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Habermas and the English Public Sphere Reconsidered

Freedom of the Press, c. 1695

by

Randy Robertson



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Habermas and the English Public Sphere Reconsidered

Freedom of the Press, c. 1695

Randy Robertson *

Few concepts have proved as fertile in critical studies as the 'public sphere', yet many now regard Habermas's concept of the public sphere as hopelessly flawed. Critics have faulted Habermas's notion as an ideal fiction, exclusive rather than inclusive; they have challenged his dating of the public sphere's emergence to the late seventeenth and early eighteenth centuries, noting that earlier periods witnessed robust public debate; and they have questioned the evidence on which Habermas bases his argument, including his claims about increased literacy, the beginnings of professional authorship, and, perhaps most important, the collapse of censorship. In my paper, I defend a modified version of Habermas's public sphere. I argue not only that the permanent lapse of the Licensing Act in 1695 had a profound impact on both the public discourse and the publishing world in Britain, but also, against Macaulay and most modern scholars, that the press freedom that followed was no mere accident. By canvassing free speech debates from the period and by drawing on extensive statistics concerning publication patterns before and after 1695, I show that the Licensing Act's expiry did indeed permit a public sphere to develop, along the lines delineated by Habermas.



* Susquehanna University (robertson@susqu.edu). Many thanks to Mark Knights and Geoff Kemp for their comments on a draft of this paper. Any remaining mistakes are, of course, my own.

For decades, scholars have endorsed and attacked Habermas's notion of a bourgeois public sphere in equal measure. First published in German in 1962, Habermas's book on the subject was translated into French in 1978 and then into English in 1989 with the title *The Structural Transformation of the Public Sphere*. In this seminal work, Habermas argues that Englishmen created a forum for rational-critical debate at the turn of the eighteenth century. A confluence of historical developments opened up a space between civil society and the state in which private people could come together to debate publicly.¹ The emergent public sphere was marked by civility, a disregard for personal status, and the elevation of free speech to a first principle. Habermas pinpoints the lapse of the 1662 Licensing Act in 1695 as a critical turning point.²

Yet critics have offered strictures on every claim and every tenet in Habermas's theory of the public sphere, from its putative rationality and civility, to its Marxisant historiography, to its supposed inclusiveness, to the dating of its inception to late Stuart England. Perhaps most important for our purposes, many have challenged the idea that 1695 marked a shift in English print culture, arguing that the lapse of the Licensing Act was almost an accident and that various forms of censorship persisted beyond 1695.

A year after the English translation of Habermas's work, Nancy Fraser offered a wide-ranging critique of Habermas's framework, spotlighting the absence of women and "plebeians" from the bourgeois public sphere, for instance, and challenging the idea that all participants enjoyed equal status. She touches on the concept of the counterpublic, on which Michael Warner was to elaborate, suggesting that Habermas's model of the public sphere was incomplete.³

¹ See Jürgen Habermas, *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society*, trans. Thomas Burger (Cambridge, MA: MIT Press, 1996), 30. Habermas distinguishes a narrow, economic sense of 'civil society'—"the realm of commodity exchange and social labor"—from a broader sense, which overlaps with the bourgeois public sphere (*ibid.*).

² *Ibid.*, 59.

³ Nancy Fraser, "Rethinking the Public Sphere: A Contribution to the Critique of Actually Existing Democracy", *Social Text*, no. 25/26 (1990): 56-80. The idea of the "counterpublic" goes back to Negt and Kluge's *The Public Sphere and Experience*, though as Miriam Hansen observes in her "Foreword" to the English translation, in their early formulation of it the "counterpublic" is singular, whereas Fraser posits multiple "subaltern counterpublics". See Oskar Negt and Alexander Kluge, *Public Sphere and Experience: Toward an Analysis of the Bourgeois and Proletarian Public Sphere. With a Foreword by Miriam Hansen*, trans. Peter Labanyi, Jamie Owen Daniel, and Assenka Oksiloff

Although she is sympathetic to Habermas's general idea of the public sphere, her deconstruction of many of its facets is compelling. Indeed, by the turn of the twenty-first century, scholars had forged a consensus that Habermas's idealized version of public debate has never obtained. In an influential article entitled "Phantasies of the Public Sphere" (2000), Harold Mah argues persuasively that Habermas's notion of the public sphere rests on a "double fiction":

The findings of social history suggest that Habermas's universal public sphere, based on an order of abstract individuality, entails a double fiction. Not only has there never been a public sphere that has been genuinely universal, there also has never been the kind of individualism that it presupposes. People have always belonged to groups, and, as historians have demonstrated, when people present themselves publicly there are always group identities at work behind those presentations.¹

Alan Downie's more recent entrance into the fray, therefore, seems almost redundant: in painstaking detail, Downie pokes holes in the 'historical claims of Habermas's argument.² But if a Habermasian public sphere has never existed,

(London: Verso, 2016). For a challenge to Habermas's notion of political consensus, see Chantal Mouffe, "Deliberative Democracy or Agonistic Pluralism". Cf. Modest McKeon's modest, thoughtful defense of the original Habermasian model in "Parsing Habermas's 'Bourgeois Public Sphere'", *Criticism* 46, no. 2 (2004): 273-77. For a broader defense of public sphere studies, departing from Habermas on several points, see Andreas Koller, "The Public Sphere and Comparative Historical Research: An Introduction", *Social Science History* 34, no. 3 (2010): 261-90. More recently, Trevor Ross has presented a nuanced discussion of the public sphere in eighteenth-century Britain; *Writing in Public: Literature and the Liberty of the Press in Eighteenth-Century Britain* (Baltimore: The Johns Hopkins U.P., 2018).

¹ Harold Mah, "Phantasies of the Public Sphere: Rethinking the Habermas of Historians", *The Journal of Modern History* 72, no. 1 (2000): 168. Mah acknowledges the practical impact of Habermas's idea: "The public sphere is a fiction, which, because it can appear real, exerts real political force" (168). In the following paragraph, however, he is skeptical about the merits of Habermas's notion of the public sphere, and what follows is more skeptical still. In one section of the article, he likens the Habermasian public sphere to the Rousseavian "general will", suggesting that both create a "mass subject" (170, 177-78). Yet Mah does not address Habermas's point in "Further Reflections on the Public Sphere" that Rousseau's general will entails not real, deliberative rationality but an automatic accord with abstract reason—pure reason instead of practical reason, to put it in rough Kantian terms; see Jürgen Habermas, "Further Reflections on the Public Sphere", in *Habermas and the Public Sphere*, ed. Craig Calhoun (Cambridge, MA: MIT Press, 2011), 445-46.

² See Alan (J. A.) Downie, "How Useful to Eighteenth-Century English Studies Is the Paradigm of the 'Bourgeois Public Sphere'?", *Literature Compass* 1, no. 1 (2004): 1-19; Alan (J. A.) Downie, "Public

Downie is surely right that it did not exist in the late seventeenth and early eighteenth centuries.

Plainly, Habermas's formulation of the public sphere is flawed, and many of the critics I have cited hit their mark.¹ Nevertheless, I will argue that the notion of the Habermasian public sphere is worth salvaging, if in modified form. I will focus on Downie's critique. Downie trains his attention on the public sphere as a real, historical space, both physical and discursive, rather than as an ideal type, so his criticisms of Habermas's historiography are concrete and specific. They can be more easily tested than abstract argumentative claims.² In what follows, I will focus on the twin issues of free speech and censorship in Habermas and his critics, as free and open debate is, arguably, the signature characteristic of the Habermasian public sphere. I have divided the paper into four sections, each of which bears on the topic of press freedom: the rejection of licensing; the debate about censorship after 1695; increasing literacy; and coffeehouse culture.

and Private: The Myth of the Bourgeois Public Sphere", in *A Concise Companion to the Restoration and Eighteenth Century*, ed. Cynthia Wall (Malden, MA: Blackwell Publishing, 2005), 58-79; Brian Cowan, "Geoffrey Holmes and the Public Sphere: Augustan Historiography from Post-Namierite to the Post-Habermasian" *Parliamentary History* 28, no. 1 (2009): 175.

¹ See also Conal Condren, who usefully shows how scholars have stretched the term "public sphere" to the snapping point, emptying it of all meaning. Condren argues that while the Habermasian model has given rise to fruitful scholarship, it has also occluded our understanding of public and private as categories in early modern England. Condren's assault on Habermas's definition of public and private is, however, overzealous. Samuel Parker, whom Condren quotes on the distinction between public and private, is neither a neutral nor a typical voice from the Restoration, and many of the examples Condren cites on privacy predate the Restoration. See Conal Condren, "Public, Private and the Idea of the 'Public Sphere' in Early-Modern England", *Intellectual History Review* 19, no. 1 (1 January 2009): 15-28.

² Habermas is inconsistent on whether his description of the public sphere is a Weberian ideal-type or an historical reality—conflicting passages in his work can be cited (compare Downie, "How Useful", 3; and Steve Pincus, "The State and Civil Society in Early Modern England: Capitalism, Causation and Habermas' Bourgeois Public Sphere", in *The Politics of the Public Sphere in Early Modern England: Public Persons and Popular Spirits*, ed. Peter Lake and Steven Pincus (Manchester: Manchester U.P., 2007), 215. In "Further Reflections on the Public Sphere", Habermas seems to acknowledge that his vision of the public sphere is as much mythical as historical (see Habermas, "Further Reflections on the Public Sphere", 421-60, 422-23, 424). Brian Cowan draws a useful distinction between the "normative" and the "practical" public sphere; see Brian Cowan, "What Was Masculine About the Public Sphere? Gender and the Coffeehouse Milieu in Post-Restoration England", *History Workshop Journal* 51, no. 1 (1 March 2001): 127-57, 133.

1. The rejection of licensing

First, a word about licensing will help to situate the debates surrounding freedom of the press. Although monarchs since Henry VIII had instituted book licensing systems based on their prerogative, the first formal statutory basis for licensing was the 1643 Parliamentary printing measure, to which Milton demurred in *Areopagitica*; the law was technically an ordinance.¹ The first licensing bill to have received the royal assent was the 1662 Printing Act. The 1662 Act essentially resurrected the 1637 Star Chamber Decree and placed it on a statutory foundation. Like the 1637 decree, the 1662 measure provided for licensers in various genres of writing as well as penalties for unlicensed publication. When the 1662 Act expired in 1695, the mandate of a licenser's imprimatur disappeared.² Habermas maintains that the absence of censorship nurtured the growth of a public sphere.

Toward the beginning of an oft-cited essay on the public sphere, however, Alan Downie remarks that "it would not be putting the matter too strongly to say that one can quibble about the accuracy of almost every sentence [that Habermas] writes about seventeenth-and-eighteenth century 'Britain'".³ It must be admitted that Downie scores a number of points against Habermas, yet one can also quibble with many of Downie's own arguments. His discussion of the lapse of the Licensing Act in 1695, to take a primary example, is seriously misleading. Downie uncritically accepts Thomas Macaulay's contention that when Parliament declined to renew the Licensing Act in 1695, they did not base their decision on a principled defense of free speech or a free press. Macaulay opines

¹ A few relatively minor parliamentary orders on printing had preceded the 1643 ordinance: *Commons' Journal* 2: 402a, 739a-b, 996b-997a (29 Jan. 1642; 26 Aug. 1642; 9 Mar. 1643, respectively). See *Journal of the House of Commons—British History Online*, accessed 23 June 2020, <https://www.british-history.ac.uk/commons-jrnl/vol1>.

² See Frederick S. Siebert, *Documents Relating to the Development of the Relations Between Press and Government in England in the XVIth and XVIIth Centuries* (Urbana: University of Illinois, School of Journalism and Communications, 1951); Cyndia Susan Clegg, *Press Censorship in Elizabethan England* (Cambridge, UK: Cambridge U.P., 2009); Ronan Deazley, "Commentary on Henrician Proclamation 1538: A Proclamation Prohibiting Unlicensed Printing of Scripture (1538)", in *Primary Sources on Copyright (1450-1900)*, ed. Lionel Bently and Martin Kretschmer (Cambridge, UK: Faculty of Law, University of Cambridge, 2008), <http://www.copyrighthistory.org>.

³ Downie, "How Useful", 2.

that “On the great question of principle, on the question of whether the liberty of unlicensed printing be, on the whole, a blessing or a curse to society, not a word is said”.¹

¹ See Downie, “How Useful”, 7; Alan (J. A.) Downie, “The Growth of Government Tolerance of the Press to 1790”, in *Development of the English Book Trade, 1700-1899*, ed. Robin Myers and Michael Harris (Oxford: Oxford Polytechnic Press, 1982), 45-46, 48-49. For concurring opinions, see Graham C. Gibbs, “Government and the English Press, 1695 to the Middle of the Eighteenth Century”, in *Too Mighty to Be Free: Censorship and the Press in Britain and the Netherlands*, ed. Alastair C. Duke and Conread A. Tamse (Zutphen: De Walburg Pers, 1988), 87; Hannah Barker, *Newspapers, Politics, and English Society 1695-1855* (Oxon-New York: Routledge, 1999), 14-15, following Gibbs, though cf. 65. Bob Harris maintains that the effects of the Licensing Act’s lapse were clear and dramatic but unintentional (see Bob Harris, “Print Culture”, in *A Companion to Eighteenth-Century Britain*, ed. Harry T. Dickinson (Oxford: Blackwell, 2002), 284, 286). For other arguments along these lines, see Lois Schwoerer, “Liberty of the Press and Public Opinion, 1660-95”, in *Liberty Secured?: Britain before and after 1688*, ed. James Rees Jones (Stanford, CA: Stanford U.P., 1992), 232; Robert Darnton, “I like contradictions”: *The American historian, Robert Darnton, on E-Journals and Use of the Internet*, interview by Gudrun Gersmann, 2003, <http://www.zeitenblicke.de/2003/02/interview.htm>; Martin Conboy, “The Print Industry—Yesterday, Today, Tomorrow”, in *Print Journalism: A Critical Introduction*, ed. Richard Keeble (London-New York: Routledge, 2005), 6; Paula McDowell, *The Women of Grub Street: Press, Politics, and Gender in the London Literary Marketplace 1678-1730* (Oxford: Clarendon Press, 1998), 29; William St. Clair, *The Reading Nation in the Romantic Period* (Cambridge, MA: Cambridge U.P., 2007), 84-85. In his otherwise excellent book, *The Business of Books*, James Raven argues that press freedom was not Parliament’s aim (see James Raven, *The Business of Books: Booksellers and the English Book Trade, 1450-1850* (New Haven, CT: Yale U.P., 2007), 86), though like Bob Harris, Raven distinguishes “motives” from effects, noting the dramatic increase in the number of printing houses and presses between 1695-1705, the proliferation of newspapers, and the rise of provincial printing (84, 117 [cf. 118], 141-42, 157); see 85 on wrangling between Lords and Commons on different versions of a press bill; 257 on new bills; 99 on a non-Stationer setting up in Bristol in April 1695, “apparently in anticipation of the lapse of the Printing Act”). Indeed, the sources that Raven cites, Raymond Astbury and N. M. Dawson, do not support his claim; and Treadwell, the sole authority he cites in another place, is somewhat ambiguous. See also Elizabeth L. Eisenstein, *Divine Art, Infernal Machine: The Reception of Printing in the West from First Impressions to the Sense of an Ending* (Philadelphia: University of Pennsylvania Press, 2012), 200, agreeing with Raven on the Licensing Act but correcting him on Macaulay’s view of the matter. In addition, see Murray G. H. Pittock, *Material Culture and Sedition, 1688-1760 Treacherous Objects, Secret Places* (Basingstoke: Palgrave Macmillan, 2013), 60. Pittock is, of course, right that from a Jacobite perspective, the government’s attitude toward the press seemed anything but permissive. Jason Peacey, Robert Ingram, and Alex Barber follow Macaulay in characterizing the lapse of the Licensing Act as an “accident” (see Jason Peacey, Robert G. Ingram, and Alex W. Barber, “Freedom of Speech in England and the Anglophone World”, in *Freedom of Speech, 1500-1850*, ed. Robert G. Ingram, Jason Peacey, and Alex W. Barber (Manchester: Manchester U.P., 2020), 5).

Yet recent scholars have challenged Macaulay's account.¹ For one thing, John Locke exerted a marked influence on the House of Commons' rejection of licensing by sharing his liberal views of the press with people in power. In December 1694, Locke circulated a memorandum against the Licensing Act among his Whig friends in Parliament.² Gesturing toward Galileo, he opens his plea by observing, "Some of these termes [in the Licensing Act] are so general and comprehensive, or at least so submitted to y^e sense and interpretation of y^e Governors of Church or State for y^e time being, that it is impossible any book should passe but just what suits their humors. And who knows but that y^e motion of the Earth may be found to be Heretical, as asserting Antipodes once was?" Notice that Locke here underlines the dangers in allowing the Church and the state to have power over not just opinions but facts, and though he mentions heresy, thus implicating religious belief, he points out that the official regulation of doctrine can constrain knowledge-seeking more generally, including in natural philosophy. He forcefully continues,

I know not why a man should not have liberty to print w[']ever he would speak, & to be answerable for y^e one just as he is for y^e oth['] if he transgresses y^e law in either. But gagging a man for fear he should talk heresy or sedition has no other ground than such as will make [it] necessary, for fear a man should use violence if his hands were free, [...] [to imprison] all whom you will suspect may be guilty of Treason, or misdemeanor.³

Such a position—against "prior restraint"—resonates to this day. Indeed, Locke's contemporaries well understood the importance of preventive, as against *post factum* censorship; as one writer put it in 1699,

certainly, the Mischiefs of the Press can never be fully obviated, unless by the Restraint of

¹ See Raymond Astbury, "The Renewal of the Licensing Act in 1693 and Its Lapse in 1695", *The Library* 85-33, no. 4 (1 December 1978): 296-322; from a different direction (on monopoly); Michael Treadwell, "1695-1995: Some Tercentenary Thoughts on the Freedoms of the Press", *Harvard Library Bulletin* 7, no. 1 (1997): 3-19; Geoff Kemp, "The 'End of Censorship' and the Politics of Toleration, from Locke to Sacheverell", *Parliamentary History* 31, no. 1 (2012): 47-68.

