

Weak States and Hard Censorship^{*}

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Preliminary; Comments welcome

Abstract

This article explores why states with weak enforcement capacity resort to tough censorship. Today's autocratic states use censorship flexibly to minimize costs, while pre-modern states apply costlier measures such as book-burning despite their weaker ability of enforcement. I argue that pre-modern states do so because their legitimacy comes from a third-party actor, typically the religious authority. Rulers engage in costly measures against critical writings to protect the legitimating actor. To examine this argument, I compile a new data set on more than 1,400 banned books distributed in eighteenth-century France. Using nearly 1,700 times of confiscation events as my outcome, I assess whether book titles that might be critical of the religious or the secular authorities drive confiscation. The statistical analysis indicates that religious terms as well as political ones are negatively linked to confiscations. Instead, names of Enlightenment authors predict confiscations. My analysis suggests that customs officials tend to look at these names to guide their decision.

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Introduction

Why do modern authoritarian states adopt weak censorship policies? In these polities, state-directed censorship plays a central role in regime stability. Autocrats find it useful because it is more cost-effective than traditional instruments of control, such as repression, brainwashing, and accommodation. Focusing on online mobile technologies, these states' censorship strategies create sufficient inconveniences among users to dissuade, distract, and deter them from accessing the information disadvantageous to the state (King, Pan, and Roberts 2017; Roberts 2018). The chief goal is to minimize the chances of collective action, which could destabilize the regime (King, Pan, and Roberts 2013). This strategy of “porous” censorship is seemingly taking a fine balance between saving the state's cost of enforcement and stifling the opposition while leaving room for user evasion of censorship.

By contrast, pre-modern states typically resorted to costlier and more visible forms of censorship. They burned books, conducted public trials to silence the opposition, capped the number of printing presses, and put writers in jail or hard labor. Perhaps the most dramatic as well as costliest measure would be to destroy the library. To illustrate: In the summer of 1526, Suleiman the Magnificent, Sultan of the Ottoman Empire, conducted a successful military campaign against the Hungarians. Upon arrival at Mohács, he ordered his troops to kill Europeans summarily, and 20,000, including King Louis II of Hungary, perished. When Suleiman entered Buda, he encountered the Corvinus Library, founded in 1476 and one of the the world's largest at the time as it housed an estimated two to three thousand volumes (Báez 2008, 137). The sultan had the library looted and its books confiscated and shipped down the Danube. A little more than 200 Corvinus books survived.

Such radical measures are puzzling given that pre-modern states were not always capable of fulfilling them and threats of censorship often remained as such—threats. Writers and publishers alike were also aware of the limits of state capacity and kept churning their work out. As a result, the information unsalutary to the regime kept circulated, posing a threat to regime stability.

Why do strong states adopt porous censorship policies and, conversely, why do weak states adopt tough policies? An argument based on cost alone seems unsatisfactory to addressing this question.

In the age of high penetration rates of mobile technologies, state censors simply are not equipped to review all internet contents before publication. Yet the strategy of porous censorship employed by contemporary autocracies is not “mobilization-proof.” It works so long as censors successfully target prominent opposition leaders and stem the collective-action potential. But it entails uncertainties that censoring could backfire and shed more light than the state desired, depending on the extent to which people want to access the censored information (Hobbs and Roberts 2018; Jansen and Martin 2015). What kind of information attracts a high level of attention seems unpredictable *ex ante*. Similarly, pre-modern states often paid great costs to censor what they perceived as subversive literature. Spain at the turn of the sixteenth century provides an illustration. In the wake of the Reconquista, King Ferdinand V and Queen Isabella I agreed with the idea that toleration of minority Islamic worship in Spain would undermine the new regime and thus authorized the burning of the Koran. As a result, over 5,000 copies of the Koran were gathered, often by painstakingly unearthing the ground under which Muslims buried their copies, then burned and destroyed (Báez 2008, 122–3).

These examples suggest that factors other than cost play a role in addressing this puzzle.¹ In this paper, I argue that political institutions determine the degree of censorship and focus specifically on political legitimacy. My framework distinguishes two ways to draw legitimacy, which, in turn, structures the incentive in censorship. First, when the state can generate legitimacy *endogenously*, that is, not having to rely on another actor or a third-party institution, it can opt for a censorship strategy not as aggressively as possible. Moderate censorship can allow for the circulation of information critical to the state, but it does not necessarily threaten regime stability because it can recreate legitimacy by other means. Second, when legitimacy arises *exogenously*, critiques on the state can mean attacks on the legitimizing agents or process. Under this condition, the state is compelled to protect them by engaging in censorship aggressively as regime stability is at stake.

Modern China fits well with an example of endogenous legitimacy. The Chinese Communist Party, which has reigned in the state apparatus since 1949, draws on two sources for legitimacy:

¹ Roberts (2018, 5) points out that censorship remains under-theorized.

nationalism and economic growth. The Party claims that it has provided defense and institutional protection for its citizens from foreign threats which includes the importing of overseas products. It periodically stokes the nationalist sentiment among the population by insisting that foreign influence undercuts China's national interests. In addition, economic growth remains a crucial source of legitimacy to Party rule. A prolonged pace of growth since the 1980s has both expanded the country's wealth as a whole and lifted many out of poverty. The evidence that people's lives improve under the Party's economic policies functions as accountability to one-party rule without holding a country-level election. Since the Party has control over when to invoke nationalist sentiments and which economic policies to adopt, it can generate legitimacy on its own.

Pre-modern states constitute an example of exogenous legitimacy. They relied on another actor, typically the religious authority, to legitimate their rule. In Europe, the secular authority built an enduring alliance with the ecclesiastical one to protect the interests as well as institutions of the respective actor (Aston 2012). A newly-crowned monarch claimed legitimacy to rule at coronation through which the church conferred him the divine right. As explained at a greater length below, the ruler found this method of legitimation to be the least costly and advantageous over other methods. In return, he would be committed to using the state's coercive capacity to ensure a monopoly by a single religious organization within his polity (Aston 2012, 285). This bargain formed the foundation of the church-state relationship, which lasted throughout the *ancien régime*. Political legitimacy thus hinged on the religious authority's ability to provide God's blessing.

