THE LETTERS of the REPUBLIC

Publication and the Public Sphere in Eighteenth-Century America

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The Cultural Mediation of the Print Medium

Thy life to mend
This Book attend.
—The New England Primer

The eighteenth century was remarkable for its literature and revolutions.
—Arthur Walke, 1805

In 1765, in the early stages of an imperial crisis and of his career as a lawyer, John Adams wrote a brief retrospect of the political and legal history of the West. Appearing unsigned and untitled in four installments in the Boston Gazette, the essay depicts the history of power as a history of knowledge. It tells modern history as a story of human self-determination rising through reflection. Much of the power of such a narrative for Adams, as later for D'Alembert and other Enlightenment intellectuals, was that it offered him a political self-understanding. But Adams' history offers a more particular self-understanding in two main respects: its history of self-determination yields a protonationalist consciousness of America; its history of reflection takes the form of a history of letters. Writing at the very moment when America was emerging as a symbolic entity, Adams perfects a story of America's history. It is a history of literature, and its telos is emancipation.1

This is how it works. According to Adams, the papal and feudal political systems of Europe rested in the last analysis on what might be called a hegemony of letters: "All these opinions, they [the clergy and the feudal lords] were enabled to spread and rivet among the people, by reducing their minds to a state of sordid ignorance and staring timidity; and by infusing into them a religious horror of letters and knowledge." (4.112). Because the entire political system of feudal Europe depends on such a relation of populace and letters, a history of letters can be a history of emancipation. For the same reason, the emancipation for which the world
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has longed can be realized in America. "From the time of the reformation, to the first settlement of America," Adams writes, "knowledge gradually spread in Europe, but especially in England; and in proportion as that increased and spread among the people, ecclesiastical and civil tyranny, which I use as synonymous expressions, for the cannon and feudal laws, seem to have lost their strength and weight. The people grew more and more sensible of the wrong that was done them, by these systems; more and more impatient under it; and determined at all hazards to rid themselves of it... It was this great struggle, that peopled America" (1:113).

The Puritan colonists emerge as the heroes in a political history of enlightenment.

Adams is aware that the civic humanist terms of such a history conflict with the terms of American Protestantism's self-understanding. Yet he presses his point by arguing that the reason for the Puritans' emigration "was not religion alone, as is commonly supposed." Rather, he claims, it was that they "had become intelligent in general, and many of them learned"; "to many of them, the historians, orators, poets and philosophers of Greece and Rome were quite familiar: and some of them have left libraries that are still in being, consisting chiefly of volumes, in which the wisdom of the most enlightened ages and nations is deposited" (1:113–114). We are perhaps unaccustomed to seeing the Puritans described as republican classicists in this way. And the history of racial and sectarian conflict in New England has taught us to be skeptical of Adams' claim that they committed "no other crime than their knowledge, and their freedom of enquiry and examination" (1:114). But the story is a powerful one. Treating enlightenment republican as the latent meaning of Puritan history, and employing terms that are simultaneously world-historical and national, Adams' revisionist history became a pillar of American nationalism, and has remained so to the present.

The success of Adams' narrative depends on his ability to revise the meaning of the Puritans' relation to letters. Rather than simply arguing that they developed a critique of the canon and feudal laws, he argues that they bought libraries. With respect to the Bible, Adams' history is not far from the Puritans' self-understanding. John Foxe, for example, had famously claimed that "The Lord began to work for his Church not with sword and target to subdue His exalted adversary, but with printing, writing and reading... How many printing presses there be in the world, so many blockhouses there be against the high castle of St Angelo, so that either the pope must abolish knowledge and printing or printing at length will root him out." Adams obviously draws on this rhetorical tradition in Protestantism. But there is a crucial difference between his version and Foxe's. Foxe was able to claim world-historical importance for printing only because of a very determinate assumption about what would be printed against the pope. As Stephen Greenblatt has argued in a chapter titled "The Word of God in the Age of Mechanical Reproduction," Protestant reading reinforces the authority of the sacred text even as it translates authority to the private register. "When Tyndale writes of arming oneself with the syllables of Scripture," Greenblatt writes, "or Bainham speaks of his fear that this word of God—pointing to the book in his hand—would damn him, we must take them at very close to the literal meaning: the printed English New Testament is, above all, a form of power. It is invested with the ability to control, guide, discipline, console, exalt, and punish that the Church had arrogated to itself for centuries." Protestant printing did not take self-reflection as an independent goal; its absolute goal was divine truth, which could provide a basis for social organization because it was assumed to be fixed and knowable independently from, and as a limit to, the rational pursuit of self-interest. Ignoring this organizing and disciplinary force of sacred exegesis, Adams must see the Puritans' literacy as self-reflection for its own sake, and thus as emancipatory in character, if he is to regard their westward migration as the beginning of a national history of enlightenment.

