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Between Censure and Liberalization:
The Press and Publishing in Second Empire France

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In a speech on January 19, 1858, French Emperor Napoleon III remarked that, “liberty without limits is impossible whilst there exists in a country a faction determined to disregard the fundamental bases of the constitution, because then liberty, instead of serving to enlighten, control, and improve government, is nothing but a weapon in the hands of parties determined to overthrow it.”¹ France had long struggled to balance freedom of the press with maintaining order. Not only governments, but printers and writers recalled the excesses of the French Revolution and the role of unrestrained press in the ensuing chaos. All successive regimes provided for a limited freedom of the press in the interest of public safety. Uniquely, the Second Empire reinstated some of the most stringent controls on the press since the reign of Napoleon I. However, Napoleon III, ruling as the Industrial Revolution was picking up speed, certainly had to deal with a much larger more diverse network of printers and publishers than his uncle ever had. The challenge was not only in terms of magnitude, but also impact. Public opinion in the 1840s and 50s had far more power than in the early 1800s, especially after the liberal revolutions

¹ Roger Price, *Napoleon III and the Second Empire* (London: Routledge, 1997), 68.

the shook Europe in 1848. Despite these challenges, the government still required that the press, literature, and even history remain aligned to the needs and purpose of the new regime.

In this essay, I will assess the methods of censure and control of ideas and public opinion under the Second Empire, as well as their limitations. My aim is to show that while an initial period of repression was justifiable in the eyes of both the government and the public, government control over the press could never be complete enough to curtail the growing demands for liberalization in the second decade of the empire. The Empire's failure to fully control press and impose censure is a symptom of the fact that an authoritarian regime could no longer rule with impunity in modern France. The force of liberal pressures from both within and without the government could not be ruthlessly suppressed without endangering the legitimacy and existence of the imperial regime.

Before discussing how censure served the goals of the Empire, we must establish what Bonapartism meant in 19th century France, and how Louis-Napoleon formed his political program. Bonapartism is difficult to pin down because it is not a distinct ideology. Louis-Napoleon's press in 1848 said that "the Napoleonic cause is the same in 1848 as it was in 1802."² Bonapartism, especially Louis-Napoleon's brand of Bonapartism, is ambiguous because of the duality of his despotic yet economically and socially liberal governance. A common thread that bound the First Empire to the Second Empire was the emphasis on order as the pre-requisite for both liberty and prosperity. Essential to the imperial myth was the belief that "the Bonapartes

² Sudhir Hazareesingh, *From Subject to Citizen: The Second Empire and the Emergence of Modern French Democracy* (Princeton University Press, 1998), 35.

alone were above faction and hence could govern in the general interest”³ and assure order and stability in a country with a turbulent recent history.

Stability, however, does not come cheap for a new regime, especially one that came to power via coup d'état. France's history of political instability worried him, and his popularity lagged in large cities, especially in Paris. Though he did not want his reign to be defined by repression and violence, he considered his political project for France too important to be hampered or cut short by bad press, especially in its delicate beginnings. To him and his supporters, censure, and measured repression of public expression of political opinion seemed to be a necessary evil.

Despite varying degrees of limitation, the press, from the Restoration to the Second Republic, had developed a reputation for being militant, factional, and saturated with opinion and commentary to the disadvantage of informative journalism.⁴ However, Napoleon III needed the press to faithfully disseminate propaganda and project a carefully tailored image of his regime to the people. This could only be done through measures of censure and repression which would homogenize political opinions in the press, and silence dissent, which was deemed dangerous to public order.

Napoleon III's distrust of the press can be understood considering press hostility to his government upon his election to the presidency in 1848. Among the hundreds of newspapers in circulation during the Second Republic, only *Le Moniteur Universel* was pro-Bonapartist.⁵ The

³ Jennifer S. Milligan, "The Problem of Publicite in the Archives of Second Empire France," in *Archives, Documentation, and Institutions of Social Memory: Essays From the Sawyer Seminar*, ed. Francis X. Blouin (Ann Arbor, MI: University of Michigan Press, 2006), 22.

