

Public debate, politics and print
THE LATE ENLIGHTENMENT IN COPEN-
HAGEN DURING THE YEARS OF THE
FRENCH REVOLUTION 1786-1800

BY
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The *role of print* as a contributory factor to political change during the second half of the eighteenth century is an area of research which has developed rapidly in recent years, but somewhat unevenly. Much work has been done on France, where periodic political crises encouraged authors and publishers alike to challenge the traditional and inflexible censorship system in a number of inventive ways, assured as they were of a large and eager readership.¹ Some important

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¹ From the extensive list of work on the role of print in France, one might include R. Darnton: „The high enlightenment and the low-life of literature in pre-revolutionary France“, *Past & Present*, vol. 51, 1971, p. 81-115; C. Hesse: *Publishing and cultural politics in revolutionary Paris, 1789-1810*, Berkeley 1991; C. Blum: *Rousseau and the republic of virtue: the language of politics in the French Revolution*, Ithaca/N.Y. 1986; A. Goldgar: „The absolutism of taste: journalists as censors in 18th-century Paris“, in R. Myers (ed.), *Censorship and control of print in England and France*, Winchester 1992, p. 87-110; S. Maza: *Private lives and public affairs: the causes célèbres of pre-revolutionary France*, Berkeley 1993; D. van Kley (ed.): *The French idea of freedom: the old regime and the Declaration of Rights of 1789*, Stanford 1994; R. Darnton: *The forbidden best-sellers of pre-revolu-*

work has been done for other parts of Europe, too, covering the mechanisms of control, market forces, and the techniques used by writers to access a wider reading public, through books, pamphlets, journals, newspapers and other forms of print.² But there are still major gaps in our understanding of the role of print, notably in respect of dissemination of new material, translation across cultural and linguistic borders, impact and reception.³ Research in these fields needs to go well beyond the traditional history of ideas, and beyond established forms of reception studies that tend to focus on a few selected authors. In particular, more comparative work is needed, contextualising the use of print (in all forms) in the widely

tionary France, London 1996; J. McLeod: „Provincial book trade inspectors in 18th-century France“, *French History*, vol. 12, 1998, p. 127-48; D.M. McMahon: „The Counter-Enlightenment and the low-life of literature in pre-revolutionary France“, *Past & Present*, vol. 159, 1998, p. 77-112; S. Burrows: *Blackmail, scandal and revolution: London's French libellistes 1758-82*, Manchester 2007; R. Darnton: *The devil in the holy water, or the art of slander from Louis XIV to Napoleon*, Philadelphia 2010; R. Birn: *Royal censorship of books in 18thC France*, Stanford 2012; M. Curran: „Beyond the forbidden best-sellers of pre-revolutionary France“, *Historical Journal*, vol. 56, 2013, p. 89-112.

2 N. O'Ciosain: *Print and popular culture in Ireland 1750-1850*, London 1997; E. Hellmuth: „Enlightenment and freedom of the press: the debate in the Berlin Mittwochsgesellschaft, 1783-84“, *History*, vol. 83, 1998, p. 420-44; J. Raven: *The business of books: booksellers and the English book trade 1450-1850*, New Haven/Conn. & London 2000; H. Barker & S. Burrows (eds.): *Press, politics and the public sphere in Europe and North America 1760-1820*, Cambridge 2002; U. Goldenbaum (ed.): *Appell an das Publikum: die öffentliche Debatte in der deutschen Aufklärung 1687-1796*, vols. 1-2, Berlin 2004; W. St.Clair: *The reading nation in the Romantic period*, Cambridge 2004; R.B. Sher: *The Enlightenment and the book: Scottish authors and their publishers in eighteenth-century Britain, Ireland and America*, Chicago 2006; M. Towsey: *Reading the Scottish Enlightenment: books and their readers in provincial Scotland 1750-1820*, Leiden 2010; J. Raven & L. Howsam: *Books between Europe and the Americas: connections and communities 1620-1860*, Basingstoke 2011; C. Haug, F. Mayer & W. Schröder (eds.): *Geimlitteratur und Geimbuchhandel in Europa im 18. Jhrh.*, Wiesbaden 2011; J. Freedman: *Books without borders in enlightenment Europe: French cosmopolitanism and German literary markets*, Philadelphia 2012.

3 B. Fabian: „English books and their 18thC German readers“, in P.J. Korshin (ed.), *The widening circle*, Philadelphia 1976, p. 117-96; J.G.A. Pocock: „The concept of language and the *métier d'historien*: some considerations on practice“, in A. Pagden (ed.): *The languages of political theory in early modern Europe*, Cambridge 1987, p. 19-38; P. Burke: *Languages and communities in early modern Europe*, Cambridge 2004; F. Oz-Salzberger: „The enlightenment in translation: regional and European aspects“, *European Review of History*, vol. 13, 2006, p. 385-409; P. Burke & R. Po-Chia Hsia (eds.): *Cultural translation in early modern Europe*, Cambridge 2007.

different social and political contexts of different parts of Europe. By the later eighteenth century, piracy, popularisation, adaptation, creative misunderstanding, and indeed selective suppression of important components in the great works of major authors had long since created a much more complex and sometimes self-contradictory set of priorities amongst those broader circles of readers who were now using everything from lending libraries to coffee shops, or from learned reviews to scurrilous broadsheets, in order to access current debates. A comparative framework may help to explain why common broad currents in Enlightenment debate took significantly different forms in specific contexts.

The role of print in public debate in Denmark has so far been studied primarily in the context of the period from 1755 through the Struensee reforms of 1770-72, or in specific relation to the rural reforms initiated through the work of the reform Commission of 1786.⁴ Attention has also focused on the significance of German influences in Denmark-Norway in relation to emergent ideals of national identity,⁵ and of course on Danish reactions to events in France from 1789 as described in the press.⁶ However, we lack a comprehensive study of public debate right through the period of the French Revolution: historians have mostly overlooked the unusually late and long-lasting public debate that took place in Copenhagen in the 1790s with explicit reference to rational Enlightenment. One

4 On print, see notably H. Horstbøll: *Menigmands medie: det folkelige bogtryk i Danmark 1500-1840*, Copenhagen 1999; H. Horstbøll: „Trykkefrihedens bogtrykkere og skribenter 1770-1773“, *Grafiana*, 2001, p. 9-25; H. Horstbøll: „Bolle Willum Luxdorps samling af trykkefrihedens skrifter 1770-73“, *Fund og Forskning i det Kongelige Biblioteks Samlinger*, vol. 44, 2005, p. 371-414. The agrarian reforms have been a core topic in Danish historical research, as noted by H.A. Barton in „The Danish agrarian reforms, 1784-1814, and the historians“, *Scandinavian Economic History Review*, vol. 36, 1988, p. 46-61, and by O. Feldbæk „Historikerne og landboreformerne“, [*Dansk*] *Historisk Tidsskrift*, vol. 89, 1989, p. 38-54; the public debate surrounding the Rural Reform Commission needs further study, but see C. Bjørn: „Den jyske proprietærfejde 1790-91“, *Historie*, vol.13, 1979, p. 1-70.

5 O. Feldbæk (ed.): *Dansk identitetshistorie*, vols. 1-2, Copenhagen 1991; T. Munck: „The northern periphery: German cultural influences on the Danish-Norwegian kingdom during the Enlightenment“, in R.J.W. Evans & P.H. Wilson (eds.): *The Holy Roman Empire: a European perspective*, Leiden 2012, p. 293-312.

6 H. Horstbøll & U. Østergård: „Reform and revolution: the French Revolution and the case of Denmark“, *Scandinavian Journal of History*, vol. 15, 1990, p. 155-79; L. Kruse: *Die französische Revolution im Spiegel der Kopenhagener Zeitschriftenpresse 1789-99*, Rostock 2004.

might assume that Denmark followed the trend in other European states, imposing stricter limitations on the freedom of the press in response to the growing fear of what was happening in France during the 1790s, and in effect stifling suggestions for political and social change. This article questions those assumptions, arguing that, despite the constraining environment of Danish absolutism, attempts at repression were, by European standards, relatively ineffectual and far from systematic. Right through the 1790s, or at least until the death of the long-lasting moderate and liberal first minister Andreas Peter Bernstorff in 1797, the crown seems to have regarded the potential benefits of moderate debate to outweigh the risks - reacting only in a few isolated cases. This article also seeks to throw new light on public debate through a wide range of printed material (books, pamphlets, journals and newspapers), including pamphlets publicising those very cases where prosecution was attempted. No doubt most authors and publishers were wary of the unspoken bounds within which they needed to operate; equally, the government may have assumed that in most cases the readership was sufficiently socially selective not to represent any real threat. However, although there appear to be no usable records either from publishers or from libraries to indicate actual outreach, there is enough evidence from the 1790s to indicate unprecedented reader demand,⁷ which in turn tempted writers and publishers to add more review articles in the major journals, produce new responses, and even translate relevant foreign works.