In this paper, I advance a framework to explore the relationship between state capacity and censorship. I argue that rulers with weak enforcement capacity nonetheless adopt a tough censorship policy, mainly because their legitimacy is at stake. By drawing on the structure of legitimation in the history of pre-modern Europe, I show how rulers depended on the ecclesiastical authority for legitimacy shapes rulers' incentive to protect the authority of not just their own but also that of the church. This is because leaving critics of the religious authority unchecked would undermine the ideology-based path to legitimation, which is the least costly way to win mass compliance, and significantly raise the cost of rule. To preclude this circumstance, rulers have the willingness to un-

dertake stringent measures to censor the literature. For illustration, I describe how the French state attempted to streamline the publication business by founding a state-owned book guild in 1618. It also created in 1653 a bureaucracy that would censor pre-publication monographs and reign in what ideas would be permitted to be expressed in public. This is a highly labor-intensive approach, but given the limited technologies of control, France had no other choice but to rely on a centralized office and manpower.

To test this argument, I construct a new data set, which comprises attributes of banned books produced and circulated in pre-revolutionary France. It contains 1,413 unique titles, and my outcome variable is whether they were confiscated at the Parisian customs. As I explain below, France in 1744 introduced a new law requiring bookdealers who bring their orders to Paris to be first inspected before distribution. Customs officials interdicted these books for 1,698 times and sent them out for review, many of which were kept out of the market and eventually destroyed. Given the limited information about these books, the analysis focuses on their key attributes that are available, such as the title, the author, the date of publication, and the date of confiscation. These allow for exploring why some banned books were confiscated while others were not. To specify determinants of the decision-making process in my empirical analysis, I build a corpus, in two substantive areas, that is made up of a collection of related words by drawing on the titles of the banned books. These two are a religion-related corpus and a state-related corpus. In addition, I create an indicator for sixteen well-known and prolific authors, because a number of Enlightenment scholars such as Voltaire and Rousseau saw their publications and their translated works banned. These factors allow for systematically assessing key drivers for the decision.

A main finding from the statistical analysis is that both the religion corpus and the state corpus are negatively and significantly associated with confiscations. It suggests that using religion-specific words, such as “chrétienne” or “ecclésiastique” in the book title allow the book *not* to be seized. At the same time, the indicator for Enlightenment authors is positively and significantly linked to confiscations. The analysis seems to point out that inspectors focus more on the name of the author than on the title to decide whether a given book should be removed from circulation. I supplement

this finding by describing how Mercier's *L'An 2440* (1771), a popular science-fiction novel, might fit the result.

I make two contributions in this paper. First, I provide a framework to understand the seemingly counterintuitive relationship between state capacity and censorship. It particularly focuses on the conditions under which enforcement capacity is weak, the technologies of control are limited, and European states in the pre-modern period relied upon the ecclesiastical authority for legitimacy. I argue that these conditions prompt rulers to adopt a heavyhanded policy to police the kinds of books that they would consider reprehensible and remove from the market. Second, this paper is the first not just to quantify the extent of illicit literature but also to digitize its key attributes. One such characteristic is the data on nearly 1,700 customs confiscations. Taking advantage of the available information about the title, authorship, and publication as well as confiscation dates, I empirically tested what factor is likely to lead to a confiscation. My data could also shed light on the ongoing debate in the specialized historical literature on the role of banned books in the French Revolution. There is a dispute about the degree to which illicit literature helped delegitimize the ancien régime.² My analysis contributes by quantifying how aggressively the state regulated the distribution of what it deemed as banned books—and how effectively it did so.

Conceptual Framework

Religion and Political Legitimacy

To understand why weak states undertake hard censorship toward what they deem as illegal literature, political legitimacy plays a crucial role. For the very aim of this literature is to undermine the legitimacy of the existing political structure. Specifically, this article focuses on the religious authority as the primary agent of legitimation among European states in the early-modern period. To attain legitimacy, pre-modern rulers typically gave the dominant religious group a special treatment to form a “church-state” relationship. This was a standard practice in that pre-modern European

² See Darnton (1995b) and Mason (1998).

states adopted what Noel Johnson and Mark Koyama (2019) call “identity rules,” a system in which rulers applied different norms and rules to different groups as state capacity was not strong enough to impose impersonal rules across the domain.³

Political legitimacy may be defined as a belief by which an actor’s claim to rule is accepted as *valid* and *right* among the ruled. For this concept to be effective, it must clearly exhibit two attributes. The first is the source of legitimacy. As Weber (1978, ch. 3) discusses, pre-modern rulers typically drew on “tradition” or “charisma.” In the former, the status or origin of a family consists a ground for authority and rulers exercise it to meet the interests of those tied to the family or household (Weber 1978, 226–31). Similarly, charisma rests on an individual’s exceptional quality that is considered to be divinely ordained as a basis for authority. He needs to demonstrate “magical” powers or establish such a reputation to persuade followers (Weber 1978, 241–2).

The second is compliance. Not only must rulers identify a source of legitimacy, but they also need to make their authority accepted by the ruled. Rulers have three general tools to win compliance: coercion, patronage, and ideology. The degree of costs corresponds to this order. Coercion makes population obey rule with the threat of punishment when a part of the population disagrees with the ruler’s claim to authority. It is the costliest of the three and may not be a viable long-term strategy when state capacity is weak. Rulers can “purchase” legitimacy by meting out patronage to influential actors, which includes an access to political office, privileges such as tax exemptions, and resources such as land. This strategy requires not just resources for the ruler but a mutual agreement for the aim of patronage. Finally, ideology can generate compliance. It is appealing to rulers because it is the least costly of the three. If a ruler can make the ruled believe through an ideology that his authority is proper—or establish an institution that facilitates this process, coercive capacity or plentiful resources are not a prerequisite to establish rule (Levi 1988, 52; North 1981, ch. 5).⁴

In pre-modern times, religion served as the most powerful ideology for political legitimacy. In a condition without state infrastructure capable of generating a reliable revenue stream or abundant

³ For research on the limitations of state capacity in early-modern Europe, see, for instance, Dincecco (2015).

