

#### 4. *Droits d'auteur* and *Approbation* as Cultural Capital: Literary Property, Censorship, and Legitimacy at the Comédie Française, 1760-1780

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In February 1775, an unknown writer named Andebez de Montgaubet proposed his first work to the royal theater, a classical tragedy about the Biblical king Abimelech. Writing in an elite genre, on a religious topic, and for a monopolistic state theater, Andebez appears to have conformed entirely to Old Regime norms. Moreover, his text neither expressed Enlightenment ideals nor libeled leading figures of the court. His play was duly accepted into the royal theater's repertory and gained the approval of the royal censor. Thus, in legal terms, he had become a writer. Yet he still lacked legitimacy, since he was unknown to both court elites and commercial audiences; accordingly, the troupe scheduled his play to be staged after the 47 other new tragedies already in its repertory. Andebez tried to circumvent this delay in getting his play before the public, publishing it with the Parisian bookseller Ruault. Although he explained in a preface that he had printed the work for "the public" and made no claims on the proceeds from any publication, the royal troupe responded by dropping the play entirely from its repertory. Andebez thus found himself excluded from literary life not for his dissidence or assertions of personal property rights but for illegitimate behavior that defied *honnêtes* norms. 1



He had learned, the hard way, the difference between legitimacy and legality. A new writer such as himself had to achieve legitimacy by gaining acceptance within literary institutions before publication of his work, no matter how conformist the work and no matter how legal the publication. To elites at court, to office-holders in royal cultural institutions, and to established writers such as Voltaire, new writers remained uncivil and dangerous—and to be prevented from publishing their work—until they achieved legitimacy by demonstrating adherence to established norms and deference to established hierarchies in literary institutions. 2 The distinction between legitimacy and legality, between what was permissible to do and who was allowed to do it, has been little discussed in the historiography of eighteenth-century *gens de lettres*, probably because the distinction appeared too arcane for a period as seemingly transparent as the Enlightenment. But aspiring *gens de lettres*, from the well known, such as Beaumarchais, to the unknown, such as Andebez, expended great effort in their self-presentation so that their personal speech and behavior might be perceived as legitimate, rather than merely legal; this concern is most evident in their discussions of literary property and censorship.

The experience in the twentieth century of state oppression of individuals and of resistance to state power by autonomous intellectuals has led us to think of censors and writers as timelessly antithetical, struggling against each

other since at least the eighteenth century. But in this chapter we will take a more contextualized view of eighteenth-century writers' relations with the state, particularly with literary property regulations and censors. This chapter shows how literary property and censorship did not serve, for dramatic authors, primarily as a basis on which to enter society as autonomous individuals whose liberty derived from state guarantees of personal property and limitations on state police power; instead, literary property and censorship provided these aspiring authors a means to establish personal legitimacy through encounters with elite institutions like the Comédie Française.

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Part I of this book demonstrated how writers' encounters with the royal court, the royal theater, and more established writers exemplified early modern tensions between court patronage and the urban marketplace. This chapter will highlight the contrast between those tensions, characteristic of the first literary field, and the tensions between writers and the state thought to be more characteristic of the modern field, tensions between individual property rights and publication of creative work, between personal liberty and state police power. This chapter thus tells the story of Enlightenment-era playwrights' quest for legitimacy within a literary institution, the royal Comédie Française, that mediated their relations to state power and commercial society, rather than a heroic but anachronistic narrative of autonomous intellectuals seeking literary property as a means to establish personal autonomy from patrons and seeking liberty from state censorship so as to employ their new-found autonomy through self-expression.

The first half of this chapter discusses the meaning of literary property for Comédie Française playwrights by analyzing the most widespread and most heavily debated eighteenth-century example of literary property in practice: "the fall [*la chute*]" of plays. First explaining the theory and practice of this commercial mechanism, the chapter then studies playwrights' petitions against it, particularly Beaumarchais's claims for *droits d'auteur* and *propriété littéraire*. This chapter therefore represents the first scholarly discussion of literary property in the eighteenth century to be framed as neither a question of legal history nor economic theory but as a problem of social practice. When late Old Regime playwrights claimed their *droits* and their *propriété*, they were not speaking an Enlightenment language of property, autonomy, and self-interest; instead, they were describing themselves in terms of personal power and disinterested, civil comportment—the essential characteristics of early modern elite status. This chapter presents new empirical information about the practice of literary property and interprets this information, not in terms of the modern subject's quest for autonomy, but those of the early modern aspiring elite's defense of personal legitimacy.

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The second half of the chapter sheds new light on another crucial aspect of eighteenth-century literary life, censorship at the Comédie Française, from

1680 to the 1760s. This section offers the first scholarly discussion of eighteenth-century French theater censorship based on the Comédie Française and other archives. <sup>3</sup> It shows that theater censorship tended to be personal and episodic rather than bureaucratic and systematic; the censor's power depended not on his legal authority but on his own status relative to that of the writers in question. Established writers such as Voltaire easily controlled the publication of their work by the theater and by printers, while readily circumventing the theater censor. In doing so, Voltaire and similarly legitimated writers were seen as cultural elites, upholding, rather than violating, norms of civility within such institutions as the Comédie Française. Yet, when new writers sought to pursue similar strategies, they were seen by the troupe and by better-established writers as transgressing the bounds of civility. In response, these better-established writers insisted upon their own *propriété littéraire*, and called for intervention by the censor to prevent such uncivil outsiders from destabilizing the institution. The chapter then examines, through specific cases of writers' interactions with the Minister of the Royal Household, Antoine Jean Amelot, and theater censor, Jean-Baptiste Antoine Suard, how, after 1776, the court took a more active role in distinguishing legitimate *gens de lettres* from uncivil outsiders and in upholding standards of deference and civility through the regulation of *droits d'auteurs* and through censorship.

#### 4.1. The "Fall" of a Play: Between Institutional Culture and Authorial Property

For early modern commercial troupes to purchase and stage new plays involved a considerable, but necessary, outlay of money and effort. As a result, when such companies acquired a new work, they sought to perform it as many times as possible so as to get the maximum return on its investment. <sup>4</sup> Yet fixed (as opposed to itinerant) troupes risked boring theater-goers by performing the same play repeatedly. To ensure a change in the repertory at just the moment when audience interest lagged, early seventeenth-century troupe leaders developed a mechanism, known as "the fall [*la chute*]," for withdrawing a play from the active repertory when audience interest fell below the level at which paid admissions generated sufficient revenues to return a profit to the theater. By the founding of the Comédie Française in 1680, Parisian actors and authors expected a play that had been performed often enough to satiate audience interest "to fall [*tomber*]" from the active repertory. <sup>5</sup>

Yet the Comédie was not just another commercial theater; the king granted it a monopoly over commercial performances of spoken-language works in French in the capital, and also designated it as the royal troupe for command performances at court. Because of its close identification with the crown, the troupe would not be left under its own authority, under that of the municipal government of Paris, or under the control of the Archbishop of Paris, but would be answerable for all matters artistic as well as financial directly to the court, in the persons of the First Gentlemen. <sup>6</sup> To ensure that the Comédie

would perform new works by the leading writers of the capital, while protecting the company and the crown from the financial risk carried by such new works, the earliest "orders and regulations" issued to the theater, in the spring of 1683, included a provision for "the fall." This regulation specified minimal gate receipts of 550 and 350 *livres* for winter and summer performances, respectively; after two consecutive performances drew gate receipts below these levels, the troupe would "abandon the play, without any further return for the author." <sup>7</sup> The regulations for the Comédie Française issued by the First Gentlemen in 1697 retained this provision, which remained in effect until the reform of the royal theater regulations in 1757 (as discussed in [Chapter 2](#). At that point, the First Gentlemen raised the minima substantially, in response to both the rising costs per performance and the anticipated greater revenue due to changes in pricing policy. <sup>8</sup>

Throughout this period from 1680 to 1757, the limited size of the Parisian theater-going public meant that even a moderately popular new play might begin to produce marginal diminishing returns and would "fall" after as few as four performances. Indeed, of the 151 full-length plays premiered at the Comédie Française between 1715 and 1750, 74 attracted 4,000 or fewer total spectators, giving a modal number of four performances. The most successful productions attracted approximately 20,000 spectators to upwards of 20 shows. <sup>9</sup> Thus, for the Comédie Française, "the fall" served an important purpose in distinguishing between the theater's two repertoires—those plays performed on command at the royal court and those performed commercially in Paris. The mechanism of "the fall" allowed the admission-paying public to influence what plays were performed in Paris, while the King could choose what he wanted performed at Versailles, Fontainebleau, or Marly-le-roi.

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For a playwright, however, having a play fall after only a few performances represented not merely a commercial failure, but a public loss of face that undercut a writer's legitimacy in literary life and his potential for gaining recognition and patronage at court. Aspiring writers therefore worried greatly about how to avoid such a fate. Those whose work was being staged at the Comédie for the first time would have been especially worried that a "cabal" in the audience organized by their rivals to generate a negative response to the premiere might dissuade others from attending, thus leading to a rapid fall. Moreover, given that the Comédie Française performed every day of the week, they also worried that their play might be scheduled to premiere on a "small day" (Tuesdays, Thursdays, and Saturdays, which generally drew less attendance), and would not be given a fair chance to succeed. Furthermore, since the Comédie's accounting did not distinguish between fixed and per performance costs, it became impossible to specify exactly at what point a play ceased to be profitable. To allay these concerns, the First Gentlemen in 1757 raised the minimal revenues that a play had to generate to 1200 *livres* in winter (All Saint's Day to Easter) and 800 *livres* in summer.

Yet, more than the simple withdrawal of their play from the active repertory, the "fall" held an even graver consequence for writers. By tradition (and, after 1697, by theater regulation), a fallen work passed definitively into the theater's permanent repertory, and the author would have no share in the revenue generated by any subsequent performances. Moreover, after the fall, consent for any subsequent performance by another theater would have to come from the Comédie, which prevented an author from selling the work to a provincial theater. Thus, according to each version of the regulations, a work which had "fallen under the rules [*tombé dans les règles*] henceforth will belong [*appartiendra*]" to the troupe. The author would no longer have to give his consent or even be notified of performances of his fallen work, nor would he receive payments (which the regulations referred to as the *droits d'auteur* and specified as one-ninth of the net proceeds of each performance), free entry privileges (*droits d'entrée*), or any creative control over the production, such as the distribution of roles to specific members of the troupe, all of which were ordinarily accorded playwrights for works in the active repertory.

To this point, the fall appears a strictly commercial arrangement, by which authors sold their plays to the troupe in return for one-ninth of revenues until the play ceased to be profitable. After the fall, it would appear, the play became the property of the troupe. Indeed, the actors at times represented it in this way, as did the actor Bellecour who, in a long memorandum to the First Gentlemen written during the 1777–1778 season, compared his colleagues to "merchants [*commerçants*]" who purchased fabric from "manufacturers [*fabriants*]" for a price and thus took control entirely of the merchandise to dispose of as they saw fit. Bellecour's representation has become the dominant one in modern scholarship, as even the most astute historians of early modern literary life have considered playwrights more commercially oriented than other writers under the Old Regime. [10](#)

However, as William Sewell and Jean-Laurent Rosenthal, among others, have demonstrated, modern commercial language such as Bellecour's did not adequately describe most early modern property exchange, because ownership of a commodity was rarely considered to exist separate from the personal power to use it. Since this personal power often could not be alienated, the commodity could not be sold or leased outright. [11](#) The fall was one such instance, because, although it ended payments and other *droits* for the author, it did not result in complete alienation of control over the play to the troupe. While the power to decide to stage future performances of the play and the full proceeds from any such performances passed to the troupe upon the fall, all concerned—authors, actors, audiences, and supervisors at court—understood that the writer should continue to have certain powers over his play, notably the prerogative to have the work printed. When commercially successful editions created new audience demand for a fallen play, the author would generally be notified by the troupe and asked to assist

in preparing the revival, the regulations notwithstanding. In some cases, the company even asked the author to revise the play in light of criticisms that had appeared in the press of either the performed or published text.

In April 1768, the theater's newly created supervisory council of five prominent Parisian lawyers adopted this convention into the regulations, so that all playwrights would be consulted to distribute roles among the troupe members for all performances of their plays, even if the work had fallen. <sup>12</sup>

However, six years later, upon the accession of Louis XVI to the throne, the council reversed itself and ruled that, "the authors should have the *droit* to distribute the roles of their plays only so long as the plays belong to them."

<sup>13</sup> In response, two writers whose works had recently fallen, Charles Simon Favart and Pierre-Antoine de La Place, each protested, writing separately to the Council to argue that their prerogatives to distribute roles and modify the text could not be revoked, since such powers depended upon neither the First Gentlemen's regulations nor the council's rulings. Each claimed such authority as part of their "property," which they retained even after they were no longer receiving monetary compensation for their play. <sup>14</sup>

In 1779, Etienne François de Lantier, who had previously enjoyed great success with boulevard theaters, saw his play "L'Impatient" rapidly fall at the Comédie; he made no further claim to "what are called the *droits d'auteur*" for this play but, as the author, he should be able to request "six or eight performances ... on good days ... late in the season," rather than in the poorly-attended late summer months. <sup>15</sup>

A similar dispute over the author's powers after the fall arose over Antoine Le Mierre's "Veuve du Malabar," first performed six times before its fall in 1770. In 1779, the author suggested to the troupe that the work warranted a revival; the actors agreed and requested that Le Mierre revise the play. When the revival became a commercial success, Le Mierre asked to be accorded his full *droits d'auteur*, arguing that his alterations had been so substantial as to constitute a new play. The actors refused, claiming that the regulations on the fall were clear: "his *droits* had been lost when the play fell." They did, however, offer him an "honorarium, only to show ... [their] personal affection for him," which they would pay after the revival. In early July, they sent him an accounting and an offer of 8,000 *livres*, with an accompanying note assuring him of their esteem, based on which "they were willing, for one time only, to bend this article of the regulation which makes them absolute proprietors of all fallen plays." The troupe's offer amounted to substantially less in monetary terms than one-ninth of net proceeds from the performances, and at first Le Mierre protested, claiming that the regulations assured him of full payment until the new version had fallen. The troupe had, in its estimation, acquiesced to his request for a revival and invited him to revise the text based on custom rather than regulation; yet these actions appeared to Le Mierre as indications that the company recognized that he, as creator of the play, retained certain powers, even after the fall of the original



[LeMierre,  
La Veuve du Malabar](#)

version. In early September, Le Mierre informed the troupe that he would be content simply with the theater's "honorarium" as recognition of his efforts. Thanks in part to the recent success of his revived play, he had become the leading candidate for an open seat in the Académie Française, and he valued markers of his status as a Comédie Française author such as entrance privileges more than the commercial revenues. Finally, on September 10, after having been elected to the Académie, he renounced entirely any further claim to his *droits* for the play. [16](#)

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The potential of the kind of recognition that Le Mierre had sought of his permanent status as author of his play is evident as well in the troupe's custom of allowing playwrights, even after their plays had fallen, to contract with a printer for an edition without asking for a share of any payments the author received for such an edition. Although neither the theater regulations nor those of the Book Trade discussed dramatic editions, the troupe never sought a *privilège* for any edition of a play for which it held performance power after a fall, as sixteenth- and seventeenth-century commercial troupes had done regularly. For instance, Alexandre Hardy had been sued in 1625 by a commercial troupe after selling to a printer several plays that the troupe had already purchased from the author, performed, and then withdrawn from its active repertory. [17](#) After 1777, when Book Trade regulations allowed authors to obtain *privilèges* in their own names, the troupe did not seek to prevent playwrights from doing so for fallen plays. In certain cases, the Comédiens favored authors by reviving fallen works to coincide with the printing of a new edition; often, authors requesting such revivals signaled to the troupe that they did not consider the regulations to be binding, but merely as guidelines concerning literary property. For example, the troupe revived Bernard Saurin's play "Orphelin léguée" on November 23, 1772, under the title "Anglomanie," after the author had politely solicited a revival for which he had made clear that, "My intention is not at all to profit from the *droits* of the revival, and I humbly ask the Comédie to consider the work as belonging to it." [18](#)

Another prerogative that some playwrights claimed as a marker of their status as authors, even after a fall, was the "privilege to distribute [free] tickets" to performances. As early as 1764, a year before he would achieve great success with "Siège de Calais," Pierre Buirette de Belloy claimed the power to distribute free tickets to a revival of "Zelmire," which had already fallen. In a letter to the troupe, he explained that he considered this prerogative to belong to him personally as the author and thus to be valid throughout his life, not expiring upon the fall. Then, in 1773, having achieved widespread renown, Belloy made an even stronger claim when the troupe scheduled a revival of "Siège de Calais." Noting that during its successful premiere run in 1765 he had asked the troupe to withdraw it from the repertory before the fall, he asserted that, "it still belongs to me." At the same time, he renounced any claim to a share of the proceeds, asking only for the full complement of free tickets assured an author by the regulations.

