

Carlsbad 1819

Like another Chouannerie

Joseph de Villèle against freedom of the press (1817)

July 2, 2017 by Nulle Terre Sans Seigneur

"Free speech" has now become a quintessential conservative value. That it has always been a classical liberal value is true enough, but its association with conservatism is due to the historical anomaly of American conservatism being the English commonwealthman (<https://en.wikipedia.org/wiki/Commonwealthmen>) ideology interspersed with Manchester liberalism, notwithstanding historically trivial exceptions like Orestes Brownson, the Southern Fire-Eaters of *DeBow's Review* (and their Copperhead allies), and various latter-day tradcons at Brent Bozell's *Triumph*, or Kirk and Regnery (now ISI)'s *Modern Age*.

Free expression is the underpinning of the "public sphere," the public sphere being the engulfment of all social relations by the values of literary salons, coffeehouses and book clubs. Once instrumental in leveling the distinctions among magnates and between magnates and commoners, as well as fostering a new consciousness of the "active citizen," they proceeded to outlive their usefulness as the would-be *salonnières* of the past made their long march into the institutions of the present.

From this point on, the same people who once claimed they "just want to debate ideas," showed their true colors in working to transform society into a secular monastery where the unbridled ego would be allowed to define its own essence and own being by sheer force of will alone against any constraints of tradition and material reality. This represents a bastardization of *henosis*, where instead of working to reach union with the transcendent, one instead reaches union with one's own vanity, conceit and pride. The liberation from social bonds reaches its culmination in a totalitarian existentialism where a completely self-imagined identity is lived out, and moreover, is coerced into being unconditionally accepted by all bystanders.

In the face of a post-New Left cultural onslaught imposing this existentialist project, the modern conservative now foolishly champions yesterday's free speech fundamentalism as somehow being the corrective. The alt-right, too. When Richard Spencer spoke at Auburn University in April 2017, he chose the rhetorical weapon of presenting himself as a freethinker fighting against left-wing dogma. And just recently, on June 25, 2017, a "Freedom of Speech Rally" was held at the Lincoln Memorial in D.C. with Spencer, Identity Evropa and other figures present. Such is free speech: when one is the underdog, it is sweet like honey. When one is the overdog and has to enforce certain institutional axioms of social

conformity to maintain a desired order, it is a nuisance. Hence, free speech is necessarily an appeal sought by the weakling. A free speech fundamentalist is a man who believes in nothing but eternal dissent.

Let us not forget that one of the errors condemned in the encyclical *Exsurge Domine* (<http://www.papalencyclicals.net/Leo10/l10exdom.htm>) (1520) against Luther was “That heretics be burned is against the will of the Spirit.”

But, to take a more modern context, I would like to direct your attention to a parliamentary speech (<https://books.google.com/books?id=KsUYN-EWAOUUC>), given on December 13, 1817 by one of the most eminent ultra-royalist ministers of the Restoration of 1814-1830 — Joseph de Villèle. 13 days later, a bill was passed prohibiting “papers and other periodicals which treat of political news” from being published without royal authority, before being relaxed 4 years later, although some nominal form of censorship would last until 1828 by which point ultra-royalist influence was waning. The speech is a concise and topical one, but it is also a succinct illustration of the perils of unfettered expression (particularly the press) in a representative government, as the Restoration one was with its Chamber of Deputies sanctioned by the Charter of 1814. A worthy reminder that free expression is not something a conservative can value as an absolute.

Excerpts below with some comments affixed at the end.

— — — — —

This union [of the French people around the legitimate King] can only operate by confidence; Confidence can be established only by the frank and complete execution of the laws which the restoration has added to those which, for centuries, have united France with the reigning family. Freedom of the press, **with a strong and just repression of its abuses**, is one of these fundamental laws; It is the indispensable companion of the liberty necessary to this tribune under a representative government.