The role of print in the late Danish Enlightenment

In the absence of a satisfactory Danish Short Title Catalogue or other comprehensive bibliographical tool for this period, it is difficult and time-consuming to map the precise scale and shape of publishing in the Danish-Norwegian monarchy and its German-speaking dependencies. The old *Bibliotheca Danica* clearly under-represents certain kinds of print, notably pamphlets and ephemera, does not accurately reflect the geographic spread of printing enterprises outside Copenhagen, and lacks the kind of information which historians of print now regard as essential in order to determine intended market sector (notably precise format, pagination, exact

⁷ Actual literacy rates will not be discussed here, but there is evidence to suggest that most adults in late-eighteenth century Copenhagen (including women) may have had at least basic reading skills: see T. Munck: „Literacy, educational reform and the use of print in eighteenth-century Denmark“, *European History Quarterly*, vol. 34, 2004, p. 275-303. On the printers supplying the growing market, see H. Ilsøe: *Bogtrykkerne i København og deres virksomhed ca. 1600-1810: en bibliografisk håndbog*, Copenhagen 1992.

title-page information, details of potential variant editions and reprintings). Systematic research on publishing and printing is needed to clarify what changes ensued from the relaxation of political controls after 1784 and from the imprecise and ambivalent legislation of 1790 and 1799 on freedom to print.⁸ Nevertheless, it is clear that, as elsewhere in Europe, there was a substantial growth in the print industry in the second half of the eighteenth century, and that in Copenhagen in particular the increasing output in both pamphlets and more substantial books from the mid-1780s reached new heights in the 1790s. Altogether 57 independent publications of a political nature published between 1790 and 1801 have been identified for this study, selected on the basis of detailed keyword- and author-searches in the on-line catalogue of the (Danish) Royal Library, incorporating the thematically arranged contents of *Bibliotheca Danica*, adding more recently identified works, and in particular, exploiting references in the journals and newspapers of the period.

Books and pamphlets were just the tip of the iceberg: highly effective reinforcement and dissemination took place via the journals and periodicals. If the scale of the book industry after 1784 is difficult to measure accurately, the growth in political, literary and review journals is beyond dispute. Newspapers and periodical publication had by then evolved into a colourful range of quite distinctive media of communication, serving different purposes. In tightly controlled states such as Denmark, it was easiest to make a profit on uncontroversial ventures such as commercial advertisers or officially sanctioned newspapers carrying authorised news, but such publications naturally avoided controversy and therefore provide only incidental material for any analysis of actual public debate. In the second half of the eighteenth century, as competition grew between all-purpose (typically bi-weekly) newspapers such as *Kiøbenhavns Post-Tidender*, *Kiøbenhavns Aftenpost* and [Berlingske] *Kiøbenhavnske Tidender*, explicit editorial comment remained minimal. By contrast, the more ambitious monthly political review *Minerva*, launched in June 1785, marked a significant turning-point in providing more considered commentary on foreign and domestic affairs in the style of editorial essays. The fact that it was edited by a group of experienced writers with good connections in government (including Christen H. Pram, Knud Lyhne Rahbek, Peter

8 As in some other major national libraries, the on-line catalogue of the Danish Royal Library is gradually being updated and revised, and an important digitisation-programme now allows on-line access to a significant proportion of the rare books from before 1800. However, the raw data on individual items in the Library is sparse and of uneven quality. See also Horstbøll, 1999, p. 51-86.

Collet and others) made *Minerva* trend-setting in terms of emerging public debate amongst Copenhagen intellectuals, literary as well as political.⁹

A number of other new periodicals appearing during the late 1780s and in the 1790s soon added greatly to the range and quality of political debate, notably by providing a more independent (if selective) overview of current social and political issues, and broader debates spilling over into literary activities. There was already one long-running literary review originally founded in 1720, carrying variant titles, but known in the 1790s as *Kjøbenhavnske lærde Efterretninger* (henceforth abbreviated *KLE*). Although essentially reactive (commenting on new publications) rather than innovative, its quality and consistency makes it a key resource by which to gauge changing patterns in the book trade and in public debate. Significantly, it faced competition from a number of new and more experimental journals in the 1790s, notable amongst them the literary monthly *Iris* (1791-1810, from 1796 titled *Iris og Hebe*) and the more critical and independent monthly *Politisk og Physisk Magazin* (1793-1806).¹⁰ For the historian of print and public debate, these journals are a key (but underused) resource. The editors relied on a network of (mostly anonymous) reviewers and contributors, whose assessment of current issues and new publications can be regarded as a valid representation of the assumed interests of the readers at the time of publication: since most of the reviewers were in practice also typical committed readers, rather than distinguished original thinkers in their own right, their reviews and comments can be regarded as representative of the likely overall public reception of new works. Moreover, because the journals survive for significant periods of time, and constitute large bodies of text (often more than 100 pages per month, in the typical octavo format), they allow us to track personal opinions, disputes and on-going concerns as they changed over time. As we shall see, some fundamental issues of principle - such as freedom to print without formal censorship - understandably remained at the centre of discussion right through

9 It is not possible to determine the real circulation (print-run) of this or any other journal from this period. Actual lists of subscribers are very rare. *Kjøbenhavnske Efterretninger om lærde Sager* listed its 487 subscriptions in 1767, a number which most historians of print accept as fully commercially viable during the 18th century. But for most other titles used here we have only very rough guesses, and no reliable information on individual sales to non-subscribers.

10 For a bibliographical overview of most of the periodicals and newspapers see J.D. Søllinge & N. Thomsen: *De danske aviser 1634-1989*, vol. 1, Odense 1988.

the late 1780s and 1790s. Significantly, the journals also routinely commented on new translations of foreign works, or even summarised the contents of untranslated texts published abroad, helping us to gauge the extent to which Danish opinion might be influenced by (or sometimes isolated from) new currents elsewhere in Europe.¹¹

Discussing central government reform initiatives in print

The issue most commonly associated with Enlightenment in late eighteenth-century Denmark was rural reform (reform of actual land usage and cultivation-patterns, and subsequently also reform of the legal framework of peasant tenure and the relationship between peasants and landowners). The establishment of the Store Landbokommission (Great Rural Reform Commission) by royal order in 1786 was accompanied by an impressive discussion in print, to which the government itself became a direct contributor. It is worth noting that many of the participants in this debate themselves used the language of reason and enlightening to justify their arguments. Late in 1787, for example, the *KLE* summed up its remarkable series of reviews of (so far) 67 pamphlets and works relating to the issues of rural reform: it noted that it would use

the silence which now prevails to terminate the review of this literary battle, the most important that has ever been undertaken in Denmark; it may perhaps not prove to later generations that enlightenment, philosophic spirit, liberal thinking and genuine taste for freedom prevailed widely amongst us; ... [but even if not all the benefits were to be realised] the light ... will surely quietly spread, and show everyone with an open mind the truth, that what is unjust can never be useful, and whoever bases his advantage on the exploitation of others will punish himself.¹²

11 For the pattern of translation and adaptation across linguistic borders in eighteenth-century Europe, see T. Munck: „Eighteenth-century review journals and the internationalization of the European book market“, *The International History Review*, vol. 32, 2010, p. 415-35. Some north-German journals followed Danish debates in some detail. Amongst these was the *Politisches Journal* edited from Hamburg/Altona by G.B. von Schirach, who held a Danish pension and favoured a strongly conservative and traditionalist view of Danish absolutism, which in turn was criticised in *KLE*, 1793, p. 207.

12 *KLE*, 1787, p. 585. A substantial number of new publications continued to appear in the following years, and were duly noted: the *KLE* in 1791 carried two review articles each covering more than 20 new items. For public reactions to the Commission, see also T. Munck: „Absolute monarchy in later eighteenth-century Denmark: centralized reform, public expectations and the Copenhagen press“, *The Historical Journal*, vol. 41, 1998, p. 201-24.

