de dagelyksche gebeurtenissen, opentlyk beschermd* (s.l., [1782]); [Anon.], *Cordate brief van een heer van Amsterdam, aan een heer in ’s Gravenhage, tot opening der oogen van alle Nederlanders*, (s.l., [1782]).
- <sup>56</sup> [Anon.], *Zamenspraak tusschen de Haagsche Louw en Krelis, over het request van de vlag-officieren, ter beteugeling der drukpers* (s.l., s.a.).
- <sup>57</sup> *De post van den Neder-Rhijn* (Utrecht, 1784), no. 185 (vol. IV, pp. 259-263).
- <sup>58</sup> *Consideratien, in hoe verre het verbieden van naamlooze geschriften dienstig is, en welke daar onder moeten begreepen worden. Door het genootschap, amore patriae* (s.l., 1781).
- <sup>59</sup> [Anon.], *De vryheid der drukpers, onafscheidelyk verknogt aan de vryheid der republiek* (Amsterdam, Harlingen, 1782).

- <sup>60</sup> [J. Allart], *De vryheid* (3rd ed., Amsterdam, 1783), pp. 16-27.
- <sup>61</sup> *Prijsverhandelingen over de edelmoedigheid en de vrijheid van de drukpers* ([Haarlem], 1784), pp. 28-48.
- <sup>62</sup> ‘Ontwerp, om de Republyk door eene heilzaame vereeniging der belangen van regent en burger, van binnen gelukkig, en van buiten geducht te maaken’, in: *Verzameling van placaten, resolutien en andere authentyke stukken* (Kampen, 1793), vol. 50, pp. 185-244, at 220-221 and 238 (§§ 8 and 11).
- <sup>63</sup> Debates on this theme, including the natural right of subjects to submit petitions and complaints to the king, had already surfaced in the pamphlet literature of the 1560s and 1570s; see Pieter A.M. Geurts, *De Nederlandse Opstand in de pamfletten 1566-1584* (Nijmegen, 1956), pp. 131-156.
- <sup>64</sup> *Lettre aux Bataves sur le Stathoudérat*. The first edition was apparently published in Paris; in 1788 another (corrected) edition appeared in London, while a Dutch translation surfaced in Antwerp. Goslinga, *De rechten van den mensch en burger*, pp. 26-36.
- <sup>65</sup> *Algemeen magazyn van wetenschap, konst en smaak* (Amsterdam, 1785-1791) I (1785), part I, pp. 105-131 (on revolt); III, part I (1788), pp. 337-346 (on press freedom).
- <sup>66</sup> Johan Meerman, *De burgerlyke vryheid in haare heilzaame, de volks-vryheid in haare schadelyke gevolgen voorgesteld, inzonderheid met betrekking tot dit gemeenebest* (Leiden, 1793), pp. 9-16, 40.
- <sup>67</sup> Adriaan Kluit, *De rechten van den mensch in Vrankrijk, geen gewaande rechten in Nederland* (Amsterdam, 1793).
- <sup>68</sup> Pieter Paulus, *Verhandeling over de vrage: in welken zin kunnen de menschen gezegd worden gelyk te zyn? en welke zyn de regten en pligten, die daaruit voortvloeien?* (Haarlem, 1793).
- <sup>69</sup> Wybo Jan Goslinga, *De rechten van den mensch en burger. Een overzicht der Nederlandsche geschriften en verklaringen* (The Hague, 1936), pp. 92-95, 173-175.
- <sup>70</sup> Goslinga, *De rechten van den mensch en burger*, pp. 143-144, 178-179.
- <sup>71</sup> The distinction between normative and utilitarian is based on Jürgen Wilke, ‘Leitideen in der Begründung der Pressefreiheit’, in: *Publizistik. Vierteljahreshefte für Kommunikationsforschung* 28 (1983), 512-524
- <sup>72</sup> On the causal link between religious and political liberty, see Peter N. Miller, ‘“Freethinking” and “freedom of thought” in eighteenth-century Britain’, in: *The Historical Journal* 36 (1993), 599-617.