² J.R. Milton dates the memorandum to December 1694; see John Locke, *Literary and Historical Writings*, edited by J. R. Milton (Oxford: Clarendon Press, 2019), 87 and note 5. See also Justin Hughes, "Locke's 1694 Memorandum (and More Incomplete Copyright Historiographies)", *Cardozo Arts and Entertainment Law Journal* 27, no. 555 (2010): 555-56; Geoffrey Kemp and Jason McElligott, *Censorship and the Press 1580-1720* (London: Pickering & Chatto, 2009), vol. 3, 413.

³ Kemp and McElligott, *Censorship and the Press 1580-1720*, vol. 3, 417.

it; or at least, by such a Law as makes it highly Penal, to publish any thing in Writing, that is level'd against any Branch of the Established Religion [...] . But after all, Penal Laws of this Nature, are not so apt Instruments to prevent the Mischiefs that usually spring from the Press, as an absolute Restraint of it, when the Authority of a License or Imprimatur is wanting. Such a Restraint destroys the Mischiefs in its Seeds and Principles; it stops the Contagion in the very Spring or Fountain: whereas such Laws take place at a Distance, it may be when the Infection is propagated to a considerable Degree.¹

Taking aim at the Stationers' monopoly, Locke compares the English book trade unfavorably with the Dutch trade, noting that the latter is "free & unrestrained"; an atmosphere of liberty and competition allows Dutch booksellers to "sell their books at [a] much cheap' rate than our booksellers do ours".² The issue of pricing is not, as some have suggested, irrelevant to that of press freedom: the freedom to read is as important as the freedom to print. Locke suggests that the premium on English books amounts to a tax on learning, in effect hindering the circulation of knowledge: "Schollars in particular are ground & nobody gets but a lazy ignorant Company of Stationers to say no worse of them".³ Locke would surely have been pleased to learn that by the second half of the eighteenth century, some 50-odd years after the collapse of pre-censorship and the Stationers' monopoly, English books appear to have been priced competitively with Dutch books, including titles in classics and natural philosophy.⁴

Locke continues his attack on licensing and monopoly but abruptly changes his target: "But anything rather than let Mother church be disturbed in her opinions or impositions by any bold enquirer from y^e presse". The sardonic fling at the established church picks up an earlier thread that the Licensing Act was at root "Ecclesiastical".⁵ He concludes by asserting that the 1662 Licensing Act, though made in a time when everyone strove to be forwardest to make court to y^e Church

¹ *A Letter to a Member of Parliament: Shewing the Necessity of Regulating the Press* (Oxford: Printed for George West, and Henry Clements, 1699), 48-49. See Kemp and McElligott, *Censorship and the Press 1580-1720*, vol. 4, 305, 209-210, for similar comments dating to 1697 and 1711, respectively.

² Kemp and McElligott, *Censorship and the Press 1580-1720*, vol. 3, 420.

³ *Ibid.*, 420.

⁴ Giles Barber, "Book Imports and Exports in the Eighteenth Century", in *The Sale and Distribution of Books from 1700*, ed. Robin Myers and Michael Harris (Oxford: Oxford Polytechnic Press, 1982), 180-83.

⁵ Kemp and McElligott, *Censorship and the Press 1580-1720*, vol. 3, 420.

& Court by giving whatever was asked yet this was [s]o manifest an invasion on y^e trade liberty & property of y^e subject y^t it was [originally] made to be in force only for two years.¹

In yoking the Licensing Act to a backward Stuart regime, Locke subtly implies that press liberty is a revolution principle. Indeed, a few years later, he even helped to rid Virginia of licensing: the “Royal Instructions of 1698, ‘which Locke did so much to draft’ [...] silently dropped the conventional licensing passage that continued to appear in other colonies’ Instructions”.²

Locke was hardly alone in despising the licensing system. As Justin Hughes notes of the earlier 1693 renewal bill,

A year before Locke’s memorandum, eleven members of the House of Lords had [...] protested any renewal of the Licensing Act on the grounds that the Licensing Act subjected ‘all learning and true information to the arbitrary will and Pleasure of a mercenary, and perhaps ignorant Licenser; destroys the Properties of Authors in their Copies; and sets up many monopolies.’³

In *A supplement (to the paper called, Reasons humbly offered to be considered before the Act for Printing be continued, &c.) to the honourable members of Parliament, humbly representing these further publick mischiefs acted by monopolizing patentees, mercenary licencers and others, under colour of the said act*, the author rails against licensors right in the title.⁴ He looks backward to L’Estrange and his “Hackney Messenger” (perhaps Robert Stephens, who was still in office), lambasting them for their corruption. He also attacks the present licensor Edmund Bohun, though he does not name him, by squinting at his politics; he cites the

¹ Kemp and McElligott, vol. 3, 421. Many of the passages that I have quoted from Locke’s Memorandum are also cited in Astbury, “The Renewal”.

² Robert W. T. Martin, *The Free and Open Press: The Founding of American Democratic Press Liberty* (New York-London: New York U.P., 2001), ch. 1, note 40.

³ Hughes, “Locke’s 1694 Memorandum”, 563; *Journal of the House of Lords—British History Online*, vol. 15, 280b [8 March 1693], accessed 23 June 2020, <https://www.british-history.ac.uk/lords-jrnl/vol11>.

⁴ *A Supplement (to the Paper Called, Reasons Humbly Offered to Be Considered before the Act for Printing Be Continued, &c.): To the Honourable Members of Parliament, Humbly Representing These Further Publick Mischiefs Acted by Monopolizing Patentees, Mercenary Licencers and Others, under Colour of the Said Act.* ([London?]: publisher not identified, 1693).

latter's preface and postscript to Filmer's *Patriarcha*, among other works.¹ He laments the cost of licensing that booksellers and printers incurred (20 *l.*–40 *l.* per bookseller or printer annually), noting that these costs must be passed along to buyers. His arguments are principled as well as pragmatic: "Where Publication is restrained to License (if that be denied) no Grievance can be known, but rather is encouraged to be continued, and must be endured without Remedy; which seems to abridge the ancient English Freedom".² Anticipating Locke, the author observes that

There is no authorized Licenser for Talk, Preaching, Writing, but Men may Speak, Preach and Write at their Peril; and why they should not Print and Publish at their Peril too, the reason seems to be the same; and it is humbly presumed, the Law will reach all the Offenders alike.³

Indeed, in a note to Locke dated 14 March 1695, John Freke and Edward Clarke gesture toward a pervasive hostility to the licensers: they observe that those who favored the continuation of the 1662 Act shrewdly emphasized the issue of literary property rather than censorship, for while "property [is] a very popular word [...] Licenser is not".⁴ Many protested the Stationers' monopoly and the licensing system in the same sentence. As one set of petitioners put it in 1694 or 1695, "Were it not for their Mammon-Monopoly, the Master, Wardens, &c of the Stationers' Company, would cry out against the Slavery and Charge of Licensing as much as any of their Brethren".⁵ In a diary entry for 1693, the terminated Tory licenser Edmund Bohun remarks that his enemies among the

¹ *A Supplement (to the Paper Called, Reasons Humbly Offered to Be Considered before the Act for Printing Be Continued, &c.)*, 1-2.

² *Ibid.*, 1.

³ *Ibid.*, 2. Geoff Kemp reminds me that Blount had argued as much in *A Just Vindication of Learning*. See [Charles Blount], *A Just Vindication of Learning: or, An Humble Address to the High Court of Parliament In behalf of the Liberty of the Press* (London, 1679), 12. Blount had borrowed this argument from Spinoza, who was himself indebted to Tacitus (Kemp, "The End of Censorship", 52).

⁴ John Locke, *The Correspondence of John Locke*, ed. Esmond Samuel De Beer (Oxford: Clarendon Press, 1989), vol. 5, 291-292.

⁵ Randy Robertson, *Censorship and Conflict in Seventeenth-Century England: The Subtle Art of Division* (University Park, PA: Pennsylvania State U.P., 2009), 166; John Feather, *Publishing, Piracy and Politics: An Historical Study of Copyright in Britain* (London: Mansell, 1994), 54.

Whigs are now “struggling for unlicensed printing, or the liberty of the press”.¹ Bohun’s view was reinforced the following year: “On 18 January 1694, William Cooke, the member for Gloucester, informed Edmund Bohun that ‘one side of our house is against any restraint of the press’”.² Locke thus helped to defeat the act’s renewal by exploiting the widespread resentment of licensing. Although the Commons’ stated reasons for abrogating the Licensing Act do not include a rousing denunciation of censorship, Locke’s memorandum clearly informed the debate, and a close reading of the Commons’ “Reasons” for rejecting the act on 17 April 1695 reveals traces of Locke’s influence. Thus, Locke’s contention that “Some of these termes [in the Licensing Act] are so general and comprehensive, or at least so submitted to y^e sense and interpretation of y^e Governors of Church or State for y^e time being, that it is impossible any book should passe but just what suits their humors” finds a parallel in the Commons’ statement that the

Act prohibits printing and importing not only heretical, seditious, and schismatical Books, but all offensive Books; and doth not determine what shall be adjudged offensive Books: So that, without Doubt, if the late King *James* had continued in the Throne until this time, Books against Popery would [...] have been deemed offensive Books.³



Downie errs in contending that no one published a formal defense of press freedom in the years between 1688 and 1695.⁴ In 1689, in the wake of the Revolution, Spinoza’s *Tractatus Theologico-Politicus* was published for the first time in

¹ Edmund Bohun, *The Diary and Autobiography of Edmund Bohun, Esq.* (Beccles (EN): Privately printed, 1853), 116-17.

² Astbury, “The Renewal”, 304-5.

³ *Journal of the House of Commons—British History Online*, 11:306b. The clauses on the search of Peers’ houses and the exorbitant price of classical authors, on which the Stationers’ Company held patents, can also be traced to Locke.

⁴ Downie, “How Useful”, 7.

a complete English edition.¹ The full title well illustrates Spinoza's, and presumably the English translator's, preoccupation with free speech: *A treatise partly theological, and partly political, containing some few discourses, to prove that the liberty of philosophizing (that is making use of natural reason) may be allow'd without any prejudice to piety, or to the peace of any common-wealth; and that the loss of public peace and religion it self must necessarily follow, where such a liberty of reasoning is taken away.*² Spinoza contends that "where there is least Liberty allow'd of Judging, there men are farthest from their natural State, and the Government is full of Force and Violence". Still more famously, he asserts that "In a Free Commonwealth, it should be lawful for every Man to think what he will, and speak what he thinks".³ In the same year, in *A Speech Without-Doors*, the controversialist Edmund Hiceringill poses the question,

Is there not a Plain-Law of Christ, That we should not put *our Light under a Bushel*, but on a *Candlestick*, that all that come in may see the Light? The Liberty of the Pulpit, Bench or Press, are the *Golden Candlesticks*; the Self-ended *Imprimatur's* very Wooden Ones, (God knows) if this little Treatise cannot be Gain-said nor Confuted, but by the Goaler?⁴

Hiceringill devotes an entire section of his book to the "Restraint of the Printing Press".⁵

In his 1689 work, *Jus Regiminis, being a Justification of Defensive Arms in General and Consequently, of our Revolutions and Transactions to be the Just Right of the Kingdom*, William Denton observes that

This Treatise hath been written several Years and kept close, because the Government would not bear such Prints, and might still have lain snug, but that I daily see great endea-

¹ There is no translator's, printer's, or bookseller's name, but the treatise was published in London. Blount had published excerpts of Spinoza in translation before 1689. Spinoza's tract was originally published in Amsterdam in 1670.

² [Benedictus de Spinoza], *A Treatise Partly Theological, and Partly Political, Containing Some Few Discourses, To Prove That The Liberty of Philosophizing (That Is Making Use of Natural Reason) May Be Allow'd Without Any Prejudice to Piety, or to the Peace of Any Common-Wealth; and That the Loss Of Public Peace And Religion It Self Must Necessarily Follow, Where Such a Liberty Of Reasoning Is Taken Away. Translated out of Latin* (London: [publisher not identified], 1689).

³ *Ibid.*, 448, 435.

⁴ Kemp and McElligott, *Censorship and the Press 1580-1720*, vol. 3, 343.

⁵ *Ibid.*, 340-43.

vours by various Prints and Pamphlets, casting false glosses upon a good Cause, designing to bring us back to Onyons and Garlick, and to Popery, the worst of Tyranny.¹

In taking advantage of the new freedom to print, Denton was acting on a principle that he had articulated in 1681; appended to his treatise *Jus Caesaris et Ecclesiae Vere Dictae* is a Miltonic “Apology for the Liberty of the Press”.²

In 1693, the last year that Parliament renewed the 1662 Licensing Act, the mischievous Charles Blount published an adaptation of Milton’s *Areopagitica*, entitled *Reasons Humbly Offered for the Liberty of Unlicensed Printing*.³ Blount abridges and updates Milton’s argument, signing the pamphlet not in his own name but with the initials “J. M”. even though he includes examples and anecdotes that date to the period after Milton’s death.⁴ Appended as a postscript and also signed “J. M”. is Blount’s screed against the Tory licenser Edmund Bohun, who was dismissed from office shortly thereafter. Additionally, in 1695 Charles Gildon republished Blount’s 1679 pamphlet *A Just Vindication of Learning, and the Liberty of the Press* in a collection of Blount’s works.⁵ Blount’s timely and principled arguments against licensing thus contributed in an instrumental way to public debate on the subject.⁶ At around the same time that Blount

¹ William Denton, *Jus Regiminis, Being a Justification of Defensive Arms in General and Consequently, of Our Revolutions and Transactions to Be the Just Right of the Kingdom* (London, 1689), sig. A[1]; Mark Knights, *Representation and Misrepresentation in Later Stuart Britain* (Oxford-New York: Oxford U.P., 2005), 96 note

² William Denton, *Jus Cæsaris et Ecclesiæ Vere Dictæ* (London: Printed for the author, 1681), 1-9, new pagination after 248.

³ [Charles Blount], *Reasons Humbly Offered for the Liberty of Unlicens’d Printing* (London: publisher not identified, 1693).

⁴ *Ibid.*, 5, 9.

⁵ Blount, *The Miscellaneous Works of Charles Blount, Esq.* [London] 1695.

⁶ The date on Blount’s *Reasons Humbly Offered* is 17 Jan. 1693 (9). Bohun had licensed *King William and Queen Mary, Conquerors* on 11 Jan. 1693; he was terminated on 28 Jan. 1693 (*Oxford Dictionary of National Biography*). See Robertson, “Charles Blount”. It is unclear whether the 1695 volume of Blount’s *Miscellaneous Works* was available in time to inform the licensing debate. As J.R. Milton points out, Anthony Wood wrote in a letter of 7 March 1695 that “Certaine works of Charles Blount [...] were stop’d going to the press, containing atheisticall and profane matters” (quoted in John Locke, *Literary and Historical Writings*, 92 note 5; cf. *The Correspondence of John Locke*, vol. 5, 282 note 1, letter of 7 March 1695). However, ESTC records four editions or variant states of the *Miscellaneous Works* in 1695, suggesting that printing may have been interrupted and restarted multiple times in rapid succession.

published *Reasons Humbly Offered for the Liberty of Unlicensed Printing*, someone offered a petition to Parliament against both licensing and the Stationers' burdensome monopoly (the *Supplement*, discussed above). Raymond Astbury traces Locke's memorandum to the influence of Blount's pamphlet, the petition, and, indirectly, Milton's *Areopagitica*.¹ Indeed, as Geoff Kemp points out, Locke mentions *Reasons Humbly Offered* by name in a letter of 1 March 1695.²

2. Debates about censorship after 1695

What is more, calls for a free press continued after 1695 as some in government and the Church tried to reinstitute printing regulations. Downie attributes the failure to restore licensing mainly to the government's success in managing public opinion through news and propaganda, which, he argues, rendered pre-censorship unnecessary;³ but philosophical arguments also played a critical role. For example, two editions of Milton's prose were published shortly after the Licensing Act's demise, one in 1697 and one in 1698. Both editions included *Areopagitica*, making these publications speech acts at this pivotal moment.

A more complicated text is the Whig author George Ridpath's manuscript note against licensing addressed to Robert Harley (1696). Ridpath combines principle and pragmatism in his argument against suppressing the tri-weekly newspaper the *Flying Post* and against requiring a license. As the writer and owner of the newspaper, Ridpath was not a disinterested observer; still, he makes a reasoned case for continuing publication. He emphasizes his objectivity as a journalist: although he admits at one point that he imparts a slightly favorable spin to allied losses in the Nine Years War, he elsewhere stresses that he provides "a full account of what passes on both sides".⁴ In line with the Habermasian emphasis on the rise of timely and accessible news, Ridpath insists that the paper "furnishes this kingdom with Larger & truer Accounts of Affairs and at a Much cheaper rate than was formerly done by News Letters". The *Flying Post* was especially useful to a rising merchant class: "It promotes all manner of

¹ Astbury, "The Renewal", 307-8.

² Kemp and McElligott, *Censorship and the Press 1580-1720*, vol. 3, 349-50.

³ Downie, "The Growth", 50, 57.