⁴ In modern times, nationalism has become the primary ideology of political legitimacy for much of the world. See Hechter (2000) and Hobsbawm (1990) for this perspective.

resources to pay off potential opponents, rulers naturally turned to religion as an inexpensive means. Religion was appealing because it would promote prosocial as well as rule-following behavior on a large scale. Research indicates that religion requires followers' ability to organize groups, worship regularly, and persuade non-followers. Social cooperation is especially critical for confessions to sustain and expand membership (Johnson and Koyama 2019, 27–8). Similarly, co-religionists tend to honor agreements and generate trust in their interactions as they believe that god is watching their behavior and cheating has adverse consequences (Johnson and Koyama 2019, 28–9). These behavioral norms are maintained and propagated by organizational elites such as priests who spread god's words and provide behavioral guide (Rubin 2017, 32).

Church-state relations arise from a religious group's ability to define as well as enforce norms and expected behavior among its followers.⁵ The relationship functions like a contract as rulers and religious leaders have respective incentives to enter into one. For politicians, obtaining support from a prevailing religion of the society reduces the cost of enforcement and increases chances of securing obedience (Gill 2008, 49). The religious authority can play an intermediary role between the ruler and the ruled by legitimating the laws and policies that the secular one introduces. For religious organizations, the primary motive for entering a bargain with the state is power. They seek societal conformity with their confession by winning as many converts as possible while minimizing competition with others (Johnson and Koyama 2019, 32–3). The state can use coercive capacity to shape the religious market of its domain and protect the religious authority. When it is too weak to do so, the ruler can instead offer tangible resources, such as land, and other privileges (Johnson and Koyama 2019, 33).

In European history, one of the earliest instances of the church-state bargain happened in 496 when the Frankish king Clovis converted to Christianity. Clovis took advantage of the religious authority to not just legitimate his rule but also expand territory (Rubin 2017, 62–2). The church subsequently came to play an increasingly crucial role in conferring the secular authority the divine right to rule through papal coronation. Although the influence of Christianity as a key agent of

⁵ “Church” here is a generic term referring to the religious authority in a society and is not limited to Christianity. It refers to any confessional organization that fits the description in this paragraph.

political legitimacy waned following the Protestant Reformation, countries such as France retained the tradition of coronation when a new ruler assumed power throughout the pre-modern period.

Historical Background: Absolutism and Political Legitimacy

Absolutism is best understood in this context, one consequence of which was state-directed censorship. Absolutism is a concept originated in historical research to characterize the centralization of monarchical authority in European states toward the end of the sixteenth century (Campbell 2012, 14).⁶ The term refers to the notion that the authority of the crown was “unchecked by any institutional body” in exercising the rights to make laws, conduct matters on peace and war, and be the final arbiter of the judiciary among others (Campbell 2012, 19; Beik 2005, 196). No consent from other bodies was required in policy-making, but the ruler did require cooperation from other bodies, especially from the first two estates, namely the clergy and the nobility (Collins 2009, xix). The monarchy was also expected to behave within the conventional bounds of religion, morality, and the laws of the domain (Beik 2005, 197).

The church-state relations is significant, because the religious authority thus had the power both to legitimize and limit the secular authority. In early-modern France, Valois and Bourbon kings demonstrated legitimacy from the church in their coronation where they were anointed with holy oil (Beik 2009, 175). In return, the crown granted the church privileges, including tax exemptions. For instance, priests were exempted from the *taille* (land taxes) on their property and from taxes for poor relief. They found them to be advantageous as many bishops who comprised the leadership of the clergy were former noblemen and aristocrats (Beik 2009, 168–9).

Growth in state capacity meant growth in the secular authority relative to that in the religious one. As the consolidation of state authority grew, the ruler began to assert his authority. In France, a series of institutional changes in the early to mid-seventeenth century marked this transition. These

⁶ In the historical literature, the development of state capacity that culminated in the form of “absolutist” authority can be traced to the late medieval and the Renaissance periods (Campbell 2012, 12). In France, for instance, the Estates General began to decline after the 1440s (Ertman 1997, 91). The conceptual origins can be traced to the Antiquity (Jones 2002, 7).

came broadly in two forms: personnel appointment and representative bodies. In both cases, the innovations were more discontinuation and augmentation of existing institutions than creation of new ones. On personnel, Louis XIV (r. 1643–1715) *ceased* to appoint a replacement for Cardinal Mazarin when he died in 1661, effectively consolidating the chief minister’s authority into his own hands (Jones 2002, 12). In addition, it is during his reign that France began to rule more directly by investing in the *intendants*. They were king’s representatives in the provinces appointed to execute the state’s policies and assist local elites in raising revenue. Although the system of *intendancy* was in place at least in the mid-sixteenth century, it was only sporadically used until Louis’s reign. He began to make regular appointments and made the institution play a central role in bridging between the state and the local authorities throughout the early-modern period.⁷ As for representation, French rulers increasingly halted the operation of corporative bodies. Beginning with the Estates General that ceased to be convoked in 1614, others were suppressed including the Assembly of Notables in 1626 and several provincial estates in the seventeenth century (Jones 2002, 12). The crown left in operation those that contributed to state capacity, most notably the Assembly of Clergy which deliberated the king’s request for revenue every ten years to debate how much to give away as a “free gift” (Beik 2009, 176–7).⁸

These developments indicate that the French ruler, both theoretically and substantively, grew more unconstrained in authority and policy-making beginning in the mid-seventeenth century. The crown may now feel free to issue new decrees and laws that would further cement his power at the expense of the interests of the other organs of the state (Rubin 2017, 55). One implication for censorship is that the crown could have luxury to be less alarmed by illegal literature that intended to undermine the political authority than in the pre-absolutist era. While scurrilous writings might strike as nuisance, they seemed not potent enough to pose a threat to the regime. However, as I show below, pre-revolutionary France took the opposite path in censorship by adopting heavy-handed approaches to not only written material but also the book business itself, which comprised

⁷ See Bonney (1978) for historical overview of intendancy. For an empirical analysis of how the institution was used, see Sasaki (2021a).