Between Puritanism and Adams' history of Puritanism, the cultural meaning of letters has begun to change, as has their relation to power. No longer a technology of privacy underritten by divine authority, letters have become a technology of publicity whose meaning in the last analysis is civic and emancipatory. It will be recalled that the struggles leading to the colonial revolution were largely undertaken by writers. At the same time that colonists were engaging in violent crowd actions, organized law-breaking, and boycotts, they also engineered a newspaper and pamphlet war in a way that was arguably more integral to the American resistance than to any other revolution. Those who organized the revolutionary struggle and were placed in power by it were men of letters. Their paper war articulated and helped to mobilize an intercolonial and protonational public—a public that remained a public of readers. And it was through the texts of that paper war that the democratic revolution in the colonies had such far-reaching impact both on the continent and in the New World. The transformation of letters that lies behind Adams' history was no mean affair.

For Adams too the republican destiny of letters takes on a national importance in the context of a global revolution. And indeed, the rising
sense in the colonies of letters' importance had important transatlantic parallels. After 1695 printers had rapidly moved out into English towns such as Manchester, Birmingham, Liverpool, Bristol, and Canterbury. Just at the moment when colonists were setting up shop and establishing weekly newspapers, their counterparts in the English provinces were doing the same, and London printers were beginning to produce dailies. The appearance of the press in places like Annapolis, New York, and Charleston, therefore, figures in narratives that involve the British empire as well as Europe and its empires. The growth of the trade, for one thing, was clearly supported by the financial revolution of the 1690s, with its new methods of capitalization. And the new forms of print discourse sutured emergent forms of political and social organization. Printers were simultaneously products of the transformation of the West and agents in the creation of the West's self-identification, producing the universalizing discourses of the Enlightenment and of the democratic revolutions. American colonists such as Adams made major contributions to those discourses, so the historical horizon of modernity must be made visible in any account of the printing activities of the North American English creoles.

What, then, was the relation between republican enlightenment and printing? Adams implicitly poses the question by arguing that they are identical. In this sense his history is also a theory of print: insofar as his narrative has a plot, the unity and progress of that plot stem from the nature of print. For while he argues that learning and the press bring about changes in the political world, Adams assumes that printing's purposes, uses, and meaning do not themselves undergo change. The press is a powerful instrument for enlightenment precisely because its nature is not contingent. If it were variable in its nature, it might in some circumstances support despotism rather than liberty, and the history of enlightenment would lack a propulsive logic. It would have been hard, for example, for Adams to argue for the democratically enlightening character of print and yet account for the ancient use of printing among the Chinese and the Uighur Turks—who represent, for eighteenth-century thinkers such as himself, the very types of Oriental despotism.

In order to pose our question with regard to Adams' rhetoric—to ask, in other words, what was the relation between printing and the Enlightenment, or between printing and republicanism—we have to assume that the purposes, uses, and meaning of print do change. The rhetoric of Adams' history would thus be seen as a part of a transformation in the character of print, though his history presupposes the contrary. The establishment of newspapers, the rise of empiricism, capitalism, the Enlightenment, the novel, the democratic revolutions, the rise of a bureaucratic state—all these bear important relations to print; but they might entail transformations of print, not just social changes affected by a medium with its own unchanging logic.