We shall ask what laws, what code and what means account for these writings intended to corrupt the nation by prophesying anti-religious, anti-monarchical, and anti-social doctrines. We shall be justified in saying that they do not exist or are insufficient. These kinds of doctrines flood our country. Without the legitimate Government the foundations of which these authors undermine, the tribunals will never have enough power to struggle against faction, to resist the torrent of evil doctrines, and to preserve society from the new dangers to which these abuses will expose it. It is important for us to preserve this new liberty [of the press] by regulating its use. Experience has already proved what I say.

A superior institution, an institution beyond all influence, an institution which derives its strength from public opinion, and which consequently reacts with force to it, seems to me necessary to pronounce on the preservation or annihilation of a public right on which Representative government stands; It seems to me necessary to repress the unbridled license of writings, a repression which alone can guard society from new convulsions, which are the inevitable consequences of the errors of opinion.

For example, when printed works are attacked by the ministry of justice, I think that the suppression should only be made by a court of assizes assisted by twelve jurors appointed by lot, and who would take on the list of eligible candidates from the department to the Chamber of Deputies. Listed in accordance with the provisions of Articles 56 and 59 [of the Charter], I believe I am making a proposal in conformity with sound reason and constitutional spirit, by asking that men registered by the Charter to discuss our laws and preserve our freedoms should be called upon to give an overview of their reason for exercising the right to education in relation to our political institutions.

When a power is shared, it is only through explaining, mutually enlightening, by making reciprocal concessions, that one can obtain a result. In my opinion, I believe that I have been authorized by the Charter to propose to the Commission all the amendments which I consider useful to my country. Thus, the request for a law on the press, and a superior institution for dealing with all questions relating to the repression of abuses, seems to me to be indispensable, and in my opinion, provides the most cooperative and monarchical means of resolving the question which concerns us. The means is constitutional, for it sees in the best possible way the guarantee of the free use of a right on which the constitution rests. It is monarchical, for, better than any other, it can repress the abuses of the press, thus preventing the authority of the monarch from continually struggling and often being defeated by the lowliest writer. And nothing is *less* monarchical than the daily proofs of the powerlessness of the Government to protect society against the abuses which these writers and slanderers commit.

It has been said that the institution of the jury was democratic. Freedom of the press is also a democratic institution; And this may be the reason why the repression of its abuses, to be possible, must be entrusted to a democratic institution, to jurors; It is because we find in our government monarchical elements, aristocratic elements, and democratic elements, that we live under a mixed and constitutional monarchy; Combine these elements wisely, and your result will be monarchical; Exclude one of them, when it is liable to be admitted, you break the balance and fall into arbitrary rule.

I appeal to you, gentlemen, whether [press liberalization] will inspire confidence so necessary to the government, so useful to France in the situation in which the laborers have placed it? To force public opinion to take sides against the question of freedom of the press is to breed mistrust. It is to leave society exposed without means of defense against the license of writings.

What have we done with this powerful weapon whose exclusive use we have entrusted? What are the effects on public opinion by this important influence [the press] to which we have granted privileges? The facts answer these questions so as to leave no doubt as to the decision you have to take.

The anti-religious, anti-monarchical, anti-social doctrines have for the most part made frightful progress. Distrust, uncertainty and fear have entered in.

The frightened agriculturist, the uncertain merchant, the ruined manufacturer, confers to the land, commerce, and industry only the smallest part of their capital, in order to reserve to their family resources available for times of trouble which they fear [fear inspired by sensational newsmongering].

When all the parties have been brought into the field of battle, the custodians of authority have seen, but too late, the bitter fruits of the system which they had hitherto tolerated, and the papers have noticed and exploited their fears.

They stepped forward, imploring relief. But enlightened France could not see through their treachery, or through the proven folly of entrusting management of public opinion to men for whom this excessive power serves as a blinder to the dangers of their preaching.

Let us cease, gentlemen, and for ourselves, and for the ministers, this dictatorship [of the press], the consequences of which expose the Government to ignorance of the situation of France. Let us say frankly to the ministers (it is in times of crisis and suffering that truth is more necessary and less known): the political system they have followed up to this day, is over; They can no longer base their power on purely political [procedural] means.

The immense majority of the French want legitimacy and the Charter. Its complete execution can alone calm all suspicions, bring together all the people and save our country, making one bundle of all the forces. This profession of faith is not new to us, for the three years that we have been in this chamber, we have sealed it with our oaths, defended it in our speeches, and supported it with our votes.