⁴ Kemp and McElligott, *Censorship and the Press 1580-1720*, vol. 4, 11.

trade by publishing Advertisements Cheaper and sooner than the Gazette [the official government newspaper] which is generally so crowded that the opportunity of Sales of Goods [...] is many times over before an advertisement can be gott into the Gazette”.¹

Finally, he argues that the practice of licensing may have nurtured seditious publications, as the long delay necessitated by a licenser’s approving a book or newspaper destroyed the market for it. He suggests that booksellers resorted to printing unlicensable work, which tended to be more profitable, to make up for the market they had lost.² Ridpath evidently persuaded his audience, Robert Harley, who was on the cusp of introducing a new printing bill into the House of Commons, as the *Flying Post* continued publication for many years—without the need for a license. Yet as Downie points out, Ridpath also won his case because he had assured Harley that he was “well-affected to the government” and would be glad to counter libels in the pages of his newspaper.³ Ridpath’s moderation was, therefore, at least partly a façade.

More straightforwardly, in his 1697 work, *An Essay Concerning the Power of the Magistrate*, the Deist Matthew Tindal argues that unlike their Catholic counterparts, Protestant clergymen should welcome rather than fear liberty of the press:

Did the Priests of any Protestant Party act consistent with their own Principles, and had a mind that the People should not blindly follow them, they would be so far from hindering them (by restraining the Liberty of the Press and Pulpit) from examining the Reasonableness of those Opinions that are contrary to theirs, that they would make it their Business to perswade them to it, and obtain an entire Liberty for their Adversaries to preach and print what they think good.⁴

He poses the rhetorical question, what can Men in a Legislative Capacity do more for Religion, than (besides punishing

¹ Ibid., 10.

² Ridpath was not alone in drawing this inference: see, for example, *Some Considerations Humbly Offer’d to the Honourable Members of the House of Commons, Relating to the Bill Now Before That House, for Preventing the Licentiousness of the Press* (London, 1693), 2.

³ Alan (J. A.) Downie, *Robert Harley and the Press* (Cambridge: Cambridge U.P., 2008), 28; cf. 97.

⁴ [Matthew Tindal], *An Essay Concerning the Power of the Magistrate, and the Rights of Mankind, in Matters of Religion* (London: Bell, 1697), 122.

Vice and Immorality) to protect every one in worshipping God as they judge most agreeable to his Will, and give them the best Opportunity of informing themselves of his Mind? And have they not done this, by granting a Toleration, and by refusing a Bill for restraining the Liberty of the Press?¹

Like Milton, he concludes that press restraints are the devices of “Popery”.²

The following year, Tindal published another salvo in favor of press freedom, *A Letter to a Member of Parliament, Shewing, that a Restraint [of the] Press is inconsistent with the Protestant Religion, and dangerous to the Liberties of the Nation*. It will be worthwhile to quote at length his pointed observations on the merits of press freedom. In the following passage, Tindal reflects on the recent, narrow escape from Stuart tyranny:

the Press may be so managed, as to become a most powerful Engine to overturn and subvert the very Constitution: for should a Magistrate arise with Arbitrary Designs in his head, no Papers that plead the Rights and just Priviledges of the People would be stamp'd with an *Imprimatur*: Then the Press would be employed only to extend the Prerogative beyond all bounds, and to extol the Promoters of Arbitrary Power as the chief Patriots of their Country, and to expose and traduce those that were really so [...]. In a word, if the Pulpits and Westminster-Hall (as we have lately seen it) should chime in with an Arbitrary Court, what can warn the People of their Danger, except the Press? [...] 'Tis so far from being impossible, that a People may be thus imposed on to their utter ruine; that 'tis probable another Generation seeing nothing but the Royal Prerogative highly magnified, may be bred up with the Opinion of being born Slaves. And were we not almost brought to that pass in the late Reigns? when nothing came out with Allowance but what was to justify such Opinions; and if some good men (not to mention the Prince of Orange's third Declaration) especially about the time of the Revolution, had not had the Courage privately to print some Treatises to undeceive the People, and to make them see the fatal Consequences of those Doctrines which by the Restraint of the Press pass'd for divine and sacred Truths; the Nation had tamely submitted to the yoke. And as it cannot be denied but that those Papers in a great measure opened our eyes, so it may justly be hoped that none that saw the miserable Condition that the Act for regulating the Press would have brought us into, will be instrumental in reestablishing that Law

¹ Ibid., 184.

² Ibid., 186.

[...]. Secure but the Liberty of the Press, and that will, in all probability, secure all other Liberty.¹

Steve Pincus argues convincingly that James II patterned his rule after that of Louis XIV, severely restricting public discourse.² Tindal emphasizes that freedom of the press is, or ought to be, a “Revolution Principle”.³

In his reply to Tindal, *A Modest Plea for the Due Regulation of the Press*, Francis Gregory remarks that “This Author [Tindal] sheweth himself yet more manifestly to be a *Socinian*, because according to the known Practice of that sort of Men, he magnifies *Humane Reason*, exalting it far above its proper *Sphere*.”⁴ The emphasis on reason would have pleased Habermas—and, moreover, Tindal. Geoff Kemp traces the failure of a 1699 press bill to Tindal’s influence.⁵ After Parliament rejected the bill, William Cowper, one of the members present at the debate, explained that “the MPs took the view that ‘to make any one judge of reason, what was fit to be published and what suppressed, was contrary to the Liberty of a free people—that the Liberty of the press had greatly promoted the true notion of government and scattered the seeds of liberty, which had otherwise been oppressed’”.⁶ Here in capsule form is Habermas’s theory of the

¹ [Matthew Tindal], *A Letter to a Member of Parliament, Shewing That a Restraint on the Press Is Inconsistent with the Protestant Religion, and Dangerous to the Liberties of the Nation* (London: Printed by J. Darby, and sold by Andr. Bell, 1698), 25-27.

² Steven C.A. Pincus, *1688: The First Modern Revolution* (New Haven, CT: Yale U.P., 2009), especially ch. 8.; see also Randy Robertson, *The British Index*, accessed 23 July 2020, https://www.academia.edu/1598680/The_British_Index.

³ The Tindal example in particular militates against Gibbs’s claim that the adoption of press freedom as a revolution principle was a back-formation from the middle to late eighteenth century (see Graham C. Gibbs, “Press and Public Opinion”, in *Liberty Secured?: Britain before and after 1688*, ed. James Rees Jones, Stanford, CA: Stanford U.P., 1992). While Gibbs mentions Tindal, he does not take note of this passage. Tindal’s 1698 work was reprinted in 1700 and published again in 1709 as the final tract in *Four Discourses on the Following Subjects*, London: publisher not identified, 1709. Geoff Kemp notes that it also appeared in *A Collection of State Tracts* (London, 1705-1707) and that Tindal published a different version under the title *Reasons Against Restraining the Press* in 1704; see Kemp and McElligott, *Censorship and the Press 1580-1720*, vol. 2, 614-26; vol. 4, 30 note 2. In 1706, John Tutchin also suggested that press freedom was a revolution principle (*ibid.*, vol. 4, 312).

⁴ Francis Gregory, *A Modest Plea for the Due Regulation of the Press* (London: Printed for R. Sare, 1698), 4.

⁵ Kemp, “The ‘End of Censorship’”, 40.

⁶ Quoted in Kemp, 40.

public sphere: no one person should be the arbiter of reason; only a “free people” reasoning together can determine what is true and, in turn, exert a salutary pressure on the government.

Alex Barber maintains that Tindal had limited success in spreading his ideas: “It was clear that Tindal did not possess enough public support to have any chance of instituting a policy of a free press”.¹ Yet a “policy of a free press” was already in place: as Kemp points out, for most people at this moment, “the end of licensing was liberty of the press”.² Even if press freedom did not extend to the lengths that Tindal would have wished, he and others fought to make sure that licensing did not return. What is more, Barber’s contention that Tindal lacked influence is not entirely convincing, as Barber follows it with evidence to the contrary. As he notes, in 1708, William Wake wrote to Tenison that Tindal’s *Rights of the Christian Church*, a tome that challenged the Church’s independent authority and promoted a free press, had “‘done more hurt among the gentlemen & perhaps nobility too’ than any other book of the early eighteenth century”.³ For their part, “[Rowland] Cotton and many other high churchmen and Tories believed that many Whigs and dissenters secretly agreed with Tindal; or, in the words of Cotton, ‘the Low Church have pull’d off their mask & have publish’d to ye world their Principles’”.⁴

Barber is surely right that advocating liberty of the press in the early eighteenth century put one in a distinctly minority position, Tindal and the Whig MPs notwithstanding. In the decade after the 1662 Act expired in 1695 most of the clergy, for example, supported a return to licensing.⁵ Yet support for greater press freedom was growing. The moderate Archbishop Thomas Tenison proposed several bills to regulate the press, but even though the bills did

¹ Alex Barber, “‘Why Don’t Those Lazy Priests Answer the Book?’ Matthew Tindal, Censorship, Freedom of the Press and Religious Debate in Early Eighteenth-Century England”, *History* 98, no. 333 (2013): 705.

² Kemp, “The ‘End of Censorship’”, 53.

³ Barber, “‘Why Don’t Those Lazy Priests Answer the Book?’”, 705.

⁴ *Ibid.*, 706.

⁵ Barber, “‘Why Don’t Those Lazy Priests Answer the Book?’”; Alex W. Barber, “Censorship, Salvation and the Preaching of Francis Higgins: A Reconsideration of High Church Politics and Theology in the Early 18th Century”, *Parliamentary History* 33, no. 1 (2014): 114-39; Alex W. Barber, “‘It Is Not Easy What to Say of Our Condition, Much Less to Write It’: The Continued Importance of Scribal News in the Early 18th Century”, *Parliamentary History* 32, no. 2 (2013): 293-316.

not include any licensing provisions, they all failed.¹ Indeed, in 1704 Tenison remarked that “I have been so unfortunate as to as to be disappointed in one place or another, not because [the proposed measures] were faulty in matter, form or temper, but because they were bills of restraint”.²



Several authors proposed unusual and ingenious alternatives to licensing well into the eighteenth century. In a 1734 dialogue on books and reading, the philosopher and Jacobite Alexander Forbes suggests a government-sponsored curation of books:

In a Country of Liberty, whatever is published will be read; and it were hard to take away this Privilege, tho' it were practicable. As to that of Publishing, it must be left to the Discretion of the Legislature: and whatever Difficulty there might be in restraining the Liberty of the Press, there would be much more in restraining the private Use of Pen, Ink, and Paper; and therefore one would think it were not unworthy of the Care of the Government to appoint a moderate Sallary for some who have a little Scholarship and common Sense, to enable them to translate the most approved Books whether ancient or modern.³

¹ Kemp, “The ‘End of Censorship’”, 48-62; Cf. Ann Thomson, who interprets Tenison’s language in Convocation as referring to prior restraint; see Thomson, “Defending the Truth: Arguments for Free Speech and their Limits in Early Eighteenth-Century Britain and France”, in *Freedom of the Press, 1500-1850*, ed. Robert Ingram et al. (Manchester: Manchester U.P., 2020), 137; Gerald Lewis Bray, ed., *Records of Convocation, 1701-1708*, vol. 9 (Woodbridge, Suffolk: Boydell & Brewer, 2006), 220. Kemp points out that no licensing provisions appear in Tenison’s draft proposals, which are still extant (see Kemp, “The ‘End of Censorship’”; Kemp and McElligott, *Censorship and the Press 1580-1720*, vol. 4, 122-23, 133-138). In 2009, before Kemp’s account was published, I too erred in assuming that Tenison had drafted licensing measures. See Robertson, *Censorship and Conflict*, 202.

² Quoted in Kemp, “The ‘End of Censorship’”, 62.

³ Alexander Forbes Forbes of Pitsligo, *Essays Moral and Philosophical, on Several Subjects: Viz. A View of the Human Faculties. A Short Account of the World. Two Discourses on Decency. An Essay on Self-Love*. (London: Printed for J. Osborn and T. Longman, 1734), 199.

While Forbes does not propose to curtail printing, he does appear to enlist the government in nudging readers toward officially sponsored translations. Earlier and more audaciously, in a petition of 1700 Lewis Maidwell proposes that Parliament endow a private scholarly academy with a “rector” or “register of the press” to replace the clerk of the Stationers’ Company. This register of the press would record “al single Papers, Pamphlets, and Books whatsoever, before they are printed” in an entry book, “Except Gazettes, Proclamations, and Papers publish’d by the King’s Authority”.¹ The purpose of this entry book was not licensing in the old sense, though it would, presumably, have allowed the government to monitor publications. Maidwell suggests that nothing be published without the register of the press’s “imprimatur”, but he notes that the register “is not to read the Paper or Book, whereby he may hinder the Liberty of the Press, but to enter the Title of the Book, with the Booksellers or Printers Name”.² In exchange for these services, such as they were, to the government, the academy would be entitled to a fee per sheet of the entered titles and a donation of the books once they were printed; moreover, the rector would secure a virtual monopoly on printed advertisements. Needless to say, nothing came of the proposal.

In addition to systematic defenses of press freedom like Tindal’s, we can find a congeries of remarks advocating free speech in works dedicated to other themes. In 1699, for instance, an author writing from a Country Whig and contractarian perspective chides an opponent by insisting that

Liberty and Property, Freedom of Speech, and not fearing the Face of Men in the cause of our Country, are great Motes in the Eyes of this *Pedantick Scribler*; and he has no way to rub them out, and clear his Eye Sight for the ampler Vindication of his Pay-masters, but by scandalizing the brave Asserters of our Priveleges.³

¹ [Lewis Maidwell], *A Scheme for a Public Academy, Some Reasons for Its Institution, the Common Objections Answer’d, with the Easie Method of Its Support; Design’d by a Privat Person, and Humbly Submitted to Both the Honorable Houses of Parliament; Whereby Always Forty Scholars, Sons of Gentlemen, Are for Three Years to Have Their Lodging and Commons Gratis, and a Free Education in Languages, Arts and Exercises. Also Annual Pensions for Three Years after They Have Left the Said Academy* (London, 1700), 3.

² *Ibid.*, 3.

³ *A Just Rebuke of a Late Unmannerly Libel in Defence of the Court Entitled Cursory Remarks Upon Some Late Disloyal Proceedings &c.* (London printed, 1699), 16.

To take another example, in 1701 or 1702, George Whitehead published *A brief answer to F. Bugg's Brief reply to the considerations humbly offered by the people call'd Quakers relating to the bill for restraining the licentiousness of the press*, a succinct three-page pamphlet that vigorously defends Quaker teachings and champions a free press.¹ Indeed, defenses of free speech are scattered throughout the literature of the period.²

Although Scotland benefited indirectly from the lapse of the Licensing Act in 1695, and more directly after the 1707 union with England, it retained a system of censorship distinct from England's. In 1700, however, the Scotsman William Seton proposed that Habeas Corpus be enacted in his country to secure freedom of the press:

My advice [is] [...] That there be an Act for a *Habeas Corpus*, conceived much after the Tenour of that of the *English*. Which Act will first encourage Men both to speak and Writ their Sentiments concerning the Interest of the publick, without being afraid of the Censure or Displeasure of Men in power, for every body knows how much the Liberty of the Press doth Contribute for exposing the Truth, and giving political Spectacles to every Honest Man, by which he can see the Corruptions of Statesmen and guard against their surprises [sic]. And I may say that our Neighbour Nation owes the Preservation of its priviledges to the Liberty of the press; for how often had their unthinking Members of Parliament been wheedled into a Compliance with their former Kings, to destroy their Constituents Liberties, if they had not had the true Representation of the Affairs of the Nation laid down before them by some honest sensible Men? Which did serve as a Polestare to steer their Course by, and to excite them to Diligence in their Duty.³

¹ George Whitehead, *A Brief Answer to F. Bugg's Brief Reply to the Considerations Humbly Offered by the People Call'd Quakers Relating to the Bill for Restraining the Licentiousness of the Press* ([London?]: publisher not identified, 1701). Interestingly, in 1696, Francis Bugg had accused the Quakers of censoring others' work, including his own. See Francis Bugg, *The Quakers Set in Their True Light* (London: Printed for the author and are to be sold by C. Brome, 1696).

² For other typical instances, see James Tyrrell, *The General History of England*, vol. 1 (London, 1696), cxxviii; Philaethes, *The Plain Man's Essay for England's Prosperity More Particularly Referred and Submitted to the Consideration of the Lords and Commons in Parliament Assembled* (London: Printed for A. Baldwin [...], 1698), 8-9; [John Trenchard and Thomas Gordon], *Cato's Letters; or Essays on Liberty, Civil and Religious*, Fourth edition corrected (London: Printed for W. Wilkins, T. Woodward, J. Walthoe, and J. Peele, 1737), xxix, 96-103, 106, 251-54.

