**David Hume and ‘Of the Liberty of the Press’ (1741) in its Original Contexts[[1]](#footnote-1)**

**Abstract:**

David Hume’s contribution to the eighteenth-century debate about the limits of the freedom of the press – ‘Of the Liberty of the Press’ (1741) – has usually been considered in the context of the Scotsman’s extensive revisions of the essay in the wake of ‘Wilkes and Liberty’ in the late 1760s and early 1770s. Plenty of historians have already written about how and why Hume, in response to popular discontents in London, removed his initial and more positive conclusion about press freedom and instead called it one of the inconveniences of mixed governments. By contrast, little has been said about what initially prompted the essay. When the first version of the essay is considered in its originalsetting in the late 1730s and early 1740s, we learn that the essay was written in the context of the paper war between Walpole’s Court Whig administration (1721-42) and a Country/Patriot opposition consisting of Tories, Whigs, and Jacobites. In this context, the ‘Liberty of the Press’ had become an opposition slogan, as Walpole sought to rein in freedom of speech by harassing opposition journalists and printers, outlawing parliamentary reporting during sessions, and introducing censorship of stage plays. In contrast with later editions of the essay, Hume took a clear stance in favour of the liberty of the press, referring to it as ‘the common right of mankind’. However, although Hume was very loosely associated with oppositions Whigs at this time, for example the Marchmont family, this should not be regarded as an unconditional espousal of anti-Walpole propaganda. Crucially, Hume appears to have favoured conciliation rather than confrontation with Spain in 1739. As will be shown, his argument was distinctly independent, and his defence of press freedom was much more sceptical than that of Protestant thinkers who called it a human or natural right.

**I: Introduction**

David Hume (1711-1776) famously said that mankind was governed by opinion, and has in this regard been followed by political writers from James Madison and William Godwin to Hannah Arendt.[[2]](#footnote-2) Considering the importance Hume placed on public opinion, the burgeoning British press was naturally of great interest to him. Most discussions of his dedicated contribution to the subject, his 1741 essay ‘Of the Liberty of the Press’, concentrate on the context of the final version of the text.[[3]](#footnote-3) The essay was heavily edited in 1770 in response to what Hume perceived as the threat to political stability posed by the radical ‘Wilkes and Liberty’ movement.[[4]](#footnote-4) When editing the essay, Hume removed his initial and more positive conclusion about press freedom and instead called it one of the inconveniences of mixed governments. According to what is arguably the most important book on Hume’s politics ever written, these revisions represent ‘perhaps the most striking example of a retreat in the later Hume from a liberal to a less liberal position’.[[5]](#footnote-5) While Hume’s change of heart has often been discussed and debated by historians and political theorists, little has been said about what prompted the essay in the first place. The aim of the present essay is to focus on the original contexts of the essay.[[6]](#footnote-6) I will not concentrate on either Hume’s revisions or on ‘Wilkes and Liberty’ since this has already been done by many others at great length. When situating the essay in its original political and intellectual contexts, we can be more precise than to simply describe it as a ‘liberal’ position. To achieve this, we must consider sources which most historians of political thought tend to stay well clear of, including all too often neglected parliamentary debates.[[7]](#footnote-7) When discussing and contextualising Hume’s first edition, it will become evident that it was written with a specific target in mind, namely Walpole’s Whig administration (1721-42). This is not to say that Hume unequivocally sided with the opposition. Importantly, he appears to have supported conciliation rather than confrontation with Spain in 1739, and in that policy he agreed with Walpole’s government. As usual, Hume’s argument was distinctive and relied on his understanding of independence, that is to say, not meaning never taking sides but rather never siding with one party consistently.

**II: The Backdrop of the Essay**

Jürgen Habermas singled out the expiry of the Licensing Act (1662) in 1695 as one of the most important catalysts for the development of a ‘bourgeois’ public sphere in Britain.[[8]](#footnote-8) Habermas’s thesis inspired and provoked important historical research, especially in the wake of its English translation in 1989, but many aspects of the original thesis have been rightly criticised, including public sphere’s alleged inclusivity, ‘bourgeois’ nature and anti-Court bias.[[9]](#footnote-9) For one thing, Habermas’s protagonist Bolingbroke was not ‘bourgeois’ in any meaningful sense but a Viscount and Secretary of State to Queen Anne and briefly to the Stuart Pretender. His opposition to Walpole’s ‘Court Whigs’ had more to do with his exclusion from Court circles after his Jacobite adventure in 1715-16 as opposed to any principled hostility to Court culture as such. If the Marxian teleology and terminology are removed from Habermas’s thesis we are left with the uncontested, and indeed previously known, fact that print culture – including pamphlets, journals, newspapers, books, prints, and printed sermons, ballads, and plays – expanded enormously in the eighteenth century. London in particular had already had a mass market for periodicals in the turbulent seventeenth century, and the period also saw the publication of an attack on censorship in the shape of John Milton’s *Areopagitica* (1644). After 1695, however, when pre-publication censorship in England and Wales ended, print culture exploded and became more regular.[[10]](#footnote-10) Around mid-century, London had eighteen newspapers and the provinces had forty.[[11]](#footnote-11) Annual sales of newspapers have been estimated at 7.3 million in 1750, a significant increase from 2.5 million in 1713.[[12]](#footnote-12) These figures are even more astonishing if we consider the fact that these papers generally had multiple readers as they were available in coffee houses. Moreover, as the non-juror hack Charles Leslie observed, even the illiterate were consumers of journalism, since they would gather around someone who could read in the streets.[[13]](#footnote-13)

The lapse of the Licensing Act had very little to do with any intention to increase press freedom, but rather the inability of the political parties to agree on how to regulate the press because of mutual suspicion.[[14]](#footnote-14) Most newspapers and periodicals in the eighteenth century were ‘party papers’ with unmistaken political agendas.[[15]](#footnote-15) Nevertheless, as a result of its lapse, and the many failures to reintroduce licensing,[[16]](#footnote-16) England (and Britain after 1707) developed a press culture that was unmatched by any major power on the continent.[[17]](#footnote-17) Pre-publication censorship remained in force in Hume’s native Scotland, but it was rarely enforced after 1710.[[18]](#footnote-18) We also have to remember that Hume was writing about English politics in his first collections of *Essays: Moral and Political* (1741-2), sometimes with a Scottish perspective, but with focus on political debates and events in London and Westminster. The importance of the press for British politics at this point in time can hardly be exaggerated. Sir Joseph Danvers, independent MP for Totnes, said in 1738 that ‘the people of Great Britain are governed by a power that was never heard of as a supreme authority in any age or country before…[that is] the government of the press.’[[19]](#footnote-19)

 It would be a mistake, however, to view the Walpole era as a time when the British press became ‘increasingly free’, as has fairly recently been suggested.[[20]](#footnote-20) First of all we have to note that the press had never been completely free, despite the end of pre-publication censorship in 1695. The Blasphemy Act of 1697 (introduced at least in part in response to John Toland’s scandalous *Christianity Not Mysterious*[[21]](#footnote-21)) restricted religious criticism, and perceived attacks on the Glorious Revolution were treated as sedition, as can be seen in the (in)famous trial of Dr Sacheverell in 1710.[[22]](#footnote-22) The method of prosecuting anti-government propaganda for seditious libel, one of Hume’s specific targets, began properly around the turn of the eighteenth century under Lord Chief Justice John Holt. There were of course exceptional cases previously, notably the trial of the seven bishops in 1688, but in the seventeenth century licencing had done most of the censorship work. Prolific writers such as Daniel Defoe and John Tutchin fell victim to this practice in the early years of the century.[[23]](#footnote-23) Charles Leslie defended the libel laws in his High Church *Rehearsal* on the basis that it ‘wou’d confound all government’ if ‘private men are…the judges of their superiors’.[[24]](#footnote-24) As a consequence, it became common for government-critical publications to resort to irony and innuendo, paving the way for the age of Swift and Defoe. Moreover, outright Jacobite propaganda was for evident reasons treated as high treason. The young printer John Matthews was executed on these grounds in 1719, the last printer to be put to death in Britain.[[25]](#footnote-25) A less dramatic way to restrict the press was to tax it. At the end of Queen Anne’s reign, the Tory ministry, well-supported at the time by the sharp pens of Swift and Defoe, introduced the Stamp Act (1712) in an attempt to both monetise the growing press and curb opposition publications.[[26]](#footnote-26) At the end of the century, in the wake of the French Revolution, the stamp duty was increased in order to suppress the distribution of newspapers among the poor.