⁸ The French crown acquired this authority from the pope at the signing of the Concordat of Bologna in 1516.

authors, printers, and publishers alike. The next section provides a detailed framework as to why states such as pre-revolutionary France would prefer tough censorship.

State Capacity and Censorship

The literature on censorship typically focuses on three dimensions: The first is the *what* or the object to be censored. It concerns the content of written or oral communications, including books, telephone conversations, and blogposts. The term “censorship” would readily evoke the image of these communications being struck down, leading to book-burning or -banning, wiretapping, and removals. The second is the *who* or the actors involved. The state or its agents are usually the one who wants to undertake censorship, while the actors who receive censorship tend to be non-state agents whose communications are deemed as subversive. Finally, the most important is *how* the censoring is achieved. It refers to both the techniques and the capacity. An illuminating example of the former is the burning of books or libraries. As vividly portrayed in Ray Bradbury’s *Fahrenheit 451*, fire is a preferred method of destroying books for the state not only because it physically turns books into ashes but also because it delivers strong demonstration effects that accumulated knowledge is disfigured into futility. Methods of censorship also entail state capacity. For what techniques state agents deploy to achieve censorship depend largely on the capacity of the state to identify the above two dimensions and possess the necessary technologies of control to do so (Scott 1998). This is why contemporary China garners strong attention both in academic research and journalism. The Chinese state heavily relies on, and invests in, digital technologies to build a censorship platform based on algorithm, automation, and big data and guide individual behavior on a large scale (Shorey and Howard 2016).

This analytical approach builds primarily on the modern period. Technological advances that have made products more mobile, easier to be concealed, and less tangible allow researchers to study how individuals unwittingly surrender autonomy while equipping governments with the greater ability to monitor, track, and guide individuals’ behavior. My conceptual innovations draw on two observations. First, the modern approach consider state capacity to be fixed at a high level. In the

literature, technological prowess functions as a proxy for a strong state capacity. Yet censorship played a role in the history of the pre-modern period, when technologies were less advanced and state capacity was limited. My framework lets state capacity vary and provides implications for censorship policy under constraints. Second, a number of modern censorship choices seem *subtle* in intensity and *indirect* toward the intended target. A smartphone whose chip contains a software that permits a backdoor access to a third party without the owner's knowledge is a fitting illustration. By contrast, pre-modern censorship was more directly observable and labor-intensive. Destroying books and libraries comes to mind, but when it came to censoring books before publication, states invested a plenty of time and resources for books to be available in public. My framework aims to explain why states with limited capacity would adopt such a harder and tougher censorship policy.

A weak state capacity can come in two ways. First, the state is unable to prevent “offensive” works from being produced on a large scale. Ideally, the state would look for efficacy—achieving as large an effect as possible when technologies of control were weak. It could, for example, coerce select influential authors to stop writing or agree to abide by its rules so that this targeting would have a ripple effect on others. When this method is not viable, an alternative would be to intimidate as many people as it can, in the hope that they self-censor or are subject to tangible punishments, including the confiscation of the original manuscript and imprisonment. In this approach, the net is necessarily widely cast to achieve the desired effect. The targets thus can include not just authors and publishers but also intermediaries such as printers, sellers, and porters. Threats from the state are also quite substantial. The ruler could issue decrees intended to forestall subversive publications by imposing strict standards. In 1566, for instance, Charles IX of France issued an *ordonnance* of Moulins, which stipulated that all forthcoming books bear a license as well as a privilege granted by the Chancery of the Parlement of Paris, in the form of a Grand Seal, along with the printer's name and address (Pottinger 1958, 58). Another form of threats includes severe punishments. In 1535, Francis I enacted a new law by declaring the total ban of any unauthorized books in France with the violation of death by hanging (Febvre and Martin 1976, 310). However unrealistic it may have seemed, this law was repeated at least three times throughout the pre-modern period (Pottinger

1958, 81).

Second, a weak capacity indicates the state's inability to enforce these rules and threats to the extent it desires. The cost of identifying and catching illegal literature as well as of meting out punishments to violators is expected to be prohibitively high. In the 1566 case, France had neither a centralized organization that could consider licensing applications or a central clearinghouse that could review manuscripts for the official stamp. At the time, the main concern in licensing was about whether the text contained heresy, as understood and evaluated by the Faculty of Theology at the University of Paris (Pottinger 1958, 54–8). Yet as the burst of political writings during the Wars of Religion demonstrated, the Faculty was by no means equipped with preventing them from being published and circulated. Similarly, the privilege system served only a fraction of books. Since no copyright institution existed in the mid-sixteenth century, authors and publishers who wished to avoid third parties making unauthorized copies sought a privilege, because one would grant the recipient the exclusive right to reproduce work for commercial purposes, often for a fixed term (Armstrong 1990). The state designed the 1566 edict to police the seditious and other political writings by turning the privilege system from a voluntary one to a mandatory one. But since the privilege-granting authority was dispersed across a few state and substate organizations and the latter held on to their respective power, the state's attempt to disincentivize subversive literature remained weak (Armstrong 1990, ch. 2; Soman 1976, 454–5).

One strategy under these constraints is to select carefully what to censor. States with weak capacity could focus on a subset of offensive literature that undermines the legitimacy of rule more than others. In pre-modern Europe, it was the Catholic church. It would be not surprising that pre-revolutionary France concentrated energy on censoring the writings critical of the church and rolling them back. A brief illustration is of help. As mentioned earlier, Paris had initially tasked the University of Paris since 1275 with overseeing the trade for the “correctness” of text. But its jurisdiction covered the booksellers that had been already authorized, and Paris had at least 30 more firms over which the University had no authority (Soman 1976, 453). A first step toward centralization came in 1618, when the state founded a book guild, the Community of Sellers and Printers of Paris

(*Communauté des libraires et imprimeurs de Paris*). It relied on a group of elected officers to not just try to oversee content but also regulate the industry by requiring printers to register their printing presses (Pottinger 1958, 123). Finally, a more formal centralization mechanism was installed in 1653, when the Office of the Book Trade (*Direction de la librairie*) was established, whose board of censors began to review pre-publication manuscripts. The pre-revolutionary French state's attempt to police heretical and seditious writings to protect legitimating agents systematically began from this point forward.