⁴ Peter Vantine, "Censoring/Censuring the Press under the Second Empire: The Goncourts as Journalists and "Charles Demailly," *Nineteenth-Century French Studies* 43, no. 1/2 (2014): 52.

⁵ Natalie Isser, *The Second Empire and the Press: A Study of Government-inspired Brochures on French Foreign Policy in Their Propaganda Milieu* (The Hague: Niihoff, 1974), 19.

other popular newspapers, including *Le journal des débats* (supported by the Rothschilds), *La Presse*, *Le Constitutionnel*, and even the *Catholic Univers* were ambivalent, if not downright hostile, to the new president and his government.⁶ With a decree issued February of 1852, Napoleon III introduced a series of laws that placed constraints on what could be published and dictated degrees of punishment for non-compliance.

On the basic level, the new constraints were financial. A *timbre fiscal* had to be purchased and placed on each newspaper or brochure sold.⁷ Additionally, to be allowed to discuss political issues, the owner of a paper had to put down a *cautionnement* with the administration, which was a large tax that was meant to cover any potential legal fees incurred by the paper in case they were caught publishing subversive or immoral content⁸. These measures alone meant that publishing was only within the means of a certain class of individuals, the wealthy, usually conservative, upper bourgeoisie, who were also more likely to support the regime. The *timbre fiscal* also increased the price of newspapers, so that they became that much more inaccessible to a wider or more diverse audience.

The next level of controls was more direct and required active policing. To this end, the prefectorial corps were endowed with special powers to police and survey the press for any material that would constitute a threat to public safety.⁹ As opposition to the regime would constitute a threat to the government's ability to maintain order and safety, any publication that expressed a critical view of the government could face a court hearing. To deflect serious accusations of outright suppression of the press, the government developed a system of three

⁶ Ibid, 19.

⁷ Vantine, "Censoring/Censuring the Press under the Second Empire," 50.

⁸ Ibid, 50.

⁹ Isser, *The second empire and the press*, 12.

warnings, wherein the third warning would result in a two-month suspension, and an additional warning would warrant its removal from the press.¹⁰ The state could also take a publisher or writer to court for publishing defamatory material, but crucially, Napoleon III moved all trials against the press from the *jury d'assises* to the more severe *tribunal correctionnel*, which were judged solely by magistrates.¹¹

The press and public opinion were, even with censure in place, treated as an enemy that had to be manipulated and kept at a distance. The press was totally excluded from the inner workings of government and were not allowed to print debates from meetings of the parliamentary committee except in a thoroughly edited and government-approved form.¹² The government was also careful that no decisions of public concern that could potentially embarrass the regime reached the press. The quiet restriction of the national Archives to keep any documents that could harm the Bonapartist image from coming to public attention was one such example. The Archives had been open to the public, in principle, since the fall of the Ancien Regime, and with growing interest in history and the writing of good history, the Archives were both an opportunity and a liability to the regime. The writing of history was a unique problem for the Second Empire because of how heavily its legitimacy relied on the historical legacy of the First Empire, but it was becoming impossible, especially into the 1860s, to control the kinds of histories being written using Archival sources. The Baron d'Haussonville, who had also criticized the laws against the press in 1860, published a critically acclaimed history of the First Empire in 1867, *L'Eglise Romaine et le Premier Empire* which challenged the carefully polished image of France's first Emperor, and, to the government's embarrassment, cited letters

¹⁰ Gerard Unger, *Histoire du Second Empire* (Paris : Perrin, 2018), 84.

¹¹ Vantine, "Censoring/Censuring the Press under the Second Empire," 51.

