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Leiden and censorship during the 1780s

The Overraam affair and Elie Luzac on the freedom of the press

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One of Leiden’s city gates, the Hogewoerdsepoort, was in the eighteenth century an important meeting place for citizens, tradesmen and travellers, because it was there that the tow barge from and to Utrecht arrived. Not far from this place began the Hoge Rijndijk, now largely part of the territory of Leiderdorp. At the time, however, it was juridically and administratively part of the manor of Zoeterwoude and consequently it was answerable to the bailiwick of Rijnland. There were several locations on the Hoge Rijndijk where the inhabitants of Leiden could go to find rest and relaxation. One of these inns was called Het Fonteintje, where the captains of the Leiden booksellers’ industry would meet twice a year to eat ‘a bit o’ fish’ with their spouses ‘to maintain the ties of friendship’. The place was also a favourite with students,¹ and in the 1780s it was a meeting point for patriots. We know for instance that the riotous Jan Pieter van der Steen went there with a number of students for a ball game and – riding back slowly on the way home in a chaise or cabriolet harnessed with two horses – hurled abuse at passers-by: ‘Here with you, ye Oranje Blighters!’ They also sang songs that were insulting to the stadholder.²

The revellers may very well have encountered the Orangists at Overraam, a good place to be thanks to the presence of summer houses, a hothouse, pineapple plants and even vineyards. By 1785 Overraam had fallen in a state of disrepair. The plot, together with the buildings, was sold at any rate at a considerably smaller sum than thirteen years earlier, when it still went for 4,000 guilders; in 1785 it only fetched 1,200 guilders.³ At Overraam a number of street vendors offered a variety of ware. In the 1780s Orangist pamphlets and periodicals were freely being sold, without, of course, the consent of the Leiden booksellers’ guild, although the guild was unable to take action as long as the trade took place outside the city’s jurisdiction. Yet when the city fathers, too, began to feel things were going too far, they decided to intervene and involve the Rijnland tribunal.

I intend to show in this paper in which way the Leiden city council attempted to curtail the booktrade in the second half of the eighteenth century. The Overraam case demonstrates that the council did not stop at its own boundaries, but also wielded influence beyond the city gates. To do so, the councillors had recourse to centuries-old legislation, but they also implemented recently sharpened rules relating to the freedom of the press. One of the Leiden booksellers vehemently to oppose the curbing of the press was Elie Luzac. Luzac wrote on the issue on various occasions, spurred on at times by censorship measures affecting his own publications, at other times because he was challenged by political opponents. Thanks to Luzac’s debating skills, the literature of the Netherlands in the eighteenth century boasts excellently formulated pleas for freedom of the press. Luzac, however, was also mindful of the dangers of unlimited freedom of the press. In the heated atmosphere of the 1780s he fulminated against what he considered the unbridled abuse of the government’s liberal policies. The patriot faction above all, he thought, went too far, and had to be controlled. It remains unclear in how far Luzac as a bookseller was himself involved in the production and distribution of seditious works.

¹ Bostoën, ‘De vochtige universiteit’, p. 36.

² Hanou, ‘Jan Pieter van der Steen’, p. 113.

³ Overraam was sold by Johannes Wagen to Samuel Breyer in 1785 for 1,200 guilders. Wagen himself had paid 1,650 guilders for the property in 1778. Gemeentearchief Leiden (GAL), Archief Schout en Schepenen Zoeterwoude, Transporten onroerend goed, inv. no SCH 95, f. 115 (1-8-1772); SCH 98, f. 1 (3-1-1778); SCH 100, f. 171 (31-12-1785).

The Overraam affair

We first encounter problems concerning Overraam in the Leiden judicial archives in 1784. In October of that year the master of the booksellers' guild requested the burgomasters to take action against two Orangist works: the *Na-courant* (1784) and the *Politieke praatmoer* (1784-1785) by William Pieter Turnbull de Mikker.⁴ Although both periodicals had been published anonymously, patriot authors were not coy with the identities of publishers and distributors. The patriot François Bernard for instance printed in *Den Batavier* a letter to the editor written in response to the *Na-courant*, 'which is published in Leiden by *Luzac and van Damme*', '(...) albeit their names are not mentioned on the title of that coranto, together with those of *Hend. Arends Hofhoud Hake etc.*'⁵ The publisher was Hendrik Arends from Amsterdam, the sellers in Leiden were the Leiden bookseller Elie Luzac and his partner Jan Hendrik van Damme.⁶ They in turn had approached bookbinder F. Perk, who lived on the Delft Vliet, a little outside Leiden, to sell the two Orangist publications. A year later, in 1785, the anonymous patriot pamphletist who wrote *Iets voor Leydens burglary* still referred to Luzac's and Van Damme's involvement in the sale of both works.⁷

Luzac and Van Damme were skating on thin ice with this initiative. It is true that like them the high sheriff Johan Hieronymus van der Marck supported the stadholder, but against them they found the Mennonite minister Franciscus Adrianus van der Kemp, the secretary to the Leiden tribunal Pieter Cornelis Chastelein and the cloth manufacturer Pieter Vreede. In 1783 the patriots, in spite of heavy protests on the part of the Orangists, had been allowed to establish a trained militia. The institution of this free corps and the rabid goings-on of the said patriots in particular had done much to sharpen the political divide in Leiden.