Walpole also increased this levy, but there is a sense that his ministry was perceived as making a more direct onslaught on the liberty of the press.[[27]](#footnote-27) The main targets were Jacobite publications such as the *True Briton, Mist’s Weekly Journal,* and *Fog’s Weekly Journal*. The ironically entitled *Fog’s* was set up after Nathaniel Mist, who had been arrested on several occasions, was impelled to flee to France after being tried for libel of the king.[[28]](#footnote-28) The offensive print had been the so-called ‘Persian Letter’, published in August 1728, written by the Duke of Wharton, a Jacobite with a Whig family background, under the pen name of ‘Amos Drudge’. In an apologia justifying his exile and Jacobitism, and defending Mist, Wharton denounced ‘The Barbarity & Severity which the present ministers illegally exercise to destroy the liberty of the Press’.[[29]](#footnote-29)

Opposition journalists were continuously arrested during the period, although there were few convictions.[[30]](#footnote-30) For example, repeated but failed attempts were made to arrest and try Nicholas Amhurst, editor-writer of the *Craftsman,* the leading opposition journal, set up by Bolingbroke and the opposition Whig William Pulteney in 1726.[[31]](#footnote-31) It was easier to target printers, if they could be identified, but it could also be risky; the libel trial against the *Craftsman’s* printer, Richard Francklin, in 1731, was followed by public outcry.[[32]](#footnote-32) When the ministerial writer William Arnall (‘Walsingham’) defended the Whig credentials of Walpole’s administration in 1731 by saying that unlike the Tory administration of 1710-14 it had not restrained the press, the opposition press responded that ‘taking up the *Printers* and *Publishers,* and harassing their *Persons* and *Pockets* with *Imprisonment* and *Prosecutions,* will as effectually restrain the Press, as any *Grand Committee* in *England.*’[[33]](#footnote-33) Paul Whitehead and his publisher were ordered into custody by the House of Lords following the anti-Walpole satire *Manners* (1739). In the event, only the publisher showed up.[[34]](#footnote-34) In a speech relating to the affair, Lord Chancellor Hardwicke called the liberty of the press ‘sacred to every Englishman’, but a poorly understood concept: the English laws and constitution did not recognise any right to publish defamatory statements, he stressed.[[35]](#footnote-35)

Papers without the high sales and financial backing of the *Craftsman* were vulnerable to government action. The *Universal Spy,* the *Alchymist*, and the *National Journal* all went bankrupt in the 1730s and 40s because of official prosecutions.[[36]](#footnote-36) The *Craftsman* fought its most distinguished campaign against Walpole during the Excise Crisis of 1733, when Walpole’s ministry sought to extend the excise duty to wine and tobacco. The campaign was a success in the sense that Walpole gave up the excise scheme, but for Bolingbroke it was a failure since the first minister managed to cling onto power in the general election of 1734, albeit with a smaller majority.

In May 1737, just a few months before Hume arrived in London for an eighteen-month stint, the Walpole ministry introduced pre-performance censorship of stage plays. The government had earlier been able to ban John Gay’s *Polly,* the sequel to the *Beggar’s Opera,* in 1728. The move to introduce formal censorship of plays nine years later was prompted by an anti-government play called *The Golden Rump*, based on a series of satirical articles published in the opposition journal *Common Sense,* and Henry Fielding’s *Historical Register for the Year 1736.*[[37]](#footnote-37) *The Golden Rump* is also often attributed to Fielding, although people speculated that it had been written by either Walpole himself, or by one of his hirelings, in order to build a case for censorship of the theatre, alternatively by William King, the known Oxford Jacobite.[[38]](#footnote-38) Although censorship of the stage had no direct impact on the printed word, opponents of the so-called playhouse bill often compared the two.[[39]](#footnote-39) It seems clear that many at the time saw print culture and the theatre as belonging to the same or at least a comparable bundle of rights: that of communicating one’s sentiments freely to one’s fellow men and women. For example, when the bill was debated in the Lords, the Earl of Chesterfield[[40]](#footnote-40) argued that it ‘seems designed not only as a restraint on the licentiousness of the stage, but it will prove a most arbitrary restraint on the liberty of the stage; and, I fear, it looks yet farther, I fear it tends towards a restraint on the liberty of the press, which will be a long stride towards the destruction of liberty itself.’[[41]](#footnote-41) The *Craftsman* protested against the censorship with a similar slippery slope argument: ‘There is not one Argument for restraining the *one* [the stage], which will not equally extend to the *other’*, it wrote on 25 June.[[42]](#footnote-42) The first play to be proscribed under the Licensing Act of 1737 was Henry Brooke’s *Gustavus Vasa* (1739), which was about the sixteenth-century eponymous king who liberated Sweden from Denmark.[[43]](#footnote-43) It was hard for anyone to be blind to the potential Jacobite allegory of Brooke’s play, although it might have been an exhortation to Frederick, the Prince of Wales, who was a figurehead of the opposition at the time, as was common in Hanoverian Britain.[[44]](#footnote-44) Hume was most likely familiar with the play since he referred to the Swedish king twice in his early essays.[[45]](#footnote-45)

The Licencing Act of 1737 sparked a public debate about the liberty of the press, led by the *Craftsman,* whose new printer after Francklin’s 1731 conviction, Henry Haines, was prosecuted for seditious libel after having compared George II to King John in Shakespeare’s play.[[46]](#footnote-46)The following year, Milton’s *Areopagitica* was republished with a new preface by the opposition poet James Thomson. Press freedom continued to be at the centre of parliamentary debates in the next parliamentary session, as when the size of the standing army was discussed at the beginning of 1738. The Walpolean Whig William Hay spoke against a reduction in the size of the army, effectively as a defence against the ‘liberty of the press’, which protected scribblers who were ‘spirit[ing] up the people against their governors’.[[47]](#footnote-47) In response to this rather hyperbolic suggestion, Hay was mocked by the Tory-Jacobite John Hynde Cotton and the City MP John Barnard. As we shall see, Hume would also ridicule such suggestions, and agree with Chesterfield that further restrictions of the press would lead to an end of liberty.

The Walpole ministry also sought to crack down on parliamentary reporting. It is often mistakenly believed that reporting of parliamentary debates began in the late 1760s if not the early 1770s.[[48]](#footnote-48) Reporting of parliamentary proceedings, albeit during recess, was not a new phenomenon in the second half of the century, which can be seen from Abel Boyer’s *Political State of Great Britain* (38 vols., 1711-29) and Walpole’s own *Short History of the Parliament* (1713).[[49]](#footnote-49) The printing of parliamentary business was such a common practice and became such a headache for the Walpole ministry that in April 1738, it introduced a resolution prohibiting the publication of debates and other proceedings in parliament. One of the first to question the resolution was Bolingbroke’s close friend and Tory ally Sir William Wyndham, who expressed his apprehension on the grounds that ‘it is a question so nearby connected with the Liberty of the Press, that it will require a great deal of tenderness to form a Resolution which may preserve gentlemen from having their sense misrepresented to the public, and at the same time guard against all encroachment upon the Liberty of the Press.’[[50]](#footnote-50) Wyndham’s main complaint was that the resolution would prevent parliamentary reporting when parliament was sitting as well as in recess. While being concerned about the danger of misrepresentations in the press, Wyndham believed that a knowledge of parliamentary proceedings was ‘necessary for their [the people out of doors] being able to judge of the merits of their representatives within doors.’[[51]](#footnote-51) Despite the objections expressed by Wyndham as well as Pulteney, the resolution passed unanimously. As a result, the press had to resort to allegory when reporting parliamentary business. Samuel Johnson wrote of the Senate of Lilliput in the *Gentlemen’s Magazine*, and the *London Magazine* of debates in a political club with Roman names.[[52]](#footnote-52)

Clamping down on press freedom was not the only way that Walpole sought to counter Bolingbroke, Pulteney, and the other writers in the disparate opposition.[[53]](#footnote-53) Walpole’s Court Whig party also tried to build up a powerful counterweight to the illustrious opposition writersby employing government hacks such as James Pitt, William Arnall, and Ralph Courteville.[[54]](#footnote-54) It is not inconceivable that Samuel Richardson, printer of the ministerial *Daily Gazetteer,* wrote occasionally for the government.[[55]](#footnote-55) On exceptional occasions, the ministerial case was formulated in pamphlets by bigw(h)igs such as Benjamin Hoadly, Lord Hervey, Walpole’s brother Horatio, and Walpole himself.[[56]](#footnote-56) Although much exaggerated, the opposition’s caricature of Walpole as the chief corrupter, whose greatest talent consisted in knowing every person’s price, was not entirely false.[[57]](#footnote-57) After the death of his collaborator John Trenchard in 1723, Walpole managed to neutralise the independent Whig Thomas Gordon by giving him the sinecure of first commissioner of the wine licenses.[[58]](#footnote-58) In the process, Gordon’s *London Journal* – which had published *Cato’s Letters* from 1720 to 1723– was turned into a propaganda organ for Walpole’s administration. Gordon was often identified as one of the people supervising Walpole’s ‘media strategy’, along with the treasury solicitor Nicholas Paxton.[[59]](#footnote-59)

A general sense remained that the sharpest pens were employed by the opposition as Walpole failed to patronise the greatest wits of the age. Jonathan Swift, Alexander Pope, John Gay, and John Arbuthnot were some of those wits periodically involved in the loose literary opposition to Walpole.[[60]](#footnote-60) The edge the opposition had over the ministry in this regard was acknowledged by the Court Whigs themselves, as when Lord Hervey wrote in his *Memoirs* that the *Craftsman* was ‘a much better written paper than any of that sort that were published on the side of the Court’.[[61]](#footnote-61) This together with the superior sales of the *Craftsman* compared with the government press may have prompted Walpole to turn to more draconian measures in the second half of the 1730s, as outlined above.[[62]](#footnote-62) When Walpole himself referred to ‘the warmest advocates for the Liberty of the Press’ in parliament, no one would have doubted that he referred to the opposition.[[63]](#footnote-63)