Clearly, Belloy considered monetary remuneration to be distinct from—and not as important as—the more publicly visible aspects of the "propriety [*propriété*]," or ownership, he claimed to hold over his works. [19](#)

In correspondence with the Comédie Française in the 1760s and 1770s, playwrights generally described as "property" any markers, material or not, that distinguished them as the sole authors of their works, even when those markers were not granted by the regulations and had nothing to do with the commercial exploitation of the play through public performances. In a letter to the troupe dated September 22, 1777, Dorat ceded "the revenue from my plays but conserved the property," specifying that he intended to continue to "enjoy the *droits* attached to this property," such as his personal entrance privileges to the theater and his ability to purchase admissions for others directly from the *caissier* rather than having to line up at the door. Dorat made clear that what he sought to preserve was his "status as master of my works ... it is only the interest which I abandon." Dorat closed by reiterating the distinction he was making between "the revenue from my works [which] I abandon forever" and "the property," which he retained. [20](#)

There was thus an evidently non-commercial significance to authors of their "property" and of the *droits* owed them by the Comédie. Whether determined by custom, by the regulations, or by a private agreement between the author and the troupe, the perquisites claimed by authors as property could rarely be reduced to monetary payments, nor could they be alienated from the author's person by the mechanism of the fall. Their claims for property appear to have been based on concerns not for compensation in commercial exchange but on recognition of their personal status, just as patrons in Renaissance court culture accorded writers in their entourage powers, such as the privilege of wearing the patron's coat of arms, based on recognition of the individual's personal status attributes and thus independently of any work that individual produced. [21](#) As much as or more than financial support, such signs of recognition had been the basis for traditional forms of royal and elite patronage, and the First Gentlemen and especially the playwrights considered such personal recognition a more appropriate justification for remuneration of men of letters than merely payment for intellectual labor performed. [22](#)

#### **4.2. Droits d'auteur: Court Culture, Property, and Propriety**

This non-commercial conception of authorial compensation also manifested itself at the court in the mid-century revision of theater policy regarding playwrights. Just after the revised regulations took effect for the 1760–61 season, the First Gentlemen drafted a plan to provide marks of "distinction ... to excite the genius" and to promote "the progress of talent" of writers by granting medals as awards, depending on the number and length of works a

given author had contributed to the royal theater. The proposed plan would award authors of two successfully staged, full-length works, in addition to their one-ninth payments and their "entrance privileges for life," "a gold medal" and a "gratification" (one-time payment) of 300 *livres*; moreover, the court would announce publicly the award in the periodical press. Subsequent full-length works would earn an additional 100 *livres* of gratification until the fifth work, at which time the award would become an annual pension of 600 *livres*. Although these awards would not be made retroactively, all authors who had previously had at least one full-length work staged successfully would be awarded a medal upon the next successful staging of a full-length play. [23](#)

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While this proposed system was much more in keeping with traditional forms of royal and elite patronage than the calculation of the author's cut of the revenues, it nevertheless represented a significant departure from the royal pensions and gratifications of the late seventeenth and early eighteenth centuries. Such earlier patronage had been issued to writers directly known to the patron, such as the King or his minister, and were generally not in response to or exchange for any single work so much as they were awarded to the man of letters himself. Under the proposed system, the amount of monetary and symbolic capital of such awards, which were to be made in the name of the King, would be determined by factors well out of the control of the crown and the court. Moreover, the personal worthiness of prospective recipients would not be a consideration, since the playwright could be, in principle, utterly unknown within the urban elite and at the court. The provision allowing publication of the news in the periodical press makes clear that the intended audience for this recognition was much broader than merely the court or Parisian elite: it would be, in principle, society at large. Although clearly conceived of as an alternative and addition to the mere monetary remuneration suggested by the provisions of the regulations, this proposed system of medals similarly assumed a more standardized and impersonal relationship among playwrights, audiences, the troupe, and the court, in which each party could and even should remain unknown personally to the other over the course of their relations. Such a system, like the fall, presumed royal recognition to be secondary to the judgment of the commercial theater-going public. Indeed, the First Gentlemen's draft of the order stated explicitly that medals would make it possible for authors who had "gathered the [suffrages] of the public" by their success on the commercial Parisian stage to also be accorded "the graces of the King."

A conception of a playwright's *droits* as analogous to patronage became evident when the well-known author Burette de Belloy died on March 5, 1775, before the fall of his plays "Pierre le Cruel" and "Gabrielle de Viergey." When, early the next year, the Comédie performed "Gabrielle," the writer's son and heir, Philippe Nicolas de Burette, claimed to be the rightful inheritor of all his father's property, including not only remuneration for his plays but his other prerogatives as an author, such as free entrances and invitations for six guests to performances of "his" play. To support his claim of these powers

as his "property," Buirette submitted to the troupe a notarized document dated April 3, 1775, authorizing him to represent his father in all aspects of his estate, including to receive from the Comédiens Français "all emoluments, privileges, and author's shares which can and could be due by the actors to the successors and heirs of said *Sieur de Belloy*," and even passing on the power to reach "treaties and conventions with the Comédiens which he would judge appropriate." In response, the troupe effectively restated the position that the elder Belloy had himself adopted in 1765: authorial privileges were "strictly personal" attributes of the author himself. The troupe argued that just as rights could not be alienated back to the troupe by the fall of a play, they also could not be handed on to an heir. [24](#)

The following autumn, when the troupe staged "Pierre le Cruel," the young Buirette again requested entrance rights, and the troupe once again rebuffed him on the same grounds. One month later, however, Buirette informed the troupe that he intended to have "Pierre" printed for the first time, and the company raised no objection. While the troupe recognized that the author (or the author's heir) never lost his right to seek a *privilège* for an edition, the rights to the performed play—whether ceded by a "personal convention" or under the terms set by the regulations—were not transferable since they had been accorded to the person of the author. Having achieved some satisfaction, Buirette sent the actors a long memorandum in the fall of 1778 in which he estimated the total *droits d'auteur* due him to be 14,800 *livres* for posthumous performances of his father's six plays. Rather than claim these payments as compensation due under the regulations, however, he offered to cede completely all claims of remuneration to the troupe in exchange for merely 6,000 *livres* and "the privilege, for all performances of the plays of M. de Belloy, of six [free] amphitheater seats and to purchase up to twenty tickets to the pit" at the normal price. The players agreed, and by a notarized contract dated November 4, 1778, Buirette granted the troupe "the dramatic works of the late ... Belloy to dispose of ... in the manner which seems to them best and as belonging to them in all propriety, as of this day." [25](#)

In claiming the legacy of his father's *droits d'auteur*, Buirette *fils* sought not only or even primarily the remuneration; he explicitly and repeatedly demanded public markers of personal status, such as being able to invite an entourage to appear at the theater with him. Moreover, he incorporated these concerns over status into his claims to be the heir and therefore proprietor over his father's works even as he claimed that this proprietorship justified the sale of the plays as commodities. Despite the contractual nature of the exchange, which he proposed in his memorandum, Buirette clearly retained a sense of inalienable personal privilege—and hence personal prominence—linked to his understanding of the *droits d'auteur* and *propriété*. Buirette's claims demonstrate a tension between the payment of the playwright as, on the one hand, monetary compensation due the proprietor of a play for control over its commercial exploitation, and, on the other, as one among several symbols of social recognition due the writer in recognition

of his personal status.

In this way, Buirette deployed what Norbert Elias has called different "registers" in a "gradient" of discourse, in this case, ranging from courtly, clientelistic, and purportedly disinterested to contractual, impersonal, and interest-oriented. To Elias, such facility in deploying different registers was crucial to the social success of the later eighteenth-century "court bourgeois," because it allowed one to adhere to both the traditional norms of clientelism at court and to the increasingly commercial norms of the larger society. Like Mozart, whose position in the 1770s Elias analyzed at length, Buirette and many other playwrights claiming literary property from the Comédie Française held the difficult position of "established outsider": marginalized among court elites and therefore needing to demonstrate adherence to courtly norms of subservience, disinterest, and self-effacement, while at the same time needing publicly visible signs by which to distinguish themselves to the outside world as possessing a comfortable prominence at court. The tension inherent in their claims of *droits* might be seen as a strategy for trying to achieve both these goals at once. Yet many Comédie Française playwrights in the 1770s faced a problem in doing so; unlike, for instance, Mozart, most playwrights lacked experience in relations with the troupe and court. Thus, they struggled to find the appropriate language for addressing the troupe, the First Gentlemen, and the Council as they sought *droits* as markers distinguishing them as playwrights for the royal theater. 26

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As petitioners to the Comédie Française, playwrights found themselves in a different situation from either composers such as Mozart, who generally worked directly for patrons, or from writers, who rendered their work to the public through print alone. By virtue of the Letters Patent granting it sole authority to stage French-language plays in Paris, the Comédie Française constituted the only legitimate outlet for dramatic literature; moreover, by order of the Lieutenant-General of Police, editions of plays could be authorized only if the work had been staged by a royal theater. Finally, due to its great prestige, the Comédie Française served as a gatekeeper to provincial and foreign theaters, which generally composed their repertoires from works that had already fallen from the Comédie's stage. Unlike a printer's *privilège* for an edition, which expired after a set number of years, control of a play after its fall reverted definitively, if incompletely, from the playwright to the theater. Thus, authors claimed, the Comédie could control the conditions under which they put their works before a commercial public, a dominating gatekeeper position held by no printer over writers seeking to publish works.

Playwrights, thus standing in a subordinate position to the Comédie, had to base their demands for literary property on a conception that suited this configuration. Whereas authors petitioning for recognition of their literary property by printers could call for freedom of exchange between producer

and consumer and for their personal autonomy as individuals to speak to a public, playwrights could not describe their relations to their public in terms of market exchange precisely because the Comédie occupied such a powerful position as the sole legitimate venue in which to publicize their works. Thus, a model of commercial exchange favored the interests of the monopolistic, royally sanctioned theater rather than individual authors. Moreover, playwrights proposing plays to the Comédie implicated themselves not only in a commercial enterprise but also in an institution of the royal court, where they faced a set of cultural imperatives not present in relations between writers and printers. Thus, to be considered worthy of a public identification with the royal theater, dramatic authors had to present themselves in language and comportment as *honnêtes hommes*: as self-effacing, disinterested in personal gain, and above all accepting of the hierarchical norms of the court. At the same time, as we have seen above, playwrights demanded recognition by the theater of certain personal prerogatives. To make these demands without violating the imperative of *honnête* comportment, playwrights expressing their concern for property and *droits* at the same time insisted they had no concern for whether or not their play held commercial value or whether they were entitled to money under the regulations. Instead, they asked for something of no import in relations between writers and printers: personal powers that would distinguish them publicly as authors for the Comédie and thus as men of letters.

### 4.3. Beaumarchais, Man of Property

The context outlined above must be kept in mind to understand properly Beaumarchais's petition for literary property, written on behalf of the SAD, in a manuscript entitled "The difficulty of establishing the cost of the fall of a play." Begun in August 1777, these twelve folio pages argue that the Comédie Française should assure playwrights *droits d'auteur* and *propriété littéraire*. [27](#) Beaumarchais here offers no high-minded [fixer le taux ...](#) defense of free expression or physiocratic comparison of writers' scripts to real estate, as did other writings on literary property from this same year. [28](#) Rather, Beaumarchais expressed to the First Gentlemen the playwrights' desire for new regulations of the royal theater, making an argument for literary property as "authors' rights." The petition, first drafted in August 1777 and then revised and submitted in mid-1780 to Duras, complained of the "Comédiens' usurpation ... of the authors' property [and] their *droits*," and asserted that the Comédiens deliberately abused the "fall ... to appropriate exclusively for themselves the future fruits of brilliant revenues in which the author will no longer share [after the fall]." Avoiding any discussion of personal interest—his own or the authors' collectively—Beaumarchais argued that the Comédie, meaning the actors and their council together, committed "a manifest theft" from the public and the crown by depriving playwrights of their literary property. Not only did the "absolute loss of their property" constitute a financial hardship for men of letters, it also had the more deleterious social consequence of "discouraging many from working for the theater and thus diminishing the attraction of the theater for the public." [29](#)

Beaumarchais agreed that the fall had been a useful practice for theaters in the seventeenth century; in that age, authors and actors alike understood that the point at which the play no longer generated a profit (and thus no longer held interest for the public) effectively represented the end of any profitable commercial exploitation, given the small size of the theater-going public at the time. Thus, seventeenth-century authors had had no reason to contest the provision that, upon the fall, the play should pass from the active into the permanent repertory. In effect, he implied, the fall had until recently functioned well, because authors, troupe, and public had acted with civility, personal disinterest, and mutual respect for each other's standing. In addition, he stated explicitly that the fall had functioned well until 1759, when the entirety of the theater's revenue came from daily admissions sold at the door, so there had been no difficulty assessing when a play fell. Authors in those years had understood that a play that no longer generated more revenue than production costs held no further interest for the theater or the public.

However, Beaumarchais argued, this simple mechanism—and the basis for social relations it presumed—had become complicated in the last twenty years by cultural as well as economic changes in the theater, including a growing desire by the audience for new works and an increasing effort by the ministry of the Royal Household to cut theater costs and enhance revenues. This combination, he claimed, had led the First Gentlemen to approve the installation of box seats in the theater, admission fees to which were paid via subscription, and therefore were not counted into the daily receipts. This change, along with the increased minimum per-show revenue limits established by decrees in 1757 and 1766, had caused new plays to fall more quickly, often after only a handful of performances and well before audience interest and thus commercial potential had been exhausted. This situation, he argued, created a conflict of interest within the theater. As a play appeared to approach a fall (that is, when it had once generated revenues below the minimum), the tone of relations between authors and the troupe changed from that of mutual interest to that of wariness. Authors now had an incentive to withdraw a play from the active repertory, and thus from the public, before the fall, while the troupe could gain by precipitating the fall of a new play and then adding it to the permanent repertory.

To avoid giving the court an impression that he and the other playwrights, in bringing this complaint, were acting out of self-interest, Beaumarchais framed the case in terms of service by men of letters to the public. He argued that the exclusion of revenues from subscriptions in determining the fall deprived the public of opportunities to see additional performances of plays for which it had expressed a continuing interest. This interest would be demonstrated by the attendance that additional performances would generate if only the subscription revenue were included in calculations of daily receipts, and thus the fall would be postponed. Moreover, he suggested that the troupe did not want to honor this desire of the public; he charged

the troupe with seeking to generate greater revenue for itself by paying authors less. By not re-adjusting the calculation of the revenue total that determined a fall (and thereby not seeking to augment the number of performances of a given new play), Beaumarchais argued, the actors and not the authors revealed themselves as self-interested mercenaries without *honnêteté*. To the troupe, he argued, the fall had become a mechanism for maximizing the theater's revenue (and the actors' shares) and it no longer allowed the public to express its continuing desire for a given play. Thus, he wrote, as a consequence of "having clandestinely stolen from the authors the propriety [*propriété*] over their plays," the troupe members turned the fall to their own interests, at the expense of the public.

To rectify this abuse, Beaumarchais proposed that playwrights should receive full *droits* for all performances, whether or not the play had fallen. Thus the fall would continue to provide a mechanism for ensuring turnover of new plays in the repertory, but it would be separated entirely from the issue of control over the work. Authors then would be eligible for *droits*, meaning payment as well as personal prerogatives like free entrances and the authority to distribute roles, for every performance regardless of the work's commercial value. In addition, to further "the noble idea of freeing men of letters from any complicated calculations" based on arbitrary commercial factors, he proposed a lump-sum system of authorial remuneration to replace the traditional one-ninth of the revenues. Going farther than had Le Mierre or Buirette while remaining disinterested and thus *honnête*, Beaumarchais proposed an alternative idea of authorial property as a personal attribute, existing anterior to, and not dependant upon, the commercial exploitation of the work. [30](#)

In this respect, his petition also made a much more far-reaching assertion of authorial property than the new Book Trade regulations of August 1777, which recognized only the author's right to a *privilège*—a monopoly over commercial exploitation of his book—and not any anterior property over a text by virtue of having created it. [31](#) By contrast, Beaumarchais's argument that *droits d'auteur* should not cease with the fall implied that the author should be recognized as having a proprietary status over the text from the moment of its creation, through its commercial exploitation, and even after the author's life, regardless of any variation in the work's commercial value.