The point is worth stressing. Most of the historians who work in the burgeoning field of the history of the book, and most people who speculate on the place of print in history, assume quite the opposite. At some level they suppose printing to be a nonsymbolic form of material reality. Printing, in this view, is naturally distinct both from rhetoric, such as the rhetoric of republicanism, and from forms of subjectivity, such as the enlightenment of citizens. It is mere technology, a medium itself unmediated. There are two main advantages to this set of premises: first, it guarantees that there will be a single object of study, despite vast and frequent changes in the world of culture; and second, it allows one to trace the effects of print within culture by bracketing cultural history itself, since it guarantees that the effects of printing will have a progressive teleology.

The history of print, conceptualized by means of these assumptions, was formed by Harold Innis and others in the years after World War II. It has often taken a McLuhanite cast, especially in the work of Elizabeth Eisenstein, Walter Ong, and those who are influenced by them. Print technology is seen as having a logic internal to itself, a logic which then exerts causative force in human affairs. The invention of printing, for example, is said to have encouraged rationalization and democratization. And on this model of print history both the right and the left agree. It provides the basis for Ong's nostalgic and rather theological speculations as well as the critical Marxism of his colleague Alvin Gouldner. Gouldner summarizes boldly: "What the revolution in printing technology did was to democratize the culture of writing. It was consequential, though scarcely alone in this, for a quantitative increase in public discourse and, also, for qualitative changes in its character. Like writing, printing and printed objects decontextualized speech and tended to reduce the modalities of communication." This kind of assertion has gone unchallenged that it is now common even in the popular histories offered by the mass media. And it cannot go without remark that such a statement bears a striking resemblance to Adams' Whig history.

The assumptions behind the Whig-McLuhanite model of print history operate on a very deep level. Many of those who rely on the model would concede the argument that printing's force depends on its context. Eisen-
stein in particular regards her work as studying the character of print within the religious and scientific cultures of early modern Europe. Yet the appeal to the agency of print upon culture tends to reintroduce a privilege for technology, for the model of causation presupposes that printing and culture are discrete entities. At the very moment when historians draw their conclusions about the historical effects of printing, they bracket the political and symbolic constitution of print. Just after Eisen-stein acknowledges that the consequences of early printing depended on its institutional context, for instance, she goes on to say:

Yet the fact remains that once presses were established in numerous European towns, the transforming powers of print did begin to take effect . . . Intellectual and spiritual life, far from remaining unaffected, were profoundly transformed by the multiplication of new tools for duplicating books in fifteenth-century Europe. The communications shift altered the way Western Christians viewed their sacred book and the natural world. It made the words of God appear more multiform and His handiwork more uniform. The printing press laid the basis for both literal fundamentalism and for modern science.9

Politics and human agency disappear from this narrative, whether the agency be individual or collective, and culture receives an impact generated outside itself. Religion, science, capitalism, republicanism, and the like appear insofar as they are affected by printing, not for the way they have entered into the constitution and meaning of print in the first place. The result is that enlightenment and democratization, instead of being seen as politically contested aspects of social organization, now appear as the exfoliation of material technology. Despite the best intentions, print history tends toward Jack Goody’s technodeterminism, which sees literate elites as rising with writing and falling with printing—an exchange that appears to have taken place independent of contingent social relations, actions, and representations. In some cases the model of analysis behind this picture is actually less sophisticated than John Adams’, for while he saw printing as having the same progressive effects, he did not fantasize a history of those effects that would bypass the domain of politics and rhetoric.10

By attributing social changes of great scale partly to printing, the McLuhanite historians follow a model in which the logic of the technology is seen to “press on and impress both on social activity and human consciousness.”11 This kind of technological determinism must suppose, therefore, that a technology could come about, already equipped with its

“logic,” before it impinged on human consciousness and before it became a symbolic action. Otherwise the object of inquiry would not lie outside the field of collective action and the symbolic order, but would be a contingent part of that field. The technology would no longer appear to have determining power of its own, independent from the collective purposes, social organization, symbolic structure, and practical labor in which it would be constituted.