¹² Price, *The French Second Empire*, 66.

conspicuously missing from the official “complete” Correspondence published by Prince Napoleon.¹³ Because they could not effectively control how history was being written, they decided to quietly assume control of the source material. An archivist was designated to discreetly look out for the interests of the state by denying scholars access to documents deemed too sensitive. To avoid raising alarms among the public or the press, scholars and writers were not told they could not access documents, they were simply told the documents they were seeking were “not found.”¹⁴

Evidently, there were limits to Napoleon III’s ability to control the press and information for the benefit of the regime’s image. Even after the decree of February 1852, the government understood that the suppression of popular opposition newspapers, in Paris especially, would be met with outrage, so several papers like the liberal *Journal des Débats*, *La Presse*, and even the republican *Siècle* were tolerated.¹⁵ Skilled writers working in the *grands journaux* adapted to the restrictions, and took to expressing political views through aesthetic debates, historical or literary allusions, and through satire, most of it tucked away in the theatre reviews of the *feuilleton*¹⁶. Moreover, by 1867, fifty-six opposition papers were being printed in departments outside of Paris, a substantial increase since 1858.¹⁷

The steady buildup of opposition is also seen in Baron d’Haussonville’s four questions addressed to the *Conseils Generaux*, which were published in the *Courrier du Dimanche* in September of 1859. The *Courrier* was, in fact, issued a warning for publishing incendiary remarks. Although foreign press, in this case the British, deemed his crusade futile, he raised a

¹³ Milligan, “The Problem of Publicite in the Archives of Second Empire France,” 25.

¹⁴ *Ibid*, 27.

¹⁵ Price, *The French Second Empire*, 175.

¹⁶ Vantine, “Censoring/Censuring the Press under the Second Empire,” 52.

¹⁷ Price, *The French Second Empire*, 176.

point that struck a legitimate blow to the validity of the 1852 decree against the press: could newspapers, which constitute a piece of private commercial property, be suppressed by a state, which had made protection of private property part of its constitution?¹⁸ Thus, while successful in silencing overt republican voices and direct opposition, the Second Empire, which oversaw the circulation of over a thousand newspapers in France, could not afford or manage heavy handed suppression. Coercive measures, coupled with either the indifference or tacit public acceptance of the Bonapartist precept that some liberty must be sacrificed in order to preserve order and reap the benefits of economic prosperity and industrial development, allowed the state to effectively put a damper on political debate and opposition in the press.

Art and literature were likewise not safe from the censor's pen. Serialised novels, poems, and theatre productions were all liable to be charged for endangering "le sentiment religieux, le sens moral, [et] l'esprit patriotique" of France.¹⁹ What did morality have to do with Napoleon III's political stability? The heightened public anxieties around morality and sexual promiscuity produced by the advent of modernity concerned the state, which defined itself as the guarantor of public order and safety, and as such protecting public morality was taken on as a duty of the state. By extension, encouraging religious sentiment and improving ties with the Church was considered essential to the "moralization" of society.²⁰ It was not by coincidence that the Second Empire also presided over a period of religious revival, especially in the countryside where the emperor was most popular.²¹ And thanks to press censure, ordinary Frenchmen were unaware of

¹⁸ "M. D Haussonville's Four Questions." *Saturday Review of Politics, Literature, Science and Art* 9, no. 221 (Jan 21, 1860), 75.

¹⁹ Michele Sollecito, « Le rapport de la censure sur Henriette Maréchal des frères Goncourt », *Revue italienne d'études françaises*, 1 (2011).

²⁰ Sudhir Hazareesingh, "Religion and Politics in the Saint-Napoleon Festivity 1852-70: Anti-Clericalism, Local Patriotism and Modernity," *The English Historical Review* 119, no. 482 (2004), 616.

²¹ *Ibid*, 617.

the emperor's romantic exploits for all they saw were the regularly circulated images of the imperial family, an image of bourgeois propriety and morality. That said, undeniably the regime was also taking advantage of the close association in the public imagination between republicanism, secularism, and loose morals. Moral censure was, therefore, another manifestation of the kind of hegemony of thought and opinion that the Second Empire promulgated.

