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Charles Walton, *Policing Public Opinion in the French Revolution: The Culture of Calumny and the Problem of Free Speech*. Oxford and New York: Oxford University Press, 2009. xiii + 334 pp. Figures, notes, bibliography, and index. \$49.95 U.S. (cl). ISBN 0-19-536775-1.

Review by Paul R. Hanson, Butler University.

In this impressive first book, Charles Walton explores the fate of free speech from the last years of the ancien regime, through the decade of the French Revolution, to the repressive regime of Napoleon Bonaparte. His focus, however, is on the first five years of the Revolution. As he puts it quite succinctly in his introduction, “This study examines the many reasons for the tragic reversal in freedom of expression between 1789 and the Year II (1793-1794)” (p. 4). As the title of the book suggests, Walton places this work in the context of much recent scholarship on the role of public opinion in France in the late eighteenth century, but he also engages the debate among historians over whether or not we should see the trajectory of the Revolution as essentially the product of ideology. For Walton the answer is plainly “no.” In his view, the anxieties and frustrations generated by the exercise (sometimes abuse) of free speech contributed to the radicalization of revolutionary politics and ultimately the repression of free expression under the Terror. To understand that development, he argues, one must look first to the culture of calumny and honor in ancien regime society.

The book is divided into two parts, the first focusing on the old regime and the second, slightly longer, on the French Revolution. In chapter one, on “policing in the old regime,” Walton explains that the policing of printed expression was done in two ways: through pre-publication censorship and post-publication prosecution for calumny. Although writers railed against censorship, from the 1750s onward the Director of the Book Trade, Malesherbes, and his successors allowed a great deal of Enlightenment literature to see the light of day. The censors functioned not only as gatekeepers, or policers, but also as patrons. On occasion the censors were embarrassed when the Parlement denounced a work that they had approved for publication. Censorship and post-publication prosecution, then, were means of exercising power. Nor were all philosophes, Walton observes, unabashed advocates of free speech. Voltaire, for example, attempted to use his influence behind the scenes to prevent publication of some of Rousseau’s writings.

The heart of the first part of the book lies in chapter two, in which Walton explores the “culture of calumny and honor” under the ancien regime. Although definitions of calumny varied, it is clear that men of reputation took it very seriously: “calumny was frequently equated with murder and often said to be more egregious” (p. 39). Alleged calumny could be challenged in the courts—witness the many *causes célèbres* of the 1770s and 1780s—but the victims of calumny generally preferred to avenge themselves outside of the courtroom, through duels or a sound beating delivered by one’s retainers to the offending party. What was at stake in such affairs was honor, and we are reminded by the author that under the ancien regime one cannot really think of justice apart from rank and hierarchy: “protecting authority and social hierarchy was more important than determining whether the alleged calumny had any truth” (p. 47).

The chevalier de Rohan might avenge an insult to his honor by sending his henchmen to beat Voltaire in the street, but this avenue was not available to the philosophe, nor was he likely to gain satisfaction in the courts against an aristocratic foe. For Voltaire and others like him, then, the vehicle for revenge became the pen, and it is in this manner that control of free expression, through the various means that ancien regime society afforded, was inextricably interwoven with the culture of calumny and honor. A barbed pen might be the vehicle to challenge aristocratic abuses or the intolerance of the church, but in the waning decades of the eighteenth century more was at stake than social rank or the reputations of powerful men.

The marquis de Condorcet took up some of these issues in a pamphlet, *Fragments sur la liberté de la presse*, published in the 1770s on the heels of the Maupeou coup and in the midst of the controversy over Turgot's reform of the grain trade. Walton discusses this pamphlet at length in chapter three, "imagining press freedom and limits in the Enlightenment." Condorcet was no advocate of complete press freedom—he acknowledged that calumny was a serious crime—but he distinguished among calumny, defamation, and insults, and also argued that one must treat public figures differently from private individuals when they were the targets of published insults. As Condorcet argued, "the very purpose of press freedom was to empower the public to censure and monitor authorities" (pp. 59-60). The fact that responsibility for controlling the press was divided—between the monarchy and its censors, the courts (especially the parlements), and the church in some measure—and that these institutions were often at odds with each other, created the space for public opinion to emerge in the last years of the ancien regime, and this fueled public debate over freedom of the press. Walton cites two other authors of influential pamphlets in the 1780s, Dieudonné Thiébault and Malesherbes, who, while they disagreed on what the limits to freedom of expression should be, agreed wholeheartedly that the greatest danger of arbitrary repression of the press lay not with the crown, but with the parlements.

Freedom of expression was a matter of public debate, then, when primary assemblies gathered in 1789 to prepare their *cahiers de doléances*, and this is the topic Walton takes up in the final chapter of the first half of the book. He makes two important points in this chapter. The first is that historians, in their emphasis on calls for freedom of the press in the *cahiers*, have tended to ignore the calls for limits to that freedom. Particularly in the primary assemblies, Walton argues, the grievance lists often outlined explicit restrictions on press freedom, whereas, in the general assemblies, while limits to press freedom were endorsed in the abstract, the writers were content to leave responsibility for sorting out this thorny question to the deputies of the Estates-General. Among the more eloquent voices in this discussion was that of Honoré de Mirabeau, active both in the period during which the *cahiers* were being drafted, and in the debates in the National Assembly. Mirabeau's views prevailed, Walton argues, in the final language of Article 11 of the Declaration of the Rights of Man and Citizen: "The free communication of ideas and opinions is one of the most precious rights of man. Each citizen may therefore speak, write, and print freely, while nevertheless being held accountable for abuses of this freedom in such cases as are determined by the law." As with the general *cahiers*, the National Assembly refused to define, in this article, exactly what the limits to freedom of expression should be. Most importantly, and this is the second important point that I see in this chapter, it remained unclear whether those limits should be defined vis à vis the rights of other individuals, or vis à vis the collective good. This would be a central tension in the revolutionary politics of the next five years.