This fundamental premise—that technology has an ontological status prior to culture—must be rejected at the outset if we are to pose the question of printing’s relation to republican enlightenment, or to anything else. To begin with, there is a logical problem for those who wish to see printing as a hard technology outside of the political-symbolic order, since it is not clear how print could even be identified on the basis of that assumption. Not all printing is done with a press, nor with ink, nor on paper, nor with movable types, nor even by the method of impression. No hard fact of technology dictates what counts as printing. We know what we mean when we talk about printing, but we know that because we are in a tradition; we have a historical vocabulary of purposes and concepts that gives identity to printing, and meaningfully distinguishes for us between books that have been impressed with types and those that have been impressed with pens.

That tradition has undergone some important changes. In Western culture a growing number of things have come to count as printing as the technique of impression has become less determinative in its definition: laser printing, jet printing, xerography, and so on. In recognizing such practices as forms of printing, we use the unspoken but increasingly important criterion of a negative relation to the hand. That is why we do not count some other tools of duplication as examples of printing, even though some of them do make use of impression. We exclude them from the category of printing because their metonymic link to the hand is too strong. Thomas Jefferson invented a machine for duplicating letters; a pen guided by the hand could by a series of levers be made to guide a second pen in an identical fashion. In Eisenstein’s phrase, it was a tool for duplicating. But it would not therefore be regarded as printing, primarily because it is designed to record its metonymy with the hand. The typewriter is another good example; copies duplicated on a typewriter, perhaps even carbon copies, we do not recognize as printed. But the same copies run through a mimeograph machine could be counted as a kind of printing. They would have been relieved of the pressure of the hand. In some important ways, this cultural meaning for the hand, which by contrast
defines what counts as printing, has developed since the establishment of the printing trade. Early printers, for instance, in no way distinguished their work from hand-produced documents. From a modern perspective, that seems to show how little they understood the latent "logic" of their medium. But that interpretation of the meaning of print is governed from the outset by a presupposed modern ideological definition of print.

Along a related line, although printing was initially another way of reproducing in quantity books that were already being reproduced in quantity, at a certain point printing came to be specially defined as publication, now in opposition to manuscript circulation. Later, as I shall argue in this book, publication in the new sense would take on a special political meaning involving a new way of defining the public. These changes were not dictated by any feature of the technology, but they did change our fundamental perceptions of the technology. It is because publication is a political condition of utterance that we meaningfully distinguish between books impressed by types and those impressed by pens, where we do not make the same kind of distinction between those impressed by plates and those sprayed by lasers. The history of printing, in short, cannot even define its subject properly without asking about the history of the public and other political conditions of discourse. What did it mean to publish, and what did it mean to identify printing as publishing? These are not questions about the empirical effects of printing; they are questions about the historical constitution of printing.

In addition to the logical difficulty of saying what will count as printing, a second and more serious problem results from the assumption that printing has an ontological status prior to culture. When media and technologies receive this kind of transcendental status, their social investments and rhetorical meaning disappear from the field of analysis, only to return in mystified form, disguised as the previously latent logic of the technology. Let us take the example, already cited, of the uniform mass production that was a feature of late medieval scriptoria before the invention of printing. Persons who already occupied the role of wholesale bookseller were sometimes able to place orders with the scriptoria for two hundred or even four hundred copies of a single work at once. For several decades after the development of the press, editions were not typically larger than this, and were often much smaller. Moreover, because scriptoria had elaborate procedures designed to eliminate variants, and because printers often made changes in the middle of press runs, printed books were not necessarily distinguished for uniformity any more than they were for numbers. This is not to deny that uniformity and quantity came to be the distinctive characteristics of printing, but to reframe the question of how and why that happened.