In contrast to the literary culture of the 1820s and 30s, there was virtually no outcry from artistic and literary circles in France in response to the measures of censure.²² The notable examples of Gustave Flaubert's *Madame Bovary* and Charles Baudelaire's *Les Fleurs du Mal* demonstrate not only the extent to which writers were willing to go along with government rules, but also the total lack of effective repression to go along with official threats of censure. Both works were prosecuted by the same "creature of the Empire", a man named Ernest Pinard, who had a long and prosperous career as a government mouthpiece right up until the fall of the Empire.²³ In his indictment of *Madame Bovary*, Pinard summarizes concisely the moralizing attitude of the state towards art: "L'art sans règle n'est plus l'art... Imposer à l'art l'unique règle de la décence publique, ce n'est pas l'asservir, ais l'honorer. On ne grandit qu'avec une règle."²⁴

Flaubert's lawyer, Maître Sénard, never made any attempt to defend the author's freedom of expression this work of fiction. On the contrary, he defended his dignity as a father and man of letters and defended the work as trying to highlight virtue through the horror of vice, and

²² Haynes, *The Politics of Publishing During the Second Empire*, 9. There are, of course, the notable exceptions of the literary figures who chose exile in order to be free to say what they wished, among them Hugo, Proudhon, Quinet, Dumas, etc.

²³ *Ibid*, 4.

²⁴ Ernest Pinard, « Requisitoire de M. l'Avocat Imperial, M. Ernest Pinard : Ministère Public Contre M. Gustave Flaubert », Accessed 7 April, 2021, <https://www.napoleon.org/histoire-des-2-empires/articles/requisitoire-de-m-lavocat-imperial-m-ernest-pinard-ministere-public-contre-m-gustave-flaubert/>

thereby send a moral and religious message to the reader.²⁵ Ironically, although the court judged the novel as immoral and inappropriate, Flaubert was ultimately acquitted, and the novel was allowed to go to print. Once in print, however, the long-suffering novel and its trial failed to elicit any sympathy or solidarity from fellow writers and journalists. The press, bound by the same February 1852 law that had brought Flaubert before a magistrate, reviewed the novel in the very same searing moralistic tone adopted by the prosecution. They attacked its realism, its religious failures, and its utter lack of concern with public morality, only expressing a modicum of frustration with government interference in art in brief satirical passages.²⁶ Perhaps they were choosing the path of least resistance, but they were certainly also appeased by the fact that the Second Empire had expanded authors' rights to literary property, meaning they could personally profit off their own work more than ever before.²⁷ Flaubert, himself, expressed no public anger at having been brought to trial, but the event did draw mass attention to his novel, which, at the end of the day, was just good business.

Charles Baudelaire, who wrote possibly the sole positive review of *Madame Bovary* in 1857, ran into similar troubles in the summer of that year over *Les Fleurs du Mal*. Anticipating the censors, Baudelaire took two precautions, first by denying that he was a realist, and second, by providing disclaimers disavowing any moral association with his work. Alas, a sustained attack on the content of *Les Fleurs* from *le Figaro* caught the attention of the censor for having offended public morality and religious morality.²⁸ In spite of his defense, however, Baudelaire was charged where Flaubert had not been, and six poems had to be cut from the version of the

²⁵ Maître Sénard, « La Plaidoirie de Maître Sénard au Procès de Flaubert (February 1857) », Accessed April 7, 2021, <https://www.napoleon.org/histoire-des-2-empires/articles/la-plaidoirie-de-maitre-senard-au-proces-de-flaubert-fevrier-1857/>

²⁶ Haynes, *The Politics of Publishing During the Second Empire*, 10.

²⁷ *Ibid*, 14.