**III: The First Edition of Hume’s *Essay***

The most immediate context for Hume’s essay was undoubtedly what later became known as the War of Jenkins’ Ear, the Anglo-Spanish conflict starting in 1739, soon to be incorporated into the War of the Austrian Succession (1740-8). As Tim Blanning has argued, and Edmund Burke before him, the war demonstrated the power of public opinion in Britain as Walpole was pressurised into declaring a war he had preferred, and indeed tried, to avoid.[[64]](#footnote-64) The case for war was summarised in the opera *Alfred* (1740)*,* the libretto of which was written by the opposition poets James Thomson and David Mallet, the latter being Bolingbroke’s future literary executor. The closing chorus contained the immortal lines ‘Rule, Britannia, Britannia rules the waves; Britain never will be slaves’, embodying the opposition’s preference for naval warfare.[[65]](#footnote-65) Whitehead’s aforementioned *Manners* was part of an earlier stage of the literary campaign for a naval war against Spain:

Wrap’d into Thought, Lo! I *Brittania* see

Rising superior o’er the subject Sea;

View her gay Pendants spread their silken Wings,

Big with the Fate of Empires and of Kings:

The tow’ring Barks dance lightly o’er the Main,

And roll their Thunder thro’ the Realms of *Spain.*

*Peace*, violated Maid, they ask no more,

But wast her back triumphant to our Shore;

While buxom *Plenty,* laughing in her Train,

Glads ev’ry Heart, and crowns the Warriour’s Pain.[[66]](#footnote-66)

The war against Spain was clearly what Hume had on his mind when he opened ‘Of the Liberty of the Press’ by saying that ‘[i]f the administration resolve upon war, it is affirmed, that…peace…is infinitely preferable. If the passion of the ministers lie towards peace, our political writers breathe nothing but war and devastation, and represent the pacific conduct of the government as mean and pusillanimous.’[[67]](#footnote-67) Hume’s statement proved prophetic for the remaining of the 1740s: the ministerial Whigs who pursued the war after the fall of Walpole in 1742 sought to associate themselves with the interventionism of William III and Marlborough in the Nine Years’ War (1688-97) and the War of the Spanish Succession (1701-14). On their part, the opposition, including Patriots with both Tory and Whig backgrounds, argued against continental entanglements and pushed for a so-called ‘blue-water strategy’.[[68]](#footnote-68)

Despite the Walpolean pushback, it can and has been argued that the vigorous press was one of the most important aspects that differentiated eighteenth-century Britain from other European societies at the time, notably France.[[69]](#footnote-69) One of Hume’s key claims was that it also differentiated Britain from republics such as Holland and Venice.[[70]](#footnote-70) As a matter of fact, the relative press freedom of eighteenth-century Britain was not surpassed by any European country until Sweden ended its censorship laws towards the end of the Age of Liberty (*frihetstiden*) in 1766.[[71]](#footnote-71) In the wake of the coup d’état of Gustav III (1772), however, press freedom was curtailed, and by the time of his assassination in 1792 the liberty of the press had effectively been extinguished in Sweden.[[72]](#footnote-72) The first question Hume announced that he was going to investigate in his essay was ‘*How it happens that* GREAT BRITAIN *alone enjoys this peculiar privilege?*’[[73]](#footnote-73) In the original edition he added that he was also keen to test ‘whether the unlimited exercise of this liberty be advantageous or prejudicial to the public?’[[74]](#footnote-74)

His answer to the first question was straightforward: Britain’s mixed constitution, neither entirely monarchical nor republican, was a form of government which naturally ‘beg[o]t a mutual watchfulness and jealousy.’[[75]](#footnote-75) In absolute monarchies, the monarch can have no jealousy of the people because they have no power, and in pure republics, the people can have none of the magistrates, since no magistrate would be eminent enough to merit jealousy in such a regime. Because they were unmixed, the pure monarchy of France and the pure republic of Holland were closer to each other than either was to Britain.[[76]](#footnote-76) The British government, or the English government as Hume here calls it, shared characteristics with Rome under the emperors, with the difference that despotism had prevailed over liberty in the Roman Empire and liberty over despotism in Britain.[[77]](#footnote-77) For the republican part of the constitution to stay dominant in Britain, Hume argued that the liberty of the press was a necessary institution:

The spirit of the people must frequently be rouzed, in order to curb the ambition of the court; and the dread of rouzing this spirit must be employed to prevent that ambition. Nothing so effectual to this purpose as the liberty of the press, by which *all the learning, wit, and genius of the nation* may *be employed on the side of freedom*, and every one animated to its defence.[[78]](#footnote-78)

Although Hume in other essays sought to tread a middle path between the arguments of Court and Country, or government and opposition – as in the final pages of ‘That Politics May be Reduced to a Science’ – it is difficult to read the preceding paragraph as anything other than a panegyric to the Country opposition writers. Although Hume was often critical of Bolingbroke’s opportunistic opposition to the government, it is significant that he was prepared to moderately praise Bolingbroke’s literary skills in his early essays, before he grew much more critical and tweaked some of his earlier claims.[[79]](#footnote-79) In the original edition of ‘Of the Independency of Parliament’ (1741), Hume had said that the hired scribblers of the Court party had no advantage over the Country party writers. On the contrary, they were often ‘scurrilous’, even though they wrote for the government, in other words, ‘the least popular side’, which, according to Hume, ‘shou’d be defended with most Moderation.’[[80]](#footnote-80) Hume singled out the Walpolean pamphlet *The False Accusers Accus’d* as particularly poor. By contrast, ‘[w]hen L[or]d B[olingbrok]e, Lord M[archmon]t, Mr L[yttelto]n take the Pen in Hand, tho’ they write with Warmth, they presume not upon their Popularity so far as to transgress the Bounds of Decency.’[[81]](#footnote-81) The 3rd Earl of Marchmont, earlier Lord Polwarth, was an opposition Whig and author of *The State of the Rise and Progress of the Difference with Spain (*1739). Hume was himself distantly related to the influential Scottish Marchmont family, in opposition to Walpole since 1733 and, while Whig, well-acquainted with Bolingbroke.[[82]](#footnote-82) During his stay in London in 1737-1739, Hume was in touch with its members, including 3rd Earl identified and his twin brother, Alexander Hume-Campbell.[[83]](#footnote-83) Interestingly for our present purposes, the 3rd Earl of Marchmont had defended the ‘Freedom of the Press’ in an election pamphlet from 1740 entitled *A Serious Exhortation to the Electors of Great Britain*.[[84]](#footnote-84)

As has been shown, that the ‘Liberty of the Press’ was an opposition slogan is evident from the parliamentary debates of the time, and all debates cited here took place either when Hume stayed in London, or immediately before or after. Protecting the liberty of the press was quintessentially an opposition activity, whether Whig, Tory, a coalition of both, or Jacobite. As Laurence Hanson pointed out, ‘[t]o appeal to public opinion was the only hope of the parliamentary opposition if it was deprived of royal favour or the expectation of a victory at the polls.’[[85]](#footnote-85) This explains why Bolingbroke could go from being a ‘gagger’ of the press in government in 1710-14 to a proponent of press freedom when writing for the *Craftsman.*[[86]](#footnote-86)Hume’s essay raises questions about his political allegiance at this particular point in time. Commonly described as a Court or establishment Whig,[[87]](#footnote-87) but what he often did in his early essays was to juxtapose conflicting arguments. It is thus possible to find plenty of evidence for him being pro-ministerial as well as in favour of the opposition.[[88]](#footnote-88) This is what objectivity meant for Hume. It did not mean never taking sides, but rather never espousing one side consistently, which is at the heart of Hume’s critique of political parties and the type of dogmatic behaviour he complained about in the conclusion of his essay ‘That Politics May be Reduced to a Science’ and elsewhere.

Hume’s character sketch of Walpole (1742) has recently been described as the best example of his general aim to reach a balanced assessment not by suspending judgement but by weighing different partisan considerations against each other.[[89]](#footnote-89) This may be a bit of an exaggeration, as Hume among other things in this essay says that while trade had flourished under Walpole, liberty had declined and learning destroyed. While David Armitage has rightly pointed out that Hume here *implicitly* argues in favour of conciliation rather than war with Spain in 1739 by placing emphasis on Walpole’s pacific legacy,[[90]](#footnote-90) Hume goes on to write that Walpole was better suited to the second place rather than the first in government, and while he loves Walpole as a man, he hates him as a scholar, and, as a Briton, wishes for his rapid retirement. ‘[W]ere I a member of either house, I would give my vote for removing him from ST. JAMES’S [i.e. the court]’, he concludes.[[91]](#footnote-91) As might be suspected, this was generally not seen as an impartial assessment at the time but opposition propaganda dressed as moderation.[[92]](#footnote-92)

In a short conclusion of the essay, added in 1770 in the midst of the ‘Wilkes and Liberty’ panic, Hume said that ‘the unbounded liberty of the press, though it is difficult, perhaps impossible, to propose a suitable remedy for it, is one of the evils, attending those mixt forms of government.’[[93]](#footnote-93) As set out in the introduction, Hume’s revisions have been discussed at length elsewhere and are not my main concern in the present essay. By sharp contrast to this later, pessimistic ending of the essay, Hume had originally included a much longer conclusion in which he went beyond saying that the liberty of the press was necessary under Britain’s mixed constitution. Indeed, his original assessment was that it ‘is attended with so few inconveniences, that it may be claimed as the common right of mankind’.[[94]](#footnote-94) The choice of terminology here is noteworthy in itself since Hume usually shunned natural rights language and arguments, and it is hard to escape the conclusion that Hume is here simply being rhetorical. We should also note that even if this may sound close to natural rights language, it is clear from the discussion that Hume is thinking about civil rights, that is to say, rights granted by governments rather than such that could be upheld *against* governments.