A practice of specialized duplication had been in place from the outset to motivate the Mainz entrepreneurs in their experiments with printing, so the effects of regularization and multiplication represent not so much the consequences of printing as the tasks, desiderata, and perceptual categories by which printing was defined and made possible. From its first appearance in the West, printing was already organized by purposes that can be described as early capitalism. That is one reason why it was developed by goldsmiths, who by casting type were using not only their metallurgical skill but also their unique ability to deploy capital. In cultures where the practices of capitalism did not organize the emergence of printing, as among the Chinese or the Uighur Turks, printing took on different defining features and had different "consequences." Yet the implication of print historians—as well as of foundationalist Marxists such as Walter Benjamin—is that the technology of printing, once "discovered," yielded the result of standardized mass production, with its cultural symptoms.

The assumption that technology is prior to culture results in a kind of retrodetermination whereby the political history of a technology is converted into the unfolding nature of that technology. Everything that has been ascribed to the agency of printing—from formal characteristics such as abstraction, uniformity, and visualization to broad social changes such as rationalization and democratization—has been retrodetermined in this way. What have historically become the characteristics of printing have been projected backward as its natural, essential logic. Meanwhile, its historical determinations have not been analyzed, for historians have learned to consider the realm of politics and culture only as the secondary field of technology's presumed effects.

In contrast, this book intends to analyze the immanent meanings of writing and print in the culture of republican America and the imperial context of enlightenment. How was printing defined as a technology of publicity, having an essentially civic and emancipatory character? How was the relation between subject and letters altered? What was the relation between the socially determined character of the medium and the texts produced in it? These questions, which together outline my subject, are united by the premise that the cultural constitution of a medium (in this case printing) is a set of political conditions of discourse. Those conditions include the practices and structured labors that we call technology. But I shall suppose that the latter have no ontological privilege over and at no point can be distinguished from their political meaning; that the practices
of technology, in other words, are always structured, and that their meaningful structure is the dimension of culture.

Although this way of organizing a study in print history runs counter to the prevailing model, it is not unprecedented. Max Weber, for one, noted a close relation between printing and a systemic social rationalization of the West. Yet unlike those who have followed, he did not think of these in any way as cause and effect. Rather, he took the observed relation as the occasion to ask why printing had a rationalizing character in the modern West, when elsewhere it did not. In particular, he noted that only in the West did printing result in works planned for markets and publics. He concluded that the rationalizing results of printing, like those of the market and bureaucratic law, presuppose a transformation in subjective orientation. Hence Weber’s culturally oriented study of capitalism.¹⁵

Despite the long and illustrious controversies that have followed, two features of Weber’s project should be preserved: first, the insight that the nature of modernity can only be derived from a history of subjectivity and practice, rather than from a realm (such as “society” or technology) assumed to be extraneous to culture; second, that, however much culture might be irreducibly local, it has in the case of the West produced a systemic rationalization, the horizon of which is transcultural. It remains difficult to explain the second of these ideas without abandoning the first. Attempts to account for societal transformation—whether expressly functionalist or not—typically reduce culture, politics, and rhetoric to epiphenomena. And hermeneutic attempts to account for culture, politics, and rhetoric typically obliterate societal rationalization from view or presuppose it as background. Without attempting a full-scale theorization of such problems, I wish to keep the complex relation between the two subjects in view.

Any analysis of printing, even were it to begin with the Mainz goldsmiths, would have to begin in the middle. In early-eighteenth-century American society a wide range of uses for and perceptions of print were already established. Some were regional, others typical of the imperial periphery, and still others belonged to the tradition of writing in the West. What was printing for, and what was it like? What did it mean to buy a book, to read a newspaper, or to nail up a broadside in the American colonies? The answers to such questions will vary from context to context.

Imagine a career for what could only provisionally be called “a” book. Printed in Philadelphia, let us say, from materials mostly imported, it would likely consist of a text composed by various hands both in and out of the printer’s shop. It might be copied largely from a text printed elsewhere, obtained by a publisher who saw an opportunity for a local edition.