²⁸ Yolande Cassin, "Le procès des 'fleurs du mal'," *Europe* 45 (456), 185.

book that was eventually published. This difference in outcome could have something to do with who Baudelaire and Flaubert were. Flaubert belonged to that haute-bourgeois class that the Second Empire relied on for support, and he had entertained Princess Mathilde, and even elicited the sympathy of the Empress when he wrote to her in the wake of his trial. Baudelaire had connections too, especially in the literary world, and could count the likes of Theophile Gautier among his supporters, but they tended to be more socialist and republican.

Although the content of both *Les Fleurs* and *Madame Bovary* was problematic, the social class and political affiliation of the author played a role in their treatment by the censor. Nonetheless, neither was entirely suppressed, indicating that the authorities were less concerned with active suppression than with coercive measures that encouraged writers to self-censure. Furthermore, there was a lack of coordinated outcry from the part of artists because, although trials were expensive, expanded ownership rights under the Empire had also made publishing more profitable, which was another financial incentive for self-censure.

As noted earlier, the regime's control of the press or of expression of opinion was not airtight. As the Empire's fortunes took a downturn into its second decade of existence, the undercurrent of liberal discontent, frustrated with measures of repression it could no longer justify, increased pressure on the government. No longer able to resist the pressure to liberalize, the emperor turned to a policy of piecemeal reforms beginning in the 1860s, fearing that any wholesale reform would bring his regime crashing down, or worse, turn him into nothing more than a figurehead. In July of 1861, the process of liberalizing the press began with a decree withdrawing the penalty of immediate suppression of a paper following a third warning and

allowing the press to publish parliamentary debates, but without commentary.²⁹ The government hoped that small concessions would be sufficient to pacify demands for liberalization, at least for the time being, but the grievances over the impenetrable bureaucracy and the warning system only amplified.

Political factors aside, what contributed the most to the increased pressure to lift all controls on the press was money. If profit from commercial freedom and property rights was enough to convince the literary world to go along with the Bonapartist propaganda project, profit would also easily turn the tides against the emperor. Following the mild liberalizations of 1861, government papers, usually dry and formulaic, were soon outpaced in profit by the opposition. The Empire was despotic, but it believed in free private enterprise, and it relied on private publishers to collectively agree to go along with its propaganda program and otherwise keep out of state business. Even the smallest liberal concessions turned the tide of profit against the Empire because criticism and engaged political debate sold more copies. In 1868 the emperor had no choice but to deliver on his long-standing promises and passed a law which lifted all restrictions on the press.³⁰ Almost immediately, 140 new papers were created in Paris alone.³¹

Although the press cannot be blamed for the eventual downfall of the Second Empire, the story of press and literary censure under Napoleon III reveals the cracks in the façade of the paradoxical form of government he had tried so hard to pursue. To be an authoritarian, hereditary regime, but also economically and socially liberal, Napoleon III would have had to either been so wildly successful in all his political and economic pursuits that there would be nothing to criticize, or else maintain absolute control over public opinion, the press, and government.

²⁹ Price, *The French Second Empire*, 177.

³⁰ Natalie Isser, *The Second Empire and the Press, a study of government-inspired brochures on French foreign policy in their propaganda milieu* (The Hague: Nijhoff, 1974), VIII.

³¹ *Ibid*, VIII.

Ultimately, the methods of censure, undertaken largely using a system of financial reward or penalty, eventually failed to control a public that needed an outlet to vent frustrations about the government, and express demands for change and reform. Napoleon III had feared that allowing room for criticism in the press and in government would undermine his rule, but he had always had a talent for gauging public opinion. Reluctantly, he had to concede that although by liberalising press and government he was loosening his absolute hold on power, doing so would also give his declining rule a new lease on life.

About the author

Oana Iancau is a recent graduate from the University of Toronto, where she majored in history and minored in German. She is currently a Master's candidate at the University of Oxford, where she is pursuing her interest in modern European history. Her current research interests are centered on nineteenth-century France and imperial involvement in the Balkans under Napoleon III.

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