³ [William Seton], *The Interest of Scotland in Three Essays Viz., I. Of the True Original and Indifferency of Church-Government; II. Of the Union of Scotland and England into One Monarchy; III. Of the Present*

The campaign for liberty of the press thus extended beyond England. Pointing to the tighter links between the Scottish Parliament and the people in the late sixteenth and seventeenth centuries, and quoting Buchanan's line that "as a general rule, a multitude of people is a better judge of all affairs than an individual [including a king]", Mann contends that in Scotland, "Participation in the institutions of the public realm came long before Habermas' eighteenth-century transformation of the public sphere".¹ He notes, however, that a rigorous system of press controls, enforced by the Scottish Privy Council, remained in place even after the Revolution of 1688. Nevertheless—and more to the point for our purposes—he acknowledges the printing trade's efflorescence in Scotland during the 1690s and the first decade of the eighteenth century, a pattern that fits with Habermas's framework. Mann concludes that despite the Scottish Council's 1697 licensing measure, "it was essential toward the end of the seventeenth century [for the Scottish government] to abandon notions of licensing the entire press, and to concentrate on specific targets in terms of censorship", noting as well that by 1699, "an educated Scot was expected to be familiar with the affairs and politics of the day. Information was necessary for a polite society and indicative of an expandingly literate and sophisticated public sphere".²

The case of Irish print regulation was somewhat different from that of England and Scotland, but it traced a trajectory roughly parallel to theirs. To be sure, as James Kelly points out, the prosecution of offending authors, printers, and publishers "persisted" in Ireland well into the eighteenth century, and the regime was especially severe on Roman Catholics, with the result that "print was concentrated within, though not exclusive to the Protestant public sphere".³ Yet, even if the Irish government did not embrace press liberty in principle and there was "no legal entitlement" to freedom of the press,

[i]n practice, the fracturing from 1681 of the king's printer's monopoly, which had permitted the maintenance of a tighter control over print in seventeenth-century Ireland

State of Scotland [...] (Edinburgh: publisher not identified, 1700), 105-7.

¹ Alastair Mann, "Parliaments, Princes, and Presses: Voices of Tradition and Protest in Early Modern Scotland", in *Sites of Discourse, Public and Private Spheres*, ed. Uwe Böker and Julie Hibbard (Amsterdam-New York: Rodopi, 2002), 84.

² *Ibid.*, 86-87.

³ James Kelly, "Regulating Print: The State and the Control of Print in Eighteenth-Century Ireland", *Eighteenth-Century Ireland / Iris an Dá Chultúr* 23 (2008): 142-44.

than applied in England, together with the failure at Westminster to renew the licensing act on its expiration in 1695, meant the liberation in print of both jurisdictions from what Pierre Bordieu has termed ‘structural’ (or pre-publication) censorship.¹

Lest we conclude that only Whigs and dissidents regarded press freedom as valuable, it is worth noting that just before the Licensing Act expired in 1695, an anonymous Tory writer complained to Tenison, “no one labours more industriously than your self, to debar [the high church clergy] the liberty of the press”.² In a dialogue of 1702, Charles Davenant pitted Old Whigs against Modern Whigs, noting that while the former supported free speech, the latter did not, so as to cover up their crimes.³ In 1705, the Tory William Pittis bade good night to the Licensing Act, noting that it was now “fast asleep” and should not be revived.⁴ Even as he decried the Socinian and Deist incursions into the established Church and urged new press legislation in 1709, Daniel Defoe observed that high church Tories knew “a Licensor of the Press will not go down with a Nation of Liberty”, and so he proposed compulsory imprints, as he had in 1704.⁵ Defoe’s comment is borne out by the high church Tory and future Jacobite Francis Atterbury’s remarks in 1714, which in fact go beyond what Defoe had envisaged five years earlier: “among the ‘Merits of the Church Party’”, Atterbury intoned, is its “commitment to ‘No Restraint on the Liberty of the Press’”.⁶ In 1712, the anonymous Tory author of *A Word to the Wise* echoes Locke in maintaining that the government no more needs licensers of the press than it needs “Licensers for the Tongue”; in an inversion of Milton, he argues that “The Church which has Truth on its side, cannot be shaken by any Attacks from the

¹ Ibid., 143-44.

² Kemp, “The ‘End of Censorship’”, 55-56.

³ Kemp and McElligott, vol. 4, 267-76.

⁴ Kemp and McElligott, *Censorship and the Press 1580-1720*, vol. 4, 151, though cf. 152; Kemp, “The ‘End of Censorship’”, 64.

⁵ Kemp, “The ‘End of Censorship’”, 65; [Daniel Defoe], *An Essay on the Regulation of the Press* (London, 1704), 16.

⁶ Kemp and McElligott, *Censorship and the Press 1580-1720*, vol. 4, 266, 267; Kemp, “The ‘End of Censorship’”, 67-68. The book in which this passage appears was suppressed (see *Censorship and the Press 1580-1720*, vol. 4, 266). In the same work, Atterbury derides the Whigs for their hypocrisy (ibid., 277). In another hypocritical turn, Atterbury had previously endorsed the Licensing Act (see Gibbs, “Press and Public Opinion”, 238).

press that Error can make”.¹ These Tories’ remarks are a far cry from those of the complex, skeptical Tory historians and philosophers Bolingbroke and David Hume, who wrote paeans to the “Liberty of the Press” later in the century, but the foregoing examples show that Whigs did not have a monopoly investment in press freedom.² Despite a contemporary’s remark that “to plead for the Press is *Whiggish*”,³ Defoe may have convinced some Tories that licensing benefited only the party in power and that the vicissitudes of politics meant one’s own party would not always be uppermost.⁴ As one mock-Tory pamphlet put it, “Do not answer Truth with Power”.⁵

Robert Crosfeild, who despised both parties, campaigned against corruption in the 1690s and early 1700s. Crosfeild offered petitions to Parliament and published tracts in their name to eliminate placemen and to root out war profiteering and bribery. In a work of 1703, he explicitly links the exposure of corruption to a free press, opining that citizens should be “at liberty to expose the actions of those who violate the Established Laws of the Land [...] the press being kept open to the intent Corruption should be detected”.⁶ A year later, Tindal remarked similarly that “The liberty of the Press must keep a Ministry within some tolerable Bounds, by exposing their ill Designs to the People”.⁷ Indeed, like

¹ Kemp and McElligott, *Censorship and the Press 1580-1720*, vol. 4, 269, 271.

² Max Skjónsborg convincingly argues that Bolingbroke’s and Hume’s arguments in favor of a free press were less principled than they seemed; they formed part of an opposition strategy to challenge the Walpole ministry and to ensure that Walpole’s critics had a public outlet. See Max Skjónsborg, “David Hume and *Of the Liberty of the Press*” (1741) in Its Original Contexts”, in *Freedom of Speech, 1500-1850*, ed. Robert G. Ingram, Jason Peacey, and Alex W. Barber (Manchester: Manchester U.P., 2020), 171-91. Hume’s argument, however, clearly stemmed from principle as well as political expediency.

³ [Joseph Addison], *The Thoughts of a Tory Author, Concerning the Press: With the Opinion of the Ancients and Moderns, about Freedom of Speech and Writing. And an Historical Account of the Usage It Has Met with from Both Parties in England*. (London: Printed for A. Baldwin, near the Oxford-Arms in Warwick-Lane, 1712), 7.

⁴ [Defoe], *An Essay on the Regulation of the Press*, essay 4, 12-24; see also Matthew Tindal, *Reasons against Restraining the Press* (London: publisher not identified, 1704), 11-[12, mispaginated ‘21’]; [Addison], *The Thoughts of a Tory Author, Concerning the Press*, 20-21.

⁵ [Addison], *The Thoughts of a Tory Author, Concerning the Press*, 15.

⁶ Quoted in Mark Knights, “Parliament, Print and Corruption in Later Stuart Britain”, *Parliamentary History* 26, no. 1 (2007): 61.

⁷ [Tindal], *Reasons against Restraining the Press*, 13; see also [Addison], *The Thoughts of a Tory Author, Concerning the Press*, 13, 26.

Tindal, Crosfeild emphasizes the importance of free speech as a broader philosophical principle: “In vain has the nation spent so much blood and treasure to preserve its liberty, if men have not the freedom of speech without doors, as well as within”.¹

Striking a similar note, Tindal urges that the people have the same right to a free press as their representatives: “If the Honourable House of Commons have upon a solemn Debate, thought fit to publish their Proceedings to prevent being misrepresented, why should they deny those they Represent the same Liberty?”² Straining still higher, John Asgill claims that “Communication”—both spoken and printed—is “the natural Right of Mankind”.³

In a petition against the return of licensing (1703 or 1704), someone writing on the Quakers’ behalf links press freedom with religious toleration.⁴ The anonymous author of the *Vindication of the Press*, reticent about displaying his or her party colors, supports liberty of the press from a position of moderate orthodoxy.⁵ The pamphlet is a strange and charming performance; the tone is so innocent in places that it might be mistaken for satire. The author argues that free speech and a free press uphold the *via media* of the Church of England, suggesting idiosyncratically that without free speech, the National Church might have been Quaker. He or she also contends that a free press nurses imaginative literature and natural philosophy.

It is true that the press was not completely free after 1695. Crosfeild was imprisoned in 1696 and multiple times thereafter for his efforts.⁶ Despite some

¹ Knights, “Parliament, Print and Corruption”, 61.

² [Tindal], *Reasons against Restraining the Press*, 11.

³ John Asgill, *An Essay for the Press* (London: Printed for A. Baldwin [...], 1712), 4. Asgill here echoes Tindal, *Reasons against Restraining the Press*, 9. According to Des Maizeaux, Anthony Collins sent Tindal’s *Reasons Against Restraining the Press* to Locke, who praised the work in a thank you letter to Collins (see John Locke, *A Collection of Several Pieces of Mr. John Locke, Never Before Printed, or Not Extant in His Works.*, ed. Pierre Des Maizeaux, London: R. Francklin, 1720, letter dated 24 Jan. 1704). Der Beer questions whether the book Locke is referring to in this letter is in fact Tindal’s. Der Beer points out that Locke’s bookseller Awnsham Churchill had sent Locke a copy of Tindal’s tract on 22 Jan. 1704 (see Locke, *The Correspondence of John Locke*, vol. 8, 163 note 4, 175), but it is possible that Collins prompted Churchill to send it to Locke. In either case, Locke had the book in his possession.

⁴ Kemp and McElligott, *Censorship and the Press 1580-1720*, vol. 4, 139.

⁵ *A Vindication of the Press* (London: Printed for T. Warder, 1718).

⁶ Knights, “Parliament, Print and Corruption”, 53, 55-56.

Tory support for the principle of unlicensed printing, many high churchmen condemned the freedom of the press and wanted to throttle it.¹ William Talbot preached against press freedom in general and Blount in particular.² Taking a somewhat different tack in his 1699 work *Bibliotheca catechetica, or, The country curates library*, Thomas Bray unabashedly sought to indoctrinate people to counter the “poisonous” works flowing from the press.³ Samuel Hilliard tried privately to prosecute a seller of Tindal’s *The Rights of the Christian Church*, though his attempt proved abortive and may, in fact, have amplified sales of the work.⁴ A fictional trial followed, in which the anonymous author, William Oldsworth, indicts Tindal for the *Rights* and the *Second Defence of the Rights*; in the course of the “trial”, Oldsworth argues that the press is not completely free even after the lapse of the Licensing Act.⁵ The legal framework against

¹ See Barber, “Why Don’t Those Lazy Priests Answer the Book?”; Barber, “Censorship, Salvation and the Preaching of Francis Higgins”. See also [William Baron], *An Historical Account of Comprehension and Toleration: From a General Retrospect on the Several Reformatations at First, with the Pernicious Principles and Practices of That Which the Dissenters Among Us Have Always Followed, and so Factiously Oppos’d, to Our Much More Orthodox Establishment. Part I* (London: Printed for J. Chantry, 1705), 57-58; Thomas Beconsall, *The Grounds and Foundation of Natural Religion, Discover’d, in the Principal Branches of It: In Opposition to the Prevailing Notions of the Modern Scepticks and Latitudinarians. With an Introduction Concerning the Necessity of Revealed Religion. By Tho. Beconsall, B.D. and Fellow of Brasenose Colledge, in Oxford*. (London: printed by W.O. for George West, bookseller, in Oxford, 1698), iv; Henry Sacheverell (who by 1713 had found favor with Parliament), *False Notions of Liberty in Religion and Government Destructive of Both. A Sermon Preach’d Before the Honourable House of Commons* ([Dublin]-London: Printed for Henry Clements, And re-printed and sold by Edward Waters in Essex-Street, 1713); Kemp and McElligott, *Censorship and the Press 1580-1720*, vol. 4, 173-176, 209-210.

² William Talbot, *A Sermon Preach’d before the Right Honourable the Lord Mayor, the Aldermen, and Governours of the Several Hospitals of the City of London, at St. Bridget’s Church on Easter-Monday* (London: Printed by Tho. Warren, for Thomas Bennet, 1700), 2-3 and note.

³ Thomas Bray, *Bibliotheca Catechetica, or, The Country Curates Library: Being an Essay Towards Providing All the Parochial Cures of England, Endow’d with Not Above Ten Pounds per Annum, with a Study of Usefull Books of Like Value, to Enable the Ministers Thereof to Catechise the Youth, and to Instruct the People in All Things Necessary to Salvation* (London: Printed for William Hawes, at the Rose in Ludgate-Street, 1699), 15-16.

⁴ Barber, “Why Don’t Those Lazy Priests Answer the Book?”, 696-706.

⁵ [William Oldsworth], *The Tryal of the Rights [...] With the Indictment [...] and the Dedication Praefix’d to Monsieur LeClerc’s Judgement, Etc. [...]*, vol. 3 (London: Printed for Bernard Lintott, 1711), 24; cf. Matthew Tindal, *A Defence of the Rights of the Christian Church*, 2nd edition, corrected (London: publisher not identified, 1709), 10-11.

seditions, blasphemous, and obscene libel remained in place after the Licensing Act expired, as did the laws against treasonous writing and printing. The Williamite government did not tolerate pamphlets attacking the king's legitimacy or his use of a standing army. Authorities confiscated Roman Catholic books domestically, and customs agents intercepted a large volume of "Popish" works shipped from abroad.¹

The Deists, like the Levellers in the 1640s, argued in favor of free speech in nearly every tract that they published, partly because they wrote on the radical edge. In consequence of the Deists' provocative political and religious arguments, magistrates targeted them and their work in the 1690s and beyond. John Toland repeatedly found himself in trouble, and grand juries prosecuted the works of other Socinians, freethinkers, and anti-Trinitarians.² Not even Locke's work escaped: on 18 May 1697, the Middlesex grand jury presented his book *The Reasonableness of Christianity*, though Locke himself remained unpunished.³

A statute of 1698 reinforced the common law provisions against blasphemy, and royal proclamations against licentious printing came out regularly.⁴ To reinforce the libel law, William Mascall proposed in 1711 the compulsory registration of titles, along with affidavits recording the number of books or pamphlets printed. He further suggests the iron rule "that no Impressions shall be made with short Words, or initial Letters, with Dashes, or without, to stand for any Word or Words, but all to be printed at length, or to be taken, *ipso facto*, for a Libel. That no false sham names shall be printed".⁵ If Mascall aimed the measure

¹ See Robertson, *The British Index*.

² Kemp and McElligott, *Censorship and the Press 1580-1720*, vol. 4, 15-18, 23, 27, 211-13; Leonard W Levy, *Blasphemy: Verbal Offense Against the Sacred, from Moses to Salman Rushdie* (Chapel Hill: University of North Carolina Press, 2009), 235, 272-78; Robertson, "The British Index"; Abel Boyer, *History of the Life and Reign of Queen Anne Illustrated with All the Medals Struck in This Reign with Their Explanations and Other Cuts* (London, 1722), 79, 313 on Asgill, 446 on Tindal's *Rights*, Clendon's *Tractatus Philosophico-Theologicus de Persona*; Bray, *Records of Convocation*, vol. 11, 55, 62 on Whiston, 62-64, 75-76, 113 on Clarke; Stationers' Company Records, TSC/1/E/17/01, a certificate of burning "Socinianized Common-prayer Books in Dutch and English", 7 Feb. 1716.

³ See Robertson, *The British Index*.

⁴ Levy, *Blasphemy*, 235-37, 325-26, 439-40; Fredrick S. Siebert, *Freedom of the Press in England, 1476-1776: The Rise and Decline of Government Controls* (Urbana: University of Illinois Press, 1952), 307.

⁵ Proposals for Restraining the Great Licentiousness of the Press; see John Macfarlane, "Pamphlets and the Pamphlet Duty of 1712", *The Library* s2-1, no. 3 (1 December 1899): 303.

at Whig pamphleteers and news writers, the Tory Scriblerians would also have suffered, but it came to nothing.¹

In 1712, even as a new printing bill introduced in the Commons failed to make it beyond a second reading, Parliament passed the Stamp Act, which quelled a number of serials and periodicals until publishers discovered gaps in the law.² The Stamp Act probably struck many in the high church party as a half measure, as it targeted newspapers and short pamphlets rather than religious books.

After 1695, the government increasingly turned to the law of seditious libel to curb offensive publications, and judges such as LCJ Holt expanded the law's reach in some areas.³ Although Anne's powerful minister Robert Harley ardently supported toleration and preferred to massage the press rather than stifle it, he occasionally resorted to suppressing obnoxious works, as did his Whig

¹ See also Philip Hamburger, "The Development of the Law of Seditious Libel and the Control of the Press", *Stanford Law Review* 37, no. 3 (1 January 1985): 748-51; Suzanne Joy Podhurst, *The Scriblerians Uncensored: Libel, Encryption, and the Making of Copyright in Eighteenth-Century Britain and Ireland* (Doctoral dissertation, Princeton University, Department of History, 2012), 73-74 and notes.

² *Journal of the House of Commons—British History Online*, 17:97b, 251b 123a, 263-65; Laurence Hanson, *Government and the Press, 1695-1763*. (London: Oxford University Press, 1936), 10-13; Siebert, *Freedom of the Press in England*, 306-22; Joseph M. Thomas, "Swift and the Stamp Act of 1712", *Publication of the Modern Language Association of America*, n.s., 24 (1916): 249; Downie, *Robert Harley and the Press*, 156-61; Hamburger, "The Development", 751; Michael F Suarez and Michael L Turner, *The Cambridge History of the Book in Britain*, vol. 5 (Cambridge: Cambridge U.P., 2014), 728-29 on almanacs; Downie, "The Growth", 53-55, suggesting that slowing the tide of Whig papers was a "secondary consideration"; Gibbs, "Press and Public Opinion", 240-42; Paul B. J. Hyland, "Liberty and Libel: Government and the Press during the Succession Crisis in Britain, 1712-1716", *The English Historical Review* 101, no. 401 (1 October 1986): 864 and note 2; Kemp and McElligott, *Censorship and the Press 1580-1720*, vol. 4, 197-99.