In calling for *droits* to be awarded an author of a play even after its fall, Beaumarchais implied that the author's personal prerogatives in literary property should be considered a personal attribute and would not be alienated through commercial exchange, just as a *seigneur* could demand *droits* in exchange for use of his land while always retaining his "property," in the sense of power over the domain. Indeed, only this sense of "property" would have suited his claims, given that he was

concerned to distinguish between the theater's commercial exploitation of playwrights' literary property and the personal, permanent, and inalienable status of authorship. <sup>32</sup> In accusing the Comédiens of a usurpation of authors' *droits*, Beaumarchais meant that the Comédiens were not honoring the obligations they had incurred toward those with the personal attribute of being authors, a status which could not be determined by either the market or the royal theater regulations. Thus, the essential problem addressed in his petition was not monetary payments but the underlying question of when, in what ways, and for what purposes a playwright ought to be recognized as having the personal status of an author. Literary property, for Beaumarchais, described an attribute of a person rather than a text as a commodity. <sup>33</sup>

Beaumarchais reiterated this sense of *propriété littéraire* in a letter to Duras written on July 20, 1780, in which he specified that his literary property involved two separate questions: the condition of being entitled to certain prerogatives as the author of the play and the payment of one-ninth of the net commercial revenue. In this letter, he again questioned the validity of the fall as the end of the author's property, arguing that while the fall might signal the end of commercial revenues to the theater from the play, it did not end his status as an author and thus the prerogatives due him. He insisted here that, even after the fall, literary property must be recognized along with *droits* precisely so that playwrights could continue to be "men of letters." If deprived of his material and moral prerogatives as a consequence of the plays' fall at the Comédie, he would be unable to "live *honnêtement*" even were he to receive "places and pensions." A writer without this form of literary property, even if compensated in royal largesse, would be debased, having to "prostitute his pen to subsist, among distasteful persons [*dégoûts*] who are always showered with the favor of the great." At that point, Beaumarchais implied, even if he enjoyed sufficient material support, he would indeed have become self-interested because he would be compensated for what he wrote, not who he was; at that point, he would cease to be a man of letters. Beaumarchais here clearly and explicitly equates the social recognition by the theater (and, presumably, by the larger society) of his status as proprietor with the status of *honnête homme*, but not as one who lives off the commercial value of his property. Beaumarchais's ideal of a literary proprietor was one who could avoid seeking revenues of any sort from his works, even patronage, which was becoming less available to him and other writers in the late 1770s. <sup>34</sup>

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Beaumarchais again expressed a desire for recognition of his literary property as a marker of his social status rather than merely as a source of revenue in a subsequent letter to Duras when, frustrated with the slow progress being made on new theater regulations, he threatened to "leave the path of accommodation" if an agreement was not reached soon on the mechanisms for determining the fall and the *droits d'auteur*. If the First Gentlemen could not recognize the playwrights' personal status as men of letters by granting them *droits* for all performances of their works, he and the other members of

the SAD would have to establish that status for themselves through a "public discussion of our interests." Here again, Beaumarchais avoided making a Lockean argument from economic interest, in which personal property is valued as a guarantor of both economic autonomy and a stake in the established social order. Instead, he argued precisely the inverse: for social recognition of literary property as itself constituting a status, in order to guarantee they could interact as *honnêtes hommes* with the royal theater and its superiors, such as Duras, on a basis *other than* pursuit of personal interest. [35](#)

In this respect, Beaumarchais's arguments for literary property lead us to reconsider the frequent figuring of eighteenth-century French writers as so-called "Grub Street hacks," deprived of patronage, forced into venality, and thus resentful of the exclusivity and hierarchalism of the court. The many attempts to use, modify, or refute Darnton's model of a "High Enlightenment" and a literary "Low-Life" frame the question as pitting those forced onto the literary marketplace against those kept safe from it by non-commercial revenue, such as patronage. Beaumarchais here takes a different perspective altogether when he equates clients who receive patronage with being "distasteful persons ... who prostitute their pens to subsist." Moreover, he argues for authorial property neither as a necessary component of a literary marketplace in which he and other writers could achieve autonomy (which they never could in the context of the theater, given the need for actors, costumes, etc.) *nor* as an alternative to patronage (since the payments from the royal theater could be understood as both commercial revenues and patronage). Even if we consider this phrase as an example of Beaumarchais's penchant for figurative language, well-suited to the moment, it is worth noting that his letters to Duras specifically reject any desire at all for personal autonomy through pursuit of "interest," and explicitly equate both patronage and commercial compensation with a derogation of his status as an "*honnête* ... man of letters." In petitioning for the sort of literary property he sought from the theater and the court, Beaumarchais sought neither patronage nor absolute property rights but recognition of the non-material, personal powers he called *droits*.

#### 4.4. Old Regime *droits* vs. Enlightenment Property

Indicative of how scholarship on eighteenth-century literary life has established book publishing as the norm and has assumed Enlightenment ideals of economic rationality as the expected motivations of Old Regime *gens de lettres*, the efforts of Beaumarchais and the SAD to have the Comédie Française regulations revised in 1777 have been interpreted as coincidental and ancillary to the intense pamphlet debate that year over new regulations for the Book Trade. This coincidence has been interpreted in turn as evidence of a common desire on the part of all Enlightenment-era writers for greater personal autonomy, understood at least in part as commercial property rights that could provide individuals a basis for unfettered self-expression. [36](#) However, the foregoing discussion has

shown how Beaumarchais's claims of literary property ought to be understood in the context of the theater, as distinct from book publishing. To do so, one must then read his petition as drawing from a different tradition of thinking about property, a distinctly early modern conception that he could most clearly express as *droits d'auteur*. Himself the *seigneur* of an entailed fief from which he took his name, Beaumarchais drew from a legal theory in which *droits utiles*, meaning payments, were not made in exchange for goods but as instances of *droits honorifiques*, paid in recognition of the "quality" of the recipient. This theory arose from seigneurial law, in which personal *propriété* described not a commodity but a power, or more precisely, a status of dominion over both a resource and those who used that resource. In terms of seigneurial law, vassals paid *droits* not as direct compensation in commercial exchange but as personal obligations due to the lord in recognition of his dominant status. [37](#)

To understand this conception of literary property, it is necessary to step away from the tendency of scholars of the Enlightenment to view eighteenth-century writers (and Beaumarchais in particular) as avatars of modern consciousness, individuals seeking to break out of the restraints of early modern French society and to establish personal moral and material autonomy in a modern commercial society. Such anachronism is particularly evident in French legal writing on the Old Regime, which generally interprets the term *droit d'auteur* to mean the category of law concerning an author's powers in the commercial exploitation of his works; however, the term did not take on this sense in legal or common usage until the Second Empire. [38](#)

At the same time, most American scholarship on the topic has sought to explain the eighteenth-century origins of and divergences between French *droit d'auteur* and English copyright. However, like the French jurists, Americans have not considered the differences between theater and book publishing in France; as a consequence, the discussion has not examined other early modern French theories of property beyond those thought to be consistent with the Enlightenment, namely Lockean, Smithian, and Kantian ideals of property, labor, and genius, respectively. Thus scholars have achieved a near-consensus, attributing differences to national variations on Enlightenment themes, in which Scottish, English, and American thought more closely embraced the author as an individual in the market, whereas French thinking emphasized personal genius as resulting from a social process of Enlightenment and thus conceived literary property law as an encouragement for writers to serve the public good. [39](#)

This largely idealist framework has led most commentators to suggest that *droit d'auteur* appeared as a new term in the eighteenth century as a function of new Enlightenment conceptions of the property-owning, autonomous individual, and thus as already possessing the contemporary meaning of the payments due an author for each reproduction of a work. [40](#) Moreover, most scholars treat the term *propriété littéraire* as

meaning an alienable commodity free from personal obligation—a sense of property not common until after the Revolution. This view thereby ignores the drastic changes in the meanings of the terms *droits* and *propriété* brought about during the Revolution, reading Old Regime instances as carrying contemporary rather than distinctly early modern meanings. By focusing primarily on the late Old Regime Book Trade decrees, jurists, critics, and historians have taken a whiggish view of the Convention's legislation of 1793 recognizing personal intellectual property rights as the synthesis of Kantian ideas of genius and the Lockean ideas of property codified by the 1777 Book Trade reforms. [41](#)

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A measure of the influence of this view is that the leading contemporary historian of revolutionary literary property legislation, Carla Hesse, looks only to the Book Trade for pre-revolutionary conceptions of literary property, and thus does not consider the possibility that Revolutionary legislators debating *droits d'auteur* from 1791 to 1793 sought to replace not only printers' *privilèges* but also playwrights' *droits*, in the sense of personal, non-commercial powers over their works. Hesse does point out that Comédie Française playwrights, led by Beaumarchais and fellow veterans of the SAD, took the lead in 1790 in agitating for legislation assuring personal "authors' rights," which certainly suggests the need to integrate playwrights' pre-1789 claims for *droits d'auteur* into our understanding of the origins of Revolutionary literary property law. [42](#) Further evidence supporting the need to look more widely for origins of and contributions to the 1793 legislation comes from recent work on figurative artists, since the Convention also closed the Académie Royale de Peinture et de Sculpture in 1793 and awarded artists not only sole commercial control over their works but also protection from reproductions. [43](#) In order to examine this dominant paradigm, scholarship on literary property should also learn from recent treatments of revolutionary legislative debates over agricultural property, which have demonstrated how revolutionaries willfully misread Old Regime *droits seigneurieux* (the exploiter's obligations to the proprietor) as political *droits* (in the sense of "rights") in an unsuccessful effort to collapse many Old Regime meanings of property into a single one. [44](#)

\* \* \*

Hesse, Chartier, and others have demonstrated that the 1777 Book Trade decrees drew *propriété littéraire* from the tradition of *droit de copie*, by which an author could sell to a printer the power to reproduce a work commercially (a power represented by a *privilège*). Moreover, they have shown that printers and writers regarded *privilèges* as commercial, alienable, and allodial (i.e., not subject to personal obligation). [45](#) This tradition indeed viewed the author as an interest-oriented property owner, deserving compensation for the commercial exploitation of his valuable commodity by virtue of the labor and genius he put into creating it, but whose compensation comes when he

sells outright his work as property. But if, as argued above, this tradition can no longer be seen as the sole source of revolutionary and subsequent literary property legislation in France, where else should historians seek an alternative?

*Droits de copie* and *privilèges* had never existed in the royal theaters, which—especially from the founding of the Comédie Française in 1680 to its reform in 1757—operated according to courtly principles of patronage and clientage, and in which authors' rewards were understood primarily as markers of social status rather than monetary compensation for an alienated commodity or as remuneration for labor performed. Moreover, printers purchasing *droit de copie* never paid authors *droits* or awarded other prerogatives for reproductions of the work; the relationship was entirely contractual, involving a cession of powers to exploit the work commercially for a fixed period of time in exchange for a fixed sum of money. Although some early seventeenth-century playwrights such as Alexandre Hardy had sold what amounted to performance rights for their plays to troupes for lump sums, the Comédie Française never followed this practice. Instead, the royal regulations always dictated that authors be paid a share of proceeds and awarded other prerogatives, until the play fell.

Especially after 1757, playwrights needed to actively demand their proceeds and prerogatives from an increasingly commercially oriented, yet still monopolistic, royal theater. To make these demands without sacrificing their credibility and good relations with the royal theater (and, by extension, at court and before the Parisian public), they claimed *droits* not as payments made in exchange for the value of the play or compensation for intellectual labor performed but as markers of personal status. In effect, Beaumarchais and others of his generation were making new arguments for recognition from the theater (and its audiences) of each individual's social prominence and personal identity, but based on an early modern conception of property as a distinguishing marker of status rather than as a personal, commercial interest. Drawing on traditional ideas of property to claim new personal powers, the recognition of *propriété littéraire* they sought meant not the right to sell their plays as commodities (for which they had no other market than the Comédie) but non-monetary prerogatives they expressed as *droits d'auteur*.

Thus conceived, playwrights demands for *droits d'auteur* indicate an altogether different understanding than either an equivalent of "copyright" or an author's "right" in the natural law sense of *droit de l'homme*. Given what we have seen to be the nature of many playwrights' demands, it is clear that by *droits d'auteurs* Beaumarchais and others sought not just monetary payments but rather personal powers, which might be understood as *droits honoraires*. In this sense, payments of *droits d'auteur* would be best understood by the eighteenth-century meaning of "royalty" payments. While in English, royalties have meant, since the late nineteenth century, payments

made to an author for each commercial use of a work in which he holds "literary property," the term originated with the sense of personal prerogatives enjoyed by the sovereign such as the exclusive power to mine the land. In French, mining rights were among the *droits régaliens*, meaning those powers belonging to the king by virtue of his sovereign status. In return for paying *droits honoraires* (by the eighteenth century, in cash), a private individual would be granted permission by the crown to exploit commercially what was mined from the land, but these payments in no way constituted a purchase of either the land or the power, even temporarily, to mine it. The English equivalent, "royalties," had an identical etymology, and in English, the word "royalties" was adopted directly into the field of intellectual property.  [Trésor de la Langue Française](#)

In French, however, the term for similar payments for use of intellectual property became *droits d'auteur*. It would make sense that this semantic shift should occur in theater rather than the book trade, because only theater employed such practices as non-monetary privileges (including free admission for authors), and the reversion of a play to the institutional property of the theater, instead of to the personal property of the author, after the fall from the active repertory. Moreover, the public theater, while commercial, still existed in much closer proximity to the world of the court, which retained early modern language and values, than to the market, where new conceptions of property were being articulated.

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Enlightenment historiography since the Third Republic has emphasized these newer, more commercial conceptions of property in the eighteenth century; what is more, scholars have expected ideas of individual autonomy and interest-oriented pursuit of property to inform the comportment of leading eighteenth-century writers, such as Beaumarchais. Bonnassières and Boncompain, as examples, have both read Beaumarchais's demand for literary property and *droits d'auteur* as based on a modern sense of natural rights. However, the evidence and arguments presented here suggest that these claims should be read instead as demands that the royal troupe recognize its obligation to them as men of letters, through acquiescence to their desires in revising texts, distributing roles, scheduling of performances, enjoying free entrance privileges, etc., and that, above all, this obligation be recognized regardless of the varying commercial value of an author's plays. Indeed, the emphasis Buirette, Le Mierre, Beaumarchais, and others put on non-monetary *droits* suggests they were concerned first and foremost with their ability to control the publication of their work and be recognized for it, rather than to profit from it. [46](#)

#### **4.5. State Power and Authorial Liberty: The Evolution of the Police Censor**

If, as we have seen, writers' demands for *droits d'auteur* were really calls for recognition of personal status, or honor, rather than commercial or intellectual autonomy, how then did these same writers think of the other form of personal autonomy classically associated with the Enlightenment, liberty from censorship? The second portion of this chapter addresses that

question, again studying writers' discussions of censorship, not in the abstract but through simultaneous social encounters with court culture and commercial civil society.

In the early years of the Comédie Française, the First Gentlemen delegated censorship authority to an appointed Inspector of the Comédie, a position similar to the English Master of the Revels. This arrangement lasted only until January 1696, when the Chancellor, the Count de Pontchartrain, as part of his consolidation of direct royal authority over Paris, ordered the Lieutenant-General of Police, Nicolas de la Reynie, to monitor Comédie Française performances in the capital "to prevent disorder" and to report if the actors "had occasion to make any indecent postures or to say any words... contrary to propriety." Five years later, the Chancellor abolished outright the post of Inspector and ordered la Reynie's successor, the Marquis d'Argenson, to review all new plays prior to their first performance and ensure their "purity." <sup>47</sup> In 1706, d'Argenson assigned this task to one of his Royal Censors for books, the abbot Cherrier, who was designated "Police Censor."