Empirical Strategy

I construct a new data set on the censorship regime in pre-revolutionary France. By the turn of the nineteenth century, the French society had a vibrant literary market especially for books, as their rate of penetration was much greater than the newspaper (Burrows 2015).⁹ The Enlightenment spawned a number of influential domestic writers, such as Voltaire, Diderot, Holbach, Mercier, and Rousseau. However, the freedom of expression, to the extent that it existed in theory, had practical limitations. Once the Office of the Book Trade began to operate, it attempted to curb or ban the circulation of ideas discussing theology, philosophy, and politics (Pottinger 1958, 55). The Office, headed by the Director of the Book Trade, had the authority to decide whether a manuscript should be permitted as a “legal” publication, the condition that grants the author a status and could also be accompanied by a privilege (*privilège*) which would function as a copyright. Prospective authors would thus submit their works for a royal approval. One consequence of the review process was that a number of books were judged to be “illicit” and thus banned.¹⁰

My data set consists of those banned books and their attributes related to confiscations. There are two published sources that document illegal books circulated in France primarily for the eighteenth century. One is Darnton (1995a), which compiles information about 719 books by drawing on the

⁹ Burrows (2015, 78) estimates that one in ten individuals was believed to own a book, while one in 600 subscribed to a newspaper.

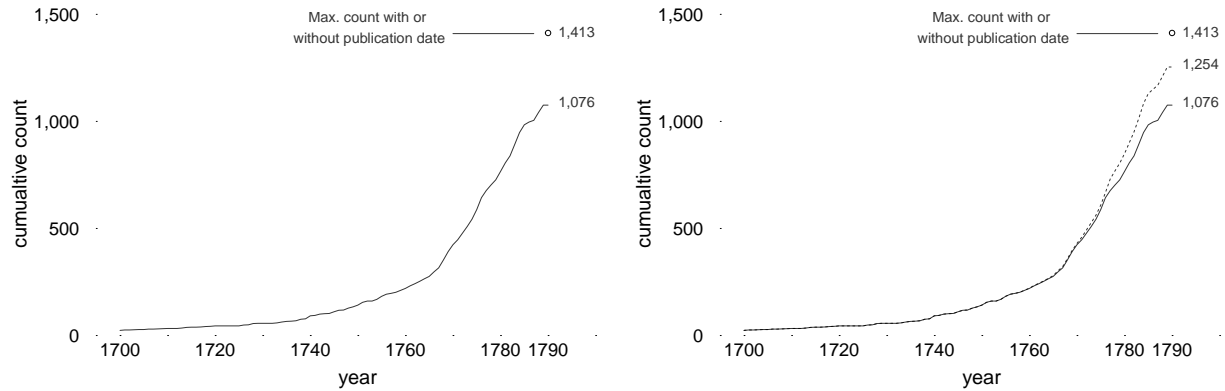
¹⁰ Sasaki (2021b) provides a more detailed discussion about the distinction between “legal” and “illegal” books as well as the process of pre-publication review process.

orders recorded by, and shipped from, the Société Typographique de Neuchâtel (STN), a prominent printer-wholesaler located in the Swiss city of Neuchâtel. Of the 719 books, 620 were published in the eighteenth century. Another source is Dawson (2006), which contains 979 titles that were confiscated at the customs by state officials. Dawson draws on archival records concerning those books that went through the Parisian customs, since the 1744 law stipulated that all books and printed materials entering the city of Paris be first transported to the state-funded book guild for inspection before being allowed to be sold across the country (Dawson 2006, 3). The 979 books contain a couple of hundred overlaps in Darnton (1995a); 694 titles are unique in Dawson (2006).¹¹ My data set includes information about 1,413 unique titles from the two sources.

These sources offer advantages as well as limitations. The biggest advantage is that they focus exclusively on the underground market and document as many dimensions of attributes as can be drawn from the archives. These transcribe the complete information about the title of banned books, which shed light on the kinds of books that the state inspectors deemed reprehensible. However, there are limitations along several dimensions given that the business itself was illicit. First, many attributes are incomplete. These include the author (many were published anonymously), publication date, place of publication, and the number of copies when seized at the customs. Second, information about the price is missing, although anecdotal evidence indicates that banned books tended to be—unsurprisingly—more expensive than legal ones. Third, the rationale for the judgment about how confiscated books should be processed is typically unrecorded. The data availability has guided the construction of variables related to censorship. In addition, the analysis is necessarily exploratory for these reasons.

¹¹The data is drawn not only from the book but also the online appendix of approximately 78,000 words.

Figure 1: Cumulative count of banned-books publications in eighteenth-century France.



(a) Cumulative count.

(b) Confiscation date as proxy for publication date.