This self-conscious invocation of enlightenment and reason is remarkable not only for the way it conceptualised enlightened reform, in the eyes of contemporary observers, but also for the fact that it reflected an idealised (but of course unattainable) consensus within the reform-minded circles in the government itself. One of the unique features of the work of the Commission itself is the fact that the first two volumes of its own minutes were published *verbatim*, before the legislative work itself had been completed, and were accordingly (if very cautiously) reviewed in the *KLE* as work in progress.¹³

Whilst public debate surrounding the rural reforms has been discussed in great depth by successive generations of historians, rather less has been done on the public reception of some of the other parts of the government's extensive reform programme in the years 1784-97. Prominent amongst those reforms were a range of measures relating to domestic social policy (poor relief and public works), civil and criminal law (including guidelines on criminal punishment), monetary reforms, development of the Danish-Norwegian regional and colonial trade, and schemes for abolishing the Danish slave trade. The gathering of relevant empirical and statistical information became a routine component of the work of central government, but itself had to be explained. Thus the full demographic census of 1787 was carried out with categorical assurances that its purpose was not to increase fiscal burdens, but to document the structure of the population so that policies could be formulated appropriately. In the same spirit, the treasury official Frederik Thaarup in 1790 published a substantial 340-page compendium of statistical information: its value was immediately acknowledged in the *KLE*, and the volume appears to have been sufficiently useful for a revised reprint to appear in 1794.¹⁴

Surprisingly for a hereditary and ostensibly absolute monarchy, the willingness to share information and allow public debate in print was

13 *Den for Landboevæsenet nedsatte Commissions Forhandling*, vols. 1-2, Copenhagen 1788-89; *KLE*, 1789, p. 449-52. (All publications from the 1790s cited in this article, below, were published in Copenhagen, unless otherwise stated)

14 F. Thaarup: *Kort Veiledning til det Danske Monarchies Statistik samt dens Literatur*, 1790; reviewed in *KLE*, 1790, p. 529f, which welcomed the fact that government officials were now going beyond a narrow interpretation of their duty in providing information not only for the crown, but also for the interest and benefit of a wider public. Other publications with a similar informative purpose include Carl Pontoppidan: *Magazin for almeennyttige Bidrag til Kundskab om Indretninger og Forfatninger i de kongelige Danske Stater*, vols. 1-2, 1792-93, which contained chronologically organised information notably of the Greenland and Iceland trade, and on poor relief and works schemes throughout the kingdom.

extended to other areas of general interest. Like most other European governments, the Danish monarchy continued long-standing efforts to reduce begging and vagrancy, create workhouses and work-schemes that might become financially self-supporting, and secure an orderly system of charitable support and medical controls for those deemed to need assistance – but it now seemed to welcome more public discussion of all of these. The Poor Law Commission established in 1787 was thus accompanied by new publications, albeit on a much more modest scale than the Rural Reform Commission. Again, only the government attempted a serious quantitative analysis of the scale of the problems,¹⁵ but individual authors added a range of moral and pragmatic analyses. Amongst the relevant publications we note a substantial work by Diderich N. Blicher dedicated to the Commission in 1788, and a detailed (in effect official) account of the Commission's own thinking compiled by its chairman, Johann H. Bärens, two years later¹⁶ to prepare for further legislation. The reform of civil and criminal law (notably in the ordinance of 1793) attracted less interest, perhaps because earlier law codes were already in the public domain. Beccaria's great work from 1764, *Dei delitti e delle pene*, was known amongst the elite through its French version, but not translated into Danish until 1796-98: that translation was given a markedly hostile reception by the reviewers, which may help to explain why there was little discussion of the social issues raised.¹⁷

Core religious beliefs

As in most of Europe, religious and political ideologies in Denmark-Norway were very closely linked and interdependent. Although the

15 Rigsarkivet, Danske Kancelli, F81, which includes a substantial range of supporting data as well as the detailed final report.

16 D.N. Blicher: *Plan til Forsørgelse for de Fattige af Land-Almuen i Danmark, Bøtteriets Afskaffelse, og Vindskibeligheds Befordring*, 1788; J.H. Bärens: *Efterretning om Fattigvæsenets Tilstand i Dannemark*, 1790, one of several detailed reform proposals he published. For the background, see also H.Chr. Johansen: *Dansk økonomisk politik i årene efter 1784*, vol. 1, Aarhus 1968, p. 267-75, and vol. 2, 1980, p. 83-7.

17 C.B. Beccaria: *Om Forbrydelser og Straffe*, translated by Chr. Alstrup, vols. 1-2, 1796-98; reviewed in *KLE*, 1797, p. 613-25, and *KLE*, 1798, p. 281-6, where the reviewer(s) complained that Alstrup had misunderstood the text, confused the Italian and French variant versions, and in any case had rendered some passages incomprehensible through his ignorance and extraordinary carelessness. In return Alstrup, clearly on the defensive because of other critical reviews, accused the *KLE* reviewer of Panglossian hair-splitting and of using 'terrorist' tactics worthy of Robespierre: *KLE*, 1797, p. 685-88.

Danish Royal Law of 1665 used terminology suggesting a notional contract between ruler and subjects, the monarchy had by the 1730s embraced a more overtly Lutheran Pietist framework, tying the institutions of church and state more closely, enhancing the scope for projecting a coherent ideology, and in effect creating a stronger conservative and stable consensus than that prevailing in some other parts of Europe by this time. There was no substantive religious dissent comparable to that derived from Calvinist and more radical versions of Christianity in England and the Netherlands, nor was there any internal religious reaction to monarchical authority such as that associated with the Jansenists in France. Given this overwhelming and willing acceptance of moderate Lutheran piety, writers with distinctive views would no doubt largely have kept their ideas to themselves.

Two issues, however, ensured that the silence was not total: school reform, and modernisation of the church liturgy. As is well known, the conscientious bishop of Zealand from 1783, Nicolai Edinger Balle, became an active proponent of improved educational provision, with a particular focus on basic reading skills. In this he was joined by others recommending a cautious expansion of primary education for everyone, including the peasantry: the risk of giving them access to ideas which they might misunderstand was deemed to be outweighed by the advantages of having better educated parishioners and improved training in vocationally relevant subjects.¹⁸ However, Balle was less keen on the attempts in the 1790s by pastor Christian Bastholm to institute a general modernisation of the style of church services towards a lighter and more rational format and a more personalised faith. Balle was also concerned about the kind of fictional and entertaining writings in the 1790s which he feared might threaten the moral standards of the nation. In 1796 his report to the government on a satirical pamphlet by Malthe Conrad Bruun attracted some public interest: one reviewer in the literary journal *Iris og Hebe* remarked that the mere mention of the Bible, catechism or confession was enough to attract the bishop's attention, and lengthen his list of reading material.¹⁹

Two publications may help explain why conservatives in the church felt anxious. One was an entertaining light-weight pamphlet of 16 pages written in 1794 by an apprentice printer, Willum Stephanson, conceived as a conversation between a flock of farm animals discussing

18 J. Hansen: *Tanker om den danske Bondes Oplysning*, 1792, and the responding *Bemærkninger* published by Ulrik Kristian Boesen the same year; and other publications.

19 *Iris og Hebe*, May 1796, p. 287.

whether they should contribute towards the cost of the rebuilding of the recently fire-damaged royal palace. Surprisingly, their discussion did not turn into an attack on the monarchy. Instead they agreed they would prefer to divert church tithes temporarily, for the rebuilding, then abolish all tithes permanently, on the grounds that the church and its clergy constituted an unjustifiable and unreasonable burden on the community.²⁰ It is not clear whether Stephanson had any contact with, or inspired, the second (and more substantial) attack on the church launched shortly afterwards: a 300-page radical critique published by a young nobleman, Frederik Christian Wedel Jarlsberg. He confronted the liturgical disagreements between Balle and Bastholm by arguing that none of the reforms they had discussed went anything like far enough, and that the clergy as a whole constituted a wasteful drain on the state's resources and an obstacle to the progress of reason.²¹ This outspoken attack caused some debate in the press, not least when it became known who had written it. Wedel Jarlsberg was the son of a prominent and staunchly traditionalist noble landowner, which perhaps explains why he did not give his name until he reached the third part of the serially-published work. Its impact is difficult to gauge, and one can only speculate what kinds of unpublished discussion may have resulted. Given the sensitivity of the subject, however, published work on religion was mostly confined to specialists. Nonetheless, it is interesting to observe that, as late as 1798, Karl Friderich Bahrdr's treatise on natural religion was published in translation from German.²² Bishop Balle himself felt obliged in 1799 to launch a periodical specifically in defence of religion.²³

The range of formal responses to these criticisms of the church is also revealing. The official reaction to the books by Wedel Jarlsberg

20 [W. Stephanson]: *En Raadslutning, hvorlunde de danske Heste, Køer, Faar, Sviin, Høns og Giæs ville give mange Penninge til Christiansborgs Slots Opbygning*, 1794. Animal fables, and the use of animals to represent prominent individuals, was a convenient way of trying to avoid libel prosecutions. I am grateful to Dr Jes Fabricius Møller (University of Copenhagen) for drawing my attention to a contemporary animal fable of much greater complexity and length: *Broder-Kysset, et Friheds-Digt, tilegnet De Herrer Politiske Kandestøbere*, Aarhus 1794. The author as indicated on the title page is „Friderich Olesen P.s“, but the work is actually attributed to Friderik Rasch.

21 F.C. Wedel Jarlsberg: *Den geistlige Stand bør afskaffes: frimodig Svar paa ... Bastholms offentlig fremsatte Spørgsmaale*, published in three parts, the first two anonymously, 1795-97.