The only form of government in which press freedom would be fatal would be ecclesiastical forms (such as the papacy), Hume contended in one of his many swipes at religion. Ridiculing the idea that the press would foster dangerous popular discontent, Hume argued that the British press was a far cry from the demagogues of Athens and the tribunes of Rome. Reading was mainly a solitary and calm occupation and could ‘scare[ly] ever excite popular tumults or rebellion’, which Hume was as keen to avoid in 1741 as in 1770.[[95]](#footnote-95) Experience had shown, moreover, ‘that the *people* are no such dangerous monsters as they have been represented, and that it is in every respect better to guide them, like rational creatures, than to lead them or drive them, like brute beasts.’[[96]](#footnote-96) As people grew more accustomed to ‘free discussion of public affairs’, they were less likely to be seduced by popular clamour.

A recent historian has argued that Hume’s essay was the first time anyone had called freedom of speech a human right.[[97]](#footnote-97) This is not quite true. For one thing, it is probable that Hume was thinking about a civil right he thought government should grant people rather than a natural or human right people could claim against governments. Moreover, many of Hume’s contemporaries were using human rights arguments in very different ways. Only a few years earlier, his fellow Scot James Thomson had called it ‘*the best of human Rights’* in his preface to a republication of Milton’s *Areopagitica*.[[98]](#footnote-98)Gordon had called freedom of speech ‘the Right of every man’ in *Cato’s Letters,* even though his discussion was entirely concerned with people living in ‘free governments’.[[99]](#footnote-99)Matthew Tindal, the religious freethinker with whose work Hume was acquainted,[[100]](#footnote-100) had called it a ‘natural Right’ for all Protestants, as restrictions on the press could only be consistent with Catholicism, which for him was the same as slavery.[[101]](#footnote-101) Joseph Addison, one of the ‘polite’ writers that Hume sought to emulate with his *Essays*, had written in 1712 that ‘[t]here never was a good government that stood in fear of Freedom of Speech, which is the natural Liberty of Mankind’.[[102]](#footnote-102)

Other writers of Addison’s generation such as Defoe had supported some ‘restraints’ on press freedom in the shape of post-publication prosecution, although Defoe thought that this could be done in a less arbitrary way than the enforcement of the seditious libel legislation.[[103]](#footnote-103) Echoing the opposition of his day and disputing Court Whigs such as Hardwicke, Hume said that the ‘laws against sedition and libelling are at present as strong as they possibly can be made.’[[104]](#footnote-104) At the beginning of 1738, the libel laws had been discussed in British press, with a series of pamphlets and commentary on the Crown v. J. P. Zenger case in New York (1735)*.*[[105]](#footnote-105)This is most likely the case that Hume had on his mind when he referred to a libel case in a letter to Montesquieu in 1749.[[106]](#footnote-106) The key for Hume was that Britain should not revert back to a system of licensing the press. Such an attempt would equal ‘the last efforts of a despotic government’, and if it succeeded, Hume believed it would mean that ‘the liberty of *Britain* is gone for ever’.[[107]](#footnote-107) Hume was thus sending a warning to the Walpole ministry, sharing the suspicion of the opposition that the government was aiming at curtailing the press further.[[108]](#footnote-108) The fact that Hume was speaking in hypotheticals should not confuse us too much, as it was a standard technique in the opposition literature discussing press regulation and other threats.[[109]](#footnote-109)

Hume’s defence of the free press differed from the earlier championing of Thomson, Addison, and Tindal, however. In fact, most arguments against censorship before Hume were repetitions and elaborations of themes discussed in Milton’s *Areopagitica.* Although Hume believed that free discussion made the people more accustomed to ‘distinguish between truth and falsehood’, this was not one of his key arguments, and the word ‘truth’ only occurs this once in the essay.[[110]](#footnote-110) By contrast, for Thomson, Addison, and Tindal, the discovery of truth was all-important, as they appeared more confident than Hume that the free press really did aid the search for certainty. Simply put, Hume’s defence was a sceptical one and needs to be distinguished from these earlier Protestant expressions. Thomson’s preface to Milton described the freedom of the press as that which ‘spreads Light, [and] diffuses Knowledge through the World’.[[111]](#footnote-111) According to Tindal, human beings are rational creatures capable of discovering truth and whose ‘chief Happiness as well as Dignity…consists in having the liberty of thinking on what Subjects they please, and of as freely communing their Thoughts’.[[112]](#footnote-112) Thomson agreed: in order for people to be either virtuous or religious, free use of reason was a precondition.[[113]](#footnote-113) Restricting the liberty of writing and publishing meant limiting the means of promoting knowledge, virtue and religion, according to Thomson.[[114]](#footnote-114)

In contrast to this optimism, Hume was highly sceptical about the ability of the press to approximate political truths, although many of his own essays on politics must have been intended as a form of myth-explosion and truth-seeking.[[115]](#footnote-115) In general, it is evident that Hume did not think that the benefit of the British press was that it led to any increase in knowledge or cultural improvement. *Pace* Addison and the 3rd Earl of Shaftesbury, he argued that it was the French, without press freedom, who had ‘carried the arts and sciences as near perfection as any other nation’ and were ‘the only people, except the GREEKS, who have been at once philosophers, poets, orators, historians, painters, architects, sculptors, and musicians.’[[116]](#footnote-116) The reason was that subjects of absolute monarchies in general and the French in particular pursued what was honourable, and the British what was profitable.[[117]](#footnote-117) Even though a free government was a prerequisite for the *initial* rise of the arts and sciences, absolute monarchies may be better at cultivating such findings, at least in the polite arts, once they had been discovered.[[118]](#footnote-118) What distinguished Britain from France was the British party press and political criticism; France was already publishing works in the arts and sciences.[[119]](#footnote-119) This line of thinking was diametrically opposite to that of *Cato’s Letters*, which had claimed that without freedom of expression there could be ‘neither liberty, property, true religion, art, sciences, learning, or knowledge [sic]’.[[120]](#footnote-120) A similar line of argument could be found in Thomson: what distinguished human beings from brutes was the flourishing of arts and sciences, and that was entirely dependent on ‘the free Exercise of Wit and Reason’.[[121]](#footnote-121) If read in conjunction with Hume’s assertion that ‘learning [had] gone to ruin’ under Walpole, his point about France’s success in letters and the arts could be read as criticism of Walpole’s failure to support people of wit and genius, like his favourite writers Pope and Swift.[[122]](#footnote-122) ‘Bob, the Poet’s Foe’ was a common complaint in opposition literature and propaganda in the 1730s.[[123]](#footnote-123) Hume was prepared to take this criticism further than most of the opposition writers, however, by acknowledging that France was perhaps beating Britain in the arts and sciences, and in particular in the liberal arts.

This did not mean that the free press was redundant; indeed, far from it. Hume’s main argument was that even if the party press was usually mistaken and could do with a lot more humility and moderation, the partisan scribblers, especially of the opposition as the Court had political power on its side, helped to sustain the delicate balance of Britain’s mixed constitution. Complete victory of either side would have meant an end to the constitutional equilibrium. What is more, press freedom was not just valuable for the British but for mankind. Public debate in its modern, written form had the potential to soften manners and decrease the risk of popular tumult.[[124]](#footnote-124) This larger perspective distinguished Hume from many of his contemporaries who preferred to speak of the liberty of the press as ‘the privilege of an Englishman’.[[125]](#footnote-125) His argument is not only distinctive in a national context, however. Hume’s defence of freedom of expression as primarily a defensive institution set him apart from later famous continental thinkers, including Kant and Diderot, for whom it was an instrument of ‘enlightenment’.[[126]](#footnote-126)

**IV: Conclusion**

Few who read ‘Of the Liberty of the Press’ when it was first published in 1741 would have read it as a non-partisan essay. The original essay has strong traces of anti-Walpole propaganda, although it is clear from Hume’s other essays, importantly the conclusion of ‘That Politics May be Reduced to a Science’, that Hume cannot be firmly categorised as either Court or Country. Be that as it may, none of the caveats from the ministerial papers about press freedom can be found in the first edition of Hume’s essay on the subject. Although not all members of the broad literary opposition to Walpole were in favour of unbridled press freedom (see David Womersley’s chapter in the present volume), the ‘Liberty of the Press’ was an opposition slogan in the late 1730s. At this time, Hume spent a year and a half in London, seeking to publish his *Treatise on Human Nature* which he had written in France earlier*,* but also studying and thinking about *English* politics.[[127]](#footnote-127)