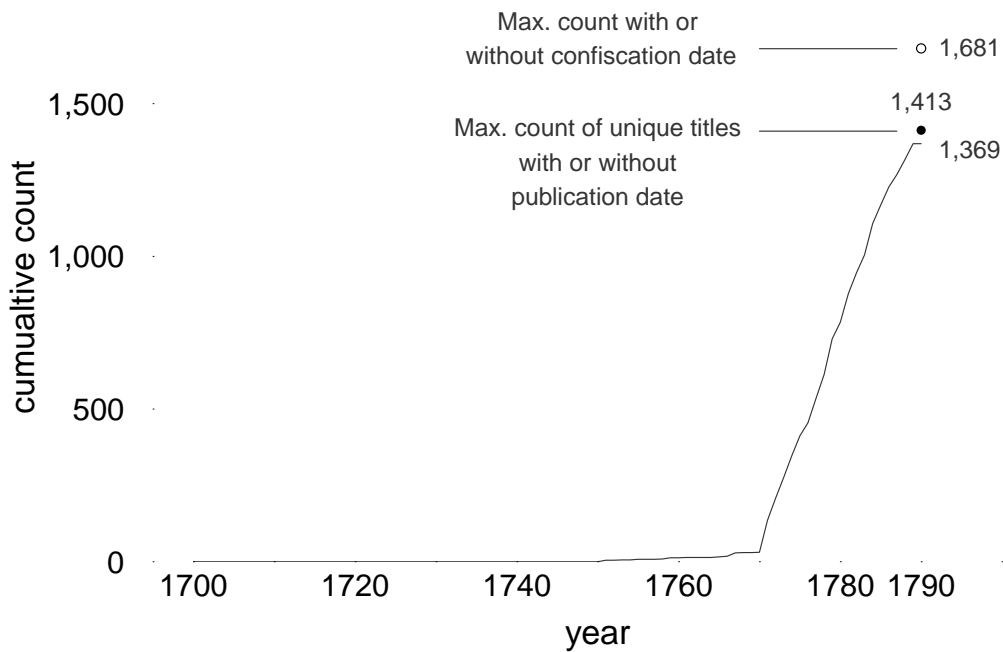
Note: The maximum count of 1,413 includes books whose publication date is unknown. In Panel (b), the dotted line indicates the data where the missing publication date is imputed by the date of confiscation as a proxy for the date of publication.

Source: Dawson (2006) and Darnton (1995a).

Panel (a) of Figure 1 plots the cumulative count of publications of banned books in the eighteenth century. Of the 1,413 titles, a little more than a thousand have a recorded date of publication. Panel A also indicates that a vast majority of illicit literature was released in the 1770s and the 1780s.

The outcome variable is whether a banned book was confiscated at the customs. The term “confiscated” can mean “suspended” (*suspendu*), which signifies that books were taken out of circulation for inspection. It can also mean that an assigned inspector at the guild reviewed them and judged them to be forbidden. Such books were marked as *rayé* (struck down) and could later be destroyed (*au pilon*). Dawson (2006) makes these distinctions along with dates of the specific decision, while the Darnton volume provides the year when a customs confiscation took place. Although not all of the 1,413 titles were confiscated, a single title could be confiscated multiple times. I treat each incident as a separate outcome. There are a total of 2,144 events of book-confiscations, which include 1,681 cases of recorded confiscation, with or without date, in my data set.

Figure 2: Cumulative count of banned-books confiscations in eighteenth-century France.



Source: Dawson (2006) and Darnton (1995a).

Figure 2 displays the cumulative count of confiscations in the eighteenth century. Of the 1,681 confiscations, 1,369 have a recorded date of confiscation. Similar to Panel A of Figure 1, much of the confiscation events was concentrated in the last couple of decades of the ancien régime.¹²

I take advantage of the information in Figure 2 to explore further the nature of publications of banned books. More specifically, I use the date of confiscation for those that do not have a publication date. Only after a book was published could it be confiscated or destroyed, and I use this method as a proxy to supplement the publication date for nearly 200 additional works. The result is shown in Panel B of Figure 1. Based on this method, I can now account for the timing of publication for 88.7 percent of all titles in the date set.

There are two explanatory variables. These are legitimacy-undermining words in the book title and authorship. On the former, I create a corpus that includes strings of letters (or partial words) indicative or suggestive of a particular subject in a book and raise suspicion for a reviewer that the

¹²Overall, nearly 1,700 events of confiscations yield more than 60,000 copies, of which 46,000 copies were interdicted in the eighteenth century. A time-series plot is available in the Appendix.

book might be critical of the ancien régime. I construct two corpuses: religion and the state. For each, I make a list of words related to the genre and make an indicator that equals to one if the title of a banned book bears a keyword.¹³ The religion corpus comprises 35 strings, such as “relig” (e.g., *religion*, *religieux*, or *religieuse*) and “archevê” (e.g., *archevêque*). It also includes proper nouns related to religion, such as “Clément” (i.e., pape [Pope] Clément XIV), “Calvin” (e.g., John Calvin or *Calvanisme*). Similarly, I produce a state corpus, which is made of 22 strings related to the state in the book title. These include words that refer to the existing state, such as “Louis” (e.g., Louis XIV), “monarch” (*monarchie* or *monarchisme*), and words suggestive of criticism, such as “droit” (i.e., the right), “républi” (*républic* or *république*), “nation” (*nation* or *nationale*), and “patri” (*patrie* or *patriote*). The religion corpus has 322 matches in the book titles, and the state corpus has 411 matches.¹⁴

For authorship, I make a tally of frequent contributors and make an indicator that equals to one if one of them wrote a monograph or translated a book into French from another language (often English, German, or Latin). Table 1 lists Enlightenment authors who published books more than several times. Although authorship is sometimes uncertain (and in many cases remains anonymous), I maintain a broadly-defined category that a well-known scholar authored a book. Table 1 reveals that Voltaire is the most prolific writer in my data set whose contribution should be considered an outlier. Thus I created a standalone indicator for Voltaire.

¹³General political words, such as “philo” (e.g., *philosophe* or *philosophique*), “politique” and “public,” are omitted.

¹⁴The full list of the strings in each corpus is reported in the Appendix.

Table 1: Frequency of authorship and translation by Enlightenment writers.