22 K.F. Bahrdr: *Naturreligionens og Naturalismens Værd, i Hensyn til Stat og Menneskerettigheder* 1798.

23 N.E. Balle: *Christeligt Religionsblad: Bibelen forsvarer sig selv*, 1798-1801; see also *KLE*, 1800, p. 785-90.

and Bahrtdt took the form merely of counter-arguments. Stephanson, however, was more vulnerable, partly because of his own humble social status, partly because his pamphlet was a short and cheap tract intended for the popular market. He was prosecuted in the designated Copenhagen court (the Hof- og Stadsret), but in the end suffered merely an unpleasant imprisonment for 14 days on bread and water. His printer, Lynge, was also charged: he had bought the manuscript with a view to making a profit, and had been found in possession of 240 copies not yet sold. However, the Copenhagen public could continue to read all about it, for a summary of the trial and related documentation was published in January 1795 in a 132-page pamphlet apparently edited by Stephanson himself. This publication was clearly meant to provide additional publicity, since offending passages from the original pamphlet were quoted alongside the state prosecutor's comments. We learn that the prosecutor argued that the pamphlet expressed derision and contempt for God and his holy writ, whilst the defence argued that it was merely an animal fable with no substantive impact. Significantly, to this summary of the legal arguments was added a direct appeal to public opinion, questioning the basis for Stephanson's conviction and comparing the process to that of an inquisition. There was now no way of avoiding further public attention: the journals felt emboldened to use the published summary as an opportunity to review the basis for the trial itself, wisely refraining from making detailed comments on the theological and liturgical issues as such, but rather highlighting the principle of freedom of speech.²⁴ Clearly, Stephanson's punishment, as a deterrent, had not worked as intended. Equally, the authorities had fallen into the trap of creating a sensation out of a text they had originally wanted to suppress.²⁵ As we shall see, this was neither the first nor last time in the 1790s that the government faced the difficult challenge of allowing responsible public debate in print, and at the same time attempting to control unacceptable populism.

Criticism and confrontations in the 1790s

If the role of the church was bound to be a sensitive subject of debate, the French Revolution focussed attention even more directly on the very nature of absolute monarchy and hereditary privilege. It also

²⁴ Stephanson's case was taken up later by *Iris og Hebe*, 1798, part 4, p. 148-50, in a discussion of the then threats to press freedom.

²⁵ *Procedure og Dom udi Sagen anlagt af Generalfiskalen paa Embeds Vegne mod Bogtrykkersvend Willum Stephanson ... udgiven efter den beskrevne Doms Akt af Stephanson*, 1795.

created considerable opportunity for a general discussion of politics. Danish absolutism seemed so autocratic, and was by now so tradition-bound, that no one could ignore the alternatives suggested in the early moderate stages of French constitutional reforms (1789-91), let alone in the more radical and republican stages that followed. The mental illness and total incapacity of Christian VII could not be hidden entirely behind the benevolent facade of the reformist ministry of 1784-97: on the contrary, there seemed to be an obvious need for political reflection and analysis. As in northern Germany, many writers were concerned about the more subversive aspects of the French Revolution, and its threat to law and order. Its positive potential, however, was also acknowledged, serving as a catalyst for both intellectual and populist writings across a wide spectrum right through the 1790s.

Some of the early stages of the emerging public debate are well known. Even before 1789, some significant publications had appeared both in the form of thinly disguised fiction (for example by Werner Abrahamson) or as wider European historical outlines (notably Friderich Sneedorff, continuing a long tradition of historical analysis).²⁶ Lively interest in events in France from 1789, combined with domestic events such as the formal entry into Copenhagen of the newly married crown prince in 1790, altered the tone of discussions. Amongst the many writers who made a point of engaging with a broader readership, a few have attracted special attention from historians. Both Niels Ditlev Riegels and Peter Andreas Heiberg acquired rapid notoriety by means of satirical pamphlets intended to undermine traditional thinking and stir public debate. Riegels, in an anonymously published fictional exchange of letters between a Copenhagenener and a countryman, listed a whole series of fundamental concerns which he then promptly dismissed:

As you can see from [the journal] *Minerva*, we have far more to think about in Copenhagen than merely to encourage the spread

²⁶ W. Abrahamson: *Tronfølgeren i Gondar*, 1787; F. Sneedorf: *Kort Udsigt over de vigtigste Europæiske Staters Forfatning imod Slutningen af det 15. Aarhundrede*, 1787. On the use of historical arguments as part of 18th-century discussion of the origins of forms of government, see J.A. Seip: „Teorien om det opinionsstyrte enevelde“, [*Norsk*] *Historisk Tidsskrift*, vol. 38, 1957-58, p. 397-463; H. Horstbøll: „Northern identities and national history - Paul-Henri Mallet, Peter Frederik Suhm and Tyge Rothe“, in K. Haakonssen & H. Horstbøll (eds.), *Northern antiquities and national identities*, Copenhagen 2008, p. 207-26; and H. Eyju: *Ancient constitutions and modern monarchy: historical writing and enlightened reform in Denmark-Norway c.1730-1814*, Oslo 2013.

of enlightenment, the promotion of industriousness, the growth of frugality, or dealing with miserable prisoners and the support of the starving poor.²⁷

Two-thirds of the way through the pamphlet, he dropped his satirical tone and turned openly to a serious discussion of how to make the government accountable, suggesting the publication of a summary of state finances, the recreation of a contract between government and the people, and the calling of a national assembly similar to that in France. The pamphlet was sufficiently successful to warrant reprinting, so in accordance with normal police procedure (and since Riegels had not put his name on the title page) the printer was fined. Riegels faced no further penalties, but did retreat, turning to less confrontational forms of historical writing.

By contrast, Heiberg was not silenced so easily. In 1787 he had re-used the literary device of the story of a bank-note to highlight the corruption and hypocrisy of society, extending it to include a satirical „catechism“ portraying the greedy merchant. As he gained notoriety in the 1790s through a vast range of pamphlets, poems, plays, songs, and belligerent tracts, his provocative and litigious disposition soon became clear to all, even to his literary allies and reviewers. His popular song of 1790, satirising aristocratic honours and government officeholders, was also noted by the police authorities, and he used the resulting prosecution as the basis for a pamphlet setting himself up as the victim of a repressive government machinery. He did not make a convincing martyr, however, and seemed unable to engage effectively with the changing political context of the 1790s. He ended up in a series of ill-considered confrontations in the law-courts which certainly supplied plenty of material for the daily newspapers, but did little to promote substantive political debate or any particular reform agenda.²⁸

There were other challenges to the government, especially in Copenhagen. As elsewhere in Europe, the economically difficult years 1793-94 brought some measure of unrest, culminating in the

27 Anon [N.D. Riegels]: *Julemærker fra Landet og Byen*, 1790, p. 6

28 P.A. Heiberg: *Rigsdalers-Sedlens Hændelser*, Copenhagen, 1787-93 (a hybrid serialised pamphlet, initially published anonymously), reviewed in *KLE*, 1790, p. 753 and 778; and *Politie-forhøret og Kiendelsen i Sagen angaaende Visen „Hver Mand i Byen om Indtoget taler“*, 1790, followed up in *KLE*, 1790, p. 753-7. For a recent discussion see C. Lexow: *P.A. Heiberg, borger av menneskeligheten*, Oslo 2010. His trial in 1799, which led to his exile, was primarily the result of personal conflicts and his resentment at not being selected for a government office.

carpenters strike of July-Aug 1794. There were also conflicts of a more personal kind, such as that surrounding the tea-merchant Michael Braband, whose extraordinarily complicated story generated considerable public interest. As a recent study makes clear, it is almost impossible to unravel the details of Braband's many conflicts with creditors, rivals, government officials, and the Copenhagen authorities, culminating in his lengthy incarceration from April 1793 and eventual ruin and exile. Nevertheless, some key points stand out: he invariably made conflicts personal, and rarely listened to friends who advised him to moderate his stance or seek compromise. Although the courts eventually (after six years) cleared him of most of the specific charges, Braband's harsh punishment was never rescinded: he had committed the more serious offence of generating popular support (orally and in print) through his revelations of corruption and abuse of power by those in authority. Braband's story certainly reminds us how easily even a seemingly 'reasonable' absolute monarchy might, when challenged, become vindictive and 'despotic' (in the eighteenth-century sense of that word).²⁹ But we should also note that, not unlike Heiberg, Braband lacked the gift of knowing when to stop, and his struggle was a purely personal one which only incidentally raised general questions of principle or individual rights.