The Police Censor's authority was limited to the royally-sanctioned public theaters of Paris. It did not apply to the growing number of public theaters in provincial cities (under the authority of regional military governors or municipal governments), the private or "society" theaters, held in aristocratic *hôtels* (under the control of their proprietors and patrons), or the entrepreneurial fair or boulevard theaters in Paris. These fair theaters were closely monitored by the Lieutenant-General of Police's seventh bureau, but not by the Police Censor, to ensure they did not encroach upon the official theater's Letters Patent. <sup>48</sup> Moreover, the Police Censor did not necessarily review each new play proposed to the official theaters, only those that the actors or the First Gentlemen worried might violate the French Academy's stylistic rules of decorum. Thus, the first intervention by the Police Censor came in 1702, when d'Argenson suppressed Nicolas Boindin's "Bal d'Auteuil," not for attacks on the government or church but for presenting "two women cross-dressed as men." <sup>49</sup> When a script was sent to the Police Censor, he did not have authority to suppress or accept it; he usually returned the original manuscript directly to the author and sent any comments to the Lieutenant-General, who then informed the First Gentlemen. If the play were approved, the First Gentlemen issued an order to the troupe that it could stage the work. <sup>50</sup> (Neither did the Police Censor mark up the manuscripts of approved plays for an *exempt* to use while monitoring performances, as one historian has written.) <sup>51</sup>

The Police Censor was neither the first nor the most powerful gatekeeper for authors seeking to have plays published. As discussed in [Chapter 2](#), the royal regulations authorized the Comédiens to compose their repertory from works proposed by individual authors. Any aspiring playwright could propose a new

work by asking to read the script before the assembled troupe, which might accept or reject the work or request revisions and another reading. Although the regulations gave the troupe control over composition of the repertory and most of the production process, the author held responsibility for obtaining censorial approval of the script—prior to the performance, but only after the work had been accepted by the troupe.

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The First Gentlemen's regulations imposed no restrictions on the printing of plays. In 1709, Pontchartrain added this second form of publication to the jurisdiction of the Police Censor, and by extension the troupe, by informing the Director of the Book Trade that

"henceforth, neither *privilège* nor *permission* for printing of any plays" should be issued "unless they have been presented to [the Police Censor] by their authors" and then had been staged by the royal troupe. In theory, then, the Chancellor, the Lieutenant-General of Police, and the Director of the Book Trade were to rely on the Police Censor to approve dramatic editions; in practice, this order invested greater power in the troupe and the First Gentlemen who had to approve plays before they would go to the censor. As the police official Pierre Manuel remarked, the Police Censor had much less influence over which plays would be performed or printed than the "powerfully privileged actors." 52

Thus, under theater and police regulations, the publication process should have proceeded from acceptance into the repertory, to censorial approval, then performance, and finally to printing of an edition. Until about 1750, this protocol was respected, and printers generally published only approved works that had been staged by the Comédie Française. After 1757, however, the First Gentlemen revised the theater regulations, so that censorial approval, performance, and printing gradually became distinct processes. These reforms enabled new writers to propose new works more easily to the troupe. At the same time, the reforms also encouraged the troupe to increase revenues and cut costs on urban performances, leading the actors to favor revivals of older works by canonical writers over new works by contemporary writers. Older works required no new costumes or sets, and their authors no longer shared in the proceeds. These works were thus less expensive to stage; moreover, they were likely to have been printed and widely read, and therefore were more likely to generate a sizable paying audience. The reforms thus put contradictory pressures on the troupe: to receive more new works into the repertory, but to resist performing them.

Consequently, after 1760, the troupe began routinely accepting more works in a given season than it could perform. Writers and journalists in these years regularly complained that the troupe was accepting more and more but performing fewer and fewer new works. For instance, the literary newsletter *Mémoires secrets* reported early in 1774 the exaggerated claim that new plays were being added to the repertory on a

daily basis and that the troupe had recently "received 40 different plays, of which twenty have already been scheduled." Even without the hyperbole, statistics support these complaints. In the 1774–1775 season, only one new play was performed. In the first five years of the 1770s, the troupe heard 45 new plays read, of which it accepted 34 but had only performed twelve by the spring of 1776. <sup>53</sup> This situation led to frustration for authors such as Andebez. Their plays had been duly accepted by the troupe and approved by the censor, but they could not obtain a performance that would legitimate them as *gens de lettres*.

Writers' different responses to this changing situation made evident both the established norms of comportment and those behaviors considered transgressive. Established playwrights such as Voltaire continued to focus their efforts on having plays performed by the royal theater and considered an edition a secondary form of publication. Newer entrants to the literary field, such as Andebez, who were less well integrated into official institutions and the predominant ethos of self-effacement and deference, were more likely to pursue publication outside official channels. Among those options were commercially active printers, notably the Veuve Duchesne and her cousin Ruault, who in the 1760s and 1770s specialized in printing unperformed plays and did not require an author to have a prominent patron willing to accept a dedication and underwrite the costs. Duchesne and Ruault considered the Police Censor's approval sufficient permission to publish editions such as *Abimélech*. Although these editions usually carried censorial approbation, they lacked the legitimacy that a royal troupe performance or a prominent courtier as a dedicatee would have conferred; these dramatic editions might be considered the equivalent of books bearing "tacit permission," in that they were legal yet lacked legitimacy. <sup>54</sup>

The appearance of this new category of editions explains why, although the Comédie Française performed fewer new works annually after 1760, the number of plays printed increased markedly. Of the over 6,000 catalogued first editions of plays published in France between 1600 and 1789, at least 2,434 appeared after 1760; however, only 204 of these works were accepted into the Comédie Française repertory, and no more than 67 were actually performed there. Thus, over 2,000 plays appeared in print after 1760, many with approbation from the Police Censor, without having been performed or granted a *privilège* by the Book Trade. These editions were generally in larger formats, such as octavo, rather than the more traditional duodecimo. All of this suggests the development of a new category of play—printed and read but not performed—which can be attributed to the appearance of a new category of aspiring playwright—received (by the troupe) and approved (by the censor) but not legitimated (by performance before a commercial or courtly public). To take but one example, Lonvay de la Saussaye's "Alcidonis" was accepted by the troupe in February 1768. One month later, an "*approbation et permission*" was issued. An authorized edition quickly followed from the bookseller Lacombe, although the play had

not yet been performed. <sup>55</sup> Such legal but not fully legitimate editions of plays thus differed from what Darnton calls "forbidden" literature, since these publications did not violate Book Trade regulations and rarely drew the attention of the Police inspectors. <sup>56</sup>

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For an aspiring writer, an edition offered a chance to put their work and name before the public, but it could offend the troupe, elites (and potential protectors) in Paris and at court, and more established *gens de lettres* as a violation of norms. Such aggressive behavior, if unjustified, would mark an individual as uncivil, or in the vocabulary of the day, *malhonnête*, and might lead official institutions to exclude that individual. To avoid this perception, authors of printed but unperformed (although censor-approved) plays sought often to justify their action in the preface, by appealing to "the public." Attributing one's motivation in publishing a play to a desire to please the public and blaming the royal troupe (rather than the Police Censor) for one's inability to do so in the accepted fashion provided a rhetorical strategy for justifying the seemingly uncivil act of illegitimate (although not illegal) publication. Such a preface, for example, introduced the unauthorized, anonymous edition of Bardinet's *Les Événements nocturnes* in 1777. The preface explained that he had submitted the play on September 9, 1775, but over the next two years, despite having "written numerous letters [and] made numerous visits," to the troupe, he had not succeeded in having the play heard for possible acceptance, let alone scheduled for performance. After a final unsuccessful request on October 8, 1776, one of the actors "sent me



back my manuscript." The forlorn playwright withdrew it from consideration by the royal troupe and had it printed with a preface announcing, "I have preferred to give my play to the Public, which can judge it without partiality." <sup>57</sup> The post of Police Censor was an

anomaly in that it was not subject to the centralization that characterized most functions of the eighteenth-century state, especially censorship in general. <sup>58</sup> Chosen by the Lieutenant-

General of Police, the Police Censor operated entirely outside the corps of censors supervised by the Director of the Book Trade and outside the troupe governed by the First Gentlemen and the Minister of the Royal Household. Thus, the Censor's authority depended less on his legal powers than on his personal legitimacy in the literary world. Prosper Jolyot de Crébillon, the tragedian who served as Police Censor from 1728 until 1762, held great stature among the actors and other authors, made evident by his numerous privileges at the Comédie, including free entrances for life, a personal box at the theater, an annual pension of 2000 *livres*, and a grand funeral procession. Crébillon's stature is also evident in the portrait painted of him by a royal painter, Jacques-André Joseph Aved, in 1746.

François Louis Marin, Crébillon's longtime assistant who succeeded him in 1762, enjoyed much less prestige; the troupe refused his request for a box seat, claiming Crébillon had held his privileges as "one of the greats of the theater," not as Censor. Eventually, Marin was awarded free entrances for the

duration of his tenure as Censor and a box seat, but the pension went to Crébillon's son. During his first season, Marin endured public humiliation when a quatrain in Claude Joseph Dorat's "Théogène et Chariclée" mocking Louis XV's frequent naps drew pre-arranged cheers from a *claque* in the audience, leading not to repression of the author but to a brief stint in the Bastille for the Censor. [59](#)

Marin's limited legitimacy is evident in a letter of May 1772 to Voltaire concerning his "Loix de Minos." The play's theme of law versus morality made it potentially controversial in the context of the Chancellor René Maupeou's ongoing conflict with the French Parlements, and Marin complained that, as Police Censor, he should have been able to review it before the author had circulated it at court, submitted it to the royal troupe, and obtained from a different censor approval for an edition: "They came to me only at the end, when they needed me. ... So I become the 1454<sup>th</sup> person in Paris to learn that there is a new tragedy by Voltaire ... received by the Comédie and that it will be performed and then presented to the Book Trade to be printed." Since the copy he received had already been edited, "There I am then fixing the mistakes of another." [60](#) Voltaire went over Marin's head to the First Gentlemen, noting he was "a bit vexed [by] this young lawyer," and demanding that the Comédie be ordered to perform it that very season. Marin had no alternative but to approve it, and the troupe began preparations for a performance that fall. Voltaire himself eventually withdrew it from the theater, expressing his displeasure that his play had been subjected to commentary by what he considered such uncivil, excessively self-assertive "literary rubbish" as Marin. The latter comment was made after Marin, without Voltaire's authorization, supplied a copy to the printer Valade, who printed a legal but thoroughly illegitimate edition bearing Marin's censorial approval. [61](#)

Marin, for his part, considered himself a man of letters, and he expected his service as Police Censor to enhance his legitimacy as a writer. [62](#) Just one month after he took up the post, he prevailed upon the troupe to perform his one-act comedy "Julie," his premiere on the royal stage. This performance in turn enabled him to print an authorized edition of five plays in 1765. Late in his tenure as Censor, which lasted through the spring of 1774, Marin exchanged letters "relating to his plays" with the leading actor Delaporte, and the troupe scheduled two more of his comedies for performance the next season. [63](#) Marin and his immediate successors, Prosper Crébillon *fils* (1774—1776) and Nicolas-Edme Bertier de Sauvigny (1776), rarely dealt directly with either the troupe or playwrights. They acted instead as intermediaries for courtiers, who considered it their prerogative to intervene in defense of writers under their protection. Such interventions became more frequent, and the Police Censor became more active, after 1765, when the First Gentlemen created the council of lawyers to enforce Comédie Française regulations. Moreover, writers with protectors at court more frequently

solicited interventions to fend off the threats they perceived from the many new writers whose plays were being accepted into the repertory. <sup>64</sup> To understand this change in institutional culture and in the conferral of legitimacy on writers, we will look now to three extended case studies.

#### 4.6. Theater Censorship in Action: Belloy and Rosoy (1765), Collé and Sedaine (1774)

Shortly after coming into office, during Britain's victory over France in the Seven Years' War, Marin found himself mediating between two plays on the potentially controversial theme of the English siege of Calais during the Hundred Years' War. In 1762, Pierre-Barnabé Firmin de Rosoi, a writer recently arrived in Paris, had submitted to the Comédie Française a play entitled "Décimus français," depicting the heroism of the French defenders of Calais. The troupe had accepted it, and the Police Censor had approved it. However, Rosoi remained a new author without a protector to intervene on his behalf, and the actors did not schedule "Décimus" for performance. Yet, in late 1764 the troupe began preparing another play on the same topic, "Siège de Calais" by Buirette de Belloy, a protégé of the First Gentlemen and of the foreign minister, the Duke de Choiseul, who had arranged the previous year for amateur performances of this play in French barracks to inspire the troops. <sup>65</sup> Although the Comédie Française had accepted Rosoi's play before Belloy proposed his version, the latter enjoyed Choiseul's protection. Belloy was also known to the royal company, which had staged two of his tragedies in the late 1750s. Furthermore, he had previously demonstrated his adherence to norms of self-effacing civility by enduring a two-year, self-imposed exile at the court of St. Petersburg. <sup>66</sup> Thus,  Buirette de Belloy, *Siège de Calais* in January 1765, at the orders of the First Gentlemen, the leading actors surreptitiously moved Belloy's play ahead of Rosoi's in the active repertory. <sup>67</sup> When some troupe members showed little enthusiasm for performing Belloy's play, his protectors, the First Gentlemen and Choiseul, ensured that it remained on the Comédie's active repertory for Paris and scheduled it for the royal theater at Versailles in March. Furthermore, the Intendant des Menus Plaisirs, Denis Pierre Jean Papillon de la Ferté, at the urging of the First Gentlemen and "several prominent ministers," arranged a command performance at Versailles on March 17, followed by a *gratis* staging in Paris, where a large crowd cheered the play and the King. <sup>68</sup>

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When Rosoi learned his own play had been bypassed, he responded, as had Andebez, by acting illegitimately, but not illegally. He used the approval already granted the play by the Police Censor to obtain a *permission tacite* for an edition, which he rushed into print before the first Parisian performance of Belloy's "Siège." <sup>69</sup> In an accompanying preface, Rosoi further violated civility by attacking Belloy directly, claiming that the latter had first stolen his idea and then had "Siège" advanced ahead of "Décimus" through his personal relationships with troupe members and court protectors. Rosoi then

asked the public to judge between the two works. <sup>70</sup> That determination fell to the Police Censor, Marin. On February 5, the Lieutenant-General of Police, Sartines, asked Marin to judge not the text of either play (both of which had been approved when accepted into the repertory years earlier) but the prefaces. Indeed, for works that the troupe had already accepted onto the repertory, the Police Censor more frequently was asked "to read prefaces" of editions than play scripts. <sup>71</sup> While still awaiting both texts, Marin received letters supporting Belloy from the First Gentlemen and Choiseul. Days later, Marin ruled in favor of Belloy's "Siège" over Rosoi's "Décius," and on February 15, Sartines ordered Inspector d'Hémery to arrest Rosoi and confiscate all printed copies of his play. <sup>72</sup>

The consequences of his judgment were to legitimate Belloy and delegitimize Rosoi. That same day, Belloy's play premiered successfully in Paris and then was performed at Versailles in March. On March 10, he received honorary citizenship from the city of Calais, and then, at Choiseul's prompting, the King agreed to sponsor the printing of *Siège de Calais*. The edition appeared on March 15, 1765, bearing the imprint "Imprimeur du Roi," a dedication to the King, and a preface highlighting the classicism of his "national tragedy." In 1771, Belloy won election to the Académie Française, and one year later the Lieutenant-General offered him Marin's post as Police Censor, which he declined due to ill health. Shortly after his death in 1775, a compendium of his complete works appeared, featuring a frontispiece of "Buirette de Belloy, de l'Académie Française, Citoyen de Calais"; this monument contributed to his highly favorable treatment by literary and cultural historians as a patriotically inspired dramaturgical innovator. <sup>74</sup>



By contrast, Rosoi saw the *permission tacite* for his edition revoked, and he spent a brief time in prison, after which he had to start anew his pursuit of legitimacy as a writer. <sup>75</sup>