As usual, however, Hume approached the subject in a somewhat idiosyncratic way. While he was clear that Britain was different from other European powers, he did not take its uniqueness for granted, nor did he regard it as an unmixed blessing. Britain’s mixed constitution was a product of a series of unintended consequences, and Hume sought to diagnose its merits as well as demerits. Although he leaned towards a more optimistic verdict on the liberty of the press in the original version of the essay, he was no starry-eyed admirer. The free press could be ‘abused’ and was indeed often ‘licentious’ and ‘scurrilous’, but it was all the same a crucial bulwark for preserving the precarious balance of Britain’s mixed constitution, one with a high degree of monarchy but which inclined firmly towards liberty. The press was thus necessary to sustain Britain’s ‘ancient constitution’,[[128]](#footnote-128) as Hume here referred to it, which is something all states should do, he stressed, although he added that this was especially important in free states.[[129]](#footnote-129) While his rhetoric was unmistakably of the kind found in the opposition press, by preserving the ancient constitution, Hume probably meant little more than upholding stability and avoiding revolution. This was as important in Britain as in the equally legitimate civilised monarchy of France. For this reason, the liberty of the press was not the birth-right of Englishmen or Protestants but ‘the common right of mankind’, since it was so harmless for governments to allow such a right. Indeed, it might even help to stave off popular turbulence by giving a civilised outlet, or a ‘vent in words’, to discontent.[[130]](#footnote-130)