The most persistent and effective amongst the well-known polemicists of the 1790s, Malthe Conrad Bruun, was a much younger and tactically astute writer than either Riegels or Heiberg, and his outspoken political and social opinions had far more impact. He first attracted attention in August 1794 with his new journal, *Vækkeren*, which survived for only three issues before the authorities reacted. Its explicit aim was to promote popular participation in political life, through a well-informed and free consensus amongst all citizens, but it also raised possibilities far beyond acceptable bounds by calling for an immediate review of the distribution of the tax burden, and other ways of achieving improved social equality. Since no author was named, the printers (the widow of Svare, and her assistant Winding) were prosecuted at the Hof- og Stadsret in Copenhagen and at a subsequent appeal before the Supreme Court. The level of public interest grew further when the defence counsel, Christian Klingberg,

²⁹ Ulrik Langen: *Det sorteste hjerte: historien om et dybt fald i enevældens København*, Copenhagen 2012, has shown how both the law-courts and the government could, in the 1790s, not only misuse their considerable power when confronting what was regarded as challenges to their authority, but also prolong the agony by bureaucratic delay and procrastination, without any real legal accountability. In that respect Denmark-Norway was no different from other European states.

published key documentation and a summary of the main arguments, whilst Bruun himself remained silent. The prosecution saw *Vækkeren* as an incitement to rebellion (with reference to the recent strikes in Copenhagen); by contrast, the defence explored the underlying legal questions, including issues such as provable authorial responsibility, whether there was any part of the text that explicitly called for rebellion, and more generally the issue of freedom of expression and its inadequate definition in the law of 1790. The case became a very public landmark in terms of freedom of expression in print, unlike any previous prosecutions. But contrary to the intention of the authorities, Bruun was not deterred: several more allegedly subversive but anonymous texts appeared, including a pamphlet tackling the whole issue of freedom to print, and he was also held responsible for the launch of a serial facetiously entitled *Jerusalems Skomagers Rejse til Maanen* (1795). We need more research to unravel the details, but some contemporary readers seem to have concluded that all of these texts were connected, and that Bruun was the key instigator. The Supreme Court clearly regarded the blatantly transparent extra-terrestrial setting of *Jerusalems Skomager* as a deliberate ploy by the author to get round the law. Again, Klingberg's vigorous defence, and in particular his claim that an allegorical story could not be held to incite rebellion when it contained no mention of the real world, ensured a lively interest amongst the wider public and in the periodicals.³⁰

If prosecution through the courts was meant to dampen Bruun's enthusiasm for populist political debate, it failed again. He continued to produce a range of controversial publications which kept him at the centre of Copenhagen debate. One of the most contentious was *Aristokraternes Catechismus* (1796), a pamphlet using French republican ideas to satirise 'aristocratic' fears and reactions, whilst highlighting the repressive nature of the monarchical state. Part of the pamphlet consisted of a lengthy and entertaining parody of a Lutheran catechism, satirising the core beliefs appropriate for the sycophantic

30 *Vækkeren*, nos. 1-3, August 1794; [Anon]: *Anmærkninger over Præmisserne til Hof- og Stadsrettens Dom i Vækker-Sagen*, 1795; C. Klingberg: *Stevning, Indlegge og Dom ved Hof- og Stadsretten i Sagen General-fiscal Skibsted mod Madame Svare og Studiosus Winding*, 1795; C. Klingberg: *Forsvar for Høiesteret i Sagen Generalfiskalen paa Embeds Vegne mod Bogtrykker Svares Enke og Studiosus Winding, som Forlæggere for Ugebladet Vækkeren*, 1795; [Anon]: *Jerusalems Skomagers Rejse til Maanen, og efterladte Papirer*, 1795; [Anon]: *Procedure og Dom i de af Generalfiskalen paa Embeds Vegne anlagte Sager mod Studiosus Winding og Mad[ame] Svare i Anledning af Ugebladet Jerusalems Skomagers Reise til Maanen*, 1795; [J.E. Berger]: *En Borgerstemme i en Sag af Vigtighed*, 1795, which defended a lenient application of the law. Notice also the extensive coverage in *KLE*, 1795, p. 137-44, 165-73, 257-63, 361-6, and 689-93.

and parasitic elite of a corrupt monarchy. As the pamphlet was split into a number of short sections, it provided ideal material for selective reading and discussion. The government was understandably alarmed, and since he had this time put his name to it, Bruun's friends persuaded him to go into hiding. The death of the foreign minister, A.P. Bernstorff, in June 1797, however, caused enough distraction to help Bruun escape further legal action for the time being, especially since he joined the chorus of praise for the great statesman. Further publications attributed to him, and a markedly more conservative turn amongst key members of the government, however, led to charges in 1797 and a full-scale prosecution in 1799, based on four of his publications. Bruun had fled to Sweden, and by the time the Supreme Court confirmed the verdict that Bruun was guilty (punishing him with a heavy fine and exile), he had established a new career in France, where he stayed for the remaining 26 years of his life.³¹

Bruun's story is important because it became one of the most controversial components in public debate in Copenhagen in the 1790s. His case ranged over a number of distinct legal questions, and his refusal to compromise meant that the credibility of the government itself was at stake. We may well regard Bruun's punishment and exile as harsh, but in context (and in the light of repressive measures elsewhere in Europe in reaction to the French Revolution) the handling of his case seems more a reflection of frustration and incompetence on the part of the government and the prosecuting lawyers. Bruun was too wily to commit some of the tactical blunders that, as we noted

31 M.C. Bruun: *Aristokraternes Catechismus, eller kort og tydelig Anviisning til den aleene saliggjørende politiske Troe*, 1796, and his explanatory *Erklæring til Publikum angaaende Aristokraternes Catechismus* published shortly afterwards, 1796, both of which printed the author's name; see also [C. Klingberg]: *Domsakten i Sagen imellem Høiesterets-Advokat Christian Klingberg, som Mandatarium for Studiosus Malte Conrad Bruun paa den eene Side og Generalfiskal Skibsted og Kongens Foged Assessor Feddersen paa den anden Side*, 1796, which includes a close analysis by Klingberg of Bruun's text in relation to the law; *Udskrivt af Kjøbenhavns Hof- og Stadsrets Dom-Protocol, i Sagen ... contra Student Malte Conrad Bruun, Aristokraternes Catechismus og Tria Juncta in Uno betræffende*, 1798; *Exceptions-proceduren i sagen anlagt ved Hof- og Stads-Retten af General-Fiscalen ... imod fraværende Student Malthe Conrad Bruun*, 1799. Interestingly the well-connected journal *Minerva*, Jan. 1799, p. 1-16, suggested that the prosecution was flawed and should never have taken place, and the prosecution was also criticised in *Iris og Hebe* 1798, part 4, p. 126-41. B. Bredal: *Manden der ville vise verden*, Copenhagen 2011, provides the most recent account of Bruun's life, but it is somewhat dramatised, and explores neither the evidence regarding those works that were published anonymously, nor the documentation arising from the law-suits.

above, destroyed Braband. On the contrary, Bruun had exploited all the techniques in common use by authors in late eighteenth-century Europe to evade the full force of repression: anonymous publication, fictional devices, a careful selection of words that made it difficult for lawyers to prove that he had subversive intent (let alone had caused any actual resistance to the state), a highly entertaining populist style that made him easily readable and eminently quotable, and an ability to attract high-quality legal counsel when his works were scrutinised in the court-room. Further research is needed to scrutinise the evidence of authorship for a significant number of publications arising from Bruun's satire, and to revisit the precise operation both of the legal machinery and of key individuals within the government itself. But there can be no doubt that his writings, and the legal defence mounted by Klingberg and others, expanded the scope of public debate, and encouraged less well-known writers to join in.³²

Freedom of the press and natural rights

If nothing else, Bruun had certainly explored the ambiguities and inconsistencies of the existing legislation regarding freedom of opinion and freedom of the press. This issue was a long-standing matter of controversy all over Europe, figuring particularly prominently in French and north German publications from the 1780s onwards. France, after lengthy hesitation, had ostensibly turned freedom of expression into a fundamental legal principle (enshrined in the Declaration of the Rights of Man, 26 August 1789). By then, actual pre-publication censorship had already been abandoned in many parts of Europe in favour of post-publication formal prosecution for treason, seditious libel, defamation, or other charges. Such use of the law had a number of advantages: less crude and arbitrary than pre-publication censorship, legal prosecutions were also slower, more

32 The device of a 'catechism' of questions and answers was imitated in several anonymous works, such as *Democratisk Catechismus*, 1796, *Aristokratens eller den demokratiske Catechismus's Forfatters Skræk*, 1796, and a number of other publications of uncertain attribution. One striking pamphlet, published anonymously, carries the title *General-fiskalsk Examination over en Republikaner, eller kort og tydeligt Begreb om hvad Republikanere forstaae ved Menneskerettigheder, Republik, demokratisk Tænkemaade, o.s.v.*, 1798. It provides brief subversive answers (as if under cross-examination) defining the nature of republican and democratic government, and why it is superior to monarchy. The tone is strongly influenced by the French Revolution and the thinking of Rousseau, but allows for a mixture of direct popular democracy with representative government: one critic found it superficial and unsustainable, as noted in the moderate *Iris og Hebe*, 1798, part 3, p. 340-2, but such dismissal may have failed to recognise its popular appeal.

expensive for the alleged offenders, probably more effective as a deterrent - and not least, allowed governments nominally to distance themselves from direct interference and repression. The cost factor was undoubtedly important: just as larger expensive books were naturally considered less of a threat than cheap pamphlets that might be within reach of a bigger and more popular readership, so the threat of costly legal proceedings might induce relatively moderate authors to self-censor their publications, isolating the relatively few impetuous authors who did not understand how to avoid trouble. Equally, the uncertainty and ambiguity of the law was not something a government would see as a problem: whilst strategically adventurous authors might try to exploit the lack of specificity in the law, uncertainty gave the prosecution considerable flexibility and useful unpredictability.