\* \* \*

In 1760, when Charles Collé first wrote the play "Partie de Chasse d'Henri IV [Henry IV's Hunting Party]," he had already established his legitimacy through service to the Duke d'Orléans, one of the most prominent patrons at court. Knowing that representations of actual historical personages, especially kings, violated the Académie Française's stylistic rules, and that proposing a play unbidden would violate implicit norms of civil conduct for men of letters, Collé at first refrained from submitting it to the Comédie Française. Under the protection of the Duke d'Orléans, he circulated the work in manuscript at court and read it to elite gatherings at Versailles, where it drew the attention of Choiseul. Choiseul prompted Collé to propose it to the royal troupe in the

spring of 1762, and he ensured that the actors accepted it unanimously. Marin, having just assumed his duties as Censor, referred the work to Lieutenant-General Sartines, who in turn asked for a decision from the Royal Council. Awaiting this response, Collé refrained from seeking an edition or public performance, but prevailed upon the Duke d'Orléans to have it performed in his private provincial theater. The Comédie Française delayed scheduling a public performance,  [Collé, \*Partie de chasse d'Henri IV\*](#) under orders from the Royal Council—headed by Choiseul, who now feared the play would make Louis XV look weak by comparison—and had opted instead for Belloy's "Siège de Calais" as a vehicle for royal image-making. In December 1764, the Duke d'Orléans, not the Police Censor, informed Collé that the king had ordered the troupe not to perform "Henri IV" in Paris. [76](#)

Collé responded by publishing an edition of his play. Unlike Andebez or Rosoi, he did so under the aegis of a prominent protector; Orléans financed, accepted a dedication, and obtained Marin's approval for a 1765 edition of *Partie de chasse*. [77](#) This edition led to additional performances in private, aristocratic "society" theaters, including one at Versailles in May 1766, and then several highly successful commercial performances in provincial theaters, which needed only the approval of the regional military *Gouverneur* or Intendant. Yet Sartines and Marin wavered, neither repressing "Henri IV" nor authorizing a public staging in Paris. The situation remained static for the next eight years; Sartines continued to refuse authorization, while the duke sponsored performances at such prestigious private venues as the Hermitage, where Belloy had also gone to develop his reputation as an *honnête homme*. [78](#)

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By the spring of 1774, when Louis XV suddenly died, "Henri IV" had become well known among court and urban elites, and its author enjoyed great personal legitimacy, not despite but because he had adhered to royal orders that it not be performed on a Parisian public stage. The incoming First Minister, the Count de Maurepas, was an established courtier who hoped to restore a deferential tone to French politics (and, as discussed in [Chapter 3](#), to literary culture) after the tempestuous Maupeou ministry of the old king's final years. During that government's prolonged conflicts with the magistrates of the royal Parlements, anti-government patriots had repeatedly invoked Henri IV—the first Bourbon monarch, who had ended the religious wars nearly two centuries earlier—as a "good king," the sort of patriot needed to unify the French nation. Maurepas, seeking to fashion the new king in this image, bypassed the new censor, Crébillon *fils*, and directly ordered the Comédiens to perform Collé's "Henri IV." [79](#) The troupe readily agreed to Maurepas's order and asked Collé to distribute the roles for a rapid staging. [80](#)

The actors sought to stage the work quickly because the rival (but less prestigious) Comédie Italienne was preparing another play about the same monarch, Michel Sedaine's "Le Roi et le meunier [The King and the Miller]." Both authors had written their versions in 1762, and a comparison of the two works demonstrates them to be very similar. <sup>81</sup> The writers were of very different status, however. The company viewed Collé as a legitimate man of letters, since he had enhanced his reputation as self-policing and *honnête* by dutifully refusing to contest publicly the suppression of his "Henri IV" over the past decade. Sedaine had achieved public acclaim at the Comédie Française in 1765 with his "Philosophe sans le savoir [The Unintentional Philosopher]," and would eventually become a highly established figure in late Old Regime public life as secretary of the royal Academy of Architecture. However, he remained vulnerable to attacks on his personal legitimacy, due in part to the stylistic vagaries of his writing and in part to his public quarrels with the royal troupe over his remuneration. Observers attributed both his stylistic transgressions of academic norms and his obstreperous personal behavior to his artisanal origins and lack of a classical education; the actors, the First Gentlemen, and better-established writers considered "this mason poet," to be "ignoble," "without honor," and "humiliated at court." In 1774, the Duke de Duras ordered the actors to have no further contact with him. <sup>82</sup>



By contrast, Collé embodied standards of civility and legitimacy. Like Voltaire, he did not consider merely the censor's legal approval or the troupe's aesthetic and commercial concerns to provide sufficient legitimacy to perform the play under present circumstances. He responded to the Comédie Française that it would be "too indecent" to stage the work while the kingdom mourned Louis XV, and he insisted the actors wait until the new king approved the performance, after his coronation four months hence. <sup>83</sup> The troupe, hoping to convince Collé of the propriety of its intentions, took the unusual step of acquiring a second censorial approval, from Crébillon  *fils*, who had only one month earlier replaced Marin, and from the new Lieutenant-General of Police, Jean-Charles-Pierre Le Noir. <sup>84</sup> The Duke d'Orléans, himself seeking favor with Maurepas, intervened and urged Collé to relent. Finally, on October 16, Collé sent the troupe a printed copy and consented to the performance, which he expected "would not be performed in Paris until January, after having been [staged] beforehand at the court." Yet the Comédie Française premiered "Partie de Chasse" in Paris on November 6, 1774. The production succeeded wildly, with 26 performances that season and 112 through 1787. <sup>85</sup>

For Maurepas, authorizing Collé's version of "Henri IV" for public presentation supported norms of deference and civility by granting legitimacy to a writer who had demonstrated consistent adherence to such norms in public and who maintained ties to a prominent courtier, Orléans. By contrast, Maurepas and

the Royal Council denied such legitimacy to younger, more commercially popular but less evidently self-effacing writers like Sedaine, who were unaffiliated with a patron and would be less likely to police themselves in their public speech and behavior. As a sequel to "Le Roi et le meunier," Sedaine had written a play about Henri IV's victorious entry into Paris, entitled "Paris sauvée," which the Comédie Française had accepted in 1771 and finally scheduled for performance in April 1774. He had written this full-length tragedy in 1765, inspired by Belloy's hugely successful "Siège de Calais." Like "Siège," "Paris sauvé" treated the heroic efforts of the French during the Hundred Years' War; unlike Belloy, Sedaine had written in prose to achieve a generic innovation of classical and modern dramaturgical elements. [86](#)

On May 10, just days before Louis XV died, the Royal Council ordered the Comédie to suspend the play, and Le Noir upheld this decision (over Sedaine's objections) in September 1774 and again in January 1775. The troupe had also accepted another play on the same theme, "Réduction de Paris," by an author without connections to the court, Guillaume François Desfontaines, in May 1774; but that summer, the royal Council of State suppressed Desfontaine's work without it ever being referred to the Police Censor. Another play on this topic emerged that winter when Rosoi adapted his still-unperformed Calais play "Décuis français" into a "Siège de Paris" about Henri IV's conquest of the capital; however, the royal theater did not even consider this version, and the Book Trade denied it permission to be printed. [87](#)

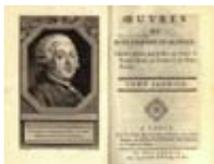
70

The difference between the Royal Council's refusal to allow the troupe to stage these works and its fervent support for Collé's play demonstrates how a writer's personal legitimacy to have his work produced remained distinct from legal, censorial approbation. It depended on adherence to norms of civility—self-effacement and deference to hierarchy—that had come under challenge from new entrants to literary life in the late 1760s and during the Maupeou years of the early 1770s. Like the Belloy-Rosoi conflict, the staging of Collé's "Henri IV" (rather than other variations on the same theme) demonstrates, firstly, that the Police Censor did not serve as the primary gatekeeper mediating access to the public for aspiring playwrights and, secondly, that the primary concern in the court's conferral of legitimacy on writers was not ideological conformity, but adherence to a code of conduct within a royal institution such as the Comédie Française. An established writer such as Collé, who had policed himself until Orléans granted him legitimacy to render his work and himself public, expected approval from the Police Censor, yet invested even more heavily in conforming to the more stringent norms of civility in his personal comportment.

#### **4.7. Insiders and Outsiders: Beaumarchais, Du Buisson, and Suard (1780)**

In the first years of Louis XVI's reign, Maurepas continued consolidating power within the government, re-appointing as Lieutenant-General of Police his protégé Le Noir. Le Noir in turn chose as Police Censor Jean-Baptiste Antoine Suard, the first occupant of the post who had not written plays. Yet Suard brought greater legitimacy to his new appointment than any censor since Crébillon. A member of the Académie Française, a prominent participant in elite social networks, and royal censor for the Book Trade, Suard also had married the sister of the publishing magnate Charles-Joseph Panckoucke. Indicative of this greater status, Suard received perquisites not granted his predecessors as Police Censor, such as a box seat at the theater and access at court. <sup>88</sup> Indeed, Le Noir explained his choice of Suard as Police Censor as one of a man "already distinguished in literary life ...and a member of the Académie Française," who would calm the "great debates and dissensions" among playwrights. Le Noir expected that Suard could negotiate the "powerful contradictions" among competing writers and their court protectors, due to his sophisticated appreciation of which writers could be trusted to behave and speak civilly in public venues such as the Comédie Française and which, despite claims to be men of letters serving the public, might behave in ways that would exacerbate rather than smooth over conflict. Specifically, Le Noir expected Suard to consolidate control over the process by which plays and authors would or would not be accepted and staged, and therefore have legitimacy conferred on them, by the Comédie Française. <sup>89</sup>

As censor, Suard promoted those writers he considered legitimate and raised obstacles for those he considered potentially destabilizing. For instance, in 1777, he refused to approve publication of a "Discours sur Shakespeare et sur Voltaire," which used what Suard dismissed as a disrespectful "air of superiority" and the "vulgar language of the marketplace" to criticize Voltaire, whom Suard considered "a public man ... whose name must be honored." Suard admitted that he found some merit in the praise of Shakespeare, but he recommended it be suppressed because he knew its author to be a marginal figure with self-interested motives, "to establish his reputation among the English by defending Shakespeare over Voltaire." <sup>90</sup>



Unlike his predecessors, Suard frequently wrote directly to authors, especially new playwrights, to whom he suggested revisions that would better suit the work to the royal theater. Exemplary is the case of Charles Fenouillot de Falbaire's "Honnête criminel," a play about a wrongly imprisoned Huguenot, Jean Fabre, written in 1765 at the time of the

Calas affair.

Although the troupe had accepted the play and Marin approved it in 1768, it was never scheduled for performance. Beginning in 1785, perhaps prompted by renewed calls to grant civil liberties to Protestants, Falbaire began writing the theater to ask for the play to be staged. In these letters, Falbaire twice remarked that the censor had written him directly with

 Fenouillot de Falbaire,  
*Honnête criminel*

suggestions and "that M. Suard himself will tell you, if you need," that he had approved the play. [91](#)

Suard's more active role as an intermediary among prominent courtiers, the royal theater, and aspiring writers is further evidenced in a letter he received on February 21, 1782, from the Prince d'Hénin. The prince asked Suard to inform an author, Mademoiselle Raucourt, of changes that he demanded be made to her one-act, entitled "Henriette," on the night before its scheduled premiere at the Comédie Française. Prince Hénin informed Suard that he had already sent a marked-up copy of the play to the French foreign minister, the Count de Vergennes, who had delivered these changes to Le Noir, who in turn had sent them to the actors. He then asked Suard to forward it to the author, explaining that he considered Suard the proper intermediary to the author. He asked Suard to explain to her, with "sincerity," that the changes, rather than restricting her personal expression, had rendered "Henriette" suitable for performance by the royal troupe. [92](#)

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Suard described his interventions not as efforts to enforce the "superior authority" of the Lieutenant-General and the crown, "but to encourage dramatic works that exhibit dignity, ... wise moderation, and circumspection." Suard compared himself to the Académie Française, since, like its Forty Immortals, he worked to establish and maintain decorum in literary life, through evaluation of texts and of comportment among writers. He claimed a particular responsibility towards new writers aspiring to legitimacy, whose works he had to read with particular care to ensure that they express "an excellent and useful morality" and that the authors are of "the purest intentions." When properly approved by the Censor, he suggested, both playwright and play would have legitimacy for publication, because the actors, the court, other writers, and all who might see or read the work would know there was "nothing reprehensible" about either text or author. Suard represented his role as an opportunity to aid aspiring *gens de lettres*, through their personal interactions with him, to help them conform their personal comportment and speech to the deferential norms they would be expected to observe when entering literary institutions such as the Comédie Française. Suard thus defined his censorial role to writers not as the repression of liberty but as the reproduction of the basis for legitimacy in public speech. [93](#)

Indeed, Suard's dual role in eighteenth-century French literary life as on the one hand an active proponent of advanced liberal ideas and on the other as the embodiment of established institutions and norms has led to a great deal of scholarly interest and debate. Alan Kors noted that Suard openly supported the Wilkesite movement in London as an incarnation of Enlightenment liberalism, while at the same time he actively "tyrannized the literary community" as censor. [94](#) Other historians have used Suard to

exemplify their understanding of social encounters in Enlightenment-era literary life as either intensely hierarchical or increasingly egalitarian. Darnton argued that Suard was prototypical of a second-generation *Philosophe*, whose participation in public life assimilated him within, rather than setting him in opposition to, the norms, hierarchies, and institutions of the establishment. For Darnton, Suard represented "the epitome of respect for social rank." Darnton's first point (Suard's attainment of a certain status), rather than his more significant second point (the world-view implied by such an ascendance), has attracted the attention of Darnton's critics, notably Daniel Gordon. In his book on ideas of sociability in the Enlightenment, Gordon attacks Darnton for arguing that Suard embodied "a monolithic elite committed to preserving hierarchy ... a unified and objective stratum of the regime." Gordon argues the contrary, claiming that Suard "stood for the egalitarian conception" that incarnated the Enlightenment "ideal of sociable living, not a hierarchical establishment." Suard and his fellow participants in elite sociability, for Gordon, "provided a model of communication for everyone else who wished to cultivate the bonds of sociability." To Gordon, such sociability was not exclusionary, as he claims Darnton had argued, but egalitarian in spirit, without necessarily challenging the "authoritarian" Old Regime. [95](#)

\* \* \*



To address this question through Suard's interactions with other writers as censor, we look to 1780, when Suard authorized an edition of a play, *Nadir*, by an unknown writer, Pierre-Ulrich Du Buisson. The play, first performed at the Comédie on August 30, 1780, met with a poor reception from the audience and the periodical press, and the troupe quickly withdrew it from the active repertory. Shortly thereafter, the author submitted the manuscript, with a preface, to Suard, who on October 20 signed his approval. Following Le Noir's endorsement several days later, the bookseller Alexandre Jombert issued the edition, including a long preface, in which Du Buisson charged the more established playwrights of the SAD—namely, Beaumarchais and Sedaine—with conspiring against his play. [96](#)

Du Buisson's preface highlighted Beaumarchais's and Sedaine's artisanal origins, non-classical literary styles, and reputations for aggressive contention, and attacked the entire SAD as a "base, illegitimate [and] self-interested *corps*" of mercenaries rather than gentlemen of letters. Du Buisson's charges, in precisely the same language, had been made two years earlier in memoranda to the First Gentlemen penned by the Comédie's leading actor, Bellecour, and by the Marquis de Bièvre, but Du Buisson now brought them out in the broad public forum of print, leveling them against the entire SAD, including members of the Académie Française. In this way, Du Buisson deployed the very strategy used so effectively by Beaumarchais himself in the *Mémoires contre Goetzmann*, wherein he used tropes of court culture to



mock the judge not as a corrupt but as socially and culturally unsuited to such a prominent position in public life. [97](#)

When Marmontel and the other Académie members in the SAD learned they had been attacked in print, they understood their legitimacy to be at stake. To not respond to Du Buisson's preface would amount to a public act of submission and a loss of honor; yet to resort to "publicity" without first obtaining approval from the court and Lieutenant-General of Police would appear uncivil. Seeking to escape this conundrum, these prominent authors asked Beaumarchais to use his accomplished talent for printed polemics on their behalf and "save ourselves from ridicule and scorn" by printing "a *mémoire* that will respond to the injury" caused by Du Buisson's preface. But Beaumarchais insisted that he would act *honnêtement*, by appealing directly to Maurepas for redress. [98](#) In his petition, he requested the Lieutenant-General suppress *Nadir*, and that Maurepas remove Suard as Police Censor. Beaumarchais understood what we have seen above: that Le Noir had made Suard Police Censor in 1776 to enforce the unwritten rules of literary life, especially civility and respect for social rank. If "the preface and the approbation granted it seem to be permissible to you," he noted to Maurepas, then the minister and the censor would have sent a message that "the rowdy Du Buisson" had been granted tacit approval for his attack. This would imply that the court had judged the preface sufficiently respectful of social rank, whereas Beaumarchais considered it "very *malhonnête*." [99](#) Beaumarchais, Sedaine, La Harpe, and Marmontel had all clashed with Suard in other areas of literary politics during the 1770s, so they had reason to believe Suard may have schemed to bring out a printed attack on them and used his position as censor to give legitimacy to the attack. If so, he asserted, Maurepas must authorize the SAD to use "publicity" and respond in print, without risking its members' legitimacy. [100](#)

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Beaumarchais went so far as to prepare the text of a public response. However, like Voltaire and Collé, he policed himself by refusing to print it without approval from the court. [101](#) When Maurepas and Le Noir refused to issue such an authorization, Beaumarchais abandoned the matter and dissolved the SAD. He opted to adhere to norms of civility in his personal comportment rather than to address the public illegitimately, even with censorial approbation. He understood that his personal legitimacy depended on upholding civil norms of speech and comportment, even when he came under public criticism; should he fail to conform, he would be lose legitimacy. This awareness came from his practical experience, rather than from merely reading the royal censorship regulations (or, for that matter, guides to etiquette). Thus, he understood Suard's approval of Du Buisson's preface not as an act of toleration for personal expression and liberty but as an implicit but public declaration of judgment on the status of the principals involved. To contest this judgment in print, he understood, would contribute to his

celebrity and notoriety, but would cost him standing at court and in official literary institutions, where legitimate status was conferred or denied. As had Voltaire, Belloy, and Collé, Beaumarchais considered his interactions with the censor an opportunity to demonstrate self-effacement and respect for rank by policing his own comportment more stringently even than the censor policed his speech. This strategy proved successful four years later, when he drew upon his hard-earned legitimacy at court to out-maneuver Suard and render public—first at Versailles, then in Paris, and finally in print throughout France—his play *Marriage de Figaro*.