In an attempt to calm the heated political atmosphere, political works were regularly suppressed. On one occasion the ostensible reason would be that printer or author were unknown, on another occasion because known persons were vilified. The city's burgomasters for instance expressly ordered the booksellers' guild in 1783 to have their beadle inform all members 'not to publish any offensive works against any of the burghers of this city.'⁸ This order prompted the patriot bookseller Christoffel Frederik Koenig to file a complaint. It was impossible, he wrote to the wardens of the guild, for a fledgling bookseller to assess all publications received to see if they were or were not offensive and consequently prohibited. In consequence there was every chance one might violate the order and be hit by sanctions. An unacceptably great risk for a beginning entrepreneur, and in his opinion it was high time therefore that the guild protested the general prohibition. The booktrade, already not too flourishing as it was, would run the risk of being badly affected by sanctions, which would not exactly improve matters for the trade.⁹

Nevertheless the regulation remained in force. It also gave the burgomasters the opportunity to prohibit works of a too outspoken political character. Much to his amazement, Frans de Does, publisher of *Den Batavier* already quoted earlier, became one of the victims of the prohibition a year later. He vowed in his defence that his periodical breathed the purest patriotism, unlike the 'two shameful periodical writings: the *Nacourant* and the *Praatmoer*'. It was perfectly alright that these periodicals had been banned, but he himself would like to be exempted, 'convinced that everything that was said in the *Batavier* was the whole truth so that not even the severest censor could find anything worthy of reproach.'¹⁰

The *Politieke praatvaar* (1784-1786) by the patriot Pieter van Schelle suffered the same fate.¹¹ Like De Does, the Leiden publisher Christoffel Koenig objected to the ban by pointing to the *Politieke*

⁴ Jongenelen, *Van smaad tot erger*, no 183. Johannes le Francq van Berkhey was also involved; the publishers were Hendriksen and Bal from Rotterdam.

⁵ Bernard, *Vrije gedachten van een burger*, issues of 26-7-1784 and 30-8-1784. The word 'publishing', which may also mean 'distributing' is ambiguous here.

⁶ On the printing history of the *Na-courant* see Sautijn Kluit, 'De *Na-courant* en de *Vaderlandsche byzonderheden*', p. 292-295.

⁷ *Iets voor Leydens burglary*, p. 5. GAL, Bibliotheek Leiden en Omstreken, inv.no LB 967-d, Politieke Stukken 1784-1785

⁸ GAL, Stadsarchief II, Notulboeken Burgemeesteren, inv. no 227, f. 8 (8-1-1783).

⁹ GAL, Stadsarchief II, Notulboeken Burgemeesteren, inv. no 227, f. 9 (14-1-1783); supplement f. 7 (15-1-1783).

¹⁰ GAL, Stadsarchief II, Gerechtdagboeken, inv. no 138, f. 313-317 (11-9-1784).

¹¹ Jongenelen, *Van smaad tot erger*, no. 184.

praatmoer. Why did the prohibition place his innocuous weekly periodical on a par with this poisonous publication, ‘in which numerous prominent burghers, commanders, even the Council of the Noble and Reverend Lords Aldermen of this city are insulted and mocked in the vilest of ways’?¹²

Both the *Batavier* and the *Politieke praatvaar* were allowed to go back in business. But Luzac and Van Damme also found ways of dealing with the ban. Less than a month later, the burgomasters of the city of Leiden received the complaint that the *Na-courant* and the *Politieke praatmoer* were still being sold, at Overraam. The burgomasters were unable to hear the complaint because Overraam did not fall within the city’s jurisdiction.¹³ The patriot author Henri van Bulderen subsequently saw fit to sneer in his *Zutphensche courant* of 22 November 1784 that

the Prince’s party does not complain of any severity, because even though the Leiden lords enforce law and Justice, and will not be intimidated by any, not even by the Prince, they exonerate their offending burghers for as long as they can, as for instance: and we defy the Prince’s party to deny this, the Lords Aldermen know that bookseller PERK publicly sells the *Nacourant*, the *Praatmoer* and other pieces which are banned, but they absolve him and he carries on.¹⁴