The unclear legal framework regarding freedom of print was therefore decidedly not something the Danish crown was in any hurry to change. Ostensibly the old decree of 1770, as modified in 1773, remained in force: there was no pre-publication censorship, but the Copenhagen police (and later, other local authorities) were expected to prosecute authors, printers or publishers of texts of any kind (newspapers, periodicals and one-off publications) that were deemed to subvert or question the authority of the government, or undermine good order. Minor adjustments were made over the next few years, and an order of 1790 transferred from the police authorities to the law-courts the power of judging whether a text contained offensive material - in effect separating the executive and judicial roles. This beneficial change was ostensibly implemented as a way of preserving responsible print freedom, whilst giving more force to prosecutions of 'malicious' authors aiming to question the authority of government and norms of decent behaviour. If a text was anonymous, the printer or publisher was held legally responsible, with a resulting fine of up to 200 Rigsdaler if guilty. This was the legal basis on which publications such as Heiberg's and Bruun's were prosecuted until the end of the 1790s. Only in the more detailed and repressive ordinance of 1799 did it become a legal requirement for all printed texts to carry the name both of the printer and of the author (or in the case of journals and newspapers, the editor); all printers now also had to be licensed; and more worryingly, all publications except very large books had to be formally submitted to the police authorities (though it was not clear whether actual censor approval was needed before marketing).³³

33 The background papers for the ordinance of 1799 are in Rigsarkivet, Danske Kancelli F37 and F89, and appear to indicate conflicting motivations within government itself, under pressure from the now more assertive *de facto* regent, the crown prince.

The decree of 1790, and ostensibly even that of 1799, were meant to allow what the government regarded as moderate and responsible debate, whilst deterring the use of print for more extreme or inflammatory purposes. How severely both decrees affected public debate was debated at the time, and still is, but so far we have evidence of only a few celebrity cases where the 1790 decree was applied. The efforts to silence Heiberg and Bruun evolved into irreconcilable cases only after the promulgation of the stricter and more specific legislation of 1799 - by which time, we must remind ourselves, the liberal government of A.P. Bernstorff had ended, the crown prince had become more assertive, and the international European situation had created new pressures on the government.³⁴

That the government appeared to tolerate discussion is confirmed by the ways in which, throughout the 1790s, an impressive range of authors tackled, openly and from all points of view, the whole question of freedom of expression and freedom to print. At least 22 pamphlets on the subject of freedom of print were published in Copenhagen between 1790 and 1800 (not counting items stemming purely from the specific prosecutions noted above) and many more periodical reviews and journal articles discussed these and related issues inexhaustibly. Amongst the most restrictive views were those expressed by the Swedish-born adventurer Carl Manderfelt, who in an anonymous publication of 1793 fulminated against ‘Pøbel-Apostler’ (apostles of the mob), with warnings against allowing ‘mob despotism’ of the kind seen in France. Four years later he published two more anonymous tracts, warning that ‘egoism and licentiousness will soon displace the true religion, and similar results from such poisonous sources, naturalism and rationalist infatuations will soon spread to all countries in Europe, unless stopped by the wisdom and caution of the authorities.’ The *KLE* reviewed this piece by noting that the author was one of the ‘most bitter and most intolerant zealots ever

34 H. Jørgensen: *Da censuren blev opgivet*, Copenhagen 1970, p. 90-118; S. Bruhns: ‘Publiceringscensur eller censurens genindførelse i Danmark med trykkefrihedsforordningen af 1799’, [*Norsk*] *Historisk Tidsskrift*, vol. 74, 1995, p. 57-64. Ø. Rian: *Sensuren i Danmark-Norge: vilkårene for offentlige ytringer 1536-1814*, Oslo 2014, argues that censorship remained oppressive during the period 1790-99. However, he has not examined either the detailed arguments of the individual books concerned, nor their context and actual reception, preferring to rely instead (see notably p. 183-93 and 264-5) on the research of H. Jørgensen: *Trykkefrihedsspørgsmaalet in Danmark 1799-1848*, Copenhagen 1944. Judging the system oppressive, without reviewing each case in detail, does not do justice to the complex practical compromises that made late eighteenth-century politics less clear-cut than they may seem from modern hindsight.

encountered“, observing that he was actually exploiting that very freedom of the press that he so heavily criticised.³⁵

Another anonymous pamphlet, ascribed to Bruun because it contains a direct reference to *Vækkeren*, was published in 1795. It quoted a passage from Louis Sébastien Mercier's *L'an 2440* to indicate that it is impossible to extinguish the „light of truth“. Freedom of the press was here defined as the right to express one's opinion in print, in so far as one does not infringe the rights of others (individuals or the state). The current lack of precision in the law made it difficult for honourable citizens to know what they are entitled to discuss. The author noted that even a state which fell short of being well-governed had nothing to fear from public debate, since it would consolidate public consensus regarding what changes were needed; direct incitement to violence should be punished through the law.³⁶ We note the language of ‚rights‘ emerging in this quite short but pragmatic text, developed further in an anonymous pamphlet on republican government published in 1798.³⁷

Thoroughly reasoned evaluations of the possible implications and consequences of press control were also published at the time.³⁸ One of most significant was the analysis by the Lutheran pastor Michael Birckner published as a long article in *Minerva* in 1791, later reworked as a separate publication. Significantly, Birckner argued that all legislation should be founded on a ‚general will‘ (he used the term without hiding its French resonance), and he discussed in detail the scope for public discussion of the constitution, the separation of powers within a state, religion, the accountability of office-holders in their use of power, and the overall regulation of society. In the later

35 [Carl Manderfelt]: *Om Folkeforførrere, nyemodens Philosopher, og Frihedsprædikanter*, 1793, heavily criticised in *KLE*, 1793, p. 726-7; [Manderfelt]: *Pressefrækhedens Character og Virkninger*, 1797; [Manderfelt]: *Er det Klogskab og Retfærdighed at sætte Grændser for Trykfriheden?*, 1797; *KLE*, 1797, p. 293-6.

36 [attrib. Malthe Conrad Bruun]: *Om Trykkefriheds-Rettigheden*, 1795.

37 See *General-fiskalsk Examination over en Republikaner*, in note 32 above.

38 Some included extensive discussion of how the legislation had evolved over time, and how it related to concurrent political developments. See notably J.J. Gudenrath: *Betragtninger og Anmærkninger som veylede til de 2de Reskripters rette Forstand [1770-73]*, 1790; and the full discussion of the main stages in the development of Danish-Norwegian legislation, first presented anonymously in *Deutsches Magazin*, then translated into Danish for *Minerva* in Oct 1790, and finally published in Copenhagen as a pamphlet, edited by C.U.D Eggers, under the title *Om Trykkefrihedens Historie i Danmark*, 1791, giving a full summary of the legislation itself going right back to 1685. See also the reviews in *KLE*, 1790, p. 757-60, and *KLE*, 1791, p. 84-6.

reworked version, Birckner noted the prosecution of *Vækkeren*, and also commented on the author's right to anonymity.³⁹ His arguments were analysed (and in some respects sharpened) in 1797 by Peter Collet in a very impressive and clear-sighted analytical review of Birckner.⁴⁰ That review-article led to Collet's dismissal from his posts at the Supreme Court and the Copenhagen court: according to the wording of his dismissal (the official text was printed in the *KLE*) the crown prince regarded Collet's contribution to the arguments for freedom of expression as a breach of the oath of loyalty to the crown that he had given on taking up his legal office. The crown also explicitly mentioned Collet's argument that religious belief was not a pre-requisite of a moral life. The letter of dismissal noted that he was close to advocating resistance to the government, but made no explicit mention of his emphatic argument that those in government office had an obligation to account publicly for their actions. Clearly, the debate on freedom of expression had gone too far for the government: even though both Birckner's and Collet's texts carefully avoid inflammatory or populist language, the quality of their argument was very incisive, demonstrating the weaknesses and ambivalence of the legislation, and of government policies in general. There were many responses to, and citations of, their arguments, but we might in particular note two further major publications of 1797, one by the professor of law at Copenhagen University, Johann Friderich Wilhelm Schlegel, the other from another crown officeholder, Johan Hendrich Bärens, both of whom felt obliged to try to curtail some of the more radical proposals now being put forward in anticipation of further legislation.⁴¹ Needless to say, the journals discussed all sides of the argument, confirming that everyone recognised how decisive this debate could prove to be.