The four chapters in the second section of the book examine the fate of freedom of expression in the context of revolutionary politics. One thing changed dramatically in 1789 (or perhaps in late 1788): pre-publication censorship disappeared, and this remained the status quo throughout the decade, even under the regime of Napoleon. But while the revolutionaries agreed in principle that there should be some limits to freedom of expression, they never reached agreement on what those limits should be. Lèse-majesté gave way to lèse-nation in the new political order, even as early as 1790, but no one could agree on just exactly what it was and very few were prosecuted for this offense in the early years of the Revolution. Central to Walton's argument is the assertion that the "culture of calumny and honor"

persisted into the 1790s. It was anachronistic in this sense: the hierarchical society of the ancien regime had given way (in ideal terms, at least) to the egalitarian society of revolutionary France. Honor could not act as a restraint on calumny in the 1790s in the way that it had in previous years. Too much changed too quickly, and in the utter collapse of monarchical institutions there was nothing to restrain the spiraling cycle of calumny that Walton sees as leading to the Terror: “Ultimately...the drive from political representation in 1789 to popular sovereignty and terror in 1792 and 1793 was fueled by calumny, honor, and vengeance—the dynamics of a hierarchical culture unhinged in the throes of democratic transition” (p. 158).

For Walton, then, it was a culture of calumny that led to the Terror, rather than ideology as it was for François Furet.^[1] We are still in the realm of words, here, though, and Walton struggles to explain how the Jacobins could move from what he characterizes as a “quasi-libertarian” position on freedom of expression in 1790-91 to the Law of Suspects in 1793 and the repressive regime of the Terror in the Year II, under which 37 percent of those brought to justice were punished for what they said or thought, rather than for what they did. We might find part of an answer to this conundrum, it seems to me, in Condorcet’s pamphlet on press freedom, in which he had argued that the chief purpose of press freedom was to censure authority. So long as the monarchy existed, there was a clear authority to be censured. But once Louis XVI had been executed, attacks on authority became attacks on revolutionaries by each other. Such attacks had been there since 1789, of course, but in the absence of a king on whom to focus patriotic fervor, those attacks now became more deadly. And in the absence of a king, the sovereignty of the people, asserted as an abstract ideal since 1789, now called out for more precise definition.

Walton insists that one must consider circumstances, as well as this culture of calumny, to understand fully the path to the Terror, but in this area he is on rather less sure footing than in his discussion of published views on freedom of expression on both sides of 1789. He points, for example, to the laws of 4 December 1792 and 29 March 1793 as the products of a “rising intolerance for radical and royalist speech” (p. 129). War, the September massacres, and the looming trial of Louis XVI almost certainly influenced the first law, while the Paris market riots of February played a role in the heightened tensions that led to the second. Much is made of Jean-Marie Roland’s efforts to shape and control public opinion (or *esprit public*, a rather different thing, as Walton notes) in his tenure as Minister of the Interior in late 1792. But when Walton discusses Roland’s resignation on 21 January 1793, apparently as a result of the controversy generated by his propaganda campaign, he fails to note that this was also the date of the king’s execution. The battle over the king’s fate, I would argue, was more important in the ongoing struggle between Girondins and Montagnards than the war of words between the two factions. Roland, a hero to the people for having been dismissed as minister by Louis XVI in June 1792, could not function successfully as minister in the absence of that same king.

Walton cites Tom Paine at two points in support of his argument about the primacy of the culture of calumny in understanding revolutionary politics: “Calumny is a species of treachery that ought to be punished as well as any other kind of treachery” (pp. 3 and 133). The provincial departments, Paine cautioned Danton in the spring of 1793, did not send their representatives to Paris to be calumniated. But it was not just calumny that led to the proscription of the Girondin deputies, or the federalist revolt that followed. This period of intense division within the National Convention, in addition to being a time of national crisis, was also the period in which revolutionary politics became most democratic. Under the ancien regime, as Walton observes, no commoner could have hoped to gain vengeance, or defend his reputation, against the insult of his social better. Now it was the aristocrat who had little defense against the insults, or denunciations, of commoners, and from 1792 to 1794 those commoners (at least the men among them) enjoyed full political sovereignty. The Montagnards and Girondins, for all the differences between them, were far closer to the world of aristocratic honor and reputation than they were to the street politics of the sans-culottes, a world in which actions spoke louder than words.

The Girondins were reluctant to embrace popular sovereignty when it became a reality in the fall of 1792. The Montagnards, in the end, could not find a way to manage it.

This is, then, a rich and provocative book, meticulously researched and documented, and carefully written. It is sure to generate discussion and debate in the years ahead and, as with all good books, will influence future scholarship through the questions that it raises.

NOTES

[1] François Furet, *Revolutionary France, 1770-1880*, translated by Antonia Nevill (Malden, Mass.: Blackwell Publishing Limited, 1992), and *Interpreting the French Revolution*, translated by Elborg Forster (Cambridge: Cambridge University Press, 1985).

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