Before proceeding to that story, we may ask how the Du Buisson incident sheds light on Suard's role as censor, as his contemporaries understood it. Was he, as Beaumarchais's amanuensis Gudin called him, an "enemy of letters"? <sup>102</sup> Or did other writers accept him, as J. M. Coetzee has written of all censors, as acting "in the interests of a community"? <sup>103</sup> The "storm over Suard" that would rage in literary life through the 1780s, and among cultural historians of the 1990s, might be best interpreted as a collision of competing strategies for self-positioning and self-fashioning, in a context in which the rules governing such strategies were changing in ways that confounded the participants themselves. If we accept that La Harpe, Beaumarchais, and Suard himself all understood that the role of Old Regime censorship was to reconcile competing claims as a function of differences in status between those making such claims, Suard's toleration of the highly uncivil preface might have appeared to him as a justified assertion of the Comédie's status (and that of its protectors at court, the First Gentlemen) over an unjustified challenge to that status by Beaumarchais. Moreover, by approving the preface, Suard could feel he was defending legitimately his own status and that of his faction of the remaining Philosophic movement against the unjustified claims to Voltaire's legacy made by La Harpe and Marmontel. Finally, he was defending the Maurepas ministry—an Enlightened reform ministry—against those who he feared might attack it in print and embarrass it. By the same token, to Beaumarchais, La Harpe, Marmontel, and other aspiring playwrights, Suard's action appeared unjustified, because they felt themselves to have demonstrated their devotion to the court and the general cause of letters. They perceived in Suard's censorship a troubling insinuation that Suard, and those whose opinions he both expressed and influenced, considered them of less than legitimate status.

#### **4.8. Reconsidering Censorship in the Age of Enlightenment**

In an essay calling for a new history of censorship in the French Enlightenment, Sophia Rosenfeld challenged historians of eighteenth-century France to engage with "post-modern concepts" of power and subjectivity by questioning anachronistic understandings of Enlightenment-era writers as autonomous intellectuals, incarnating liberty except when constrained by state censorship. Rosenfeld appreciates and applauds the traditional concern of Enlightenment historiography with presenting a usable past for modern liberals, and proposes that to do so we must make an intellectually

sophisticated and historically accurate move toward critical considerations of the eighteenth-century writer's encounter with censorship as other than that of "a lone and righteous individual who deliberately and repeatedly confronted the established, and in many ways oppressive, institutions and customs of eighteenth-century Europe." [104](#)

Each case of writers and censors discussed in this chapter—Belloy and Rosoi with Marin, Collé and Sedaine with Crébillon  *fils*, Du Buisson and Beaumarchais with Suard—demonstrates how writers encountered theater censors within a series of highly unequal social interactions, not reducible to the state's power to repress otherwise free speech by autonomous individuals. At stake in such encounters was less the legality of publication or the liberty of intellectuals (in the twentieth-century senses of these terms) than personal legitimacy to participate in the institutions of literary life. Aspiring *gens de lettres* understood publication to be more than merely the physical act of printing or performing a play, and it required more than merely toleration by a censor. Publication involved a presentation through speech and actions of the self in public, outside official institutions, which first had to be marked as legitimate within official institutions. The Comédie Française appeared to be the most accessible institution in which to obtain such legitimacy. Yet, upon entering this institution by proposing work to its troupe, writers did not enter as autonomous individuals into a public sphere accessible to all, owned by no one, and egalitarian in ethos. Instead, they faced gatekeepers—initially, the troupe and the First Gentlemen, and later the Police Censor—who represented themselves as responsible for upholding a necessary divide in public life between those who demonstrated proper comportment and were thus legitimate speakers to (rather than in) the public and those whose inability to conform to established norms of comportment marked them and their speech as uncivil and dangerous for public expression. Aspiring *gens de lettres*, to show themselves in conformity and thus attain legitimacy, had to demonstrate proper decorum, both in the language, structure, and themes of the plays they wrote and in their self-presentations to the gatekeepers.

The Police Censor in the later decades of the Old Regime functioned as neither the first nor the most powerful of such gatekeepers. Established writers, such as Voltaire, easily passed by all such gatekeepers. For newcomers, approval from such gatekeepers proved difficult to obtain. Yet without such approval, their self-presentations appeared self-assertive and inappropriate to those of greater power and status: as Rosoi appeared to the First Gentlemen, as Sedaine appeared to Le Noir, as Du Buisson appeared to the SAD, and as Beaumarchais appeared to Suard. To speak of these authors as therefore being "dominated" within the field where they sought legitimacy is neither to suggest that they were without recourse before state surveillance nor to suggest that their actions were merely the result of calculated personal interest. Personal agency is evident when Rosoi and Du Buisson published their complaints in print and when Beaumarchais decided to forego print and sought to have Suard disciplined at court; outward

intellectual expression is evident in their deployment of terms like "public" and "*honnête*" to understand and explain their actions. By the same token, to suggest that *gens de lettres* did not regard the Police Censor as a repressive agent of state police power and the antithesis of personal liberty is not to discount Rosoi's, Du Buisson's, or Beaumarchais's very real struggles for self-expression in a context of hierarchy and exclusion, which they perceived Marin and Suard to embody. It is to argue instead that all these writers expected the censor to recognize their own comportment as civil, to legitimate them to speak publicly, and to exclude others they considered less civil than themselves.

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These conflicts arose not over whether the censor should be distinguishing writers' comportment as civil or uncivil but on which side of that divide a given writer belonged. Shaped by their experiences in early modern institutions, these individuals did not base their own sense of themselves on expectations of personal liberty to be asserted against elite protectors and constituted political authority. Rather, they hoped that by refraining from assertions of personal liberty, those in positions of power would recognize and reward their self-restraint and deference to established norms as greater than that of their rivals. Such expectations became evident when Belloy refrained from attacking Rosoi and appealed instead to Choiseul, when Collé refrained from having his play performed publicly until authorized to do so by Orléans, and when Beaumarchais refrained from responding to Du Buisson's preface until authorized by Maurepas. Since this self-restraint meant *not* making their concerns public through print, but rather seeking protection in face-to-face encounters, authors such as Belloy, Collé, and Beaumarchais looked to the Police Censor to set them apart from their more obstreperous rivals and mark their comportment and speech as civil and themselves as legitimate. These legitimated writers thus behaved according to values precisely the opposite of those generally associated with modern intellectuals; they showed no innate desire for freedom of expression, did not render their conflicts public, and did not reject constituted authority as the appropriate judge of intellectual and literary debate in favor of the public.

Other writers who failed to achieve legitimacy in such institutions could still gain legal approval from the censor, and some writers used this approval for unauthorized printing of their unperformed plays. When doing so, such marginal writers as Andez, Rosoi, or Du Buisson, in order to retain a claim to be self-restrained and civil, prefaced their editions with appeals to the public, blaming obstacles set up by the troupe, the court, or other writers for making such assertive behavior necessary. The similarity of these writers' self-representations to the twentieth-century representation of personally disinterested intellectuals struggling on behalf of the public against unjustified state censorship (and the difference of established writers' comportment from what we expect of autonomous intellectuals) should not suggest to us a sociological divergence between "high" and "low" or a political distinction between apparatchiks and dissidents, so much as they indicate distinct strategies deployed by those seeking legitimacy to speak publicly

from different positions in relation to a central institution of eighteenth-century literary life.

Eighteenth-century writers, in their interactions with official institutions such as the royal theater, with elite protectors, and with the Police Censor, did not consider themselves either to be sacrificing personal liberty to participate in the public sphere or to be subjected to a new form of government surveillance, but instead gained opportunities to legitimate themselves and thereby upheld the established norms of civility, deference, and hierarchy. From this perspective, we might reconsider the liberal, twentieth-century conception of censorship as bureaucratic state repression of heterodox speech, and consider instead an understanding of censorship as Bourdieu defined it: an "imposition of form" on all speakers as a "structural component" of the intellectual field. This understanding implies that even those who might consider themselves at full liberty to speak are being censored. Such censorship does not consist in "explicit prohibitions imposed ... by an institutional authority," but in a process by which those who have fully internalized the rules for behavior and speech within a given field—that is, those characterized as "polite" and "legitimate" speakers—gain positions of dominance within that field. This group then judges new entrants to be either polite and legitimate or "shockingly outspoken" if they violate these unwritten rules. In this way, the field controls speech not by policing particular utterances or linguistic forms but by "filling the positions from which one can speak with those who will only speak in the way the field authorizes" and by denying legitimacy to others who do not conform. [105](#)

The Police Censor was but one instance of such "structural censorship" in Old Regime France, enforcing legitimacy over legality without denying liberty. In this light, Enlightenment writers appear less as the first modern intellectuals seeking personal autonomy and more as early modern *savants*, seeking to defend what they considered an embattled community through civility, which they understood as deference to hierarchy. [106](#) Similarly, the growth of state censorship can be read as an attempt by the court to reform literary institutions in response to the concerns of established writers about the threat to civility posed by newcomers, who had endangered their control over these institutions. Taken together, the censorship of writers in eighteenth-century France can be seen less as a desperate attempt by the Old Regime state to control robust public expression of Enlightenment ideas by autonomous intellectuals than as an attempt at reform by transferring the authority to grant or deny legitimacy to speak publicly from court elites, such as the First Gentlemen, to urban *gens de lettres*. Maurepas and other reform-minded officials assigned to only "the most *honnêtes*" writers (e.g., Suard) dominant positions (the Police Censor) within royal institutions (the Comédie Française). Maurepas and Suard took up these roles not because they were ambivalent about Enlightenment ideas but because they sought to empower those who could be trusted to maintain a culture of self-effacing deference to hierarchy. Their efforts were appreciated, even applauded, by

writers who considered themselves legitimate and opposed as constraints on liberty only in retrospect, after the outbreak of the Revolution, when the meanings of censorship and liberty became thoroughly transformed.

Such a rethinking of the censorship of writers during the French Enlightenment resolves a central tension at the heart of modern historiography. While the state, from the seventeenth to the mid-twentieth century, became more powerful in its ability to police transgressive speech, intellectuals also became more influential. By posing the problem in terms of institutional culture rather than individual liberty, we can see that this antinomy results from the dual sense of autonomy inscribed in the institutions of the literary field. The modern sense of autonomy as personal liberty came to predominate, yet did not entirely efface the early modern sense: the collective authority of writers already in literary institutions to determine who among them, and among newcomers, has met the standards of legitimacy through adherence to civility. [107](#)

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Only after the Declaration of Rights of Man and the theater laws of 1791 did the terms *droits d'auteur* and *censure* come to mean personal property and the antithesis of liberty, as we will see in [Chapter 6](#). In the present chapter, we have seen that during the 1770s (and the 80s as well, to which we turn in the next chapter), writers spoke of *droits* and *liberté* in their early modern senses of personal privileges, rather than as naturally occurring instances of personal autonomy. Without denying that during the Enlightenment some writers produced elaborate, nuanced theoretical discussions of modern rights, including literary property and freedom from censorship, this chapter has shown that such modern language is anachronistic for understanding the behavior and self-image of *gens de lettres* in late eighteenth-century France.

The revision to our understanding of that behavior and self-image presented in this book (and, in this chapter, with particular respect to literary property and censorship) only seems drastic in the light of post-revolutionary liberal rhetoric. Our own identification as moderns with this rhetoric has led scholars to obscure how early modern writers thought of autonomy. Rather than individual freedom, autonomy for men such as Beaumarchais and others discussed above meant personal legitimacy, deference, and civility at court, because such comportment, when properly recognized as such by other elites, provided the practical basis for their self-expression, and the representation of their selves, as writers. [108](#)

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## Notes:

**Note 1:** Andebez de Montgaubet, *Abimélech* (Paris: Garnier, 1776) BN Yth 77. "Publication" here and throughout the book is meant in its seventeenth-century sense, as a social process of rendering public both speech and the speaker, rather than the twentieth-century usage of merely printing a text. On this sense of "publication," see Jouhaud, *Les Pouvoirs de la littérature*, 27–98; Viala, *Naissance de l'écrivain*, 239—269; Merlin *Public et littérature*, 195–216; Erica Harth, *Cartesian Women: Versions and Subversions of Rational Discourse in the Old Regime* (Ithaca: Cornell University Press, 1992), 15–26; and the essays in the forthcoming collaborative volume by the GRIHL, *Publication des écrits sous l'ancien régime*. [Back.](#)

**Note 2:** On "civility" in early modern French literary life, see Emmanuel Bury, *Littérature et politesse* (Paris: PUF, 1996), 206–237; Robert Muchembled, *La Société policée: Politique et politesse en France du XVIe au XXe siècle* (Paris: Seuil, 1998), 79–216; and Gordon, *Citizens Without Sovereignty*, 33–42; 86–128. [Back.](#)

**Note 3:** La Grave, *Le théâtre et le public*, 55–72; and Hemmings, *Theatre and State in France*, 43–51, are both based on memoirs and press accounts. Victor Hallays-Dabot, *Histoire de la censure théâtrale en France* (Paris: Dentu, 1862), 59–166, cites the "archives of the Préfecture de Police," but this reference is dubious. Earlier treatments, by Bonnassières, *La Comédie Française 1680–1757*, and Antoine Ricard, "Un Censeur de livres et de théâtre au XVIIIe siècle," *Revue du Midi* 2 (1887): 81–109, reference no archives on theater censorship. [Back.](#)

**Note 4:** Dominique Leroy, *Histoire des arts du spectacle en France* (Paris, 1990), 213–237, explains that a reliance on new plays, rather than on the celebrity of specific performers, characterized the "stock system" on which seventeenth- and eighteenth-century fixed commercial troupes were organized. The "stock system" involved a troupe composed of fixed personnel performing a variable repertory of plays over the course of a season in a single venue. [Back.](#)

**Note 5:** On the establishment of "the fall" prior to 1680, See Chapter 2; and Mélése, 29–80; 179–187. [Back.](#)

**Note 6:** BN-MSS FF 24330, f. 93. [Back.](#)

**Note 7:** BCF "Feuilles d'assemblée," March 22 and April 5, 1683. [Back.](#)

**Note 8:** BCF, IV A, #2bis, 1719; AN, Minutier Central XLIV, 1011, #52, 1757. *Arrests du Conseil d'état du Roi, Lettres Patentes, Acte de société et Règlements de Messieurs les Premiers Gentilshommes de la Chambre du Roi, concernant les Comédiens Français* (Paris, 1761). [Back.](#)