A month later Overraam was again implicated. This time the culprit was not bookbinder Perk, but milkman Cornelis van Dam. According to the complaint he sold issue no 13 of the *Na-courant* at Overraam, containing a variety of seditious remarks on the imprisonment of the Orangist Leiden baker Trago. It was feared that the newspaper would also be sold outside the city gates, which was anyhow prohibited. This time the burgomasters decided to send the sherrif.¹⁵ But did it have any effect? A week and a half later the Leiden booksellers Barend Onnekink, Daniel Vijgh and Frans de Does dipped their pens in fury. They complained that not only were banned books being retailed at Overraam, but that there was also a lively trade in suspect pamphlets. This letter had greater success than the previous complaint: the sherrif of Zoeterwoude was informed of unfair competition against the Leiden guild by the Overraam bookseller. He was asked to take action. The bookselling trio pointed out that Overraam lay within a distance of five hundred Rijnland roods from the city gate and that there existed jurisprudence by the manor lord of Zoeterwoude of 26 July 1547. It was not allowed to trade goods within that range if this competed with the trade of a number of guilds. The decree had been endorsed by Emperor Charles V on 3 August 1547.¹⁶

Apparently little could be done about Cornelis van Dam, because the Orangist *Patriotsche consideratien*, written by D. Woltering but published anonymously and without an imprint, was also sold at Overraam.¹⁷ The attack on patriot professors and ministers abusing their offices by ventilating their political ideas from cathedra and pulpit provoked the following remark by the patriot author of *Iets voor Leydens burglary*:

by order of WELL-BORN MEN, the Overraam waste paper salesman or saleswoman has been forbidden the sale of these Contraband Goods; but, to the great surprise of all well-thinking men, no heed was taken of this, because this clandestine trade is carried on as before in the most impudent manner; however there is no doubt but this unruly riff-raff will soon be brought to justice.¹⁸

In December 1785 there were fresh complaints about the trade in abusive pamphlets at Overraam. This time it was Carolus Boers, professor in theology whose secondary teaching assignment it was to deliver sermons, who felt his honour was compromised. A sonnet in *Iets voor de patriotten* spoke of the ‘wicked and wily Boers’ who was to have preached patriot doctrine from the pulpit. Boers called for a ban on the work, which was being sold at Overraam.¹⁹

¹² GAL, Stadsarchief II, Gerechtsdagboeken, inv.no 138, f. 321 (11-9-1784).

¹³ GAL, Stadsarchief II, Notulboeken Burgemeesteren, inv.no 228, f. 70v (18-10-1784).

¹⁴ Van Wissing (ed.), *Henricus van Bulderen*, p. 99.

¹⁵ GAL, Stadsarchief II, Notulboeken Burgemeesteren, inv. no 229, f. 2r (16-11-1784).

¹⁶ GAL, Stadsarchief II, Notulboeken Burgemeesteren, inv.no 229, f. 3v (27-11-1784); f. 4v (30-11-1784).

¹⁷ [Woltering], *Patriotsche consideratien*.

¹⁸ *Iets voor Leydens burglary*, p. 6.

¹⁹ *Iets voor patriotten*. GAL, SA II, Notulboeken Burgemeesteren, inv.no 229, supplement f. 5.

Once more the sheriff of Zoeterwoude was sent on his way. Following the advice of the patriot lawyer Jean Luzac, the burgomasters decided to present the case to the Rijnland tribunal. They also enlisted lawyer F.J. Gallé.²⁰ Early in January 1785 the Rijnland tribunal met in the Lakenhal as was their custom, and considered the Overraam affair. The Orangist work *De Leydsche burgerhart*, which mocked private persons and the local authorities, was allegedly being sold at Overraam.²¹ ‘The patriots of today, if they considered the matter well, ought to have burnt the Effigy of those people, rather than rejoice that *Trago* was thrashed, because they with their Books and Papers are the cause of dissension.’ It was decided to get to the bottom of the allegation within eight days.²² The investigating officers set about their business with great energy. Already three days later Cornelis van Dam and his mother, Neeltje Schalkwijk (the widow of Cornelis Berkhout) were brought up. They were unable to say who had passed these seditious books into their hands. After all, hadn’t they offered them for sale of their own volition? There was nothing left for the tribunal but to provisionally acquit the couple.²³

This was not to the liking of the Leiden prosecutors, who had hoped to be able to institute a ban on the sale of books in the immediate vicinity of the city. Nor was the tribunal itself apparently quite satisfied. It decided to submit the matter to a panel of jurists, including J.G. Luijken and C. Bijleveld. Their advice was to summon the offending inhabitants of Overraam immediately and to grant the request of the Leiden citizens to ban the sale of books at Overraam.²⁴ According to them Leiden had a point, because within a radius of eight hundred rods ‘no crafts or trades may be plied *from beyond the city’s fortifications and moats*.’ They referred to Charles V’s decree dated 11 October 1531 and the subsequent patent of 11 October 1540. On 10 January 1575 Philip II again issued a patent to the city of more or less the same import.