The composition of the type and printing of the sheets would be done by one or more crews, not all of whose members would even be literate. So the text, before it has even attained the minimally objectified identity that would allow it to be sent to booksellers, customers, and binders, would already have a very different existence and meaning for those who would be said to be producing it. We can further imagine both a customer who, by chance perhaps, is familiar with the title, and a customer whose only familiarity with such titles comes from the local booksellers. We can imagine another life for the object among the carters or mariners who transport a small quantity of the printer’s commodities along with other goods to another town. We can imagine yet other meanings for it as it is encountered variously by the printer’s wife, his neighbor’s slave, the purchaser’s child, an Indian trader in the market, or a schoolmaster. Which of these objectifications do we have in mind when speaking of “print”? For it is only by a convention that we could group these different instances as having an identical object, while we exclude other instances, such as the sale of another edition (or state) of a text that is, as it were, more or less the same. More to the point, what are the salient differences among these different possible relations to printed goods—differences that are glossed over when we speak of the “logic” of “the” technology?

Even in its local discourse, print did not and could not have had a universal character or an undifferentiated audience. Both print and writing could only be alien to the entirely or even partially illiterate, including almost all Native Americans and the enslaved blacks. And saying that letters were “alien” to the illiterate is more than a tautology, since it is to these groups that writing and print may have appeared most clearly as technologies of power. For obvious reasons, historians know little about what colonial blacks thought about print. The texts of Jupiter Hammon and Phyllis Wheatley are the exceptions that prove the rule, since they define their public voices as white, even if only proleptically. They understand their literacy to prefigure their celestial assimilation.¹⁶ The slave narrative of Olaudah Equiano, however, gives a vivid record of a nonliterate black’s perception of books as a technology of power. Equiano, who was brought to America and the Western world of letters in the late 1750s, writes: “I had often seen my master and Dick employed in reading; and I had a great curiosity to talk to the books, as I thought they did; and so to learn how all things had a beginning: for that purpose I have often taken up a book, and have talked to it, and then put my ears to it, when alone, in hopes it would answer me; and I have been very much concerned when I found it remained silent.”¹⁷
This account can be a useful piece of defamiliarization for us in several ways. First, because Equiano’s master and his white companion, Dick, clearly have been reading aloud, and because Equiano has from the first been engaged in reading the visible world before him, in perceiving the technology of the book he does not initially attach importance to a distinction between reading and speaking. His early perception of writing is that of a mode of practical knowledge and authority—like English, or horseback riding. Second, his account belies the Enlightenment claim that print allows any person to communicate his thoughts to the public. Reading, he saw, was one of the distinguishing marks of white society; like horseback riding or sailing, it was one of the ways that society made itself different, singular. What Equiano registered, in other words, was the way in which writing had a meaning precisely in the limits of its communication. This does not imply that any other form of communication lacks such a meaningful limit, only that one of the meaningful limits of legibility was race.

The two whites in Equiano’s story recognize the book primarily as communication rather than power. Today we may find it difficult to see the medium simultaneously as communication and as a structure of power, partly because our idea of communication contains a norm of universalism. It is also because we are accustomed to a negative perspective on socially structured illiteracy; we regard illiteracy as the exclusion of some groups from an otherwise emancipatory discourse. Yet we can take a different perspective on the problem by seeing that the boundaries of any communicative context have a positive social character. This means not only that participation in a medium constitutes membership in a community—since to say that would leave a false impression that a medium could actually define a universal community—but also that the positive features of the medium implicitly differentiate the assumed collectivity.

Equiano encounters letters from the outside in a context where to encounter letters from the inside would require socialization into white Western colonial capitalism. Race in particular was made one of the social meanings of the difference between writing and speech by racial division in the reproduction of literacy, and by the consequent overlap between determinate features of the medium and traits of race. Black illiteracy was more than a negation of literacy for blacks; it was the condition of a positive character of written discourse for whites. By extension, printing constituted and distinguished a specifically white community; in this sense it was more than a neutral medium that whites simply managed to monopolize.

Printing was allowed to fill this function by the way its material conditions were arranged. These included the system of ownership that made printed artifacts available in the form of property and thus inappropriate to blacks and Indians; its coindentity with educational institutions that socialized whites into the community of learning whereby their status as civilized Christians was defined; and its content, which referred of course to issues in the white world. Just as important, the use of print was understood to entail the authoritative disposition of character that was the personal value of letters, a disposition that was understood as a racial trait and could find expression in a wide range of preferences and abilities under such headings as perspicuity, equanimity, temperament, and judgment. Just as the white community would not have been the same community without its opposition to other groups and its constitution through writing and printing, so also written media would not have entailed the same dispositions of character—and would not have had the same identity—had participation in them not entailed membership in that community.