1. I have benefitted from comments by Janet Chan, Tim Hochstrasser and Vanessa Lim, and conversations with James Harris. All the usual caveats apply. [↑](#footnote-ref-1)
2. David Hume, ‘Of the First Principles of Government’ (1741), *Essays: Moral, Political and Literary,* ed. Eugene F. Miller (Indianapolis, IN: Liberty Fund, 1994), p. 32 (henceforth: *Essays*); James Madison, *Federalist No. 49,* in *The Federalists Papers,* ed. Terence Ball (Cambridge: Cambridge University Press, 2010), pp. 245-8; William Godwin, *An Enquiry Concerning Political Justice* (Oxford: Oxford University Press, 2013), p. 65; Hannah Arendt, ‘On Violence’, in *Crises of the Republic* (New York, NY: Harcourt Publishers, 1972), p. 140. [↑](#footnote-ref-2)
3. Marc Hanvelt, ‘Politeness, a Plurality of Interests and the Public Realm: Hume on the Liberty of the Press’, *History of Political Thought*, 33 (2012), 627-46, esp. 629-31; Ben Dew, ‘“Waving a *Mouchoir à la* Wilkes, Radicalism and the *North Briton’, Modern Intellectual History,* 6 (2009), 235-60; Moritz Baumstark, ‘The End of Empire and the Death of Religion: A Reconsideration of Hume’s Later Political Thought’, in *Philosophy and Religion in Enlightenment Britain: New Case Studies,* ed. Ruth Savage (Oxford: Oxford University Press, 2012), pp. 231-57, at 243-6; Donal W. Livingston, *Philosophical Melancholy and Delirium: Hume’s Pathology of Philosophy* (Chicago, IL: University of Chicago Press, 1998), ch. 10. [↑](#footnote-ref-3)
4. Wilkes called the ‘liberty of the press’ the main bulwark of British liberty, see P. D. G. Thomas, *John Wilkes: A Friend to Liberty* (Oxford: Oxford University Press, 1996), p. 19. Ironically, the *North Briton* often quoted from Hume’s original essay when making the case for press freedom; see Dew, ‘“Waving a *Mouchoir à la* Wilkes, Radicalism and the *North Briton’.*  [↑](#footnote-ref-4)
5. Duncan Forbes, *Hume’s Philosophical Politics* (Cambridge: Cambridge University Press, 1975), p. 184. [↑](#footnote-ref-5)
6. The different versions of the essay are discussed in Hanvelt’s ‘Politeness, a Plurality of Interest, and the Public Realm’, which also seeks to connect it to other areas of Hume’s thought. The article does not focus on the essay’s immediate political context in 1741, however. Since this essay was submitted, Eckhart Hellmuth, ‘Towards Hume – The Discourse on the Liberty of the Press in the Age of Walpole’, *History of European Ideas,* 44 (2018), pp. 159-81, has been published, which provides useful and mostly complementary contexts. [↑](#footnote-ref-6)
7. See, however, Richard Bourke, *Empire and Revolution: The Political Life of Edmund Burke* (Princeton, NJ: Princeton University Press, 2015). [↑](#footnote-ref-7)
8. Jürgen Habermas, *The Structural Transformation of the Public Sphere* (1962), (Cambridge: Polity Press, 2016), pp. 57-67. For discussions and partial applications of Habermas’s public sphere thesis to eighteenth-century history, see, for example, Melton, *The Rise of the Public in Enlightenment Europe* (Cambridge: Cambridge University Press, 2001); T. C. W. Blanning, *The Culture of Power and the Power of Culture: Old Regime Europe 1660-1789* (Oxford: Oxford University Press, 2002); Mark Knights, *Representation and Misrepresentation in Later Stuart Britain: Partisanship and Political Culture* (Oxford: Oxford University Press, 2005). For important criticism of Habermas’s thesis, a critique which plays down the importance of the expiration of the Licensing Act in1695 and instead places more emphasis on distribution, as well as questions the inclusiveness of the eighteenth-century ‘public sphere’, see J. A. Downie, ‘Public and Private: The Myth of the Bourgeois Public Sphere’, in *A Concise Companion to the Restoration and the Eighteenth Century,* ed. Cynthia Wall (Oxford: Wiley-Blackwell, 2005), pp. 58-79. In particular, the extent to which women could participate in the public sphere can be questioned. For discussion, see also [↑](#footnote-ref-8)
9. For discussions and partial applications of Habermas’s public sphere thesis to eighteenth-century history, see, for example, Melton, *The Rise of the Public*; T. C. W. Blanning, *The Culture of Power and the Power of Culture: Old Regime Europe 1660-1789* (Oxford, 2002); Mark Knights, *Representation and Misrepresentation in Later Stuart Britain: Partisanship and Political Culture* (Oxford, 2005). For criticism of the applicability of Habermas’s thesis, a critique which plays down the importance of the expiration of the Licensing Act in1695 and instead places more emphasis on distribution, as well as questioning the inclusiveness of the eighteenth-century ‘public sphere’, see J. A. Downie, ‘Public and Private: The Myth of the Bourgeois Public Sphere’, in *A Concise Companion to the Restoration and the Eighteenth Century,* ed. Cynthia Wall (Oxford, 2005), pp. 58-79. In particular, the extent to which women could participate in the public sphere can be questioned. See also Harold Mah, ‘Phantasies of the Public Sphere. Rethinking the Habermas of Historians’, *The Journal of Modern History*, 72 (2000), pp. 153-182; Dena Goodman, ‘Public Sphere and Private Life. Toward a Synthesis of Current Historiographical Approaches to the Old Regime’, *History and Theory*, 31 (1992), pp. 1–20. [↑](#footnote-ref-9)
10. It had lapsed earlier, between 1679 and 1685. For print culture during the exclusion crisis, see Mark Knights, *Politics and Opinion in Crisis, 1678-81* (Cambridge: Cambridge University Press, 1994), esp. ch. 6. [↑](#footnote-ref-10)
11. Melton, *The Rise of the Public,* p. 29; Bob Harris, *Politics and the Rise of the Press: Britain and France, 1620-1800* (London and New York, NY, Routledge, 1996), p. 12. [↑](#footnote-ref-11)
12. Harris, *Politics and the Rise of the Press,* p. 12. [↑](#footnote-ref-12)
13. J. A. Downie, *Robert Harley and the Press* (Cambridge: Cambridge University Press, 1979), p. 7. [↑](#footnote-ref-13)
14. Raymond Astbury, ‘The Renewal of the Licensing Act in 1693 and its Lapse in 1695’, *Library,* 33 (1978), pp. 296-322. [↑](#footnote-ref-14)
15. Professed ‘impartiality’, usually in the first issue of new publications, was conventional, however; see Jeremy Black, *The English Press in the Eighteenth Century* (London and Sydney, Routledge, 1987), p. 13. This should not be taken at face value since even the most partisan publications, e.g. the *Craftsman,* claimed to be impartial. [↑](#footnote-ref-15)
16. Ibid, p. 10. [↑](#footnote-ref-16)
17. Melton, *The Rise of the Public,* ch. 1. [↑](#footnote-ref-17)
18. Harris, *Politics and the Rise of the Press,* p. 6. [↑](#footnote-ref-18)
19. Cited in ibid*,* p. 1. For the importance of print culture generally in eighteenth-century society, see Kathleen Wilson, *The Sense of the People: Politics, Culture, and Imperialism in England, 1715-1785* (Cambridge: Cambridge University Press, 1995), pp. 29-54. [↑](#footnote-ref-19)
20. Leslie Mitchell, *The Whig World, 1760-1837* (London and New York, NY, Hambledon, 2005), p. xi. [↑](#footnote-ref-20)
21. This work (1696), which argued that the doctrine of the trinity was nonsense, was condemned and burned for blasphemy in 1699. [↑](#footnote-ref-21)
22. Geoffrey Holmes, *The Trial of Doctor Sacheverell* (London: Methuen, 1973). [↑](#footnote-ref-22)
23. Philip Hamburger, ‘The Development of the Law of Seditious Libel and the Control of the Press’, *Stanford Law Review,* 37 (1985), 661-765. In *A Hymn to the Pillory* (1703), Defoe claimed that it was an honour to stand in the pillory, as he had been condemned to do after the publication of *The Shortest Way with Dissenters* (1703). [↑](#footnote-ref-23)
24. Cited in Laurence Hanson, *Government and the Press, 1695-1763* (1936), (Oxford: Clarendon, 1967), p. 1. [↑](#footnote-ref-24)
25. Jonas Nordin, ‘Från uppfostrade undersåtar till upplysta medborgare: Censur och tryckfrihet från medeltiden till 1700-talet’, in *Fritt ord 250 år: Tryckfrihet och offentlighet i Sverige och Finland – ett levande arv från 1766* (Stockholm: Sveriges riksdag, 2016),pp. 25-58, at p. 44; Paul Monod, *Jacobitism and the English People, 1688-1788* (Cambridge: Cambridge University Press, 1989), p. 40. [↑](#footnote-ref-25)
26. Downie, *Robert Harley and the Press*, esp. ch. 7. [↑](#footnote-ref-26)
27. C.f. Black, *The English Press,* pp. 11-12, 165-8. [↑](#footnote-ref-27)
28. Mist moved in Jacobite circles in France; see Jeremy Black, ‘An Underrated Journalist: Nathaniel Mist and the Opposition Press during the Whig Ascendency’, *Journal for Eighteenth‐Century Studies*, 10 (1987), pp. 27-41. *Mist’s* was the most popular opposition journal before its demise; *Fog’s* was overtaken by the *Craftsman;* see Michael Harris, *London Newspapers in the Age of Walpole* (London and Toronto, ON: Fairleigh Dickinson University Press, 1987), p. 115. [↑](#footnote-ref-28)
29. *His Grace the Duke of Whartons* [sic] *Reasons for leaving his native Country & espousing the Cause of his Royal master K. J.3. in a Letter to his friends in G. Britain & Ireland* [*c.* 1728], English History MSS C 374, Bodleian, Oxford, fol. 26. [↑](#footnote-ref-29)
30. Harris, *London Newspapers,* ch. 8. [↑](#footnote-ref-30)
31. Ibid, p. 141. In the *Craftsman* No. 264, 24 July 173, Bolingbroke named ‘the liberty of the press’ as the perhaps the most important among ‘the scared Liberties of *Britain*’; see Bolingbroke, *Contributions to the Craftsman,* ed. Simon Varey (Oxford: Oxford University Press, 1982), p. 135. [↑](#footnote-ref-31)
32. Harris, *London Newspapers,* p. 143. Francklin was punished for having published the so-called ‘Hague Letter’ in January 1731, widely attributed to Bolingbroke, although this is denied by his biographer; see H. T. Dickinson, *Bolingbroke* (London: Constable, 1970), p. 229. [↑](#footnote-ref-32)
33. Paul Chamberlayne, *A Full Answer to that Scandalous Libel, the Free Briton of July 1* (London, 1731), p. 46. [↑](#footnote-ref-33)
34. The poem eulogised many prominent opposition members, including Chesterfield, Cobham, Pulteney, Carteret, William Pitt the Elder, Sir John Barnard, and, last but not least, Frederick, the Prince of Wales; see Whitehead, *Manners: A Satire* (London, 1739), pp. 10, 11, 17, 19, 20. [↑](#footnote-ref-34)
35. George Harris, *The Life of Lord Chancellor Hardwicke: With Selections from his Correspondence, Diaries, Speeches and Judgements* (3 vols., London, 1843), I, p. 430. [↑](#footnote-ref-35)
36. Harris, *London Newspapers*, p. 148. [↑](#footnote-ref-36)
37. Vincent J. Liesenfeld, *The Licensing Act 1737* (Madison: University of Wisconsin Press, 1984), ch. 5. [↑](#footnote-ref-37)
38. *An Historical View of the Principles, Characters, Persons, &c. of the Political Writers in Great Britain* (London, 1740), p. 22. Another target of the legislation was Henry Fielding’s *Historical Register for the Year 1736*; see Emmett L. Avery and A. H. Scouten, ‘The Opposition to Sir Robert Walpole’, *English Historical Review,* 83 (1968), pp. 331-6, at 331. [↑](#footnote-ref-38)