The lawyers regarded the book trade as a ‘Porters’ trade’, because the city of Leiden had a booksellers’ guild which, like the city fathers, was in a position to file complaints against the trade at Overraam. The earlier-mentioned patents entitled Leiden to ban booktrade at Overraam in general, more specifically the sale of offensive and seditious books, because books of this nature would upset the calm and harmony amongst the Leiden population. In addition, the lawyers regarded the open sale of such books close to the city gates as an ostentatious attempt to tarnish the reputation of the city government. The evident ill will of the widow Schalkwijk and Cornelis van Dam also appeared from their repeated failure to appear before the tribunal.²⁵

The tribunal followed the advice and had the couple from Overraam brought up. Widow Schalkwijk, however, sent word that she was regrettably unable to attend. When she also excused herself from the next court session – according to her son she was sick in bed with the fever – the tribunal decided to go to Overraam to question the patient.²⁶ In May of that same year, 1785, the names of the bookseller and her son were again on the court roll. By now the widow had been spotted within the gates of Leiden and was therefore considered fit enough to appear in person at the Lakenhal. Mother and son were once more summoned to appear before the Rijnland tribunal, but again they defaulted. Van Dam himself was not in when the beadle came to hand the writ and the widow Schalkwijk wasn’t feeling all that well. Presumably the tribunal decided no longer put up with the evasive behaviour of the Overraam booksellers, because the widow was immediately enjoined to present a statement from the surgeon concerning her physical condition before eleven o’clock. But still the widow Schalkwijk did not present herself. It was then decided to send the halberdier together with the beadle and force her to come to

²⁰ GAL, Stadsarchief II, Notulboeken Burgemeesteren, inv. no 229, f. 8v (24-12-1784); supplement f. 5; f. 19 (10-2-1785).

²¹ *De Leydsche burgerhart*. The anti-Orangist response to it is entitled: *Burgerhart en Waarmond*. GAL, Bibliotheek Leiden en Omstreken, inv.no LB 967-d, Politique Stukken 1784-1785. The 16 page-long pamphlet mainly targets Orangist booksellers and printers.

²² Nationaal Archief The Hague (NA), Rechterlijk Archief Rijnland (1539-1811), Notulboek van Rijnlands vierschaar, inv.no 6, p. 147 (4-1-1785).

²³ NA, Rechterlijk Archief Rijnland (1539-1811), Notulboek van Rijnlands vierschaar, inv.no 6, p. 164 (11-1-1785).

²⁴ NA, Rechterlijk Archief Rijnland (1539-1811), Notulboek van Rijnlands vierschaar, inv.no 6, p. 168 (25-1-1785) en 188 (8-2-1785).

²⁵ NA, Rechterlijk Archief Rijnland (1539-1811), Register van allerhande zaken, inv.no 16, p. 110 ff. (24-1-1785). Cf. the letter of the bailiff of Rijnland on p. 113 (8-2-1785).

²⁶ NA, Rechterlijk Archief Rijnland (1539-1811), Notulboek van Rijnlands vierschaar, inv.no 6, p. 200 (19-2-1785).

Leiden. This firm action was successful, because she and her son were subsequently interrogated. Even Van Dam's wife was summoned.²⁷

The Overraam case is not an isolated affair. There was similar commotion south of Waddinxveen. There the Rijnland tribunal acted faster and was more successful in confiscating the supply of forbidden ware. The offending publication – which has not been identified – is a dialogue between Dirk, Theodorus and Klaes, containing a variety of seditious opinions on the regents considered ‘highly suitable to propagate the seed of discord.’ The dialogue was sold by Jacobus van der Schram, who proved less resistant in the face of the tribunal than his colleague at Overraam. Van der Schram deposed that he had not been aware of the seditious nature of the pamphlet and claimed not to have any more copies in the house. At the time he had indeed been given eighteen copies by a certain Dirk Noteboom, who lived below the Sint Hubertusgerecht. Van der Schram had already sold sixteen copies at three *stuivers* a piece, having been allowed to keep half a *stuiver* for himself. At his wife's advice the by now somewhat anxious vendor had thrown the other two copies into the fire. The beadle had confiscated the rest of his supply. When the tribunal ordered him to stop selling books of this nature he readily agreed, but not before naming the son of collector Post, also living under the Sint Hubertusgerecht, who peddled the said books from door to door.²⁸