³ Hamburger, "The Development", 724-62; See also Thomas Keymer's superb *Poetics of the Pillory*, though Keymer goes a step too far in his contention that "the shift of emphasis after 1695 from prepublication inspection to post-publication prosecution" occurred "without any sense on the part of book-trade professionals that this new regime—a regime based not on the Licensing Act but on the common law of seditious libel—provided greater latitude for free or safe expression" (see Thomas Keymer, *Poetics of the Pillory: English Literature and Seditious Libel, 1660-1820* (Oxford: New York: Oxford U.P., 2019), 17). On the law of seditious libel and the struggle for the freedom of the press in the eighteenth century, see, as well, Wendell Bird's remarkably thorough book *The Revolution in Freedoms of Press and Speech*, esp. ch. 3. Bird enumerates the changes that LCJ Holt introduced in seditious libel law, though he may slightly overstate the novelty of Holt's judicial interpretations; see Wendell R. Bird, *The Revolution in Freedoms of Press and Speech: From Blackstone to the First Amendment and Fox's Libel Act* (Oxford: Oxford U.P., 2020), 96-102).

rival Sunderland.¹ Harley's Tory rival Bolingbroke also attempted to bridle the press.² Nonjurors both feared and suffered censorship.³

In a venomous piece of 1714, published at the outset of Hanoverian rule, the Whig pamphleteer John Oldmixon proposes to end faction by abandoning clemency and curbing the "License of the Pulpit and the Press". As for the press, he identifies the chief instigators as hawkers and ballad-singers, who sell such seeming trifles as "*Stand fast to the Church, Trick upon Trick, the State-Gamester, A Cat may look upon the King, and the like*", noting, "True, such *Half-peny* Papers have nothing in them but the *Title*, and that's enough to produce the mischievous Effects intended by it". He contends that such slight papers end up "[warming] the *Minds* of the *Rabble*, who are more capable of *Action* than *Speculation*, and animated by *Noise* and *Nonsense* [...]" 'Tis the quickest and surest way *Sedition* has to take".⁴ The title of Oldmixon's pamphlet gives a flavor of the contents: *The false steps of the ministry after the Revolution: shewing, that the lenity and moderation of that government was the occasion of all the factions which have since endanger'd the constitution. With Some Reflections on the License of the Pulpit and Press*. Significantly, however, Oldmixon emphasizes that his remedy would work "without infringing the *Liberty of the Press*", that is, without licensing.⁵ He elaborates this remark with a telling argument:

¹ Brian W. Hill, *Robert Harley: Speaker, Secretary of State and Premier Minister* (New Haven, CT-London: Yale U.P., 1988), 17-18, 77, 147, though cf. 172; Henry L. Snyder, "The Reports of a Press Spy for Robert Harley: New Bibliographical Data for the Reign of Queen Anne," *The Library* 85-22, no. 4 (1 December 1967): 326-45; Treadwell, "A Further Report from Harley's Press Spy"; Lee Sonsteng Horsley, "The Trial of John Tutchin, Author of the *Observer*", *The Yearbook of English Studies* 3 (1973): 124-40; Downie, *Robert Harley and the Press*; Hyland, "Liberty and Libel", 865-70; Barber, "It Is Not Easy", 310-14; Kemp and McElligott, *Censorship and the Press 1580-1720*, vol. 4, 159-161.

² Hill, *Robert Harley*, 169; Kemp and McElligott, *Censorship and the Press 1580-1720*, vol. 4, 280-81, 285.

³ Simon Lowth, *Historical Collections Concerning Church Affairs* (London, 1696), A2; [George Hickeys], *Some Discourses upon Dr. Burnet and Dr. Tillotson Occasioned by the Late Funeral Sermon of the Former upon the Later*. London, 1695, 7-8]; Robertson, *The British Index*; Boyer, *History of the Life and Reign of Queen Anne Illustrated with All the Medals Struck in This Reign with Their Explanations and Other Cuts*, 656-58.

⁴ [John Oldmixon], *The False Steps of the Ministry after the Revolution* (London: Printed for J. Roberts, 1714), 31-32; see also Hyland, 'Liberty and Libel', 863 who misattributes the pamphlet to Defoe.

⁵ *Ibid.*, 31.

Pamphlets work slowly, and the Operation of one *Pamphlet* is often spoil'd by that of another. Besides, the *Publishers* of 'em are to be come at, and the *Printer* and the *Publisher* being as much accountable for the *Offence* they give as the *Author*, the *State* will know how to find out and chastise the *Offenders*. Their *Liberty* therefore ought not to be *abridg'd*, but those that abuse it to be *punish'd*.¹

Not only does Oldmixon reinforce the distinction between licensing and *post factum* censorship, he regards pamphlets as a legitimate part of public discourse. In the back-and-forth of public debate, one pamphlet can neutralize another.²

A new treason statute was enacted in 1708 after the Anglo-Scottish union.³ A nineteen-year-old printer's apprentice, John Matthews, fell prey to this Act; he was executed in 1720 for producing a Jacobite pamphlet.⁴ His was the last execution for printing sedition and treason in England. In 1721, Baron Trevor, with the encouragement of Nottingham and Archbishop William Wake, drafted a more rigorous Blasphemy Act for the Lords than that of 1698, but in the end, they failed to muster enough votes for it.⁵ Just before the bill was introduced, however, Wake had persuaded the king to issue a proclamation against "blasphemous and scandalous clubs", including the "Hell-Fire Club", which reputedly boasted the Duke of Wharton and other "persons of quality" among its members.⁶ Wake also suppressed translations of Servetus, though he met with more limited success in his attempts to ban other works that offended him during these years.⁷

¹ Ibid., 32.

² See also [Oldmixon], *The Secret History of Europe* (London, 1712), 39-49, for conflicting remarks on the value of a free press.

³ Kemp and McElligott, *Censorship and the Press 1580-1720*, vol. 4, 284.

⁴ Siebert, *Freedom of the Press in England*, 366-37; *Oxford Dictionary of National Biography*, accessed 23 July 2020, <https://www.oxforddnb.com/>. For an earlier draft bill to stem Jacobite publications, see Kemp and McElligott, *Censorship and the Press 1580-1720*, vol. 4, 283.

⁵ Robert G. Ingram, Jason Peacey, and Alex W. Barber, "The Warr [...] Against Heaven by Blasphemers and Infidels': Prosecuting Heresy in Enlightenment England", in *Freedom of Speech, 1500-1850*, 2020, 151-70.

⁶ Levy, *Blasphemy*, 57, 299-399. In Cato's *Letters*, Thomas Gordon questioned the existence of the Hell-Fire Club (see Lund, 'Guilt by Association', 410). At this distance, it is probably impossible to disentangle fact from rumor about the club, though Wharton's ODNB biographer, Lawrence B. Smith, treats the Hell-Fire Club as real (*Oxford Dictionary of National Biography*).

⁷ Levy, *Blasphemy*, 301ff.

Anthony Ashley-Cooper, the Third Earl of Shaftesbury, espoused a relatively broad principle of press freedom, and he included satire in the class of protected speech, but he also set limits to free expression.¹ As Ross Carroll demonstrates, while Shaftesbury opposed prepublication licensing, he did not oppose all state intervention after the fact, supporting, for instance, the prosecution of Sacheverell and other High-Church clergymen, and the Earl observes in the *Letter Concerning Enthusiasm* that “if men are vicious, petulant or abusive, the magistrate may correct them”.² Yet, if Shaftesbury supported government efforts to clip the wings of high-flyers and to curb the most scurrilous abuse, his principles are nonetheless consistent with those of Habermas: the rule by which he delimits free speech underscores the role of civility in public discourse. A staunch defender of the Toleration Act, he draws the line at tolerating intolerance, along with high-Tory advocacy of a return to pre-Revolution principles.

In or around 1717, in the aftermath of the 1715 Jacobite uprising that had rocked England and Scotland, even John Toland proposed measures to regulate newspapers:

The common objection against making any regulation to this purpose, is the Liberty of the press, for which I can truly say that no man in the world is more zealous than myself. But I would not have the Liberty of writing turn'd into Licentiousness, no more than any other liberty.³

He insists that he would not suppress the Tory newspaper the *Post-boy*: “I am so farr from being content to hear onely one side, that I am glad there is such a paper as the Post-boy”.⁴ He is thus willing to entertain and even to encourage debate—but only within what he deems reasonable bounds. In a conservative tract on subordination in society, Daniel Defoe later expanded on the distinction between liberty and license:

I observe, the Toleration of Dissenters, which is what they found their Religious Liberties upon, is commonly call'd, an Act for Liberty of Conscience; in my Opinion, that very

¹ Anthony-Ashley Cooper, Earl of Shaftesbury, *Characteristics of Men, Manners, Opinions, Times*, ed. Lawrence E. Klein (Cambridge, UK: Cambridge U.P., 1999), 4-69.

² Quoted in Ross Carroll, “Ridicule, Censorship, and the Regulation of Speech: The Case of Shaftesbury”, *Modern Intellectual History* (2016): 8.

³ Kemp and McElligott, *Censorship and the Press 1580-1720*, vol. 4, 203, abbreviations expanded.

⁴ *Ibid.*

Title explains the Meaning of the Law, that it is to give Liberty to Tender Consciences to worship God. &c.[...] This cannot import a *Liberty* to harden'd Consciences, to worship no God at all, and to fear neither GOD or Devil[...]

There is a Parallel Case in this very same Constitution, and Government; we have a particular Liberty here, and what we value ourselves very much upon, and this is call'd, the *Liberty of the PRESS*, that is to say, that every Man is at Liberty to Print and Publish what he pleases.

But notwithstanding all this Liberty of the Press, the Government frequently take up both Authors and Printers, if they Print any thing offensive, or against the Administration; or if they publish any Personal Reflections, the Person injur'd if these Reflections are unjust and slanderous, has a Right to prosecute the Publisher and Author, and will have his Remedy at Law.

Again, the Government claim to resent injurious Reproaches, Sarcasms, and Satyrs, upon any foreign Prince or State in alliance with England, and may oblige the Authors and Publishers to answer for all such Indecencies[...]. Yet all this consists with the Liberty of the Press, which is (as all Liberty should be) understood, a Liberty to do well, but not a Liberty to do Evil.

“Restraint from ill, is Freedom to the Wise,

“And Good Men, wicked Liberties despise.”¹

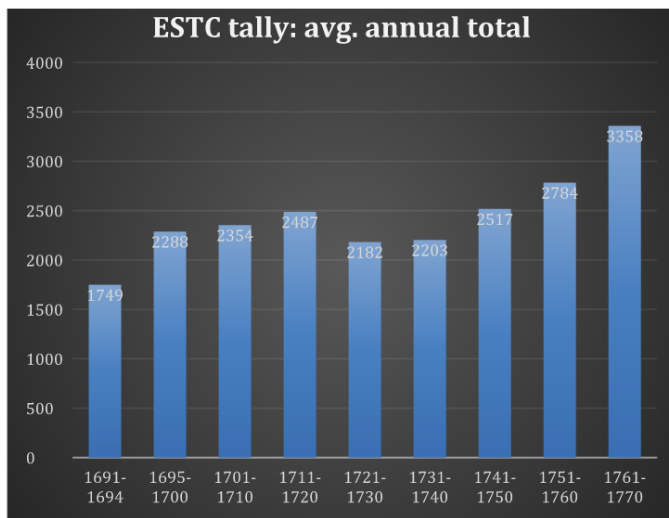
For Toland and Defoe, free speech and a free press consisted with sometimes rigorous limitations on speech and the press. John Feather rightly insists that “it is nonsense to suppose that England suddenly acquired a free press in anything like the sense in which the concept was understood in the liberal democracies of the nineteenth and twentieth centuries”.²

However, I would contend that a nineteenth- or twentieth-century vantage is not the right one. 1695 clearly marked a turning point in English print culture. We can gauge the shift in the publishing industry during what we might call the Habermasian moment by comparing the number and kind of works published before 1695 with the number and kind of works published afterward. The En-

¹ [Daniel Defoe], *The Great Law of Subordination Consider'd; or, the Insolence and Unsufferable Behaviour of Servants in England Duly Enquir'd into. Illustrated With a Great Variety of Examples, Historical Cases, and Remarkable Stories of the Behaviour of Some Particular Servants, Suited to All the Several Arguments Made Use of, as They Go On* (London: S. Harding et al., 1724), 40-42.

² Quoted in Downie, “How Useful”, 7.

glish Short Title Catalogue (ESTC) title counts are illustrative. In the following chart, I have calculated average yearly totals for 1691-1694, 1695-1700, and the first seven decades of the eighteenth century:



My searches of the ESTC database include all countries and count all editions of the titles. The vast majority of the works were published in England, Scotland, or Ireland. (2 June 2020)

It should be noted that the 1691-94 average annual total, 1749 titles, is unusually high for post-Restoration Britain, probably a result of the “Glorious Revolution” and the splintering that ensued; political and religious paper contests abounded. The *annus mirabilis* of 1689 brought new voices into the public square; even though the Act of Toleration excluded anti-Trinitarians, it seems to have invited dissidents of all stripes into print.¹ Bartholomew Shower lamented the “Liberty of the Press” in a pamphlet of 1689.² In the same year, Gilbert Rule

¹ Robertson, *Censorship and Conflict*, 201; Ingram, Peacey, and Barber, “The Warr’”, 158-59.

² Bartholomew Shower, *A Second Vindication of the Magistracy and Government of England, by Way of an Answer to the Several Replies, &c.* ([London]: publisher not identified, 1689), 1.

offered a defense of Presbyterianism in answer to Stillingfleet; even though Rule complains that unlike his orthodox Anglican opponents, he is denied freedom of speech—“Neither have we the liberty of the Press as they have, nor that immunity to speak out our Arguments; but we are ready to be concluded, by a Prison, instead of Arguments”—he managed to get his book published after the Revolution.¹ In *A Dialogue between Sir R. L., Knight, and T.O.D.*, which dates to 1689, the anonymous author makes the character of Sir R. (Roger L’Estrange) say, “*O Tempora! O Mores!* The iniquity of the Times, *Titus*: This *Liberty* of Conscience brought in *Liberty* of the Press again; and you know I never was for any *Liberty*, but when I was in a Goal”.² The Bill of Rights, enacted in 1689, allowed subjects to petition the crown, overturning the 1661 Tumultuous Petitioning Act and ushering in more printed petitions than had normally appeared (bracketing the Popish Plot years).³ For comparison’s sake, the ESTC figure for the year 1670 is 1434 titles; the number for 1675 is 1372 titles; the number for 1686 is 1389 titles; and the number for 1687 is 1457 titles, significantly fewer than the 1749 average for the years 1691-1694. Thus, the sharp uptick in the publication rate from 1695 sprang from an already high benchmark.



Publication numbers declined slightly and plateaued in the 1720s and 1730s. This modest downward trend had multiple causes: the Stamp Act, originally passed in 1712 but with a loophole that Parliament finally closed in 1725; the

¹ Gilbert Rule, *A Rational Defence of Non-Conformity Wherein the Practice of Nonconformists Is Vindicated from Promoting Popery, and Ruining the Church, Imputed to Them by Dr. Stillingfleet in His Unreasonableness of Separation* (London, 1689), 232; Rule had published an answer to Stillingfleet in 1680, when the Licensing Act was in abeyance, but he nonetheless published the work anonymously. In 1689, he signed his name to *A Rational Defence*. See [Gilbert Rule], *An Answer to Dr. Stillingfleet’s Irenicum* (London: Printed for Richard Janeway, 1680).

² Roger L’Estrange, *A Dialogue Between Sir R.L. Knight, and T.O.D.* (London: Printed for Robert Waston, 1689), 10.

³ Knights, *Representation and Misrepresentation*, ch. 3; Knights, “Parliament, Print and Corruption”, 51.

end of the War of the Spanish Succession, a conflict that provoked much public discussion (the Peace of Utrecht was signed in 1713); and the Septennial Act (1716).¹ The Triennial Act of 1694 had fostered the growth of propaganda and polemics, but as Downie remarks, with the Whigs safely ensconced in Parliament for seven years from the election of 1715, “the political environment cooled”, thus applying a “brake” to the political press.² Indeed, Knights argues cogently that in passing the Septennial Act the Whigs sought, among other things, to tamp down on political wrangling in print and elsewhere.³ Fewer elections meant fewer public controversies and less press coverage of Parliament. A finer grained analysis of the ESTC data reveals that publication numbers began to taper off from 1716-1719, in the wake of the Septennial Act. From a decade-high 3001 titles in 1715, the number of titles descended to 2402, 2258, and 2112 in the succeeding three years, rebounding only slightly to 2176 titles in 1719. At moments of crisis, especially after the 1715 Jacobite Rebellion, the Whig ministry pursued a rigorous policy of restraining Tory newspapers and pamphlets.⁴ Another factor in the diminution of print was the financial crisis triggered by the puncturing of the South Sea Bubble in 1720; production and consumption no doubt declined in some industries, including the book trade.⁵ The government’s successful 1731 prosecution of Richard Francklin, publisher of the *Craftsman*, may also have deterred some opposition writers from appearing in print.⁶ It is important to stress that the publication figures for the period 1716-1740 nevertheless far exceeded typical pre-1695 levels, and the number of titles rose again from 1741-1770, before the House of Lords limited copyright terms to the statutory length in *Becket v. Donaldson* (1774), giving rise to a flood of new editions.