Shorthand	Name	Authorship	Translation	Total
Voltaire	François-Marie Arouet de Voltaire	117		117
Holbach	Paul-Henri-Dietrich Thiry, baron d'Holbach	30	15	45
Du Laurens	Henri-Joseph Du Laurens (or Dulaurens)	23		23
Linguet	Simon-Nicolas-Henri Linguet	22		22
Rousseau	Jean-Jacques Rousseau	22		22
Crébillon fils	Claude-Prospér Jolyot de Crébillon fils	18		18
Mercier	Louis-Sébastien Mercier	17	1	18
Mirabeau	Honoré-Gabriel Riqueti, comte de Mirabeau	18		18
d'Argens	Jean-Baptiste de Boyer, marquis d'Argens	17		17
Helvétius	Claude-Adrien Helvétius	13		13
Mairobert	Mathieu-François Pidansat de Mairobert	13		13
Brissot	Jacques-Pierre Brissot de Warville	12		12
Diderot	Denis Diderot	10	2	12
Raynal	Guillaume-Thomas-François Raynal	10		10
Luchet	Jean-Pierre-Louis de la Roche du Maine, marquis de Luchet	9		9
Morande	Charles-Thévenau Morande	9		9
Boulanger	Nicolas-Antoine Boulanger	8		8

Source: [Dawson \(2006\)](#) and [Darnton \(1995a\)](#).

Two additional controls include an indicator that equals to one if a book is a work of translation. The other is whether a book is handled by major dealers. When dealers sent their packages to Paris for inspection, senders, not the titles or the authors, might give officials a clue about the extent to which the enclosed books would raise suspicion. In the sources, [Darnton \(1995a\)](#) provides a list of major book dealers who were located in one of the twenty cities that played a key role in processing and circulating orders for each of the banned books. Such information is often not reported in [Dawson \(2006\)](#), but the book's record of confiscation often notes the city from which packages were delivered to Paris for inspection. When this data is available, it is matched with a city with major bookdealers. [Table 2](#) provides the summary statistics of these variables in my data set.

Table 2: Summary statistics.

	N	mean	median	sd	min	max
<i>Outcome variable</i>						
Banned book confiscated	2,144	0.78	1	0.41	0	1
<i>Explanatory variables</i>						
Religion-related words in book title	2,144	0.15	0	0.36	0	1
State-related words in book title	2,144	0.19	0	0.39	0	1
Enlightenment authors	2,144	0.21	0	0.41	0	1
Books by Voltaire	2,144	0.12	0	0.32	0	1
<i>Control variables</i>						
Books handled by major dealers	2,144	0.39	0	0.49	0	1
Translated books	2,144	0.06	0	0.24	0	1

Source: Dawson (2006) and Darnton (1995a).

Estimation Results

I estimate how key attributes of banned books predict confiscations. I put the religion and state corpuses in separate panels. Given that most of the confiscations occurred in the 1770s and 1780s, I construct decades indicators to control for their effect. The results are reported in Table 3.

Table 3: Predictors of confiscations among banned books in Eighteenth-century France.

Dependent variable Model	Confiscations among banned books			
	OLS		Logistic	
	(1)	(2)	(3)	(4)
Panel A: Religion corpus				
<i>Religion</i> -related words in book title	-0.101*** (0.020)	-0.083*** (0.020)	-0.906*** (0.129)	-0.810*** (0.134)
Enlightenment authors		0.059*** (0.018)		0.815*** (0.145)
Books by Voltaire		0.088*** (0.023)		0.729*** (0.151)
Books handled by major dealers		-0.017 (0.016)		-0.110 (0.114)
Translated books		-0.140*** (0.028)		-1.057*** (0.171)
Panel B: State corpus				
<i>State</i> -related words in book title	-0.096*** (0.018)	-0.092*** (0.017)	-1.621*** (0.162)	-1.621*** (0.168)
Enlightenment authors		0.064*** (0.017)		0.770*** (0.147)
Books by Voltaire		0.084*** (0.023)		0.750*** (0.153)
Books handled by major dealers		-0.012 (0.016)		-0.176 (0.117)
Translated books		-0.148*** (0.027)		-1.182*** (0.174)
1770s FE	✓	✓	✓	✓
1780s FE	✓	✓	✓	✓
Observations	1,782	1,782	1,782	1,782

Notes: 362 observations are dropped due to the missingness in the publication date. *** denote $p < 0.01$, ** $p < 0.05$, and * $p < 0.1$.

Table 3 indicates that both the religion and state corpuses are negatively and significantly cor-

related with confiscations, suggesting that book-title words that could be interpreted as a critique to the religious or the political authorities are not grounds for confiscations. This is the case in all specifications. Similarly, translated books and major dealers are negatively linked to confiscations, suggesting that these attributes about book production do not seem to inform the decision.

The only positive linkage in the table is a group of well-known authors, including the indicator for Voltaire. This result suggests that customs inspectors could have focused on the name of the author as a key factor to confiscate a copy and not the title or the name of the dealer who brought the book in. In the rest of the analysis, I provide an illustration that could help explain this pattern.

Louis-Sébastien Mercier's *L'An 2440* (The Year 2440) serves as a good example. A well-known dramatist and writer, Mercier had 17 of his monographs banned by the state. Originally published in 1771, the title *L'An 2440* bears superficially no “suspicious” political or religious words on it. Yet the book was confiscated at the Parisian customs at least seven times in its history of 25 editions. Approximately 1,400 copies were produced, of which many were believed to be seized at those confiscations and later destroyed; at least 60 copies survived after the fall of the Bastille.

L'An 2440 may in today's classifications be considered a work of science fiction or a futuristic novel.¹⁵ Set in 1771, the thirty-year-old male protagonist is talking to a philosopher friend in Paris about contemporary events (likely referring to Louis XV's dissolving of the Paris Parlement and the establishment of a “reformed” one with much less authority, both of which took place as the author was writing). The protagonist then suddenly falls asleep and, when he wakes up, it is in the year 2440. Now at seven-hundred-years old, he makes a tour around Paris. As he finds out from one visit to the next, however, the city looks eerily familiar to the one he was living in 1771—for instance the same style of buildings and the same clothing people are wearing. In the novel, Paris seems to have made little progress over the past 670 years, which can be interpreted as an indictment in life of late eighteenth-century France.

As this illustration suggests, book titles like that of *L'An 2440* may not carry religious and political terms that are easily identifiable and suggestive of a critique to the authority. In those cases, state

¹⁵This section draws on [Darnton \(1995b, ch. 4\)](#).

inspectors could look for alternative identifiers such as author names to guide their decision whether to confiscate—and order it to be destroyed.