Nor is this a uniquely conservative perspective. Doctrinaire liberals like Francois Guizot had largely similar views. He defined representative government like so (http://oll.libertyfund.org/titles/878#lf0470_footnote_nt050_ref): "If society remains in the condition of plurality, if isolated wills do not combine under the guidance of common rules, if they do not all equally recognise justice and reason, if they do not reduce themselves to unity, there is no society, there is only confusion. And the unity which does not arise from plurality, which has been violently imposed upon it by one or many, whatever may be their number, in virtue of a prerogative which they appropriate as their exclusive possession, is a false and arbitrary unity; it is tyranny. The aim of representative government is to oppose a barrier at once to tyranny and to confusion, and to bring plurality to unity by presenting itself for its recognition and acceptance."

Under these principles (Guizot rejected the idea of imputing sovereignty to any person(s), singular or plural, juxtaposing it with a “sovereignty of reason”), censorship is acceptable when the plurality of voices begins to infringe on the common norms that act as the bedrock of representative institutions. You don’t want anti-parliamentarists in your parliamentary republic, after all. The liberal-democratic refusal to silence its opponents shall bring about its fall.

Which is what happened to the American republic. After the Constitutional Convention made the confederation a strong federal republic, the newspaper publishers began running amok very quickly and inflaming partisan passions — ones that weren’t even meant to be part of the design. Here is a sample of the views expressed by the *National Gazette*, a Democratic-Republican mouthpiece published by Philip Freneau from 1791 to 1793 (November 7, 1792 (<http://chroniclingamerica.loc.gov/lccn/sn83025887/1792-11-07/ed-1/seq-2/>)), a staple of their Francophilia used to opportunistically counter the more Anglophile tendencies of the Federalists:

It is sickening to hear our prostituted prints call the French nation barbarous and inhuman ; because when justly incensed they have made examples of two or three thousand scoundrels, to rescue the liberties of millions of honed men, while the fame idiots pretend to respect a *family*, the vain wars of whom have covered the earth with the blood of innocent individuals from one end of Europe to the other ; and after all the noise made about the royal family of France, which of all the persons it contains can urge as a plea for calumniating even the hasty mobs of Paris, that a trigger has been pulled at them, though so often in the power of an enraged people. A moment’s reflection on this circumstance shews that if atonement is to be made, it is to the people of France ; so continually insulted with the epithet of assassins in our pensioned prints. It is mortifying that England, who owes what little liberty he enjoys to a similar conduct with that pursuing in France, should now see her enfeebled press abused to the purpose of insulting daily a free people, struggling to maintain their recently recovered liberties.

The John Adams administration tried to clamp down on the scribblers (particularly men like Benjamin Franklin Bache of the *Philadelphia Aurora*) by passing the Sedition Act 1798. It flunked. Thomas Jefferson went on to win the presidential election of 1800, leading to a Democratic-Republican ascendancy, and in the words of Jeffrey Pasley:

Simply put, 1800 marks the point at which the republican constitutional system envisioned by the framers of the constitution, with the popular will filtered through various layers of government and the various competing interests carefully checked so that no individual faction or party could control the national government, became a basically democratic and partisan system. The new system, far from filtering the popular will or preventing national coalitions or political competition, came to be framed around and even dependent upon those forces. Space will not permit a full canvass of this question here, but at the most basic level it seems certain that numerous features of American politics and government that are now regarded as essential – political parties, competitive elections where more than personal rivalries are at stake, peaceful transfers of power, even (in a broad sense) freedom of speech and the press for partisan opponents of the government – date their establishment to the election of 1800. This was a system that the framers of the Constitution had not wanted or expected, and no nation on earth had ever tried. Given a dry run in 1796 but not put to the ultimate test until 1800, the new system forced the immediate revision of the constitution to partially accommodate democracy and partisanship, and became ever more firmly entrenched despite later efforts (after the War of 1812, especially) to phase it out.