¹ Hanson, *Government and the Press, 1695-1763*, 11-13; Siebert, *Freedom of the Press in England*, 308-22; Siebert, *Documents*, ch. 6, 1-5; Downie, *Robert Harley and the Press*, 15, and ch. 7.

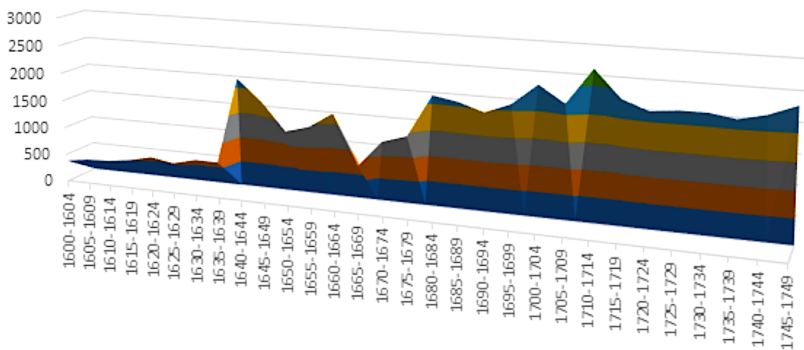
² Downie, *Robert Harley and the Press*, 15.

³ Knights, *Representation and Misrepresentation*, 372-74.

⁴ Hyland, “Liberty and Libel”, 871-88; Kemp and McElligott, *Censorship and the Press 1580-1720*, vol. 4, 279-97.

⁵ Suarez and Turner, *The Cambridge History of the Book in Britain*, vol. 5, 43. Giles Barber, “Book Imports and Exports”, 89.

⁶ Bird, *The Revolution in Freedoms of Press and Speech*, 111-12.



Mean annual ESTC title count in five-year segments (as of 2 June 2020). This chart stops in 1749, before the ‘battle of the booksellers’—the war over copyright—reached its highest pitch, and well before the 1774 Lords’ decision ruling against perpetual copyright.

Additionally, the post-1695 years witnessed an unprecedented number of serial and periodical issues.¹ Nelson and Seccombe observe that “Sixty-four titles in 1642 produced 367 issues; in 1700 half as many titles produced four times as many issues”.² Mark Knights calculates that in 1710, “19 [periodical] titles produced just over 2,300 issues, about three times the figure for the mid-seventeenth century”.³ Partly because of increased periodicity—in 1709, London publishers offered a daily newspaper, an evening paper, “15 bi-weeklies, and 2 tri-weeklies”—the sheer number of papers circulating grew significantly. Print runs also increased.⁴ Thus, despite the dip in the number of titles in the 1720s and 1730s, the level of print saturation in English society even in those decades

¹ Carolyn Nelson and Matthew Seccombe, *Periodical Publications, 1641-1700: A Survey with Illustrations* (London: Bibliographical Society, 1986), 11-14; Knights, *Representation and Misrepresentation*, 222-27, 382-84.

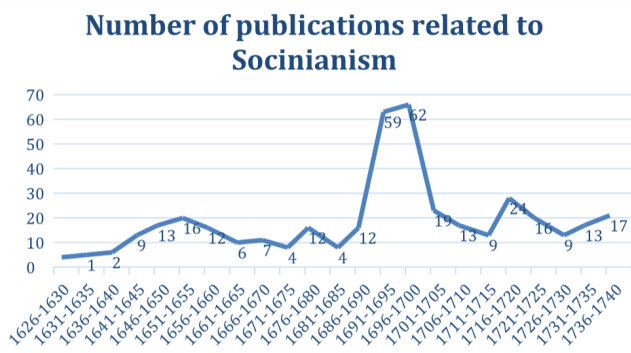
² Nelson and Seccombe, *Periodical Publications, 1641-1700*, 14.

³ Knights, *Representation and Misrepresentation*, 225-26.

⁴ *Ibid.*, 226-27; Knights, “Parliament, Print and Corruption”, 50; Henry Snyder, “The Circulation of Newspapers in the Reign of Queen Anne”, *The Library*, s5-23 (1968): 206-35; “A Further Note on the Circulation of Newspapers in the Reign of Queen Anne”, *The Library*, s5-31 (1976): 387-89; James R. Sutherland, “The Circulation of Newspapers in the Reign of Queen Anne”, *The Library* s4-15, no. 1 (1 June 1934): 110-24; Nelson and Seccombe, *Periodical Publications, 1641-1700*; Barker, *Newspapers*,

must have been high, owing to the vast number of serials and periodicals regularly appearing (the ESTC database counts each serial as only one title, no matter the number of issues). Gary de Krey aptly describes the post-1695 burgeoning of print as a “communications revolution”.¹

As for the kinds of work published, the number of works related to Socinianism and Deism increased dramatically, though with different patterns. What follows is a graph of Socinian and Socinian-related titles published from 1626-1740; for this chart, I have calculated the totals in five-year blocks rather than computing annual averages.



ESTC keyword search string: ‘Socinian* OR Socinus or Unitarian*’ (2 June 2020)

In addition to the Licensing Act’s expiry, a major driver for the Socinian debate appears to have been the Toleration Act of 1689.² Despite the Act’s proscription of anti-Trinitarianism, some authors treated the 1689 Act as a warrant to print profoundly heterodox views, triggering a spate of answers.³ After an

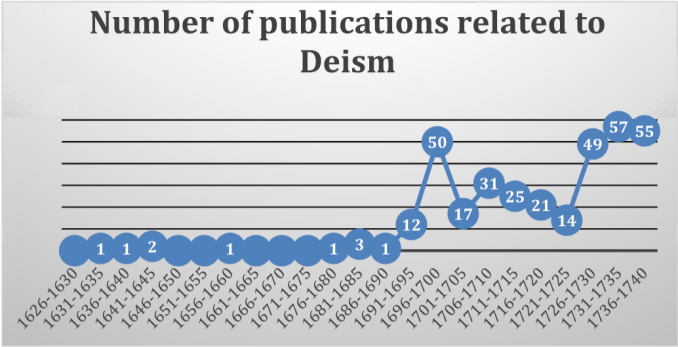
Politics, and English Society 1695-1855, 30-32; Suarez and Turner, *The Cambridge History of the Book in Britain*, vol. 5, 422-23, 434-41; Raven, *The Business of Books*, 257-58.

¹ Gary Stuart De Krey, *A Fractured Society: The Politics of London in the First Age of Party, 1688-1715* (Oxford: Clarendon Press, 1985), 213.

² Robertson, *Censorship and Conflict*, 201.

³ See Jonas Proast, *A Third Letter Concerning Toleration: In Defense of The Argument of the Letter Concerning Toleration, Briefly Consider’d and Answer’d* (Oxford, 1691), 34-35.

initial burst of Socinian-related publications from 1690-1700, the number of titles abated.¹ The pattern for works published on Deism is more complex; as with the previous chart on Socinianism, I have calculated the totals in five-year blocks:



ESTC keyword search string: ‘Deism OR Deist**’ (6 June 2020)

One need not embrace a crude version of the secularization thesis to discern that religious discourse was changing and, in some places, receding. In his bibliometric analysis of the book trade, Michael Suarez notes the decline of religion, philosophy, and ethics titles in the eighteenth century as a percentage of the press’s output.² Tellingly, in *Civil Polity* (1703), Peter Paxton remarks that “the very nature of the dispute between the two parties is gradually changed. For now it is not, as formerly, so much upon the score of religion (though that is continued, or rather revised) as it is upon points of government”.³ In 1716, Addison observes in the *Free-Holder*—not without irony and a mildly disapproving tone—that because of the “late constant Application of the Press to the publishing of State-Matters”, there is “scarce any Man in *England*, of what Denomina-

¹ See also *Some Thoughts on the Representation of the Lower House of Convocation. In a Letter to the Reverend Dr. Atterbury, Prolocutor* (London: Printed for J. Baker at the Black-Boy in Pater-noster-row, 1711), 9.

² Suarez and Turner, *The Cambridge History of the Book in Britain*, vol. 5, 46-48.

³ Knights, *Representation and Misrepresentation in Later Stuart Britain*, 21 note; see also 182-83, 291, 377-78.

tion soever, that is not a Free-thinker in Politicks [...] Our Island, which was formerly called a Nation of Saints, may now be called a Nation of Statesmen”.¹ In a similar vein, Blair Worden demonstrates that Deists, republicans, and others recast religious debates as primarily political.²

The breaking of the Stationers’ monopoly led to an expansion of the printing trade in Scotland, Ireland, and the English provinces.³ The number of presses increased fivefold in London alone during the eighteenth century.⁴ The number of hawkers, mercuries, and pedlars reached “record numbers” in 1696-97.⁵ From 1700, the number of printers and booksellers in provincial towns rose steadily in tandem with population growth, but the ratio of printers and booksellers to town populations grew somewhat over the course of the eighteenth century, suggesting that the book trade was penetrating more deeply into English society.⁶ Cities, towns, and even rural areas were dotted with coffeehouses, where a panoply of newspapers awaited customers.⁷ Partly because of the sharing ethic that prevailed in the coffeehouse, Addison surmised that there were at least

¹ Joseph Addison, *The Free-Holder, or Political Essays*. No. 1-55. 23 Dec. 1715-29 June, 1716, 299, 297.

² Blair Worden, “The Question of Secularization”, in *A Nation Transformed*, ed. Alan Houston and Steven Pincus (Cambridge: Cambridge U.P., 2001), 20-40; Blair Worden, *Roundhead Reputations: The English Civil Wars and the Passions of Posterity* (London: Allen Lane, The Penguin Press, 2001). Religion, however, continued to suffuse the public sphere in ways that Habermas overlooked, even if some, including Locke and Benjamin Hoadly, understood the church as a semiprivate, ‘voluntary Society’: see [John Locke], *A Letter Concerning Toleration*. (London: Awnsham Churchill [...], 1690), 9-10, 15; Levy, *Blasphemy*, 296. Lund, “Guilty by Association”; Alex Barber, “Censorship, Salvation, and the Preaching of Francis Higgins”; “Why Don’t These Lazy Priests Answer My Book?”

³ See Knights, *Representation and Misrepresentation*, 233 for a complicating wrinkle for provincial booksellers—some alleged that clergymen acted as de facto licensors by instructing provincial booksellers on which titles to stock.

⁴ Robertson, *Censorship and Conflict*, 11-12 and notes, 245 note 24, 254 note 30; Suarez and Turner, *The Cambridge History of the Book in Britain*, vol. 5, 298, 434-41; Knights, *Representation and Misrepresentation*, ch. 5, 16; St. Clair, *The Reading Nation in the Romantic Period*, 87, 456; David McKitterick, *A History of Cambridge University Press*, vol. 2 (Cambridge: Cambridge U.P., 1998), 4; see also Raven, *The Business of Books*, 47, 84 for figures from 1547-1723.

⁵ Mark Knights, “How Rational Was the Public Sphere?”, in *The Politics of the Public Sphere in Early Modern England*, ed. Peter Lake and Steven C.A. Pincus (Manchester: Manchester U.P., 2012), 232.

⁶ Suarez and Turner, *The Cambridge History of the Book in Britain*, vol. 5, 336-38, esp. fig. 15.3.

⁷ Steve Pincus, “‘Coffee Politicians Does Create’: Coffeehouses and Restoration Political Culture”, *The Journal of Modern History* 67, no. 4 (1995): 807-34; Brian William Cowan, *The Social Life of Coffee* (New Haven: Yale U.P., 2005).

twenty readers for every copy of the *Spectator*.¹ Improvements to the Post, the expansion of franking privileges, and the rise of book-renting, a practice that adumbrated circulating libraries, enhanced the circulation of books and periodicals.² Finally, the cumulatively larger number of books and serials in print meant that more works could be shared with a wider readership: they could, for instance, be passed down to family and friends and sold in the used book market, supplementing the purchase of new books as a means of circulation.³

Possibly because the Stationers' monopoly was dissolved in 1695 and, moreover, because property in copies was temporarily vitiated, at the turn of the eighteenth century the real price of books in England reached its lowest level since the introduction of the printing press, increasing access to the public sphere.⁴ However, book prices began to rise again shortly thereafter, due, perhaps, to the passing of the Copyright Act of 1710.⁵ Nonetheless, book consumption per capita in Britain and Ireland increased from the second half of the seventeenth century to the first half of the eighteenth (see Appendix 1). In their otherwise fascinating study of European book production and consumption, Buringh and Zanden underestimate the rate of increase in Britain and Ireland: their book production estimates for 1701-1750 are approximately the same as their figures for 1651-1700, which is highly improbable, throwing off their per capita consumption totals.⁶ Buringh and Zanden also underestimate the proportion

¹ Joseph Addison and Richard Steele, *The Spectator*, vol. 1 (London: Printed for S. Buckley, and J. Tonson, 1712), 54.

² Suarez and Turner, *The Cambridge History of the Book in Britain*, vol. 5, 15-18, 415, 427-28, 455, 489-90; Steven Pincus, "The State and Civil Society in Early Modern England: Capitalism, Causation and Habermas's Bourgeois Public Sphere", in *The Politics of the Public Sphere in Early Modern England*, ed. Peter Lake and Steven Pincus (Manchester: Manchester U.P., 2007), 117; Pincus, 1688, 70-74; Knights, *Representation and Misrepresentation*, 17; Edward Jacobs, "Circulating Libraries", in *The Oxford Encyclopedia of British Literature*, ed. David Scott Kastan, vol. 1 (New York: Oxford U.P., 2006), 5-10.

³ For a related point, see McKitterick, *A History of Cambridge University Press*, vol. 2, 2-3.

⁴ Gregory Clark, *A Farewell to Alms: A Brief Economic History of the World* (Princeton: Princeton U.P., 2008), 252-53. See Knights, *Representation and Misrepresentation*, 231 for a caveat: because of rampant piracy, the bookselling congers charged more money for books than Stationers had previously.

⁵ Clark, *A Farewell to Alms*, 252-53.

⁶ Eltjo Buringh and Jan Luiten Van Zanden, "Charting the 'Rise of the West': Manuscripts and Printed Books in Europe, a Long-Term Perspective from the Sixth through Eighteenth Centuries",

of imports to exports in the first half of the eighteenth century.¹ During this period, English titles reached the wider European market largely through the Dutch trade and Continental reprints rather than by direct export from Great Britain. Dutch printers did produce titles for British booksellers who had an eye to Continental distribution, and the latter sometimes had agents abroad, but on the whole England, Scotland, and Ireland imported considerably more books than they exported from 1701-1750.² In addition, the “rise of the [less expensive, more convenient] octavo format” in England, and indeed across Europe, coupled with the “breakthrough of vernacular languages in public discourse”, contributed to the accessibility of texts.³

Turning to more qualitative measures of press freedom after 1695, it is significant that Locke mentions *The Reasonableness of Christianity* for the first time in his correspondence precisely one week after the Licensing Act expired.⁴ The tract flirts with Socinianism and was, as David Wootton points out, “much admired by the first free-thinkers”.⁵ As I have already mentioned in a different context, Milton’s prose, largely latent from 1660 to 1695, reemerged in two editions toward the end of the century. The radical Deists John Toland, Anthony Collins, John Asgill, and Matthew Tindal found their way into print once the Commons abolished licensing, and Toland published previously banned authors such as

The Journal of Economic History 69, no. 2 (2009): 417, 421, appendices at <https://tinyurl.com/books500-1800app>.

¹ Buringh and Zanden, Appendix II, inc. Table II-1.

² Suarez and Turner, *The Cambridge History of the Book in Britain*, vol. 5, 358, 513-22, 524-26, Giles Barber, “Book Imports and Exports”, 84, 102-103, where the figures for “exports” include books shipped to Ireland, East India, and the British colonies in North America and the Caribbean. Britain’s exportation of books picked up in the second half of the eighteenth century. See Suarez and Turner, vol. 5, 526, 27, Giles Barber, “Book Imports and Exports”, 102-103.

³ Leo Lahti, Jani Marjanen, Hege Roivainen & Mikko Tolonen, “Bibliographic Data Science and the History of the Book (c. 1500-1800)”, *Cataloging & Classification Quarterly* 57, no. 1 (2019), 6, 11-12, 13-14, though cf. 17 for a slight wrinkle.

⁴ The Licensing Act expired on 3 May 1695 (Kemp, “The End of Licensing”, 49); Locke mentioned the book in a letter to Limborch on 10 May 1695. See John Locke to Philippus van Limborch, 10 May 1695, *The Correspondence of John Locke*, vol. 5, 370. I am here correcting the expiry date in Robertson, *Censorship*, 201. *The Reasonableness of Christianity* was advertised in August 1695 and published shortly thereafter; see *The Correspondence of John Locke*, vol. 5, vii, 370.

⁵ David Wootton, *Divine Right and Democracy: An Anthology of Political Writing in Stuart England* (Harmondsworth: Penguin, 1986), 448.