Prohibited books in Luzac's list

Elie Luzac knew from experience that he ran risks when he sold works taking a clear stand against the establishment. He came from a family which played an important role in Leiden's history during the eighteenth and nineteenth centuries. His grandfather Jean Luzac had fled from the Dordogne to the Republic in 1685. Many of his offspring made a name for themselves as writers or publishers, with the result that the several Luzacs are confused to the present day. Elie Luzac learnt the trade from his uncle Jean Luzac. Another uncle, Etienne Luzac, made fame with his *Gazette de Leyde*, a newspaper which became widely known internationally especially under the impetus of Elie's cousin, the jurist Jean Luzac, because of its patriot stance.²⁹ Elie Luzac himself was an Orangist. He defended the stadholder's position in a great number of publications, which made him a target of patriot opposition. His works in the field of philosophy of law were not without merit either. Tsarina Catherine II for instance made grateful use of Luzac's commentary on Montesquieu's *l'Esprit des lois* in compiling her *Nakaz (Instructions, 1767)*.³⁰

Already in December 1747 – having only recently settled as an independent printer-publisher on the posh Rapenburg in Leiden – Elie Luzac had been called to accounts by the Walloon church council for having published *l'Homme machine*, written by the French refugee Julien d'Offray de la Mettrie. The work was published anonymously, but the imprint listed the name of the publisher. Luzac was immediately summoned to appear before the church council. He was evasive during his defence: he had not been aware of the materialistic nature of the work because La Mettrie had surreptitiously incorporated the offensive passages in the final correction rounds without his knowledge. In spite of his defence, the entire print run was confiscated.³¹ In the meantime he also had *l'Examen de l'Homme machine, où Démonstration de l'immaterialité de l'âme* on the press, containing a commentary on *l'Homme machine*, which he had written himself.³² Chief magistrate Van der Mark did not trust the matter and requested permission of the Leiden burgomasters to impound the latter work ‘because that

²⁷ NA, Rechters Archief Rijnland (1539-1811), Notulboek van Rijnlands vierschaar, inv.no 6, p. 271-272 (7-5-1785) and 276 (20-5-1785).

²⁸ NA, Rechters Archief Rijnland (1539-1811), Notulboek van Rijnlands vierschaar, inv.no 6, p.355-357 (10-2-1786).

²⁹ Popkin, *News and politics in the age of revolution*. Only recently Kloek and Mijnhardt confused Elie and Etienne by attributing the *Gazette de Leyde* to the former: 1800. *Blauwdrukken voor een samenleving*, p. 156.

³⁰ Montesquieu, *De l'esprit des lois*. On the relationship with *Nakaz*: Omel'chenko, ‘The Dutch writer E. Luzac and Empress Catherine II's *Nakaz*, pp. 233-242; Huussen, *Grillen der Verlichting*.

³¹ GAL, Kerkenraadsacta Waalse gemeente (1740-1765), inv.no 46, p. 89-91. Cf. Jongenelen, *Van smaad tot erger*, no. 3.

³² Luzac already advertised this work a few days before he was summoned by the church council: *Leydse courant* dated 1 January 1748. Before the confiscation, towards the end of December 1747, Luzac asked the Amsterdam bookseller Rey to inform David Renaud Boullier ‘que j'ai un anti-Homme Machine sur presse.’ Amsterdam, Bibliotheek van de Koninklijke Vereniging van het Boekenvak, BRe 2-10, letter of Elie Luzac to Marc Michel Rey d.d. 23-12-1747.

Refutation rekindles the wicked sentiments and feelings contained in the afore-mentioned work.’ Accompanied by the town beadle and assistant prosecutors, the investigator hastened to Luzac’s printing house, where the first printed sheets and the manuscript itself were confiscated.³³

The criminal proceedings against Luzac opened in Leiden on 12 March 1748.³⁴ By then La Mettrie had already long fled the country. Luzac had drafted a petition in which he pleaded for a reversal of the criminal proceedings into a civil procedure. As he had not been party to the contents of *l’Homme machine*, he could not be charged with complicity and furthermore he had already embarked on a refutation. Unfortunately his *Examen de l’Homme machine* had been confiscated and destroyed, which made the evidence for the defence somewhat inconclusive. The fine imposed on Luzac was considerable: 2,000 guilders.³⁵ Obviously the authorities were not aware of the fact that in the same month of March, Luzac had finished printing the second edition of *l’Homme machine*, even to be followed later that same year by a third edition. The destroyed pamphlet, *Examen de l’Homme machine*, was to have a sequel the same year: *l’Homme plus que machine*.