**Note 9:** La Grave, *Le Public à Paris, 1715–1750*, 173 ff. [Back.](#)

**Note 10:** BCF, dossier: "Démêlés avec Mssrs les auteurs." [Back.](#)

**Note 11:** Sewell, *Work and Revolution in France* (Cambridge: Cambridge University Press, 1990), 115–120; Rosenthal, *The Fruits of Revolution: Property*

*Rights, Litigation and French agriculture: 1700—1860* (Cambridge: Cambridge University Press, 1992), 59—100, 125—148. See also William Doyle, *Venality: The Sale of Offices in Early Modern France* (Oxford: Oxford University Press, 1996), 196—238. [Back.](#)

**Note 12:** BCF 124a, f. 35; April 1, 1768. [Back.](#)

**Note 13:** BCF 124e; January 22, 1774, article 2. [Back.](#)

**Note 14:** BCF 137a, f. 18 ff. Favart had enjoyed success not only at the Française but also at some of the less prestigious "boulevard theaters," which generally purchased plays outright from authors for a lump-sum payment and thus had no fall. [Back.](#)

**Note 15:** BCF 137a, f. 104, August 2, 1779. [Back.](#)

**Note 16:** BCF 137a, f.110, June 18, 1780; BCF, dossier "Le Mierre," letter dated "July 1780;" BCF 137a, f. 110, September 1; f. 116, September 10. [Back.](#)

**Note 17:** Deierkauf-Holsboer, *Vie d'Alexandre Hardy*, 211—216. [Back.](#)

**Note 18:** BCF 52-24, f. 20. Requests for one-show revivals of their works to accompany second printed editions were also made in February 1776 by Dorat for "Celibataire" and Favart for "Anglais à Bordeaux" (BCF 124a, f. 17—18). [Back.](#)

**Note 19:** BCF 124a, f. 5 (1764); f. 67 (1773). [Back.](#)

**Note 20:** BCF 137a, f. 54. [Back.](#)

**Note 21:** On early modern patronage to writers on a model other than commercial exchange, see Brown, *Poets, Patrons and Printers*; Chartier, "Figures of the Author;" Davis, "Beyond the Market: Books as Gifts in Early Modern France," and *The Gift*, 34—55; and Viala, *Naissance de l'écrivain*, 54—57. [Back.](#)

**Note 22:** The sense of *honoraires* being marks of recognition rather than compensation for services performed characterized the self-conception of another group of non-noble but socially prominent *gens d'esprit*—lawyers—up until the 1760s. On how lawyers interpreted their remuneration in the Old Regime, see Michael P. Fitzsimmons, *The Parisian Order of Barristers and the French Revolution* (Cambridge: Cambridge University Press, 1987), 12—22; and Bell, *Lawyers and Citizens, passim*. Bell argues for a significant transformation in this conception in the 1770s from the traditional view of lawyers as *orateurs* working for *gloire* towards an alternative but equally non-commercial conception of themselves as defenders of public liberty, which especially appealed to younger, more marginal barristers. [Back.](#)

**Note 23:** AN O1 844, #2, January 1, 1762. Similar systems of reward, not linked to the commercial success of any play but to the number of works contributed, would later be instituted at the Académie royale de musique (Opéra) and the Comédie Italienne. [Back.](#)

**Note 24:** BCF, "Belloy," #20; #16. [Back.](#)

**Note 25:** BCF, "Belloy," #12, November 30, 1777; #13, December 13, 1777; #9. The troupe's discussion of this offer at the assembly of September 30, 1778, is recorded in BCF, Register 137a, f. 78, where it agreed to these terms "to assure for the Comédie the rights to Belloy's tragedies forever and to calm *le Sieur Buirette*." In the margins of the ensuing treaty, Buirette's signature acknowledges receipt of 6,000 *livres* in two payments, November 26, 1778, and February 23, 1779 (BCF, "Belloy," #19). [Back.](#)

**Note 26:** Elias, *Mozart*, 29–35 and 104; *Established and the Outsiders*, iv–lii. [Back.](#)

**Note 27:** BAF XI *bis*, XVI, ff. 1–12: "Difficulté de fixer le taux de chute d'une pièce." [Back.](#)

**Note 28:** Diderot, *Lettre historique et politique sur le commerce de la librairie* (in his *Oeuvres complètes*, V: 305–81), originally written in 1763 and republished in 1777 as *Lettre sur la liberté de la presse*. On this text as exemplary expression of Lockean thinking on literary property, see Chartier, *Cultural Origins*, 53–56; and Carla Hesse, "Enlightenment Epistemologies and the Laws of Authorship in Revolutionary France, 1777–1793," *Representations* 30 (1990): 114–116; for an alternative reading, which presents Diderot's argument as an attempt to valorize the author as a creative force, see Geoffrey Turnovsky, "Modern Authorship and the Rise of the Market: Evolution of the Literary Field in France, 1750–1789," (Ph.D. diss., Columbia University, 2000), 103–162. The six decrees are reproduced in E. Laboulaye and G. Guiffrey, *La Propriété littéraire au XVIIIe siècle* (Paris, 1859), 127–150. [Back.](#)

**Note 29:** BAF XI *bis*, XVI, ff. 5–12. This same language of "usurpation" of "property" occurs also in Beaumarchais's "Observations" on the Comédie Française, written on April 26, 1780, and distributed that spring to his fellow authors, the First Gentlemen, and the troupe (BN FF 9228, f. 87), and in the lengthy narrative of the SAD he wrote in late 1780 (AN O1 845 B); both of these are treated at length in my *Literary Sociability in the Old Regime*. [Back.](#)

**Note 30:** BAF XI, XVI, 36. [Back.](#)

**Note 31:** Pierre Recht, *Le Droit d'auteur* (Gembloux: Ducolot, 1969), 33, distinguishes between the *privilège* granted by the decrees of 1777 and the twentieth-century French legal understanding of literary property as a power of the author, a conception that appears equally to describe playwrights claims in the Old Regime. [Back.](#)

**Note 32:** Sewell, 115–120, identifies three different kinds of property rights: absolute personal dominion, property held for the public good, and property in public functions, the third of which included seigneurial property and best describes Beaumarchais's use of "property." [Back.](#)

**Note 33:** This distinction sets the question at hand here off from what Michel Foucault famously discussed as the "author-function" of a text in "What is an Author?" in *Textual Strategies*, ed. Josué Harari (Ithaca: Cornell University Press, 1979) 141-160. Much recent American literary scholarship on the eighteenth century has generally followed Foucault in considering authorship an attribute of a published text; see the articles in Martha Woodmansee and Peter Jaczi, eds., *The Construction of Authorship* (Durham, NC: Duke University Press, 1994). This school of thought can be contrasted with recent work on this question by French historians, who (like Beaumarchais) tend to emphasize the ascription of the social identity of "man of letters" to be based on personal comportment and associations, rather than the writing or publication of a text; see Viala, *Naissance*; Walter, "Les écrivains et le champ littéraire"; Chartier, "Figures of the Author"; Roche, "L'Intellectuel au travail," and "République de lettres ou royaume de moraux?" *Révue d'histoire moderne et contemporaine* 43:2 (1996): 293–306. [Back.](#)

**Note 34:** Beaumarchais to Duras, July 20, 1780. Reprinted in *Révue retrospective*, 2<sup>nd</sup> ser. VII (1835), 446–452. [Back.](#)

**Note 35:** Beaumarchais to Duras, July 27, 1780. *Révue retrospective*, 453–454. [Back.](#)

**Note 36:** Chartier, in *Cultural Origins*, mentions Beaumarchais and the SAD after discussing the Book Trade decrees as further evidence of the "autonomisation of the literary field" (65). Specialists on eighteenth-century playwrights, from Bonnassière, *Les Auteurs dramatiques*, to the more recent Boncompain, *Auteurs et comédiens*, have misattributed Beaumarchais's formation of the SAD in 1777 to the debate over Book Trade regulations. [Back.](#)

**Note 37:** The conception of *droits* described here is drawn from the sections "*droits seigneuriaux*" and "*droits honorifiques*" in the article "*Droit*" in the first edition of the *Encyclopédie* (V: 142–147), as well as the entry "*Droits seigneurieux*," in Marcel Marion, *Dictionnaire des institutions de la France, XVIIe–XVIIIe siècles* (Paris: Picard, 1923), 191, and the article "*droit*" in E. Littré, *Dictionnaire de la langue française* (Paris: Gallimard, 1965), VI: 6564. According to Jean Nicot, *Thésor de la langue française* (Paris, 1606), "*droicts*" in the plural meant "obligations to the feudal lord," which some lords began to collect as cash payments when their vassals' "duties [*devoirs*]" were not fulfilled (215). On the distinction between property in the early modern sense of a personal power of dominion, which included but was not limited to usufruct over an economic resource, and the contemporary sense of property as a commodity, see Robert Brenner, *Merchants and Revolution* (Princeton: Princeton University Press, 1993), 649–653; and Grégoire Madjardian, *L'Invention de la propriété* (Paris: L'Harmattan, 1991), 181–190. [Back.](#)

**Note 38:** Dock, Desbois, and Olganier are each criticized strongly by Recht for their use of *droit d'auteur* as a "natural right," yet Recht opts instead for a liberal sense of *droit d'auteur* as an inviolable, alienable property right. While all four of these works are concerned with the origins of *droit d'auteur*, they each

presume the concept to have appeared first in Enlightenment writings on commerce, and to have developed and retained a single, stable meaning from the eighteenth century onwards. However, according to the entry "*droit*" in the *Trésor de la langue française* (TLF) III: 966–7, the sense of *droit d'auteur* as a category of law first appears in 1866. A standard late Third Republic legal manual, *Arts et littérature dans la société contemporaine* (Paris: Gallimard, 1936), 8402, discusses as antiquated the distinction between *droits d'auteur* as "payment ... received by an author ... each time one of his works is reproduced" and the rarely used *droit d'auteur*, meaning a "disposition of the author to accord or refuse the reading or performance of one of his works, according to previously established conditions." In their respective articles on *droit*, neither the TLF, nor Littré, nor the *Dictionnaire historique* (Paris: Didier, 1994) provide any historical references to suggest when this distinction appeared. There are no entries for either *droit d'auteur* or *droits d'auteur* in the *Encyclopédie*, or any of the first five editions of the *Dictionnaire de l'Académie française* (1694–1798). [Back.](#)

**Note 39:** American copyright and French *droit d'auteur* are discussed as contemporaneous, ideologically driven developments by Ginsburg, "A Tale of Two Copyrights." On the evolution of English copyright as being heavily influenced by Locke, see Mark Rose, *Authors and Owners: The Invention of Copyright* (Cambridge: Cambridge University Press, 1993); on the relationship of Smithian and Kantian ideas in English conceptions of intellectual work, see Z. Tenger and P. Trolander, "Genius versus Capital: Eighteenth-Century Theories of Genius and Adam Smith's *Wealth of Nations*," *Modern Language Quarterly* (1994): 169–189; and on the consequences of copyright for English literary history, see Trevor Ross, "Copyright and the Invention of Tradition," *Eighteenth-Century Studies* 26:1 (1996): 1-27. Similarly, scholarship on the German lands tends to attribute the development of *urheberrechtes* in the eighteenth century to distinctly German Enlightenment ideas about the market; see Martha Woodmansee, *The Author, Art and the Market* (New York: Columbia University Press, 1994); and Martin Vogel, "Der Literarische Markt und die Entstehung des Verlags- und Urheberrechtes bis zum Jahre 1800," in *Rhetorik, Ästhetik, Ideologie: Aspekte einer Kritischen Kulturwissenschaft* (Stuttgart: Metzler, 1973), 117–136. [Back.](#)

**Note 40:** Viala, 86–90, most clearly distinguishes between *droits d'auteur* (in the early modern sense) and the anachronistic (for this period) *droit d'auteur* or *droits des auteurs*; see also Boncompain, "Le Droit d'être auteur," in *La Révolution des auteurs, 1777–1793* (Paris: Bibliothèque nationale, 1984). Dock, Desbois, and Olagnier draw no such distinction. [Back.](#)

**Note 41:** See for instance, Jean-Michel Ducomte, "La Révolution française et la propriété littéraire et artistique," in *Propriété et révolution*, ed. Geneviève Koubi (Paris: CNRS, 1990), 109–126. Ginsburg, "Tale of Two Copyrights," and David Saunders, in *Authorship and Copyright* (London: Oxford University Press, 1992), 75-95, both argue that twentieth-century French legal scholarship has failed to distinguish adequately between early modern and post-revolutionary ideas of property. [Back.](#)

**Note 42:** Hesse, "Enlightenment Epistemologies," 117–131. [Back.](#)

**Note 43:** Katie Scott, "Authorship, the Académie, and the Market in Early Modern France," *Oxford Art Journal* 21:1 (1998): 27–41. Prior to 1789, the Académie had policed the art market, legitimated and remunerated artists, and prevented counterfeiting, thus functioning as an even more powerful cultural gatekeeper than the Comédie Française. See Nathalie Heinich, *Du Peintre à l'artiste* (Paris: Editions de Minuit, 1993). [Back.](#)

**Note 44:** Sewell, 133–138, and James Q. Whitman, "Les seigneurs descendent au rang de simples créanciers: Droit roman, droit féodal, et Révolution," *Droits* 17 (1993): 19–32. [Back.](#)

**Note 45:** See for example the article "Droit de copie," *Encyclopédie* (V: 147). [Back.](#)

**Note 46:** A similar conception would be codified in nineteenth-century French literary property law as "*droit moral*," on which see Saunders, *Authorship and Copyright*, 75–105; Scott, 38–39; and Patricia Sénéchal, "Origine et evolution du droit au respect de l'oeuvre," (Thèse du 3eme cycle, Université de Paris II, 1989), 104–118. [Back.](#)

**Note 47:** Georg B. Depping, *Correspondence administrative sous le règne de Louis XIV* (Paris: Imprimerie Nationale, 1851), vol. II, 711. [Back.](#)

**Note 48:** AB 10307 contains dozens of scripts and police reports on performances of those plays from the 1740s and 1750s, all concerning plays staged by the fair theaters. See also Howarth, #726. On the policing of fairground theaters, see Robert Isherwood, *Farce & Fantasy: Popular Entertainment in Eighteenth-Century Paris* (New York: Oxford University Press, 1986), 81–150; and Root-Bernstein, *Boulevard Theater and Revolution*. [Back.](#)

**Note 49:** On the code of decorum (*bienséance*) set forth in these rules, see Scherer, *La Dramaturgie classique en France*; on the literary politics surrounding the so-called "Quarrel of the *Cid*," during which the Académie produced the rules, see Merlin, 178–187 and 233–236. D'Argenson's order is reproduced in Mèlèse, 75–80, and translated in Howarth, #311, and is discussed in John Dunkley, "Theatrical Censorship and Nicolas Boindin's *Le Bal d'Auteuil* (1702)," *Studies on Voltaire and the Eighteenth Century* 329 (1995): 185–196. [Back.](#)

**Note 50:** BCF Registres 124 a-b and 52-24 chronicle orders issued from 1765 through 1790 by the First Gentlemen to the Comédie's actor's Committee and legal council. Such orders were issued only occasionally, and only for plays newly accepted on the repertory. These registers also include occasional notifications of authorization or refusal of authorization by the Police Censor or Lieutenant-General of Police for the performance of a play already accepted into the repertory (see for instance 124b, f. 65 and f. 84; 52-24, f. 107; f. 109; f. 181). [Back.](#)

**Note 51:** In the nineteenth century, the Ministry of Interior retained copies of approved play scripts, which it supplied to officers stationed in the theater, and

these marked-up manuscripts are the source base for Odile Krakovitch's studies of nineteenth-century French theater censorship, *Hugo censoré: la liberté au théâtre au XIXe siècle* (Paris: Calman-Levy, 1985) and *Les pièces de théâtre soumises à la censure, 1800—1830* (Paris: Archives Nationales, 1982). Krakovitch states that this system had been established under the Old Regime (14—15), but there is no evidence that such copies were retained. [Back.](#)

**Note 52:** Depping, II: 860 (February 27, 1709; Howarth, #312). Manuel, *Police de Paris dévoilée* (Paris: Garnery, 1791), II: 5. The Book Trade regulations, written in 1723 (*Règlement arrêté au Conseil d'état le 28 février 1723* (BN-MSS FF 31862)) and printed in 1744 as Claude Saugrain, *Code de la Librairie et Imprimerie de Paris* made no special provisions for the printing or censoring of plays. Throughout the century, titles of approved editions appeared weekly in the *Journal de la Librairie* under the rubric "Dramatic Poetry." [Back.](#)