Max Stirner, the amoral (or supramoral?) egoist, always skilled in skewering liberals over their paradoxes, had this to say on freedom of the press:

People do not yet know what they mean by their cry for liberty of the press. What they ostensibly ask is that the state shall set the press free; but what they are really after, without knowing it themselves, is that the press become free from the state, or clear of the state. The former is a petition to the state, the latter an insurrection against the state. As a “petition for right,” even as a serious demanding of the right of liberty of the press, it presupposes the state as the giver, and can hope only for a present, a permission, a chartering. Possible, no doubt, that a state acts so senselessly as to grant the demanded present; but you may bet everything that those who receive the present will not know how to use it so long as they regard the state as a truth: they will not trespass against this “sacred thing,” and will call for a penal press-law against every one who would be willing to dare this.

And since freedom of the press is a conditional grant given on the basis of some standard of welfare within a common weal, it can be revoked in circumstances where it begins to pose a threat to its integrity.

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12 thoughts on “Joseph de Villèle against freedom of the press (1817)”

1. [quaslacrimas](#) says:

July 3, 2017 at 1:20 am

>Free expression is the underpinning of the “public sphere,” the public sphere being the engulfment of all social relations by the values of literary salons, coffeehouses and book clubs.

bien dit

I would have liked your thoughts on the paradox in the first paragraph of Villèle’s speech, though 🙄

This is the period in which the concept “democracy” began to develop in the direction of it’s modern unintelligibility. The primary impetus was that it was illegal to say anything approving about “republics” in France for several decades, so crypto-republicans got into the habit of using “democracy”. The sense became disseminated so quickly that even that monarchists were using it, as you can see here.

The real question is not whether free speech is a conservative “value”, but whether truth is; and whether monarchists who maintain that an absolute sovereignty which extends even to the power to censor and suppress will in fact engender *laissez-faire*, free discussion, and truth are not enmeshed in the exact same problems as ultra-liberals who make the same claim for the night-watchman state.

Reply

◦ [Nulle Terre Sans Seigneur](#) says:

July 3, 2017 at 7:44 am

It’s not a paradox. The government was a representative monarchy (art.15: “The legislative power is exercised collectively by the king, the Chamber of Peers, and the Chamber of the Deputies of the departments.”), i.e. a mixed constitution. Hence to point out that the free press is a democratic element is true, and does not constitute an endorsement of popular sovereignty.

Moreover, (limited) freedom of the press itself is in art.8: “Frenchmen have the right to publish and to have printed their opinions, while conforming with the laws, which are necessary to restrain abuses of that liberty.”

Therefore it was an appeal to constitutional legality, which to a speaker in parliament is going to be a normal method of persuasion.

The ultras would have their strongest displays at the beginning and at the end: the *Chambre introuvable* and the Polignac ministry, respectively. Louis XVIII was not as reactionary as Charles X, dissolving the former (exercising his prerogative). The latter would be overthrown very quickly owing to a liberal ascension since the election of 1827.

The Charter itself was something of a foreign imposition to begin with, a condition for restoration. Funny as it seems, for a brief period during the German Campaign, Metternich was considering ultimately letting Napoleon stay. More intransigent ultras like the Comte de Peyronnet (who proposed the Anti-Sacrilege Laws) in conjunction with Charles X might have eventually revised it one way or another, but that was that.

I do not think the primary concern here was to “engender laissez-faire and free discussion,” but a more practical concern to contain sedition, as John Adams did. It is as much self-preservation as anything.

Reply.

- quaslacrimas says:

July 3, 2017 at 3:38 pm

Villèle himself admits that it causes him pain! I will go back to the .pdf later tonight to find the exact phrase. But he recognizes that if the full measure of the royal censorship were used to silence opponents of the measures adopted by His Majesty’s government, he himself would need to fall silent and would be unable to object to the policy. Thus the long soliloquy on his standing as a loyal servant of the monarch and his pursuit of the monarch’s interests. The great paradox is that he himself is already deeply bogged down in the liberal model of “government as a debating society” – His Majesty’s government proposes an excessive relaxation of the censorship, he speaks against it, the peers weigh his words, the motion is tabled, temporary measures are passed, a new more restrictive measure takes shape. Yet all of this occurs, not within the framework of submission to His Most Christian Majesty, but within the model of government as debating society... one of the questions open to debate being the rules of order of the debating society itself.