Nor did Luzac stop here. Already the next year, in 1749, he published his *Essai sur la liberté de produire ses sentimens*. Luzac had obviously learnt from his experiences with *l’Homme machine*: this time there was a fictitious imprint, which read ‘Au Pays Libre, Pour Le Bien Public. 1749. Avec Privilège de tous les véritables Philosophes.’ In this work, amounting to 124 pages, Luzac presented a truly impressive and unequalled defence of the freedom of the press,³⁶ offering a strong plea for intellectual freedom of expression. In the search of truth it is of the utmost importance to have a free exchange of thoughts between opponents. However abject an opinion may be in the mind of the other, if it helps to arrive at the truth, it is nevertheless permitted. Besides, who knows what is right and what is wrong? All statements on this issue inevitably lead to dogmatic quarreling. It is the ‘Administrateurs des Eglises’ who wish to curb the press.³⁷ Luzac also wrote in detail about the principle of freedom of expression in a letter to the Swiss physician Albrecht von Haller: ‘Bien loin de prendre l’impression de ces Livres pour *un crime odieux*, je regarde ces productions [for instance *l’Homme machine*] comme autant de mojens propres à nous convaincre de la faiblesse de l’erreur & de la force de la verité (...)’³⁸

It was undoubtedly for this reason that Luzac did not hesitate to publish books which had been publicly burnt elsewhere. The lofty objective – helping enlightened *philosophes* to find the truth – was certainly a primary consideration, although commercial motives may also have played a role in the decision to publish prohibited books. Between 1750 and 1753 Luzac for instance brought out the works of the Leiden *savant* Samuel Koenig as well as those of his opponent, the president of the Berlin Academy of Sciences, Pierre-Louis Moreau de Maupertuis. The two men had clashed after Koenig had accused the Berlin scholar of having derived his observations on the principle of minimal movement from Leibniz. The conflict soon engaged *toute* learned Europe.³⁹ Voltaire was in Berlin when the battle began in earnest. In his *Diatribes du Docteur Akakia* he turned against Maupertuis. Because Voltaire had the work printed without the knowledge of King Frederick of Prussia by the latter’s own court printer, Frederick ordered the entire print run to be destroyed. The prince felt slighted and above all hurt in his pride because his protégé Maupertuis had come under attack. In the meantime Voltaire had already sent the manuscript to Holland, to Elie Luzac, who published the second authorized edition in 1752.⁴⁰

Government press policy

To return to the Dutch, or, in this case, the Leiden government policy with regard to freedom of the printing press. Elie Luzac was very actively engaged in the debate, especially when in 1769 the local

³³ GAL, Stadsarchief II, Notulboeken Burgemeesteren, inv. no 204, f. 23-24 (22-1-1748); f. 24-25 (23-1-1748); f. 25 (24-1-1748); supplement (19-1-1748).

³⁴ GAL, Oud-rechterlijk archief, Notulenboek schout en schepenen 1745-1754, inv.no 150-8, p. 102.

³⁵ Thijssen, ‘Some new data’, p. 165.

³⁶ Velema offers an elaborate summary in his ‘Introduction to Elie Luzac’s *An Essay on freedom of expression*’, pp. 9-33. Cf. Laursen, ‘Impostors and liars’, pp. 89-99.

³⁷ [Luzac], *Essai sur la liberté de produire ses sentimens*, p. 116.

³⁸ Burgerbibliothek Bern. N Albrecht von Haller. Corr. Elie Luzac to Haller (1-8-1752), 1.

³⁹ On the plagiarism affair see Terrall, *The man who flattened the earth*, and Beeson, *Maupertuis*.

⁴⁰ Voltaire, *Histoire du Docteur Akakia*, ed. Tuffet, p. lxxviii ff..

booksellers' guild was informed of the plans of the States of Holland and West-Friesland to institute *censores librorum*. These had to make sure that no books were sold injuring the Christian religion and that all booksellers in future were aware of the identities of the authors whose works they published.⁴¹ 'One would then introduce a sort of *Inquisition* and Romish ignorance by suppressing the freedom of the printing press (...) in a free country', the Leiden assistant-clerk Johannes Cornelis de Malnoë fulminated.⁴² The Leiden booksellers decided collectively to seek the advice of lawyer-bookseller Elie Luzac and his brother, notary Isaac Elie Luzac. They were particularly hoping to engage Elie, who had expressed himself on the freedom of the press before and who was known for his passionate and above all solid argumentation. Although Luzac's plea concerns a concrete official action against irreligious books, its general portent clearly agrees with his *Essai sur la liberté de produire ses sentimens*. This time Luzac framed a *Petition* on behalf of Cornelis van Hoogeveen junior, Pieter vander Eyk and Daniel Vijgh, requesting the law court of Leiden to reject the planned decree.⁴³ The attendant *Memorandum* indeed testifies to a sharp analytical wit and is a jewel in the literature on Dutch freedom of the press.