39. Prohibited plays under the new legislation could still be printed, and were often advertised as banned in order to boost sales. [↑](#footnote-ref-39)
40. As an opposition writer, Chesterfield is believed to have contributed to *Common Sense: or the Englishman’s Journal*, edited by Charles Malloy who had previously edited *Fog’s Journal.* the Old Pretender was involved in the founding of the journal; see George Hilton Jones, ‘The Jacobites, Charles Molloy, and *Common Sense’*, *The Review of English Studies*, 4 (1953), pp. 144-147. Other opposition Whigs such as George Lyttelton also contributed to *Common Sense.* Chesterfield was also close to the *Old England Journal;* see Robert Harris, *A Patriot Press: National Politics and the London Press in the 1740s* (Oxford: Oxford University Press, 1993)*,* p. 40. [↑](#footnote-ref-40)
41. William Cobbett (ed.), *Parliamentary History,* X, col. 329. [↑](#footnote-ref-41)
42. Cited in Liesenfeld, *The Licensing Act 1737,* p. 152. [↑](#footnote-ref-42)
43. Brooke’s play was defended by Samuel Johnson’s ironical *A Compleat Vindication of the Licensers of the Stage from the ... aspersions of Mr. Brooke ... By an Impartial Hand* (London, 1739). Johnson’s pamphlet contended that the only effective method of censorship was to abolish education altogether and live in ‘Ignorance and Peace’ (p. 31). [↑](#footnote-ref-43)
44. For example, Whitehead concluded his *Manners* (p. 20) with the following lines: ‘Such [glorious] Days, what *Briton* wishes not to see? / And such each *Briton,* FREDERICK, hopes from Thee.’ [↑](#footnote-ref-44)
45. Hume, ‘Of the Parties of Great Britain’ (1741) and ‘Of the Middle Station in Life’ (1742), *Essays,* pp. 66, 549. [↑](#footnote-ref-45)
46. Liesenfeld, *The Licensing Act 1737,* ch. 7; Hanson, *Government and the Press,* pp. 69-70. [↑](#footnote-ref-46)
47. *Parl. History*, X, col. 379. [↑](#footnote-ref-47)
48. Melton, *The Rise of the Public,* pp. 21, 32; Peter D. G. Thomas, *George III: King and Politicians 1760-70* (Manchester: Manchester University Press, 2002), p. 16; Nordin, ‘Från uppfostrade undersåtar till upplysta medborgare’, p. 49. Moreover, Thomas argues that the printing of parliamentary speeches was a new phenomenon in George III’s reign (see *George III,* p. 19), but this practice went back at least to Archibald Hutcheson in the reign of his great-grandfather; see, for example, Hutcheson], *A speech made in the House of Commons, on Tuesday the 24th of April 1716. At the second reading of the bill for enlarging the time for continuance of Parliaments, &c.* (London, 1716). [↑](#footnote-ref-48)
49. As has recently been shown, however, hand-written newsletters remained for many the key source about government and parliament; see Alex W. Barber, ‘“It is Not Easy What to Say of our Condition, Much Less to Write It”: The Continued Importance of Scribal News in the Early 18th Century”, *Parliamentary History,* 32 (2013), pp. 293-316. [↑](#footnote-ref-49)
50. *Parl. Hist.*, X, col. 802. [↑](#footnote-ref-50)
51. Ibid, col. 803. [↑](#footnote-ref-51)
52. After 1771, parliament stopped prosecuting newspapers for parliamentary reporting, although the law was not changed. [↑](#footnote-ref-52)
53. To be clear, this article recognises the disunity of the opposition to Walpole. On this, see Alexander Pettit, *Illusory Consensus: Bolingbroke and the Polemical Response to Walpole, 1730-7* (Newark, NJ: University of Delaware Press, 1997). [↑](#footnote-ref-53)
54. Simon Targett, ‘Government and Ideology during the Age of Whig Supremacy: The Political Argument of Sir Robert Walpole's Newspaper Propagandists’, *Historical Journal,* 37 (1994), pp. 289-311. The practice of using the press and as a government tool had begun properly with Robert Harley/Oxford in the reign of Anne; on this see, Downie, *Robert Harley and the Press*. This challenges Habermas’s suggestion that the eighteenth-century public sphere was ‘oppositional’ in nature, a suggestion that has previously been put into question by Melton and Blanning. [↑](#footnote-ref-54)
55. John A. Dussinger, ‘“Ciceronian Eloquence”: The Politics of Virtue in Richardson’s *Pamela’,* in *Passions and Virtue: Essays on the Novels of Samuel Richardson,* ed. David Blewett (Toronto, ON: niversity of Toronto Press, 2001), pp. 27-52. [↑](#footnote-ref-55)
56. H. T. Dickinson, *Walpole and the Whig Supremacy* (London: Hodder & Stoughton, 1973), p. 116. [↑](#footnote-ref-56)
57. It is also clear that it was something the opposition genuinely believed in; see earl of Stair to 2nd earl of Marchmont, 10 December 1736, in *A Selection from the Papers of the Earls of Marchmont, in the Possession of the Right Honourable Sir George Henry Rose: illustrative of events from 1685 to 1750* (3 vols., London, 1831),II, pp. 76-7. [↑](#footnote-ref-57)
58. However, Caroline Robbins sought to downplay the extent of Gordon’s apostasy in *The Eighteenth-Century Commonwealthman* (1959), (Indianapolis, IN: Liberty Fund, 2004)*,* p. 111. However, it is hard to explain away the fact that he dedicated his *The works of Tacitus. Containing the Annals. To which are prefixed Political Discourses upon that Author* (2 vols., London, 1728-31) to Walpole. [↑](#footnote-ref-58)
59. Harris, *London Newspapers,* pp. 103-4. [↑](#footnote-ref-59)
60. This is a key theme in Bernard Goldgar’s *Walpole and the Wits: The Relation of Politics to Literature, 1722-1742* (Lincoln, NE: University of Nebraska Press, 1976). All of them were affiliated with the *Craftsman,* and some of them may even have contributed, although this is hard to prove; see Simon Varey’s introduction to Bolingbroke, *Contributions to the Craftsman*. [↑](#footnote-ref-60)
61. Lord Hervey, *Some Materials Towards Memoirs of the Reign of King George II*, ed. Romney Sedgwick, (3 vols., London, 1931), I, p. 263. [↑](#footnote-ref-61)
62. This was certainly reflected in the sales figures; in 1730 the *Craftsman* is estimated to have sold up to 12,000 copies per week, whereas the *London Journal* sold between 2,000 and 3,000 copies. On the other hand, the ministerial papers could make more effective use of the post office to distribute copies to provincial readers. Also, sales of the *Craftsman* varied greatly depending on the frequency of the contributions of Bolingbroke, its most popular writer. On this, see Harris, *London Newspapers,* ch. 7. [↑](#footnote-ref-62)
63. *Parl. History*, X, 811. [↑](#footnote-ref-63)
64. Blanning, *The Culture of Power and the Power of Culture,* p. 296; Burke, *Regicide Peace I* (1796)*, in Select Works of Edmund Burke* (4 vols., Indianapolis, IN: Liberty Fund, 1999), III, p. 108. Walpole’s foreign policy has been described and criticised as ‘peace at almost any price’ in Dickinson, *Walpole and the Whig Supremacy,* p. 129. The aforementioned satire by Whitehead was part of the literary campaign for war. [↑](#footnote-ref-64)
65. Cited in Blanning, *The Culture of Power and the Power of Culture*, p. 298. [↑](#footnote-ref-65)
66. Whitehead, *Manners,* p. 20. [↑](#footnote-ref-66)
67. Hume, ‘Of the Liberty of the Press’, *Essays,* p. 9. For the transition from peace to war propaganda in ‘patriot’ and ‘opposition’ rhetoric, see Christine Gerrard, *The Patriot Opposition to Walpole: Politics, Poetry, and National Myth, 1725-42* (Cambridge: Cambridge University Press, 1994), pp. 6-10. [↑](#footnote-ref-67)
68. Harris, *A Patriot Press,* ch. 3. This division in foreign policy can be traced back to the post-revolutionary Whig-Tory dichotomy; see Steve Pincus, *1688: The First Modern Revolution* (New Haven, CT: Yale University Press, 2009), ch. 11. [↑](#footnote-ref-68)
69. Harris, *Politics and the Rise of the Press.* [↑](#footnote-ref-69)
70. Hume, ‘Of the Liberty of the Press’, *Essays,* pp. 9-10. [↑](#footnote-ref-70)
71. Before the ‘TF 1766’, discussion of the government’s politics was essentially forbidden and was conducted almost entirely via illegal handwritten texts. On this, see Marie-Christine Skuncke, ‘Tryckfriheten i riksdagen 1760-2 and 1765-6’, in *Fritt ord 250 år*, pp. 109-44. Frederick the Great of Prussia abolished censorship in 1740, only to re-impose it three years later; see Blanning, *The Culture of Power and the Power of Culture*, pp. 223-4. [↑](#footnote-ref-71)
72. Skuncke, ‘Tryckfriheten i riksdagen 1760-2 and 1765-6’, p. 138. Denmark-Norway also experienced an even shorter period of press freedom between 1770 and 1772; it began and ended with the rise and fall of the regent Johann Friedrich Struensee. [↑](#footnote-ref-72)
73. Hume, ‘Of the Liberty of the Press’, *Essays,* p. 10. [↑](#footnote-ref-73)
74. Ibid, p. 604. [↑](#footnote-ref-74)
75. Ibid*,* p. 12. [↑](#footnote-ref-75)
76. However, the lack of jealousy had different effects in the two regimes: in France, it led to ‘mutual confidence and trust’, and in Holland to ‘arbitrary power’, since ‘there is no danger in instructing the magistrates with large discretionary powers’ there (ibid, pp. 10-11). The press in the United Provinces was as free as might be thought. For example, it was a capital offence to suggest that William of Orange aspired to sovereignty (Black, *The English Press,* p. 2). [↑](#footnote-ref-76)
77. Hume, ‘Of the Liberty of the Press’, *Essays,* pp. 11-12. (My emphasis.) [↑](#footnote-ref-77)
78. Ibid*,* p. 12. [↑](#footnote-ref-78)
79. Hume, ‘Of Eloquence’ (1742), *Essays,* p. 108 (compare with variant readings, p. 622). Hume was very disparaging after the posthumous publication of Bolingbroke’s collected *Works* (1754), but he later listed Bolingbroke as one of the ‘eminent writers’ to be used as an authority on spelling; see *The Letters of David Hume,* ed. J. Y. T. Greig (1932), (Oxford: Oxford University Press, 2011)*,* I, pp. 168, 208, 282. For the writing skills of Bolingbroke’s friends and political brethren, Swift and Pope, Hume had nothing but praise. He did send his *Treatise on Human Nature* (1739-40) to Pope, who at the time was active in opposition politics and corresponded with the Marchmont family on opposition tactics; see *A Selection of the Papers from the Earls of Marchmont* (3 vols., 1831), II, p. 248; Richard B. Sher, *The Enlightenment and the Book: Scottish Authors and their Publishers in Eighteenth-Century Britain, Ireland, and America* (Chicago, IL: University of Chicago Press, 2006),p. 60. [↑](#footnote-ref-79)
80. Hume, ‘Of the Independency of Parliament’ (1741), *Essays,* p. 609. [↑](#footnote-ref-80)
81. Ibid. [↑](#footnote-ref-81)