>Metternich was considering ultimately letting Napoleon stay.

It is not so strange. Nothing like it had happened before. While the Great Powers had played at wanting to depose each other’s reigning rulers in favor of some other claimant, they had never succeeded.

Even for those of us whose sympathies are white rather than tricolore, it is hard to avoid thinking that it was a great mistake for Europe to fall in line behind the British to humble France. The Concord of Europe was purchased at a terrible price.

>Hence to point out that the free press is a democratic element is true, and does not constitute an endorsement of popular sovereignty.

I did not distinguish between two points in my comment as clearly as I ought to have. (I) The delicate situation of Villèle, (II) the fateful semantic shift in the meaning of “démocratie” which took place under Charles X. The latter is merely an observation.

Reply.

- o Nulle Terre Sans Seigneur says:

July 3, 2017 at 4:35 pm

> Yet all of this occurs, not within the framework of submission to His Most Christian Majesty, but within the model of government as debating society...

It's all in the magic paper, Quincy boy. At.18: “Every law shall be freely discussed and voted by the majority of each of the two chambers.” Moreover, at.13 clearly attests to ministerial responsibility.

Now, I agree there is a tension and indeed Villèle is quite conscious of it. But I think a distinction must be drawn between government as debating society and the presence of debate in a constitution. As we “progress” from a curia regis, to an estate-based diet of nobles and prelates, to an estate-based diet with a commons, to a modern parliament driven by a party system, the tide of popular government rises. But clearly the existence of dissent among the appointed decision-makers does not in of itself constitute a government modeled on a salon. A “debating society-esque government” is a constitutional framework, whereas debate within a government is just politics. That the Restoration brought back the hereditary peerage signaled a non-democratic intent, if not necessarily such an outcome.

And of course, the Charter was hardly pristine. The Orleanist rationale for installing Louis-Philippe used legal arguments that were often technically correct in the spirit of the Charter (if not in a “monarchical principle” more broadly construed), as I alluded earlier in my essay on Gentz. But, I intend on doing an entire multi-part series on the Bourbon Restoration one day where I will be talking about all the fine details.

Reply.

- o quaslacrimas says:

July 3, 2017 at 10:58 pm

>But I think a distinction must be drawn between government as debating society and the presence of debate in a constitution.

Assuredly. The question is *what* distinction to draw, and where. In particular, the challenge is that if censorship is privative (it curtails abuses of speech, rather than having a proper function of its own) then why *would* the king ever prevent Villèle from offering him sound advice? It is a peculiar through-the-looking-glass quality of the liberal theory that many of its internal contradictions seem to be resolved when embedded in a framework of royalism. (This is particularly dangerous, of course, to “liberal monarchies”...)

>A “debating society-esque government” is a constitutional framework, whereas debate within a government is just politics

This is not the place to draw the line, I fear. Liberal political ideals are absurd; no constitution could actually stipulate that “the winner of the debate”, much less “the truth”, should govern; but by the very fact of its absurdity, the distinction between

“debate within a government” and “debate-as-government” falls apart, since no debate will ever actually govern. The liberal state is, for all its pretensions, still just a state whose officials participate in debates, and then make decisions according to procedures which are independent of those debates.

(Btw, I am mirroring your language but technically Villèle is participating in a debate within the state, not within His Majesty's government.)

I look forward to your series. As an aside, I liked the organization of this post more than most of your others. Acute!

Reply.

- o Michael Rothblatt says:

July 3, 2017 at 7:12 pm

I don't think “ultra-liberals” as you call them believe in free discussion at all. The entire premise of the night-watchman state is based around cuius regio, eius religio, or more correctly, whose property his law. As any libertarian will tell you when asked whether you're allowed to should “Fire!” in a crowded theatre, “Ask the owner.” Of course, the entire problem with this, as identified by Moldbug is who will guarantee your property, and why would he allow your unlimited disposition over it?