The bitter irony that freedom of expression in France had first been created by the Revolution, then destroyed by it already in 1793,

39 M.G. Birckner: „Om Trykkefriheden“, *Minerva*, March 1791, p. 329-76; reworked as his *Om Trykkefriheden og dens Love*, 1797 (translated into German in 1798); *KLE*, 1798, p. 439-86; *Iris og Hebe*, 1797, part 3, p. 261-324. Birckner did not suffer any reprisals, but died shortly afterwards.

40 P. Collet: „Forsøg til Bedømmelse af M.G. Birckner“, published as a review in *KLE*, 1797, p. 305-88, with which Collet was now closely associated: he argued that such a long review was justified given the exceptional importance of both Birckner's text and the subject matter itself.

41 J.F.W. Schlegel: *Erindringer imod Hr Pastor Birckners Skrivt*, 1797; J.H. Bärens: *Nok en Draabe i det store Hav af Skrifter om Skrivefriheden, til Kommissionen*, 1797, which also listed earlier publications discussing press freedom, and criticised the sacking of Collet; see also the substantial review article covering 9 new publications on press freedom, in *KLE*, 1798, p. 209-69.

was not lost on the rest of Europe. Any hope of balancing moderately liberal politics with public consensus and stability, in Denmark-Norway or elsewhere, was bound to seem increasingly illusory. But the French and American revolutions had also raised debate about the natural rights of individuals within a modern state, and how these might be expressed formally. The first French Declaration of the Rights of Man (26 Aug 1789), later adopted as the opening statement of the constitution of 1791, was bound to create a focus for political discussion, as it did through works such as Tom Paine's *Rights of Man* (1791-92). This work achieved a wide circulation in French translation (1791-93), had some success in Dutch, but only limited impact in the German version. Although Part 1 was translated into Swedish, there was no full Danish version. Nevertheless, fearing it might become known in Copenhagen, Caspar Wilhelm Munthe af Morgenstjerne in 1793 published both a French and a Danish version of his pre-emptive rebuttal.⁴² As the *KLE* noted, Morgenstjerne's pamphlet was bound to achieve the exact opposite of the intended effect. Indeed another journal, *Politisk og Physisk Magazin*, began to publish a translation of sections of Paine's *Rights of Man*, in monthly instalments.⁴³ Clearly, the journal editors thought it worth their while; but in practice it is impossible to establish what kind of reception such serialised translated extracts had on the reading public in Copenhagen, except to note a sustained demand. There was no shortage of new texts, ranging from translations of German works on rebellion and subversive writing, to a historical survey by Jørgen Balthasar Winterfeldt warning against Paine's jacobinism; and, more significantly, a tract by Otto Horrebow on human rights which quoted a London Correspondence Society tract dated 23 November 1795.⁴⁴ Equally, the main journals were very

42 C.W. Munthe af Morgenstjerne: *Undersøgelse af de Grundsætninger, som findes udstrøede i Hr Paynes Skrift under Titul af Menneskeheds Rettigheder*, 1793; French version published in the same year, under the title *Examen des principes*.

43 *KLE*, 1793, p. 446-7, and *KLE*, 1794, p. 43f; translated extracts from Paine in *Politisk og Physisk Magazin*, vol. 1, 1793, p. 60-68, 129-58, 294-311, and continued in the next volume, followed by substantial sections of Paine's *Age of Reason*, same journal, vol. 5-9, 1795-97. On Paine's reputation more generally, see S.P. Newman & P.S. Onuf (eds.): *Paine and Jefferson in the age of revolutions*, Charlottesville 2013. I am grateful to Aina Nøding (University of Oslo) for confirming (on the basis of her own research) that some works by Paine were indeed available both in Norway and Denmark; see also E. Krefting, A. Nøding & M. Ringvej: *En pokkers skrivesyge: 1700-tallets dansk-norske tidsskrifter mellom sensur og ytringsfrihet*, Oslo 2014.

44 J. Stuwe: *Over Oprør og oprørske Skrifter* (translated from German by Malthe Conrad Bruun), 1794; J.B. Erhard: *Over Folkets Ret til en Revolution*

far from agreement, and as *Politisk og Physisk Magazin* became more bold, the venerable *KLE* may well deliberately have chosen a slightly more cautious and traditionalist editorial policy.⁴⁵ Such differences can only have enhanced public interest. In 1798 a major textbook on natural rights and the law was published by Schlegel, who as a university professor no doubt felt obliged to make the case for a conservative approach in matters of constitutional rights.⁴⁶

Significantly, the debate in print did not end with the new, more specific and repressive decree of 1799 curtailing freedom of the press. No great change of approach is visible in the journals, except that more substantial articles now had to be signed rather than remain anonymous. The new ordinance itself was greeted in *Politisk og Physisk Magazin* with a discussion indicating the government had „thrown itself with unbelievable blindness into the arms of ignorance“, and that the new ordinance would be counterproductive. Wedel Jarlsberg and others immediately produced pamphlets in direct response to the new decree, while the exceptional young lawyer, Anders Sandøe Ørsted, already known for his sharp mind, not only contributed to substantive discussion through journal reviews, but also promised to write a detailed critical analysis of the ordinance.⁴⁷ When that

(translated from German), 1797; [J.B. Winterfeldt]: *Tanker, som Meningerne angaaende disse Tidens vigtige Tildragelser have givet Anledning til*, 1794; O. Horrebow: *Kort Udvikling af Menneskets Rettigheder*, 1795. Horrebow used the English text to emphasise the need for equality of rights and duties, proper dissemination of civic information to avoid revolution, laws to protect everyone while preserving legitimate property rights, freedom of expression and religious freedom without government interference, and proper political representation in direct proportion to the total population.

45 One *KLE* reviewer in 1793 was content to dismiss discussion of an estimated 500 pamphlets on human rights that had been published in London, suggesting such matters should be kept firmly out of reach of those who otherwise do not concern themselves with politics, and that writers should impose self-restraint: *KLE*, 1793, p. 705-18. However, a new quarterly journal devoted to political and legal issues, *Statistisk, Juridisk og Litterarisk Bibliothek*, 1792-97, was welcomed by the *KLE*, 1793, p. 551-5 and subsequently.

46 J.F.W. Schlegel: *Naturrettens eller den almindelige Retslæres Grundsætninger*, vols. 1-2, totalling 650 pages, 1798, with new edition 1805, reviewed over several issues of *KLE*, 1799, p. 366-478.

47 F.C. Wedel Jarlsberg: *Frimodige Forestillinger i Anledning af Trykkefriheds-Loven*, 1799, took up the wording of the ordinance for immediate discussion, notably its requirement that all printed work should carry the name of the author – a requirement he argued could be more restrictive than pre-publication censorship. He had already put his name to a short tract on this subject in 1796: *Noget om Publicitet, Skrivefrihed og Anonymitet*, arising from

book appeared in 1801, both Bruun and Heiberg were in exile, and Stephanson was silent, but that did not deter Ørsted from scrutinising both the specific and the general arguments for and against freedom of print. His contribution was the last major instalment in this long-running debate, and his detailed conservative evaluation did not call for any amendments to the new legislation. His and Wedel Jarlsbergs books nevertheless demonstrate that government policy could still be analysed in print, without reprisal, and that the long period of relatively open debate in print had not ended in complete reversal.⁴⁸

Some of the newer journals had also been able to make direct connection to influences from outside Denmark-Norway. In its issue for July 1799, just before the publication of the new press ordinance, *Iris og Hebe* flagged on its front page a quote from the prominent French revolutionary politician L.N. Carnot: „Je trouve que l'abus de la liberté de la presse est un grand mal, mais c'est un plus grand mal encore de vouloir en fixer les limites“.⁴⁹ As we have seen, an outspoken journal such as *Politisk og Physisk Magazin* had pushed well beyond any notion of consensus by introducing its readers to the more extreme writings of Tom Paine, and had lamented the need (even before 1799) to „cloak the pure language of truth“ in order to get discussion of politics or theology past the vigilant controls of bishops, lawyers and judges.⁵⁰ The journal also noted the radical views of Anarcharsis Cloots and Robespierre, cited Moses Mendelssohn, discussed the views of the German social philosopher Adolph Knigge, defended calls for openly accountable government, and reviewed a new political encyclopedia translated from German. In 1796 it provided a long list of questions that an enlightened and rational society should be able to discuss, for the good of all; and as late as 1799 it translated an article from German summarising the strengths and weaknesses of different constitutional and governmental systems.⁵¹ It regularly included discussion of developments in France, and even suggested a Danish translation of the French revolutionary calendar, ostensibly to help merchants. But it also noted – rather belatedly, by some standards –

the Bruun debate at that time. See also S. Hempel: *Min Mening om den nye Trykkeforordning*, 1799; and reviews in the journals, notably by Ørsted himself in *KLE*, 1799, p. 641-704 and 761-3.