Conclusion

This paper addresses the puzzle about why states with weak enforcement capacity resort to hard censorship. I provide a framework drawing from pre-modern Europe, in which rulers came to and retained power based on ideology, a relatively inexpensive form of generating compliance. However, they relied on the religious authority for legitimacy. This structure of authority legitimation gave the secular authority a strong incentive to adopt a tough censorship policy—and to protect the legitimating agent. Pre-revolutionary France illustrates this relationship well. Its measures of stringent censorship include pre-publication reviews as well as the inspection of packages at the customs, which were both quite labor-intensive given the limited technologies of control over ideas. I construct a new data set of nearly 1,700 banned books published in eighteenth-century France. Using whether they were confiscated at the customs as my outcome, I empirically examine what attributes of these books predict confiscation. My analysis indicates that words specific to religion or the state in the book title are negatively linked, while well-known Enlightenment authors are positively correlated with confiscations.

The empirical findings of this paper seem analogous to the strategy of “porous” censorship used in contemporary autocratic states. The advantage of this strategy in today’s context is to keep the cost of censorship low without restricting public access to the banned information. In eighteenth-century France, porous censorship means that banned books whose title contained religion- or state-related words did not get confiscated. Although an inexpensive strategy, it could backfire by not actively halting these books out of circulation and by giving an impression that they could be read and discussed. Similarly, porousness today can attract more attention than the state would wish for. In 2021 in China, for instance, when the sexual allegation over tennis star Peng Shuai emerged, the authorities banned the mentioning of her name on social media. Yet interested users were still able

to search about her online by devising a creative phrase such as “Where is **?” ([Chien and Stevenson 2021](#)). Like this illustration, my analysis implies a subtle balance to be taken between censorship’s cost and its effectiveness to protect the political authority.

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Appendix for “Weak States and Hard Censorship”

April 2, 2022

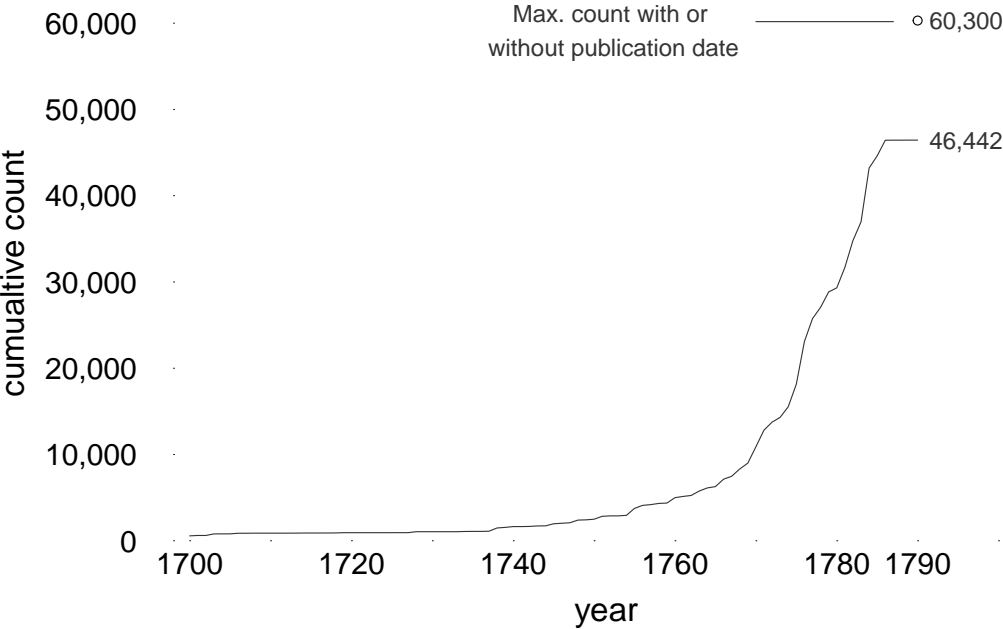
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1 Distribution of the Number of Copies of Illegal Literature

Figure A1 shows the over-time distribution of the number of copies of banned books in the eighteenth century. Of the 60,300 copies, 46,442 have a publication date.

Figure A1



2 List of Strings in the Religion and State Corporuses

The following tables describe the list of the strings used to make the religion corpus (Table A1) and the state corpus (Table A2).

Table A1: Religion-related corpus.

String	Example
abbé	abbé
apôtre	apôtre
archevê	archevêque
Calvin	Calvin, Calvinisme
caté	catéchisme, catéchumène
cathol	catholique, catholicon
chrétien	chrétienne
christ	christianisme, (Jésus) Christ
Clément	(pape) Clément (XIV)
clergé	clergé
dieu	Dieu
divine	divine
ecclesiast	ecclesiastica (Latin)
ecclésiast	ecclésiastique
église	église
épître	épître
évangél	évangélique
evangile	evangile
évêque	évêque
jésuit	Jésuit
Luther	(Martin) Luther
pape	pape
papism	papism
péch	péché
pontif	pontif
prophète	Prophète
protestant	protestants
psaume	psaume
relig	religion, religieux, religieuse
sécular	sécularisé, sécularisation
sermon	sermon
saint	saint
Testament	(Nouveau) Testament
théol	théologie, théologique, théologien
Unigenitus	Unigenitus

Table A2: State-related corpus.

String	Example
civil	civil
Colbert	(Jean-Baptiste) Colbert
despotisme	despotisme
droit	droit
établi	établissements
féodal	féodal
légitim	légitimité
liberté	liberté
Louis	Louis (XIV, XV, XVI)
monarch	monarchie, monarchisme
nation	nation, nationale
Necker	(Jacques) Necker
patri	patrie, patriote
réform	réforme, réformation
règne	règne
reine	reine
républi	républic, république
révolution	révolution
Richelieu	(Cardinal) Richelieu
roi	roi
roy	royaume, royal
souverain	souverains