Harrington, Ludlow, and Sidney. Defoe excoriated the Socinians, republicans, and Country Whigs he thought responsible for these publications, noting that the absence of press restraints allowed them to usher such works into print.¹ Indeed, Secretary of State William Trumbull remarked in the summer of 1695 that “Since the Act for Printing Expired, London swarmes with seditious Pamphletts”.² In late 1696, the author of *Reasons Humbly Offer’d to the Consideration of the Honourable House of Commons Shewing the Necessity of Having a Bill for the Regulation of Printing and Printing Presses* draws the same link between the demise of licensing and the nest of new objectionable works:

As to the GOVERNMENT, how often that hath been assaulted by the virulent Strokes of Bold and Licentious Pens, it is too notorious to need to be instanc’d in by particular Enumerations: Libels have been impudently thrown out almost every Quarter, since the Determination of the Statute of 13 and 14 Car. 2. 33. [the 1662 Licensing Act] which was thought in a great measure so necessary for preserving the Publick Peace [...] that Parliaments have judg’d it reasonable to continue and revive it no less than Five times, and that in three King’s Reigns.³

In her 1702 proclamation on printing, Queen Anne attributed the groundswell of offensive works to the collapse of the Licensing Act.⁴ In 1705, the lower House of Convocation asked the bishops and archbishops to “take notice of the many evil and pernicious Books, which are Publish’d and Dispers’d, to the Dishonour of God, and the Great Scandal of the Church” and to “use your Interest in the Parliament for the passing a Bill against the Licentiousness of the Press”.⁵ The Tory licenser Edmund Bohun had observed in 1693 that although the Licensing Act was imperfect, without it the press would be far more difficult to man-

¹ [Daniel Defoe], *A Brief Reply to the History of Standing Armies in England. With Some Account of the Authors*. (London, 1698), 23-25; Kemp, “The ‘End of Censorship’”, 58-59 and note 83.

² Astbury, “The Renewal”, 317.

³ Kemp and McElligott, *Censorship and the Press 1580-1720*, vol. 4, 181.

⁴ *Ibid.*, vol. 4, 107-108; Kemp, “The ‘End of Censorship’”, 61-62; see also Boyer, *History of the Life and Reign of Queen Anne Illustrated with All the Medals Struck in This Reign with Their Explanations and Other Cuts*, 48; *A Letter to a Member of Parliament, Shewing the Necessity of Regulating the Press*, 63.

⁵ *A Representation Made by the Lower House of Convocation to the Archbishops and Bishops* (London, 1705), 8.

age.¹ His claim proved well-founded. The pronounced contrast between what was published before and after 1695 indicates the degree of censorship and self-censorship that the 1662 Licensing Act had imposed.

In 1711, Convocation members in both Houses deplored the “evil” works unleashed by the collapse of licensing: “Books containing [...] errors and Impieties [...] have been the more easily published and dispers’d since the Expiration for the Act for Restraining the Press; and thro’ the greater liberty of Printing, which thereon ensu’d, have the Vicious and Profane had more Opportunities to scatter their Papers for corrupting the Manners of Men”.² The Convocation members beseeched Queen Anne “That by your Royal Interposition, an Act may be obtained for Restraining the present excessive and scandalous Liberty of Printing wicked Books at Home, and importing the like from Abroad”.³ Indeed, in 1712, as Parliament considered new press legislation, an anonymous Tory poet suggested hopefully that a new licensing act was imminent. In *The Press Restrain’d: A Poem, Occasion’d by the Resolution of the House of Commons, to Consider that Part of Her Majesty’s Message to the House, which relates to the great License taken in Publishing false and scandalous Libels*, the author ventriloquizes the atheists, libertines, and party writers who fear a return of licensing: “License we love, and joy to hear the Sound; / But may the God’s a licens’d Press confound”. However, in a pivotal passage, the poet describes the angel “Imprimatur”:

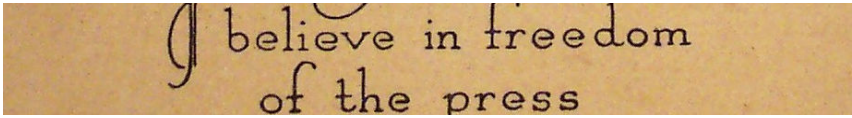
But, lo! An Angel comes divinely Bright,
In awful Grace, and all enwrap’t in Light;
High, on his Head, he wears a mitred Crest,
And *Imprimatur*’s writ upon his Breast;
Before him Faction flies, a monstrous Elf,
A wretched Fiend, at Variance with Herself.⁴

¹ Kemp and McElligott, *Censorship and the Press*, vol. 3, 359; see also 431–32.

² *A Representation of the Present State of Religion, with Regard to the Late Excessive Growth of Infidelity, Heresy and Profaneness: as it Passed the Lower House of Convocation of the Province of Canterbury. Corrected from the Errors of a Former Edition. To which is Added, the Representation, as Drawn up by the Upper-House* (London: Printed for John Morphew, 1711), 24; see also 10–14 for alleged literary abuses of press liberty, including mock-catechisms and libertine poems and plays. See, as well, Edoardo Tortarolo, *The Invention of Free Press* (Dordrecht: Springer, 2106), 31.

³ *A Representation of the Present State of Religion*, 28.

⁴ *The Press Restrain’d* (London: Printed for John Morphew, 1712), 11.



In *Arguments relating to a restraint upon the press, Fully and Fairly handled in a letter to a bencher*, which also dates to 1712, an anonymous “Young Gentleman of the Temple” calls for the restoration of the 1662 Licensing Act to curb the late “Licentiousness of the Press”.¹ He suggests improvements on the old system, including a greater number of licensers and stiffer penalties for infractions, but also, on behalf of “the subject”, a ban on licensing fees and a limit on the amount of time that licensers had to review manuscripts. The author of this proposal would also allow “Protestant Dissenters who are indulged by the Act of *Toleration*” to play a role in licensing their own “Books of Controversial Divinity”, with, however, stringent conditions attached.² Such official and unofficial attempts to revive licensing were, of course, unavailing.³

Indeed, while the law of seditious libel remained in place, it became more difficult to enforce. Just after the Licensing Act lapsed on 3 May 1695, the Duke of Shrewsbury, Secretary of the State for the Southern Department, asked the Solicitor General about the legality of general warrants for the search and seizure of seditious publications.⁴ To the chagrin of those in the book trade, secretaries had used general warrants liberally while the Licensing Act was in force. However, in an exchange with the Archbishop of Canterbury at the end of May 1695, the attorney general and the solicitor general opined that “a Genl. Warrant could not now be granted to Search houses for Printing Presses, but that

¹ *Arguments relating to a restraint upon the press, Fully and Fairly handled in a letter to a bencher, from a Young Gentleman of the Temple. With proposals Humbly offer'd to the Consideration of Both Houses of Parliament* (London: Printed for R. and J. Bonwicke 1711), 4, 5.

² *Ibid.*, 47-51.

³ The Convocation members who wrote *A Representation of the Present State of Religion* did not explicitly propose the return of licensing, but in their reference to the lapse of the 1662 Act, the authors may be implying support for the licensing system. In his tart response to the *Representation*, Tindal seems to interpret their argument in this way; see Tindal, *The Nation Vindicated, from the Aspersions Cast on it in a Late pamphlet, intituled, A Representation of the Present State of Religion, with Regard to the Late Excessive Growth of Infidelity, Heresy and Profaneness, as it Pass'd the Lower House of Convocation*, Part 1 (London: Printed for A. Baldwin 1711), 4.

⁴ Hamburger, “The Development”, 721.

it must be done upon particular Informacions upon Oath”.¹ Thus, when Parliament swept aside the Licensing Act, they deprived the secretaries of a critical weapon in press control. Parliament may have done so deliberately in an attempt to limit the crown’s power: in their reason number 16 against renewing the act, the Commons specifically target the use of secretaries’ warrants under the act as an encroachment on the liberty and property of the subject.²

Legal or not, the use of general warrants did not entirely cease.³ George Kitchin notes that “The legality of the General Warrant was the subject of exhaustive debate in the eighteenth century, during and after the Wilkes case. The great lawyers who argued that case were inclined to trace the warrant to the powers vested by [the 1662 Licensing] Act”,⁴ though the secretaries had, in fact, used such warrants before Parliament enacted the 1662 measure.⁵ Nonetheless, the “broadest sort of general warrant”⁶ that the secretaries routinely issued before 1695—naming neither the authors, printers, and publishers, nor the exact locations to be searched, nor even the titles of the unlicensed or seditious works in question—gradually fell into disuse. In 1662, for example, even before the passage of the Licensing Act, Secretary Nicholas issued a warrant “to Roger L’Estrange, surveyor of the press, or a messenger in ordinary, to search any house, shop, printing room, chamber, warehouse &c. for seditious, scandalous, or unlicensed pictures, books, pamphlets, or papers, to bring away or deface the same, and the letter press, taking away all the copies, and to search for and

¹ Quoted in Hamburger, 721; Martin Dzelzainis, “Managing the Later Stuart Press, 1662-1696”, in *The Oxford Handbook of English Law and Literature, 1500-1700*, ed. Lorna Hutson (Oxford: Clarendon Press, 2017), 545; *Calendar of State Papers (CSPD)*, 1694-1695, 482-83.

² *Journal of the House of Commons—British History Online*, 11, 306b.

³ Robertson, *The British Index*, under the entry for July 27, 1695; Astbury, “The Renewal”, 316-17.

⁴ George Kitchin, *Sir Roger L’Estrange: A Contribution to the History of the Press in the Seventeenth Century*, Reprint of the 1913 edition (New York: Kelley, 1971), 107 note 3.

⁵ For the wide-ranging eighteenth-century debate on general warrants, see, inter alia, William Cobbett, ed., *Cobbett’s Parliamentary History of England* (London: Bagshaw, 1806), vol. 16, 6-15, 207 note, 207-210, 287, 533-35, 548-49, 653, 1228; 1211ff. on the remit of juries. I cannot find any reference to the 1662 Licensing Act from Kitchin’s citation of it. Neither John Dunning nor John Glynn, both attorneys who advised Wilkes, mentions it in the place cited. In *Entick v. Carrington* (1765), LCJ Camden traced the secretaries’ power to issue warrants to the 1662 Licensing Act. See Thomas Bayly Howell, ed., *Cobbett’s Complete Collection of State Trials* (London: R. Bagshaw, 1809), vol. 19, 1052, 1069-70.

⁶ Hamburger, “The Development”, 721.

proceed against all printers, authors, publishers, or dispersers of the same”.¹ It is hard to get much more general than that. Messengers had, essentially, free rein. By the time the government proceeded against Wilkes in 1763, however, a “general warrant” was defined as one lacking the name of any of the persons to be arrested, even if the secretaries specified the location on which the warrant was to be exercised as well as the titles of the offending works. Famously, Wilkes violently protested the illegality of the general warrant exercised against him, along with his subsequent detention. When the government attorneys sought precedents for the use of general warrants in preparation for the Wilkes case, ultimately printing a collection of them in an 80-page booklet, they found no warrants as broad as the one that Secretary Nicholas had issued to L’Estrange and the royal messengers in 1662. Indeed, the vast majority of the warrants that the attorneys unearthed, and cited at length, include at least the title of an offending work, giving them some degree of particularity.² Thus, while “general warrants” did not disappear, they became less general.

While Downie rightly observes that Parliamentary news was technically and often practically forbidden by law, it was frequently available if one had the resources and knew where to look. Henry Muddiman circulated reports on parliamentary proceedings in his newsletters, and as Brian Cowan and Michael Harris point out, from 1664 some coffeehouse owners collected and disseminated parliamentary news. Votes and debate proceedings filtered out of doors in the later seventeenth and eighteenth centuries, circulating orally, in manuscript, and in print.³

¹ *CSPD*, 1661-1662, 282-83 (24 February 1662, date estimated in the Calendar). For another, similarly broad example of a general warrant issued later the same year, see *ibid*, 529 (28 Oct. 1662). See also the extremely general warrants that LCJ Scroggs issued 29 Nov. 1679 and 28 May 1680, both cited against him during his impeachment (*State Trials* 7: 192-93). Secretaries continued to issue expansive general warrants from 1689-1695, after the Glorious Revolution (see, for example, *CSPD*, 1690-1691, 32; *CSPD*, 1693, 218, 399).

² *Copies Taken from the Court of King’s Bench, at Westminster [...] of Warrants Issued by Secretaries of State, for Seizing Persons Suspected of Being Guilty of Various Crimes, Particularly, of Being the Authors, Printers and Publishers of Libels, from the Restoration to the Present Time* (London, 1763), 1-80.

³ On the availability of parliamentary news, see Cowan, *The Social Life of Coffee*, 172, 211; Michael Harris, “Parliament in the Public Sphere: A View of Serial Coverage at the Turn of the Seventeenth Century”, *Parliamentary History* 26, no. 1 (2007): 62-75; Gibbs, “Press and Public Opinion”, 250-52;

3. Literacy

Downie's discussion of literacy in England presents similar problems. Downie contests the idea that a Habermasian public sphere grew out of a culture of increasing literacy.¹ If he is right, if literacy stalled in the latter part of the seventeenth century and the first half of the eighteenth, then that fact would seriously compromise the Habermasian model, for as Terry Eagleton has observed, the most effective form of censorship is to keep people illiterate.² However, the sources that Downie cites undermine his claim. He highlights David Cressy's observation that "virtually nothing is known about the incidence of literacy" in the period 1720-1760, yet Cressy adds that "the summary figures from either end of this period suggest that there were some important changes. Writ large, the evidence points to a general advance of literacy in the first half of the eighteenth century."³ His conclusion is tentative, and he calls for further research, but as it stands the evidence suggests a favorable trend in literacy.⁴

What is more, in the crucial period from 1670-1730, literacy among London tradesmen increased from 81% in 1670 to 92% in 1730 for those in the city and from 76% to 92% for those in Middlesex. London women's literacy rates jumped from 22% to 56% over the same period, an important shift when we

Jason Peacey, "The Print Culture of Parliament, 1600-1800", *Parliamentary History* 26, no. 1 (2007): 1-16; Barber, "It Is Not Easy", 306; Knights, *Representation and Misrepresentation*, 190, on voting lists; Knights, "Parliament, Print and Corruption in Later Stuart Britain", 50-51; Suarez and Turner, *The Cambridge History of the Book in Britain*, vol. 5, 488. As Michael Harris, Gibbs, and Alex Barber point out, the authorities often suppressed newspapers that reported parliamentary news and occasionally disrupted the newsletter trade.

¹ Downie, "How Useful", 5-6.

² Christopher Hill, "Censorship and English Literature", in *Collected Essays*, vol. 1 (Brighton: Harvester Press, 1985), 32.

³ David Cressy, "Literacy in Context", in *Consumption and the World of Goods*, ed. John Brewer and Roy Porter (London & New York: Routledge, 1994), 317.

⁴ See also David Cressy, *Literacy and the Social Order* (Cambridge: Cambridge U.P., 2006), ch. 7 and 177. For some of the problems that attend the estimation of literacy, see Roger Chartier, "The Practical Impact of Writing", in *The Book History Reader*, ed. David Finkelstein and Alistair McCleery, 2nd ed. (London: Routledge, 2006), 156-81; Christopher Hill, "The Lisle Letters", in *Collected Essays*, vol. 3 (Amherst, MA: University of Massachusetts Press, 1986), 150; Keith Thomas, "The Meaning of Literacy in Early Modern England", in *The Written Word: Literacy in Transition*, ed. Gerd Baumann (Oxford: Clarendon Press, 1986), 97-131.

consider women's participation in the literary as well as the political public sphere.¹ Literacy steadily increased for men and women in many places outside London as well, especially in cities and towns. In East Anglia, for example, men had a 30 % literacy rate in 1580 and 50 % in 1730. More dramatically, only 5 % of East Anglian women were literate in 1580; that number jumped to 26 % in 1730.² James Tierney partly attributes the growth of periodicals to the literacy spurred by expanded education: "The charity school movement alone had trained 5,225 students of the lower class within thirty years of its founding in 1699".³

Cressy is careful to note that "literacy in pre-Industrial England was closely and consistently associated with social and economic status";⁴ he continues,

The ability or inability to write followed a gradient from clean, respectable commercial pursuits, through various types of specialist craft activities, to rough, manual, outdoor occupations. A distinctive hierarchy emerges, in which illiteracy is correlated to status, occupation and wealth.⁵

Nonetheless, much of the data that he presents reinforces the bourgeois cast of the public sphere. Indeed, Cressy goes on to observe that "In the seventeenth century [...] the pressure of shipping news and trade regulations, commercial correspondence and memoranda, made fluency with print and script increasingly important".⁶

Downie maintains that Habermas overplays the specifically bourgeois character of the English ruling class, which, many historians contend, was still largely aristocratic throughout the eighteenth century.⁷ Yet participants in the public sphere were not coextensive with the governing classes—indeed, Habermas in-

¹ Cressy, "Literacy in Context", 316, chart 15.3. On women's participation in the public sphere, see Paula McDowell, *The Women of Grub Street*; Cowan, "What Was Masculine About the Public Sphere?"

² Cressy, "Literacy in Context", 316, chart 15.2.

³ Suarez and Turner, *The Cambridge History of the Book in Britain*, vol. 5, 483-84.

⁴ Cressy, "Literacy in Context", 315.

⁵ *Ibid.*, 315.

⁶ *Ibid.*, 315-16; see also Suarez and Turner, *The Cambridge History of the Book in Britain*, vol. 5, 416-18.