Each man is free to take or leave what he considers right; in consequence each man preserves his rights: thus, by writing about this or that Religion in general, nobody's rights are curtailed: and so it is evident, that the ability, or if one likes the obligation, of the Sovereign to maintain and protect religion, does not imply that he is authorized to limit and curb free expression on the subject of religion.⁴⁴

The proposed decree in the end was not passed. It was not until the 1780s before the subject of freedom of the press would again become a hot issue. The anonymous author of the periodical *De Borger* (1778-1780)⁴⁵ was one of the first to give the issue broad consideration. 'Freedom of the printing press is the surest sign of freedom in civilian society', his motto ran, although the author also pleaded for a ban on books insulting individuals because such books are only meant 'to stir the feelings of the common people, to sow discontent and mutiny, and may easily produce the most dangerous of results for society.'⁴⁶

A culture of openness

The ideas on the printing press increased in radicality as the criticism of the patriots on government gained in force. Freedom of the press keeps the citizen alert, it was argued in *De vryheid der drukpers* (1782), and is also an excellent means to expose the failures of national government.⁴⁷ The 1780s were marked by the emergence of a 'culture of openness', whereby even official documents were made public to monitor rule and policy of the regents. The press became a forum for public opinion.⁴⁸ This was not to everybody's liking: the more the political controversy in the Republic gathered strength, the greater the number of militant politicising periodicals and pamphlets. As we saw earlier, the government had her hands full curbing at one time the patriot, at another time the Organist press.

⁴¹ Bodel Nijenhuis, *De wetgeving op drukpers en boekhandel*, p.p. 169-170. On how the *Concept Placaat* came into existence see also Jongenelen, 'De Socratische oorlog', pp. 88-89.

⁴² De Malnoë, *Brief aan een regent van eene Hollandsche stad* (Knuttel 18946). Cf. his *Brief aan een Heer van de regeering in Holland* (Knuttel 18947). Jongenelen convincingly shows in his 'De Socratische Oorlog' that the author of both pamphlets is not Elie Luzac, as is generally assumed, but De Malnoë, fellow founder of the Dutch Society for the Advancement of Literature.

⁴³ [E. and I.E. Luzac], *Request* (Knuttel 18960). The *Memorie* is also reprinted in the *Nederlandsche jaerboeken* 5-2 (July 1770), pp. 809-896. On Luzac's involvement in framing the petition: H.C. Cras, *Beredeneerd verslag omtrent de geschriften van den heer Mr. Elias Luzac, in zijn leven advocaat te Leyden*. NA, 2^e afdeling, Collectie 15 Kemper (Cras), f. 56-59.

⁴⁴ [E. and I.E. Luzac], *Request*, p. 83. For the *Request* see also Velema, in his 'Introduction to Elie Luzac's *An Essay on Freedom of Expression*', pp. 28-31.

⁴⁵ Theeuwen in his *Pieter 't Hoen*, p. 579, points to H.H. van den Heuvel, founder of the Oeconomische Tak van de Hollandsche Maatschappij van Wetenschappen [Economic Branch of the Dutch Society of Sciences], as the possible author. Jongenelen, on the other hand, thinks the author must be found in the circle around Van den Heuvel and suggests Willem Jan Baptist van Dielen, secretary of the Oeconomische Tak in Utrecht. The second author is Johannes Petsch, who also wrote *De Onderzoeker en De Opmerker*. Jongenelen, 'Een optimistische dinosaurus', pp. 50-51.

⁴⁶ *De Borger*. Quotations from no 75 (28 February 1780) and other, no 77 (13 March 1780).

⁴⁷ *De vryheid der drukpers*. Velema, 'Vrijheid als volkssoevereiniteit.', pp. 295-296.

⁴⁸ Van Sas, 'Drukpers, politisering en openbaarheid van bestuur', p. 177-181. Cf. Klein, *Patriots republikenisme*, p. 126-127.

Elie Luzac, demonised in many a patriot text, also contributed his share. In his *Reinier Vryaarts openhartige brieven* (1781-1784) he repeatedly crusaded against his opponents' abuse of the freedom of the press. Even prominent persons were dragged through the mud with impunity. The theme recurs repeatedly. 'Vain yelpings', we read a year later, 'only to be compared with the bark of nasty curs barking at the traveller from behind the fences and the gates of peasant's cottages, sometimes showing him their teeth, and giving the children a fright and bringing them to tears (...).' A few issues later he even offers a pages-long detailed survey of all Dutch decrees concerning the freedom of the press. There are sufficient laws regulating the professional behaviour of publishers and booksellers but 'when impudence transgresses all boundaries' the government must take action. Publishers of libels and calumnatory prints in particular, 'having no other objective than to dishonour and defame their fellow men without distinction of rank, dignity and status, and to expose them before the community; to arouse the rabble, and incite it to murder, plunder, and arson.'⁴⁹