**Note 53:** *Mémoires secrets* VII: 187; BCF register 52-24. Across the century, the Comédie gave an annual average of 300 Parisian shows. Under the regulations, *nouveautés* should have alternated with *anciennes* drawn from the repertory; since most new works were staged four to six times before being withdrawn from the active repertory, the troupe was expected to offer between 25 and 40 new plays each year. In fact, it offered only ten to twelve in most years between 1701 and 1760, as evident in the annual repertories reconstituted by A. Joannidès, *La Comédie Française de 1680 à 1900* (1901; Geneva: Slatkine, 1970) and Henry C. Lancaster, "La Comédie Française, 1701—1774: Plays Actors, Spectators, Finances," *Transactions of the American Philosophical Society* n.s. 41:4 (1951). [Back.](#)

**Note 54:** On Duchesne, Ruault, and Cailleau as printers specializing in theater publication, see Wallace Kirsop, "Nouveautés: Théâtre et roman"; and Henri-Jean Martin, "La Prééminence de la librairie parisienne," in Martin and Chartier eds., II: 218—219, and 350—351, respectively. Ravel's PIECE database <[http:// 18.186.0.213](http://18.186.0.213)> (31 December 2001) shows these houses combined published 538 of the 2411 plays known printed from 1770 to 1789 and that almost 80 percent of editions in these decades were plays that had not been performed at a royal theater. On *permissions tacites* as "subterranean" rather than "clandestine" publications, see Negroni, 44; on the *permission de police* sometimes accorded unbound *brochures* printed on a single folio sheet, see Antoine Perrin, *Almanach de la Librairie* (Paris: Moutard, 1781), 13-14; and on *privilèges* generally, see Raymond Birn, "Profits in Ideas: *Privilèges en librairie* in Eighteenth-Century France," *Eighteenth-Century Studies* 4:2 (1970): 131—168. [Back.](#)

**Note 55:** The play was finally performed, once, in 1773, when a new edition appeared, with a preface attributing the play's failure on stage to the actors. The two editions of *Alcidonis* are in the Collection Rondel of the Bibliothèque de l'Arsenal (ARS) Rf. 11.619 and Rf. 11.620. [Back.](#)

**Note 56:** Darnton, *Forbidden Best-Sellers*, 3—21. The Bastille archival documents concerning police "surveillance of the book trade and the press" (ARS 10303—10307), rich sources on the policing of printed books, almost

never mention editions of plays or arrests of playwrights. [Back.](#)

**Note 57:** [Bardinet], *Les événements nocturnes* (Paris: Mecquinon, 1777), iii—iv. [Back.](#)

**Note 58:** Roche, "Censorship," discusses the constant "centralization of censorship" in the eighteenth century and the increasingly bureaucratic nature of the successive "general ordinances ... governing printing and book selling" in 1686, 1723, and 1777 (6—17). Robert Shackleton, *Censure and Censorship: Impediments to Free Publication in Age of Enlightenment* (Austin, TX: Humanities Research Center, 1975), 10, also notes that the Book Trade Code of 1723 centralized and formalized procedures for issuance of *approbations* and *privilèges* and the policing of such editions. Likewise, Minois speaks of seventeenth-century censorship as characterized by a centralizing "Colbertism," from which emerged the highly bureaucratic, "Enlightened" censorship of the reign of Louis XV (137—180). See also, Negroni, 40—60. [Back.](#)

**Note 59:** BCF 124a, f. 67; and the documents on his funeral in the BCF dossier, "Crébillon," July 10, 1762. Louis Petit de Bachaumont, *Mémoires secrets* 36 volumes (London [Paris]: Adamson, 1762—1779), I: 215, March 6, 1763 (and Howarth, #729). [Back.](#)

**Note 60:** Voltaire, *Correspondence and Related Documents*, D 17761; Marin to Voltaire, May 27, 1772. [Back.](#)

**Note 61:** Voltaire's comments about Marin are expressed in two letters (D 17773; Voltaire to Buirette de Belloy, June 8, 1772 and D 17774; Voltaire to the Duke de Richelieu, First Gentleman of the Royal Bedchamber and supervisor of the Comédie Française, June 8, 1772); and in the *Mémoires secrets* VI: 275 (February 21, 1773). [Back.](#)

**Note 62:** Marin exemplifies how eighteenth-century censors viewed themselves, according to Anne Goldgar, "The Absolutism of Taste: Journalists as Censors in 18th-Century Paris," in *Censorship and the Control of Print in England and France, 1600—1900*, eds. Robin Myers and Michael Harris (Winchester: St. Paul's Bibliographies, 1992), 87—110. [Back.](#)

**Note 63:** Marin, *Pièces de théâtre* (Paris: Duchesne, 1765) [BN Yf4384], "avec approbation & privilège du Roi," signed by the Lieutenant-General of Police Albert, and dedicated to the Académie Française. BCF 52-24, f. 129 (May 31, 1774); BCF 124a, f. 50 (July 27, 1774). [Back.](#)

**Note 64:** For instance, when Marin hesitated to approve La Harpe's "Melanie" in 1770, the author appealed to the foreign minister, the Duke de Choiseul, to intervene. Choiseul wrote not to the troupe directly but to the Lieutenant-General of Police and the Police Censor. He also financed the edition and accepted its dedication. (*Mémoires secrets* (V: 67-68) February 21, 1770; Howarth, #727). [Back.](#)

**Note 65:** On this play, see Boès, *La lanterne magique de l'histoire*, 93—103;

Dziembowski, *Un Nouveau patriotisme français*, 409—491; and Ravel, *Contested Parterre*, 197—199. [Back.](#)

**Note 66:** Piotr Zaborov, "Pierre-Laurent de Belloy et la Russie," in *Le Siècle de Voltaire*, ed. Christiane Mervaud (Oxford: Voltaire Foundation, 1987), II: 983—989. [Back.](#)

**Note 67:** A second entry in the theater's register records that "Siège de Calais" had been "received" on June 11, 1762. This second entry follows other entries in the same register dated from January 1765, suggesting this second register entry, backdating the acceptance for Belloy's play, was added just before the premiere; thus "Siège" would appear to have been accepted before Rosoi's "Décimus." Reception of Belloy's play: BCF 124a, f. 66; reception of Rosoi's: BCF 124a, f. 10. The second, backdated entry for Belloy's play is in BCF 124-1, f. 86. [Back.](#)

**Note 68:** Papillon de la Ferté, *Journal*, ed. Ernest Boyssse (Paris: Ollendorff, 1887), 157—166. [Back.](#)

**Note 69:** BN-MSS FF 21981. [Back.](#)

**Note 70:** Firmin de Rosoi, *Décimus français, ou le Siège de Calais* (Paris: Robin, 1765), i—xxiv; BN 8 Yth 19643. (Rosoi apparently added the subtitle to the edition to highlight the similarity to Belloy's version.) A second edition (BN 8 Yth 4498), with censorial approbation, would be published in 1767, after the work had been performed on the private theater at the home of the Duke de Grammont. [Back.](#)

**Note 71:** Manuel, *La Police de Paris*, I:119. [Back.](#)

**Note 72:** ARS AB 10303, f. 333, February 5—7, 1765; ARS AB 12,386 (February 15, 1765). [Back.](#)

**Note 73:** ARS-Rondel RF 7981 (2); iii—iv; BN-MSS NAF 21981. [Back.](#)

**Note 74:** This favorable treatment began with the "Vie d M. de Belloy," written in 1777 by his friend and contemporary, Gabriel Henri Gaillard, for the *Oeuvres complètes de M. de Belloy*, 6 vols. (Paris: Moutard, 1779), I: 1—66, and is evident in Louis Delzous, "Le Premier drame patriotique," *Révue hebdomadaire* 1:2 (1909): 214—237; Erich Zimmermann, *Pierre-Laurent Buirette de Belloy, sein Leben und sein Tragödien* (Leipzig: Druck von Grimme, 1911), 7—26; Margaret Moffat, "Le Siège de Calais' et l'opinion publique en 1765," *Révue d'histoire littéraire de la France* 39 (1932): 339—354; Lennart Breitholtz, *Le Théâtre historique en France jusqu'en la Révolution* (Uppsala: Landequistka Bokhandeln, 1952), 191—216. [Back.](#)

**Note 75:** Paul d'Estrée, "Firmin de Ronsin," *Révue d'histoire littéraire de la France* 25 (1918): 562—573. [Back.](#)

**Note 76:** Collé, a central figure in mid-eighteenth-century French literary life, has been curiously ignored by historical and literary scholarship,

despite his rich *Journal et mémoires sur les hommes de lettres, les ouvrages dramatiques et les événements les plus mémorables du regne de Louis XV, 1748—1772*, 3 vols. (Paris: Firmin Didot, 1868). The censorship and eventual performance of "Henri IV" is discussed in volume III: 5, 39, 150, and 252—267; see also Boës, 103—110. [Back.](#)

**Note 77:** Collé, *Partie de chasse d'Henri IV* (Paris: Veuve Duchesne et Gueffier, 1766) BNF: 16 Yf 1229. The "Approbation et Privilege du Roi" (106) is unsigned. [Back.](#)

**Note 78:** Collé, *Journal* (III: 266—7). [Back.](#)

**Note 79:** BCF 52-24, f. 135. [Back.](#)

**Note 80:** BCF, dossier: "Collé," folder 3, piece 11; July 18, 1774; September 21, 1774 (piece 4). [Back.](#)

**Note 81:** Michel Noiray, "Quatre rois à la chasse: Dodsley, Collé, Sedaine, Goldoni" in *Michel Jean Sedaine 1719—1797*, eds. Ledbury and Charleton (Aldershot: Ashgate, 2000) 97—118, finds that both works appear to be based on Claude-Pierre Patu's 1756 translation of Robert Dodsley's "The King and the Miller of Mansfield," first staged in 1737. [Back.](#)

**Note 82:** *Mémoires secrets* III: 306 (February 19, 1768; Howarth, #730); the *Mémoires secrets* VI: 26 (July 1771). Duras's order to the troupe to break off relations is in the BCF dossier, "Sedaine". [Back.](#)

**Note 83:** BCF, dossier: "Collé," folder 3, piece 3; July 19, 1774; September 22, 1774 (piece 5). [Back.](#)

**Note 84:** Crébillon  *fils* gave his assent on October 13, 1774, and Le Noir agreed one day later (BCF 52-24, f. 148). The royal Council of State had revoked the first approval for the play, of December 12, 1765. [Back.](#)

**Note 85:** BCF, "Collé," folder 3, piece 6 (October 16, 1774); folder 3, piece 10. [Back.](#)

**Note 86:** BCF, "Sedaine," January 16, 1775. Sedaine wrote to point out that "Paris sauvé est recu depuis quatre ans" but had not been staged, and the topic was being taken up by other writers, including Belloy and Collé. On the back of this letter is written "La Comédie assemblee le 6 fevrier 1775 a arrete de jouer Paris sauve de M Sedaine immediatement apres le Barbier de Seville de M de Beaumarchais." Mark Ledbury, *Sedaine, Greuze and the limits of genre* (Oxford: Voltaire Foundation, 2000), 198—221, discusses the play in terms of its generic ambiguities as a "national tragedy" as well its textual genesis as a function of Sedaine's evolving position in literary life, as a social outsider, non-classical stylistic innovator, and also minor courtier in his role as permanent secretary of the royal Academy of Architecture. [Back.](#)

**Note 87:** BCF 137a, f. 8; BCF 137a, f. 14; BCF 52-24, f. 168; *Mémoires secrets* VII: 290, 345; November 15 and December

2, 1774. [Back.](#)

**Note 88:** Manuel, *La Police de Paris dévoilée*, 11. [Back.](#)

**Note 89:** Le Noir discusses his thinking in hiring Suard as Police Censor in the Le Noir papers, Bibliothèque municipale d'Orléans (BMO) 1421, f. 280 and 297 and BMO 1423, f. 24. [Back.](#)

**Note 90:** The report is reprinted in Charles Nisard, ed., *Mémoires et Correspondences historiques et littéraires, 1726 à 1814* (Paris: Levy, 1858), 184–185. [Back.](#)

**Note 91:** BCF, "Falbaire," folder 2; pieces 4, 6. [Back.](#)

**Note 92:** Nisard, ed., 191–193. [Back.](#)

**Note 93:** Nisard ed, 195–196. [Back.](#)

**Note 94:** Kors, *D'Holbach's Coterie: An Enlightenment in Paris* (Princeton: Princeton University Press, 1976), 191, 306. [Back.](#)

**Note 95:** Darnton, "High Enlightenment and Low-Life of Literature," 3–7; Gordon, *Citizens Without Sovereignty*, 137–141. Dena Goodman also offers a provocative challenge to Darnton's treatment of Suard in her *Republic of Letters*, 72–73. [Back.](#)

**Note 96:** [Du Buisson], *Nadir* (Paris: Jombert, 1780), i–xxx. [Back.](#)

**Note 97:** BCF dossier on the SAD, entitled "Demêlés avec MM. les auteurs," # 18; AN O1 845 #28, reprinted in Gabriel de Bièvre, *Le Marquis de Bièvre* (Paris: Librairie Plon, 1910), 134–135. Maza, *Private Lives and Public Affairs*, 120–130. [Back.](#)

**Note 98:** The correspondence between Beaumarchais and Marmontel appears in John Renwick, ed., *Correspondence de Marmontel* (Clermont: Université de Clermont-Ferrand, 1970), I: 348–350, documents # 257–259. Beaumarchais's letter to Maurepas, written on October 26, 1780 (BAF XI, IX, 28), is reproduced in Gunnar and Mavis von Proschwitz, *Beaumarchais et le 'Courrier de l'Europe'* (Oxford: Taylor Institution, 1991), document #255. [Back.](#)

**Note 99:** BAF XI, IX, 1. [Back.](#)

**Note 100:** Lettre XXVII in Paul Gudin de la Brenellerie, ed. *Oeuvres complètes de Beaumarchais* (Paris: 1809), VI. [Back.](#)

**Note 101:** BAF XI, IX, 1. In collaboration with Donald C. Spinelli, I have annotated and introduced this text, in *Romance Notes* 37:3 (1997): 239–249. [Back.](#)

**Note 102:** BAF XI, XIV, 29. [Back.](#)

**Note 103:** J. M. Coetzee, *Giving Offense: Essay on Censorship* (Chicago: University of Chicago Press, 1996), 10. [Back.](#)

**Note 104:** Sophie Rosenfeld, "Writing the History of Censorship in the Age of Enlightenment," in *Post-Modernism and the Enlightenment: New Perspectives in French Intellectual History*, ed. Daniel Gordon (London: Routledge 2001), 118—145. This perspective on twentieth-century censorship of writers is articulated eloquently in the essays in *The Writer and Human Rights* (Garden City, NY: Anchor Press, 1983). [Back.](#)

**Note 105:** Bourdieu, "Censorship and the Imposition of Form," in *Language and Symbolic Power*, 137—160. On the philosophical, as opposed to sociological, context to Bourdieu's approach to censorship, see Judith Butler, *Excitable Speech* (New York: Routledge, 1997), 142—165. [Back.](#)

**Note 106:** Biagioli, "Le Prince et les savants"; Goldgar, *Impolite Learning*, 6—8; and Shapin, *Social History of Truth*, 3—41. With specific reference to Old Regime France, see Roche, "République de letters," and Robert Schneider, "Self-Censorship and Men of Letters: Tocqueville's Critique of the Enlightenment in Historical Perspective," in *Tocqueville and Beyond: Essays on the Ancien Régime*, eds. Robert A. Schneider, and Robert Schwartz (Newark, DE: University of Delaware Press, forthcoming). [Back.](#)

**Note 107:** Jeffrey C. Goldfarb, *Civility and Subversion: The Intellectual in Modern Society* (Cambridge: Cambridge University Press, 1998). [Back.](#)

**Note 108:** On this phenomenon in the historiography of eighteenth-century French theater censorship, see Harrison, "Colluding with the Censor"; and Susan Maslan, "Resisting Representation: Theater and Democracy in Revolutionary France," *Representations* 52 (1995): 27—51. On this tendency to misinterpret the roles of early modern artists at court in modern European cultural historiography more broadly, see Warnke, "A look back in anger: dependence and freedom at court," in *The Court Artist*, 241—260. [Back.](#)

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