⁷ Downie, "Public and Private", 62-68; see also Knights, *Representation and Misrepresentation*, 175, 181-87 on the contemporary argument that the landed elite represented the reasonable part of the political nation. Such claims were contested: see, e.g., 188-89.

sists on a distinction between the public sphere and the state.¹ Furthermore, Steve Pincus observes that both the Bank of England, created in 1694, and tax reform empowered the commercial classes.² Henry Roseveare, whom Downie cites approvingly,³ remarks that “modern analysis of the Bank’s subscribers and directorate confirms the contemporary perception that it was a predominantly Whig institution, with strong nonconformist affiliations and narrowly drawn from a ‘bourgeois base’”.⁴ Scholars have also called our attention to the dramatic migration patterns from rural areas to towns and the concomitant shift from an agrarian to a manufacturing economy in the later seventeenth century.⁵ Knights spotlights the growth of the “fiscal-military state” at this time,⁶ noting that in contrast to the early Stuart period, when 75 % of revenue was extra-parliamentary, “by 1714 only 3 per cent of revenue was of a non-parliamentary nature”.⁷ Relative to the pre-1689 years, income tax doubled to subsidize the wars against France in the 1690s.⁸ In addition, Knights underlines the “fiscal innovation and reform” of the post-revolution era: not only the foundation of the Bank of England but the creation of paper currency and the stock market, all of which introduced the notion of public credit. Information drove this credit-based economy. As Knights puts it, summarizing Habermas, “Merchants and tradesmen needed to know states of affairs [...] to conduct their business, but they also needed to be able to convey their own opinions about trade back to the

¹ Calhoun notes in a different context that the “public sphere was not coterminous with the state apparatus” (“Introduction”, in Calhoun ed., *Habermas and the Public Sphere*, 8).

² Pincus, “The State and Civil Society in Early Modern England”, 218-19; Steven Pincus, “Whigs, Political Economy, and the Revolution of 1688-89”, in *Cultures of Whiggism: New Essays on English Literature and Culture in the Long Eighteenth Century*, ed. David Womersley, Paddy Bullard, and Abigail Williams (Newark, DE: University of Delaware Press, 2005), 62-85.

³ Downie, “How Useful”, 9.

⁴ Henry Roseveare, *The Financial Revolution 1660-1760* (London: Longman, 1991), 40.

⁵ Peter Lake and Steven C. A. Pincus, “Introduction”, in *The Politics of the Public Sphere in Early Modern England*, ed. Peter Lake and Steven C.A. Pincus (Manchester-New York: Manchester U.P., 2007), 11.

⁶ Knights, *Representation and Misrepresentation*, 13-15.

⁷ *Ibid.*, 14

⁸ *Ibid.*, 14. As an interesting side note, Gillian Russell contends that the rise of modern war as a media event dates to the lapse of the Licensing Act in 1695. See Gillian Russell, “The Eighteenth Century and the Romantics of War”, in *The Cambridge Companion to War Writing*, ed. Catherine Mary McLoughlin (Cambridge, UK-New York: Cambridge U.P., 2009), 114-15.

government”.¹ On a related note, merchants and tradesmen preferred numerous petitions to Parliament, and economic literature flourished.² In fine, the state needed a successful merchant class to subsidize the war efforts; magistrates cast a wary eye on public discourse, but because merchants needed ready news, keeping channels of communication open proved essential.³ The middling sort thus exerted more pressure on the English state than they had at any point in history. Downie’s point is nonetheless well taken: Habermas’s Marxian framework is a bit simplistic, and the very concept of class in early modern England is problematic.⁴

4. Coffeehouse culture revisited

Famously, the coffeehouse is for Habermas perhaps the primary site of the English public sphere, a bastion of free and open debate. Most coffeehouses distributed newspapers and sold books in conjunction with Stationers, who often lived nearby.⁵ Conversation supplemented individual and group reading, and the rules of debate were frequently codified.

The coffeehouse owner Paul Greenwood published the following verses on coffeehouse decorum in 1674; they formed part of an advertisement for his business:

¹ Knights, *Representation and Misrepresentation*, 48-49.

² Knights, *Representation and Misrepresentation*, 117-18, 119 note 2; Julian Hoppit, “The Contexts and Contours of British Economic Literature, 1660–1760”, *The Historical Journal* 49, no. 1 (March 2006): 85-88, mentioning the lapse of the Licensing Act; Pincus, “The State and Civil Society in Early Modern England”, 230 note 67; Suarez and Turner, *The Cambridge History of the Book in Britain*, 5:416-18, 482-83. Petitions could be inclusive or exclusive, sometimes inviting those without property to participate but frequently emphasizing the signatories’ rank. See Knights, *Representation and Misrepresentation*, 139-42, on the ‘quantity-quality’ debate of the period.

³ Pincus, “The State and Civil Society in Early Modern England”, 224, 225; Kemp and McElligott, *Censorship and the Press 1580-1720*, vol. 4, 311.

⁴ Pincus, “The State and Civil Society in Early Modern England,” 220-21. For a sensible discussion of ‘class’ in the eighteenth century, see Roy Porter, *English Society in the Eighteenth Century*, 2nd edition (London: Penguin, 1990), ch. 2.

⁵ Cowan, *The Social Life of Coffee*; Knights, *Representation and Misrepresentation*, 248-51; 250 note 113; Suarez and Turner, *The Cambridge History of the Book in Britain*, vol. 5, 21, 471.

The RULES and ORDERS of the Coffee-House

Enter Sirs freely, But first if you please,
Peruse our Civil-Orders, which are these.
First, Gentry, Tradesmen, all are welcome hither,
And may without Affront sit down Together:
Pre-eminence of Place, none here should Mind,
But take the next fit Seat that he can find:
Nor need any, if Finer Persons come,
Rise up for to assigne to them his Room; [...]
He that shall any Quarrel here begin,
Shall give each Man a Dish t'Atone the Sin; [...]
Let Noise of loud Disputes be quite forborn,
No Maudlin Lovers here in Corners Mourn,
But all be Brisk, and Talk, but not too much
On Sacred things, Let none Presume to touch,
Nor profane Scripture, or sawcily wrong
Affairs of State with an Irreverent Tongue:
Let Mirth be Innocent, and each Man see,
That all his Jests without Reflection be; [...]
Lastly let each Man what he calls for Pay,
And so you're welcome to come every day.

Cultural historian Markman Ellis detects satire in these lines, but while comedic exaggeration pervades the poem, its rules seem as serious as they are playful.¹ Greenwood delineates a public space governed by rules of reason and propriety. The couplets themselves harmoniously echo the *concordia discors* hailed as an aesthetic and cultural standard in neoclassical Britain. Greenwood is scarcely alone in emphasizing the egalitarian atmosphere of the coffeehouse: other contemporary writers note, with varying degrees of approval, that in coffeehouses there is “no respect of persons”.²

¹ The poem is quoted in full in Markman Ellis, *The Coffee House: A Cultural History* (London: Weidenfeld & Nicolson, 2004), 59-60. For other contemporary assertions of the coffeehouses' civilizing influence, see Pincus, “Coffee Politicians Does Create”, 832-33.

² Ellis, *The Coffee House: A Cultural History*, 59; Joad Raymond, “Newspapers, Public Opinion, and the Public Sphere”, in *News, Newspapers, and Society in Early Modern Britain*, ed. Joad Raymond (London-Portland, OR: F. Cass, 1999), 109-40; Pincus, “Coffee Politicians Does Create”, 814-15, 832-34; Cowan, *The Social Life of Coffee*, 102.

It must be acknowledged, however, that such a portrait is highly selective. Many, including Daniel Defoe, condemned the coffeehouses as loud, unruly spaces.¹ As Brian Cowan has ably demonstrated, critical essays and satiric prints abounded in this period. If Cowan too often gives the coffeehouses' sharpest critics the final word on the subject, many others scholars' views of the coffeehouse are clearly airbrushed.²

The same could be said about scholarly views of the public sphere in general. Thus, while Lawrence Klein supports Habermas's thesis by underlining the ways in which eighteenth-century England developed new codes of politeness,³ many have observed that late seventeenth- and early eighteenth-century political debate tended to be raucous; in many contexts, politeness was an unrealized ideal. Not every journal was the *Tatler* or the *Spectator*, and not every coffeehouse patron abided by Greenwood's rules. Indeed, as Cowan observes, despite appearances not even the *Tatler* and the *Spectator* were politically neutral.⁴

Joad Raymond has fittingly described the early modern public sphere as both "reasoned and Babelish".⁵ In his case study of the vituperative exchanges be-

¹ Brian Cowan, "Mr. Spectator and the Coffeehouse Public Sphere", *Eighteenth-Century Studies* 37, no. 3 (2004): 336; Knights, *Representation and Misrepresentation*, 251-56.

² A number of the critics whom Cowan cites in *The Social Life of Coffee* were representatives of the Church or the state, so their disapprobation is no surprise (242), and many of the criticisms date to the period before the Revolution (ch. 8). Satires against coffeehouses nonetheless continued to vent for years after the Glorious Revolution, as did general disapproval (*ibid.*, 111-112, 239-42)—despite Addison and Steele's reforming project (238-46). On the matter of free discourse in the coffeehouse, Cowan discerns a "grudging" acceptance of coffeehouse discussion in the reigns of William and Anne, although William's relationship with the coffeehouses was fraught, particularly after the emergence of a Jacobite press (*ibid.*, 211-16). Cowan suggests that the Hanoverian regime returned to the Stuarts' level of intolerance toward coffeehouses, attempting to curb them through more vigorous prosecution of the libel laws (*ibid.*, 216-24). Roger Lund details the Tory myths about Whig coffeehouses and clubs, acknowledging that they had a stronger basis in ideological fantasy than in reality; Roger D. Lund, "Guilt by Association: The Atheist Cabal and the Rise of the Public Sphere in Augustan England," *Albion: A Quarterly Journal Concerned with British Studies* 34, no. 3 (2002): 391-421.

³ Lawrence E Klein, *Shaftesbury and the Culture of Politeness* (Cambridge; New York: Cambridge University Press, 1994), 13-14.

⁴ Cowan, "Mr. Spectator", 345-66; Knights, *Representation and Misrepresentation in Later Stuart Britain*, 56.

⁵ Raymond, "Newspapers, Public Opinion, and the Public Sphere", 133.

tween William Bisset and Henry Sacheverell, Mark Knights acknowledges that their “public debate [...] tended to produce *rival versions of the truth* rather than consensual agreement about a single truth, as Habermas would indicate was the norm”.¹ In 1715, White Kennett published a work that by itself embodies and indeed epitomizes this notion of truth divided, *The Wisdom of Looking Backward: To Judge the Better of One Side and t’Other*. Using a two-column format, Kennett cites Tory texts on one side and Whigs texts on the other to describe the same events.² Yet Knights cogently argues that the public sphere was to be found not in the bitter contests among polemicists but rather in the “*umpire of the public*” to whom these writers appealed.³ His quotation of Hannah Arendt in this context is particularly apt: “the public realm is constituted by the critics and the spectators and not by the actors or the makers”.⁴

A note on the timing of the public sphere’s inception is in order. Downie, Zaret, and others have pointed to the explosion of print in the 1640s and from 1679-1685 as earlier incarnations of the public sphere, thus faulting Habermas’s dating. They are certainly right about the torrent of print, including petitions, in these earlier periods, and Zaret’s exploration of public debate in the 1640s and 1650s, like Downie’s treatment of the Harleyite ministry, remains valuable. The word *public* became a noun in the middle of the seventeenth century, supplementing its use as an adjective, but it is important to stress that the notion of a “public” is not the same as a public sphere.⁵ The climate and character of the 1640s and 1679-1685 were far different from those of the late seventeenth and early eighteenth centuries. First, the expansion of the print trade in the earlier two periods owed as much to the events taking place—the English Civil Wars

¹ Knights, “How Rational Was the Public Sphere?”, 260.

² [White Kennett], *The Wisdom of Looking Backward: To Judge the Better of One Side and t’Other* (London: Printed for J. Roberts, 1715) Until recently, the *Wall Street Journal* similarly offered a ‘Red Feed–Blue Feed’ application, which allowed readers to see the different U.S. party perspectives on a given issue—Red for Republican, Blue for Democrat—that coursed through social media.

³ Knights, “How Rational Was the Public Sphere?”, 260. Knights elaborates the notion of the public as umpire or judge in *Representation and Misrepresentation*, 92, 156, 310, 324, 354, 357, 381. For the merits and flaws in Habermas’s notion of a rational public sphere, see Knights, 48-53, 110, 149, 162, 165, 174-81, 182, 202-205, 214-15, 217, 219, 223, 236, 244-49, 256-61, 273-74, 287 note 70, 292, 316, 357-58.

⁴ Knights, “How Rational Was the Public Sphere?”, 261.

⁵ Knights, *Representation and Misrepresentation*, 95-97; Trevor Ross, *Writing in Public*, 7-18.

and the Exclusion Crisis—as it did to temporary lapses of censorship. Second, censorship was re-imposed in the 1640s and during the Tory reaction to the Exclusion Crisis; indeed, in the latter case, the courts imposed a requirement to license the news even before the Licensing Act was resuscitated in 1685.¹ Third, civility during these moments of crisis was not even an ideal. It is hard to see how these earlier discursive conflicts even approximate a Habermasian public sphere.²

Even so, we must not rhapsodize over the public sphere as Habermas did. Knights astutely observes that in canvassing the “structural transformation” of the public sphere, “Habermas deliberately oversimplified and exaggerated the rationality of the first public sphere in order to emphasize [the] process of decay.”³ An element of *Paradise Lost* shadows Habermas’s account. Furthermore, in his book *Robert Harley and the Press*, Downie has shown in striking detail that in the early eighteenth century Harley manipulated public discourse by subsidizing and otherwise managing news writers and pamphleteers, a tactic that undermined rather than nurtured rational-critical debate. Downie perhaps overuses the term “propaganda” in his seminal study on the Harleyite ministry: everything from libelous squibs to reasoned argument is lumped under the term *propaganda*. Here as elsewhere, Mark Knights’s *Representation and Misrepresentation in Later Stuart Britain* provides a useful counterpoint. Yet Downie makes a convincing case that public discourse dealt as much in manipulation as it did in persuasion, and Knights too highlights the darker side of parties and political factions in the reigns of William and Anne.

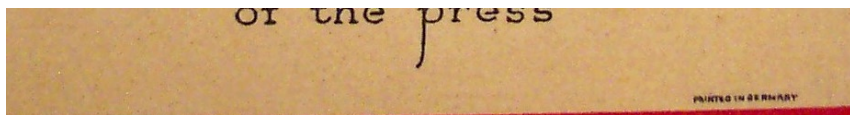
Nonetheless, there remains much of heuristic value in Habermas’s concept of the public sphere. After Parliament abandoned licensing in 1695, debate was significantly freer than before, and Britons learned to value civility in principle if

¹ Robertson, *Censorship and Conflict*, 151.

² Kemp, “L’Estrange and the Publishing Sphere”. Public spheres are now cropping up everywhere and in every era. As Brian Cowan dryly remarks, archeologists will soon discover a ‘Paleolithic’ public sphere. See Cowan, “What Was Masculine About the Public Sphere?”, 128. None of this is meant to suggest that it is somehow illicit to apply the term ‘public sphere’ to the communication circuit of a previous era—indeed, the Lake and Pincus volume cited above details the evolution of the public sphere from the Elizabethan period—merely that Habermas was right to insist that the public sphere at the turn of the eighteenth century had a distinctive character.

³ Knights, “How Rational Was the Public Sphere?”, 252; Knights, *Representation and Misrepresentation*, 149.

not always in practice. Habermas should not be treated as a sacred figure never to be challenged, but rather as what Foucault calls a ‘founder of discursivity’. Like Freud, Marx, and Foucault himself, Habermas has generated a discourse that continues to evolve. On a similar score, the arguments of Alvin Kernan and others on the expansion of print culture need to be refined, not discarded. Although we should not lazily fall back on timeworn historical narratives, the scholar’s imperative to say something new should not force us wholly to abandon older models and theories from which we can still extract value. Perhaps we continually revive Habermas to refute him because his portrait of early modern England contains more than a kernel of truth. Progress toward free, open, and rational debate was and is relative and asymptotical rather than absolute; but the Habermasian picture, however idealized, remains relevant, both in our analysis of the past and in our orientation toward the future. Now more than ever, we need to preserve such an ideal.



5. Appendix. Number of titles produced; book consumption per capita in 50-year chunks

1651-1700

England: 71,385; Scotland: 3,373; Ireland: 1,743; Wales: 2 titles
Total for England, Scotland, Ireland, and Wales: 76,503 titles
Total in ESTC,¹ all countries (as of 25 May 2020): 80,395 titles
Print run (500) × total number of titles, all countries: 40,197,500
Population of England and Wales, 1700: 6,045,008
Population of Scotland, 1691: 1,230,000²
Population of Ireland, 1687: 2,000,000³
Total population of British Isles, c. 1700: 9,275,008
Mean book consumption rate per capita, British Isles: 4.3 books per person

1701-1750

England: 88,450; Scotland: 11,574; Ireland: 9,205; Wales: 25 titles
Total for England, Scotland, Ireland, and Wales: 109,254 titles
Total in ESTC, all countries (as of 25 May 2020): 116,409 titles
Print run⁴ (600) × total number of titles, all countries: 69,845,400
Population of England and Wales, 1750: 6,517,035
Population of Scotland, 1755: 1,267,000⁵
Population of Ireland, 1750: 2,400,000⁶
Total population of British Isles, c. 1750: 10,184,035
Mean book consumption per capita, British Isles: 6.9 books per person

¹ The ESTC counts serials, whereas Buringh and Zanden, “Charting the ‘Rise of the West’”, do not, but ESTC counts each serial and periodical only once, so the production numbers cited here are roughly commensurable with their calculations (*ibid.*, 417).

² Michael Anderson, ed., *British Population History: From the Black Death to the Present Day*. Cambridge, UK: Cambridge U.P., 1996, 119.

³ *Ibid.*, 120.

⁴ Print runs increased in the early eighteenth century: see p. 36, above.

⁵ Anderson, ed., *British Population History*, 119.

⁶ *Ibid.*, 120.

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