The absolute limit was reached as far as Luzac was concerned when even the stadholder himself was muzzled after having tried to defend himself against patriot attacks. In 1780 the treatise *Het Politiek systema vande regeering van Amsterdam* appeared, in which Hendrik Calkoen clarified what constituted the stadholder's position in the view of the regents: a subject of, and so subject to, the government. Luzac wrote a response the following year entitled *Het Waare dag-licht van het politieck systema*, and – together with Johannes van der Linden – his *Rechtsgeleerde memorie*. In both works he refuted the argumentation of the Amsterdam author.⁵⁰ The stadholder, too, participated in the debate by publishing in 1782 – with Elie Luzac – his *Missive en memorie, door Zyne Hoogheid, den Heere Prince van Orange ten Nassau, aan Hunne Hoog Mogende op den 7 oktober 1782 overgegeeven*. This *Memorie* was once more brought out in 1782 in a concise form under the title *Zaaklyke inhoud van de Missive en memorie*.⁵¹ To Luzac's great indignation, the field officer had all copies impounded. In *Reinier Vryaarts openhartige brieven* Luzac fulminated against what was in his eyes an unjust measure: 'Is it *sedition*, which brings the community out of the darkness into the light, and leads it from the lie to the truth?'⁵² In his *Vaderlandsche brieven* (1784-1785) the Orangist bookseller also wrote against what he considered to be abuse of the freedom of the press. Once more his target was Calkoen. In 1783, in his *Verslag en beoordeeling van de Missive en memorie*, the latter had criticised the arguments advanced by William V in his *Missive*, also accusing the stadholder of wanting to curb the freedom of the press.⁵³ Luzac needed two entire issues to serve Calkoen with an answer. Especially in the third issue Luzac struck out fiercely against the implications of Calkoen's views on freedom of the press as the 'Bastion of our civil Liberty and Security.' Luzac also underwrites the position that every citizen is entitled to be heard, however, 'this must then be a general condition, and the Head of the Nation's Government must not be excluded.'⁵⁴

Conclusion

The writer-bookseller Elie Luzac was a passionate advocate of freedom of the press all his life. Regardless of political persuasion, religion, rank or status, all citizens must be able to express their opinions. Luzac was committed to public debate, in which arguments and counter arguments could be heard, a skill which he commanded as no other. To him, however, complete freedom of expression was unacceptable. Libel and slander, to which he himself had often fallen victim, ought in his opinion to be forbidden. It is striking that in the 1780s he used the same arguments as the patriot De Does, who in his plea to exempt *Den Batavier* from a ban appealed to the patriotic character of his publication. Luzac's argument against slander bears many similarities to Koenig's defence against the ban on his *Politieke praatvaar*: both regard libel and slander to be reprehensible.

⁴⁹ [Luzac], *Reinier Vryaarts openhartige brieven*, 4th part [1781], pp. 194-199; 6th part [1782], pp. 169-175; 7th part [1782], pp. 8-94.

⁵⁰ [Luzac], *Het Waare dag-licht*; [Luzac], *Rechtsgeleerde memorie* (Knuttel 19745).

⁵¹ *Zaaklyke inhoud van de Missive en memorie* (Knuttel 20069).

⁵² [Luzac], *Reinier Vryaarts openhartige brieven*, 9th part [1783], pp. 190-194 and 10th part [1783], pp. 100-129. In the said *Memorie* the stadholder defends his position as admiral-general of the Republic.

⁵³ [Calkoen], *Verslag en beoordeeling van de Missive en memorie* (Knuttel 20473).

⁵⁴ [Luzac], *Vaderlandsche brieven*, p. 16.

In spite of Luzac's coherent views on the freedom of the press, Luzac's involvement in the sale of Orangist pamphlets at Overraam must not be forgotten. Did he and his partner Van Damme want to cover their tracks and did they therefore employ bookbinder Perk for the sale of subversive works? In how far were Luzac and Van Damme involved in the production or sale of the *Na-courant* and the *Politieke praatmoer*, a little outside the Hogewoerdsepoort? It is a fact that in the patriot press Luzac's name was repeatedly connected with these publications and these were not spotless themselves, either. Publishers and vendors, however, were not to be deterred by any prohibition. After the ban the *Na-courant*, according to *Iets voor Leydens burglary*, was re-named *Stadhouderlyk weekblad*, which after yet another ban was given the name *Vaderlandsche byzonderheden*.⁵⁵ It is unknown if and in how far these works, too, had anything to do with Luzac.

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⁵⁵ *Iets voor Leydens burglary*, p. 6. Sautijn Kluit in his 'De *Na-courant* en de *Vaderlandsche byzonderheden*', p. 294, bases himself on this text when discussing the variant names.