48 A.S. Ørsted: *Forsøg til en rigtig Fortolkning og Bedømmelse over Forordningen om Trykkefrihedens Grænser*, 1801, also previewed for subscription, *KLE*, 1800, p. 254-6.

49 *Iris og Hebe*, 1799, part 3, p. 1.

50 *Politisk og Physisk Magazin*, vol. 5, 1795, p. 381.

51 *Politisk og Physisk Magazin*, vol. 7, 1796, p. 63of; *ibid*, 14, 1799, p. 513-26.

that, on balance, French revolutionary upheavals might now be regarded as having done more harm than good to the cause of liberty, and that properly planned reform could achieve more lasting results. It also asserted categorically that the French revolution had not been spread by means of writers; on the contrary, sound reasoning and thorough debate was the basis for change.⁵²

Conclusion: enlightenment and debate in Denmark

In short, the political debate in print in Copenhagen in the 1790s was much more diverse, creative and wide-ranging than we have hitherto assumed. It demonstrated how authors and publishers were prepared to experiment both to reach a wider readership, and to avoid government repression. We can readily agree that the tone and substance of the arguments never became as radical or as innovative as they did in Paris and London in the early 1790s, and that moderation may in itself explain why the government did not attempt systematic repression. Although a few writers made themselves targets for prosecution under the existing laws, and the new decree of 1799 was used in exceptional cases with retrospective effect, there is no evidence to suggest that the government at any point aimed to suppress public discussion generally. And even if the new ordinance of 1799 may have created the means for something close to pre-publication censorship, we have little evidence that this actually happened. Even then, final decisions remained with the law-courts rather than in the hands of the crown's administrative bureaucracy. More detailed study of legal records from before and after 1799 will be required before we can be sure how the law was applied, or whether libel prosecutions were used as an additional mechanism of control, but the overall framework seems to have remained largely unchanged.

On the basis of the evidence for the 1790s presented here, we might also conclude that the established historiographical models of enlightened reform need some adjustment, when applied to Denmark-Norway. Straightforward 'enlightened absolutism' (monarchical power used to implement what might be called enlightened reforms) may be an appropriate label for the rural reforms initiated from 1786, as well as a number of other changes for example in criminal punishment. Contemporaries were clearly aware that the theoretically absolute Danish monarchy, as defined between 1660 and 1683, had come to operate on a more flexible basis, especially where the plans of a reformist central government resonated with, and were legitimised by, an enlightened public opinion - that is, sovereignty was at least in

⁵² *Politisk og Physisk Magazin*, vol. 14, 1799, p. 213-7.

part becoming consensus-based, such that an enlightened informed public can be said to be part of the political system.⁵³ However, both these models - 'enlightened absolutism' and the notion of absolutism balanced by public opinion - are open to criticism on the basis of the evidence of the 1790s. It is clear that any political consensus that may have been developing in Copenhagen in the later 1780s risked breaking down in the face of the perceived threats of French radicalism. By the mid-1790s, some writers adopted an openly critical view of government reforms, demanding greater press freedom, constitutional and legal reforms, and a radical shift of power away from absolute monarchy towards at least a genuinely representative government. In the face of such demands, the government appeared indecisive and fairly ineffectual. It allowed continued press freedom for those who did not engage in directly inflammatory attacks on the established order, and many authors seemed to have backed this approach, at least on paper. But more radical views, even those that fell short of calling for actual resistance or republican revolution, increasingly seem to have frightened the government. Such authors disseminated ideas far beyond the bounds of the imprecise 'consensus' arbitrarily determined by the crown, the Copenhagen police authorities, and the law-courts, and no clear policies emerged on how to respond. By default, therefore, the debate on press freedom naturally became the key focus of attention, pursued vigorously and unrelentingly from both a traditional/conservative and more liberal points of view. Whilst few authors went as far as Bruun or Horrebow in calling for comprehensive political restructuring, the government was sufficiently ruffled to rush through the ambiguous 1799 ordinance. The fact that this ordinance was used against only a few writers, and remained open to interpretation, suggests that some sort of consensus was still intended, but that opinions differed (both in government and amongst writers) how such a notional consensus might be restored. Denmark-Norway in the 1790s did not experience systematic repression or control of public debate, as happened in other parts of Europe: the few instances where excessive and arbitrary force was used, sometimes even with a retrospective application of the law,

53 J.A. Seip: „Teorien om det opinionsstyrte enevælde“, [*Norsk*] *Historisk Tidsskrift*, vol. 38, 1957-58, p. 397-463, explores changing theoretical analyses of notions of a 'general will' emerging in Denmark-Norway in the 1780s, notably in the works by Birckner and Collet in the debate on censorship cited above; see also the discussion in H. Horstbøll: „Enevælde, opinion og opposition: en diskussion af historisk kritik og politisk krise i Danmark i slutningen af 1700-tallet“, *Historie*, vol. 17, 1987, p. 35-53.

remained exceptional and inconsistent. These inconsistencies were themselves noted in print.

This raises one additional question concerning the precise nature of ‚public opinion‘ in Denmark-Norway in the 1790s. In theory, in an absolute state, all subjects were ultimately equally duty-bound and accountable to the sovereign, within the limitations of their social rank and status. It is not necessary to review the long-running historical debate concerning the theory of a ‚public sphere‘ to see that Denmark-Norway does not fit comfortably in any model which assumes an autonomous public opinion operating independently of the machinery of state. As in other monarchical states (and even in revolutionary France) there was an assumption that the ‚public interest‘ could be found by convergence and universal agreement: in that respect, in its search for a universal consensus, the Danish-Norwegian monarchy of the 1790s was not incompatible with Rousseau’s general will. Many writers recognised this openly, no doubt because they did not see themselves as belonging to an oppositional or even autonomous ‚public sphere‘. In Copenhagen, government officials, pamphleteers, and journal editors were often indistinguishable from each other, and indeed personal friends. Some writers were of humble social background: Stephanson was a skilled craftsman, Birckner an impoverished clergyman, and both lacked influential contacts. But all the main journal editors were part of the ‚political nation‘, as were prominent authors such as Wedel Jarlsberg, Heiberg, Riegels (and even Bruun, the son of a landowner). Most had multiple connections within the patronage network on which the Danish monarchy utterly relied. Amongst the major contributors to public debate were several members of the crucially important and politically very powerful special government commissions, notably Oluf Bang, Christian Colbiørnsen and Johan Hendrick Bärens. The traditionally stabilising influences of both the church and Copenhagen University also had their say, notably through bishop Balle and professor Schlegel. As long as Bernstorff was in control, such interconnections between government, the intellectual elite, and leading publicists worked well enough to ensure that the government rarely over-reacted. Bernstorff’s death in 1797 was a significant turning point, removing the most powerful voice of moderation and consensus within government. The dismissal of Peter Collett from office, shortly afterwards, may thus appear to be the result of a perceived conflict of interest between his public duties as a government legal official and his open support for radical consolidation of press freedom. But, pending further research, a different explanation is possible: that Collet was sacked not on the grounds of a principled decision based on a specific political vision,

but primarily because of uncertainty within the government of where to draw the line between moderate free debate and the open insubordination of revolutionary radicalism. The fact that Collet published his own letter of dismissal, without comment, and that his case caused great public interest, suggests contemporaries regarded it as an aberration. Most other writers continued to express their views within the unstated bounds of what they thought might be compatible with achieving a general consensus.

Political debate in print in Denmark-Norway in the 1790s was clearly precarious and measured, built on the assumptions of ultimate agreement; but it was nonetheless dynamic. All the key ideas of 'enlightened' politics were aired: social and economic improvement, the modernisation of the church and a questioning of its role, significant discussion of human rights, demands for a national assembly and increased political transparency, and even on occasion suggestions (vehemently challenged by some writers) for political accountability leading towards republicanism. Of course Denmark-Norway in practice remained a highly centralised absolute monarchy, but at least until 1797, and arguably even in 1799, the government accepted that consensus government was desirable and effective – and it only reacted when core stability seemed threatened and insecure. As a result, those readers who kept an eye on the print shops could enjoy an unprecedented wealth of new reading material covering a broad range of topics of contemporary relevance. They could learn about even the more extreme policies implemented in France, and could read entertaining political allegories exploring possible alternatives. They could also argue almost endlessly and fiercely about the importance of press freedom itself, and could choose from a range of journals supporting a quite broad spectrum of political views. That said, the monarchy itself found the balancing act increasingly difficult: whilst the immediate impact of French revolutionary republicanism was absorbed quite successfully, the ideal of political unity and consensus was shown to be just that - an ideal, rather than an easily sustainable mode of government. That the ideal could be upheld through the 1790s, albeit imperfectly, was an achievement in itself, and it certainly gave scope for open and wide-ranging debate such as Denmark-Norway had not seen before, and few other states could claim in these years.