Reply.

- o quaslacrimas says:

July 3, 2017 at 11:09 pm

I understand what you mean, but if you read the third section this you'll understand what I mean: <https://quaslacrimas.wordpress.com/2017/03/21/predictions-are-hard-davidson-rees-mogg-edition/>

(1) In the context of the discussion about Villèle, the “liberal theory of the state” must be the theory of the 19th c French liberals, with its debating-society model of sovereignty.

(2) And libertarians in particular typically claim to believe that *if* you guaranteed the freedom of property-owners you mention, the result would be complete freedom of expression (among many other goods brought about by security of property and competition among property-owners).

(3) And Moldbug himself is one of the worst offenders; as I explain in the linked post, past a certain point it is unclear what difference there is between a constitutional guarantee of X and a guarantee of X within a competitive framework of expectations.

Reply.

- o Michael Rothblatt says:

July 4, 2017 at 6:15 am

(1) Yes, but I don't think even they really believed in debating-society model. To use today's terminology, they believed in “free speech,” not “hate speech.” See, anti-sacrilege law is against freedom of expression, but laïcité somehow wasn't. You are free to do as you are told citizen, now move along!

(2) You are guaranteed the freedom of expression on your *own* property, but not outside of it. Of course, night-watchman model is an unstable construct because it supposes that sovereignty exist merely for guaranteeing property and contracts (the question even in such a polity arises, why would it protect someone who is against its very foundations, such as, for example, a communist). This apparent paradox was finally resolved by ancaps however, in the idea of covenant community, where people give up the “absoluteness” of their property rights to the covenant: “In a covenant... among proprietor and community tenants for the purpose of protecting their private property, no such thing as a right to free (unlimited) speech exists, not even to unlimited speech on **one’s own** tenant-property.” Hoppe, in rejecting a state, reinvents clan as a governing structure (which is the structure that grants much less of what we call “individual freedom” than the state).

(3) The way I have always read Moldbug was that secure sovereign has technically got no reason not to simply ignore much of his subjects’ expression. I, for one, never assumed that competition between sovcorps would lead to a bunch of regimes of universal laissez-faire. It never made any sense. I assumed Muhammadans would flock to country that promises Sharia enforcement, and Traditionalist Catholics to a country that has signed concordat, whereas White Nationalists would have their own ethnically pure Nazi patches (even under the current regime of explicit opposition to freedom of association, and enforced anti-discrimination there is ethno-political and socio-religious sorting). Some countries might be economically laissez-faire, but be culturally reactionary, others may have full communism, and be culturally progressive, and I imagined there would be everything in between in Patchwork. Of course, some of the problems you pointed out still exist even under these assumptions. If dispute resolution is to be delegated to a third party, how do you do it in such a way that doesn’t undermine sovereignty? Etc. etc.

Reply.

◦ quaslacrimas says:

July 4, 2017 at 9:40 am

The extent to which the debating-society model *was* the actual ideal of the 19th c. liberals is an interesting question. It seems to have been Mill’s model and possibly the model of some of the minor German liberals, but I do wonder how much the caricature has been exaggerated by Schmitt and other critics of liberalism.

Reply.

2. Howard J. Harrison says:

July 5, 2017 at 11:06 pm

Your observation regarding free speech is interesting. It seems to me that you have a point.

I cannot speak for Richard Spencer, but it seems to me that he accepts free speech as simply existing in the sociopolitical environment in which he currently operates. Since it exists, he will use it to his momentary advantage. (You might object that Spencer’s last speech was given at a rally for Free Speech. The objection would be true but not dispositive.)

But that is a quibble. In the larger matter I suspect that you are right. A sound constitutional order is many things, among which is an delineation of the circumstances under which state violence may be directed at the citizen, subject, inhabitant, visitor, etc. Nowhere is it written that such an order must tolerate all speech.

As an American, I do like free speech, though.

Reply.

3. Pingback: [The Myth of the Socially Conservative Old Left | Carlsbad 1819](#)

4. Pingback: [Why the Bourbon Restoration failed | Carlsbad 1819](#)

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