82. Hume, *My Own Life, Essays,* p. xxxii; Hume to George Carre of Nisbet, 12 November 1739, in *The Letters of David Hume,* I, p. 36. The 2nd Earl of Marchmont wrote in March 1739: ‘I have for some time seen Lord Bolingbroke frequently; the more I know him, I esteem him more.’ *Marchmont Papers,* II, p. 114. [↑](#footnote-ref-82)
83. Hume to Michael Ramsay, 22 Feb 1739, in *The Letters of David Hume,* I, pp. 27-9. [↑](#footnote-ref-83)
84. Harris, *A Patriot Press,* p. 31. [↑](#footnote-ref-84)
85. Hanson, *Government and the Press,* p. 3. After the passing of the Septennial Act of 1716, the City Elections Act 1725, and other measures, victory at the polls was not necessarily a reflection of public opinion. [↑](#footnote-ref-85)
86. For example, Bolingbroke arrested fourteen booksellers and printers in 1711. His antipathy to the printed word should not be exaggerated, however. Already in 1710-14, Bolingbroke had been a supporter and member of a famous writers’ club, later to be known as the Scriblerus (or Scriblerian) Club, which included Swift, Pope, Gay, and Arbuthnot. Although certainly not above the battle, many of these writers were fond of satirising political journalism, as when Pope described a competition of Grub Street hacks in sewage diving in book two of the *Dunciad* (1728-43). As Goldgar has highlighted, however, the overwhelming majority of ‘dunces’ singled out by Pope were ministerial, and the *Craftsman* and its writers were let off the hook completely (*Walpole and the Wits,* pp. 76-7). [↑](#footnote-ref-86)
87. J. G. A. Pocock, *Virtue, Commerce, and History* (Cambridge: Cambridge University Press, 1985), pp. 138, 250; H. T. Dickinson, *Liberty and Property: Political Ideology in Eighteenth-Century Britain* (London, Weidenfeld and Nicolson, 1977), pp. 132-3. [↑](#footnote-ref-87)
88. As Forbes remarked, as soon as one finds enough evidence that points in one ideological direction, evidence pointing in the opposite direction, from the same chronological phase, can be found (*Hume’s Philosophical Politics,* p. 135). [↑](#footnote-ref-88)
89. James Harris, *Hume: An Intellectual Biography* (Cambridge: Cambridge University Press, 2015)*,* pp. 196-7. [↑](#footnote-ref-89)
90. David Armitage, *The Ideological Origins of the British Empire* (Cambridge: Cambridge University Press, 2000), p. 189. [↑](#footnote-ref-90)
91. Hume, ‘A Character of Sir Robert Walpole’ (1742), *Essays,* p. 576. The publication of this essay for the second edition of the *Essays* at the beginning of 1742accidentally coincided with the downfall of Walpole, although it had been written months earlier when the minister was at the ‘zenith’ of his power, as Hume clarified. There is little doubt that the quoted sentence was a reference to the failed vote to remove Walpole at the beginning of 1741. Due to the context, it was widely reprinted, e.g. in the *Newcastle Journal;* see *Early Responses to Hume*, ed. James Fieser (10 vols., Bristol: Thoemmes, 2nd edn., 2005), II, pp. 9-12. In later editions, Hume moved the essay to a footnote to ‘Politics a Science’, and eventually removed it entirely from his essay collections. [↑](#footnote-ref-91)
92. On this, see M. M. Goldsmith, ‘Faction Detected: Ideological Consequences of Robert Walpole's Decline and Fall’, *History,* 64 (1979), pp. 1-19, at 16-18. [↑](#footnote-ref-92)
93. Hume, ‘Of the Liberty of the Press’, *Essays,* p. 13. [↑](#footnote-ref-93)
94. Ibid, p. 604. [↑](#footnote-ref-94)
95. Ibid. [↑](#footnote-ref-95)
96. Ibid*,* pp. 604-5. [↑](#footnote-ref-96)
97. Nordin, ‘Från uppfostrade undersåtar till upplysta medborgare’, p. 45. [↑](#footnote-ref-97)
98. [Thomson], preface to *Areopagitica*, p. iii. [↑](#footnote-ref-98)
99. *Cato’s Letters,* No. 15. 4 February, 1721: ‘Of Freedom of Speech: That the same is inseparable from publick Liberty.’ [↑](#footnote-ref-99)
100. Hume, ‘Of the Independency of Parliament’, *Essays,* p. 608. [↑](#footnote-ref-100)
101. [Tindal], *Reasons Against Restraining the Press* (London, 1704), p. 8. See also [Tindal], *A Discourse for the Liberty of the Press in a Letter to a Member of Parliament* (1698), in *Four Discourses* (London, 1709), pp. 291-329, esp. 295-6, 327, passim. Thomson agreed, calling restrictions on the liberty of the press in a Protestant country ‘a Contradiction in Terms’, since Protestantism meant ‘a Resolution to steadfastly and undauntedly…oppose all Encroachments upon rational Liberty’ (preface to *Areopagitica*, pp. vi-vii). [↑](#footnote-ref-101)
102. [Joseph Addison], *The Thoughts of a Tory Author Concerning the Press* (London, 1712), p. 13. Needless to say, the title of the pamphlet is ironic. [↑](#footnote-ref-102)
103. Hamburger, ‘The Development of the Law of Seditious Libel’, p. 744. Indeed, Defoe encouraged his patron Harley to prosecute the notorious High Church Tory-scribbler John Dyer; see Barber, ‘“It is Not Easy to Say of our Condition, Much Less to Write It”’, p. 314. [↑](#footnote-ref-103)
104. Hume, ‘Of the Liberty of the Press’, *Essays,* p. 605. [↑](#footnote-ref-104)
105. *The Tryal of John Peter Zenger, of New-York, Printer* (London, 1738); *Remarks on the Trial of John-Peter Zenger* (London, 1738); *The Craftsman,* No. 602, 21 January 1738. [↑](#footnote-ref-105)
106. *The Letters of David Hume*, I, p. 135. Hanson has suggested that it is also possible that Hume could have referred to a misreading of a trial against Francklin in 1729 (*Government and the Press,* p. 22), but that is unlikely seeing that Hume spoke about a trial ‘[i]l y a douze ou quatorze ans’, and his description fits so neatly with Zenger’s trial, which was debated in London when Hume was staying there. [↑](#footnote-ref-106)
107. Hume, ‘Of the Liberty of the Press’, *Essays,* p. 605. [↑](#footnote-ref-107)
108. [Johnson], *A Compleat Vindication of the Licensers of the Stage,* p. 28; [Thomson], preface to *Areopagitica*, passim; Lord Cobham to Alexander, 2nd Earl of Marchmont, 30 December 1734, in *Marchmont Papers,* II, p. 57. Hardwicke suggested a more general suppression of opposition propaganda in an interview with George II at the start of 1745, in the same interview as the king famously said that ‘Ministers are the king, in this country’; see William Coxe, *Memoirs of the Administration of the Right Honourable Henry Pelham, Collected from the Family Papers, and Other Authentic Documents* (2 vols., London, 1829), I, pp. 202-3. It would probably be wrong to think that Hardwicke was referring to pre-publication censorship, however and, in the event, no major legislative actions with regards to the press were taken under ‘the Pelhams’ (Hanson, *Government and the Press,* p. 70). [↑](#footnote-ref-108)
109. Goldgar, *Walpole and the Wits,* p. 180. [↑](#footnote-ref-109)
110. Hume, ‘Liberty of the Press’*, Essays,* p. 604. [↑](#footnote-ref-110)
111. [Thomson], preface to *Areopagitica*, p. iii. [↑](#footnote-ref-111)
112. [Tindal], *Reasons Against Restraining the Press,* p. 13. Tindal called Locke’s *Essay Concerning Human Understanding* ‘the most rational that ever was writ’ (p. 9). [↑](#footnote-ref-112)
113. [Thomson], preface to *Areopagitica*, p. iv. [↑](#footnote-ref-113)
114. Ibid, p. viii. [↑](#footnote-ref-114)
115. For example, in ‘Politics a Science’, Hume contends that we can identify scientific rules in politics – both *a priori* and based on experience. [↑](#footnote-ref-115)
116. Hume, ‘Of Civil Liberty’ (1741), (originally entitled ‘Of Liberty and Despotism’), *Essays,* p. 91. Defoe had anticipated this unusual argument about France in *An Essay on the Regulation of the Press* (London, 1704), p. 9. [↑](#footnote-ref-116)
117. On this, see also Hume, *Enquiries Concerning Human Understanding and Concerning Principles of Morals* (1748-51)*,* ed. L. A. Selby-Bigge, 3rd ed. revised by P. H. Nidditch (Oxford: Oxford University Press, 1998), pp. 248-9. [↑](#footnote-ref-117)
118. Hume, ‘Of the Rise of the Arts and the Sciences’ (1742), *Essays,* pp. 111-37. [↑](#footnote-ref-118)
119. Political criticism would become more conspicuous and widespread in France in the second half of the eighteenth century; see Roger Chartier, *The Cultural Origins of the French Revolution* (Durham and London: Duke University Press, 1991), chs. 3-4. [↑](#footnote-ref-119)
120. *Cato’s Letters,* No. 100. 27 October 1722: ‘Discourse upon Libels.’ Trenchard’s main example was Turkey (the Ottoman Empire), but his contemporaries would also have thought of France as a key example of an ‘unfree’ government. [↑](#footnote-ref-120)
121. [Thomson], preface to *Areopagitica*, p. iv. [↑](#footnote-ref-121)
122. The early Hanoverian court was arguably more successful in patronising scientific than literary endeavours; see Hannah Smith, *Georgian Monarchy: Politics and Culture, 1714-60* (Cambridge: Cambridge University Press, 2006), pp. 76-7, 83-92. [↑](#footnote-ref-122)
123. The phrase is taken from Swift’s *Epistle to John Gay* (1731), but it was widely reflected in opposition propaganda, as when Pulteney said that anyone wanting to cut a figure among ‘the *gay,* the *polite,* the *witty Part of the World’* could not unite with Walpole, in *An Humble Address to the Knights, Citizens, and Burgesses, Elected to Represent the Commons of Great Britain* (London, 1734), p. 10. On this theme, see also Goldgar, *Walpole and the Wits*. [↑](#footnote-ref-123)
124. This is exactly what Hume began to doubt around 1770, in the wake of the ‘Wilkes and Liberty’ unrest. [↑](#footnote-ref-124)
125. See, for example, Henry Fielding, *Jacobite’s Journal,* No. 26, 28 May 1747, cited in Hanson, *Government and the Press,* p. 2. Fielding went on to say that discussion of ‘matters merely belonging to the royal prerogative, in print, is in the highest degree indecent, and a gross abuse of the liberty of the press.’ No similar caveat is to be found in Hume’s original essay. [↑](#footnote-ref-125)
126. Immanuel Kant, *Beantwortung der Frage: Was ist Aufklärung?* [1784] *und andere kleine Schriften* (Berlin : Hofenberg, 2016), pp. 4-11; Raynal [and Diderot], *Histoire philosophique et politique des établissements et du commerce des Européens dans les deux Indes,* (1780), (4 vols., Geneva, 1780), III, pp. 59-61. [↑](#footnote-ref-126)
127. This is a plausible assumption since he began composing his essays almost immediately on his return to Scotland; see Hume to Henry Home (later Lord Kames,) 4 June and 1 July, 1739, in *New Letters of David Hume,* ed. Raymond Kilbansky and Ernest C. Mossner (1954), (Oxford: Oxford University Press, 2011), pp. 5, 6-7. [↑](#footnote-ref-127)
128. As a historian, Hume would later come to be highly critical of this concept, but rather than abandoning the term completely he would speak of a series of ancient constitutions; Hume, *History of England* (6 vols., 1754-61), (Indianapolis, IN: Liberty Fund, 1983),IV, p. 355 (note l). [↑](#footnote-ref-128)
129. Hume, ‘Of the Liberty of the Press’, *Essays,* p. 604. [↑](#footnote-ref-129)
130. Ibid. [↑](#footnote-ref-130)