White colonists early learned to think of themselves as inhabiting the pure language of writing and to think of blacks as inhabiting a dialect, a particularized speech, that expressed their racial nature. In the early 1740s the Maryland doctor Alexander Hamilton, arriving near New York City with his black slave, Dromo, recorded in his journal an encounter between Dromo and a Dutch-speaking black woman: “Dromo, being about 20 paces before me, stoped att a house where, when I came up, I found him discoursing a negroe girl who spoke Dutch to him. ‘Dis de way to York?’ says Dromo. ‘Yaw, dat is Yaricee,’ said the wench, pointing to the steeples. ‘What devil you say?’ replies Dromo. ‘Yaw, mynheer,’ said the wench. ‘Damee, you, what you say?’ said Dromo again. ‘Yaw, yaw,’ said the girl. ‘You a damn black bitch,’ said Dromo and so rid on.”

In this drama of unregistered violence the one principle of intelligibility is Hamilton’s external relation to the scene. That distance establishes his registration of the scene and produces his pleasure in it. Part of Hamilton’s pleasure is that the slaves’ difficulty with each other’s language dramatizes what he doubtless perceives as their lack of mastery in their own languages (or what he would no doubt consider “their own” languages). Lack of mastery in both senses: dialect is perceived by Hamilton as a natural sign of the condition of servitude. Equally important is that his position of recorder, from which he produces simulacr of multiple incomplete dialects within a seamless narrative, matches mastery and writing against inferiority and illiterate speech.
The meaning of the scene for Hamilton was already established by his ability to scribble an account of it in his room at the New York inn. His comic perception of the two blacks' speech as dialects depends on a norm of written language, and this distinction between written language and the racialized particularities of dialect is clearly an invidious one. Yet what is invidious about it is not mere personal prejudice on Hamilton's part—a lapse from liberal tolerance—for he had only to record the scene for the valence of the linguistic media to appear. In that cultural context a difference between inclusive universality and blind particularity was inmanent to the difference between the (non)dialect of writing and the spoken dialect. Dromo, speaking, identifies himself; Hamilton, transcribing Dromo's phonemic particularity, transcends the racialized identity of Dromo's speech. At the same time, Hamilton's pleasure in transcription testifies, even in the private context of his journal, to a sense of collectivity. To do reading was a way of being white.

Not all whites were literate. The best literacy studies estimate that, of the free white males of seventeenth-century New England, roughly a third could not sign their names. After a long period of little improvement New England white men achieved nearly complete literacy in the middle of the eighteenth century. Among white women, on the other hand, only a third could sign their names before 1670, and even by the end of the eighteenth century that fraction had not risen to more than half. South of New England, even white males do not seem to have attained more than two-thirds literacy in the same period.

Despite these differentials in the technology, print could represent the white community to itself, partly because more people could read than the statistics suggest. Ordinary patterns of education involved instruction in reading, especially reading of the Bible, for several years before instruction in writing was undertaken, and many students interrupted their educational careers before the second stage. Literacy statistics, which are almost invariably based on signatures of wills, marriage licenses, or other official records, give no indication of those who participated in the written without themselves being able to write. Many groups who do poorly in literacy figures—especially women—probably were able to read. For this reason the historian David Hall has argued that those who were able to read in some degree comprise the vast majority of white colonists, and that the print market was potentially very broad. To illustrate that point Hall has shown that some popular forms of print, especially devotional and sensational literatures, were extraordinarily common despite severe material limitations on the print market.

Nevertheless, although women were reading printed goods in colonial America, very few of those goods were written by women. Nor is it the case that the gender barrier in letters dissolved when women took up pens to write. The important question is not access to writing, as a certain liberal humanism would lead us to expect, but rather the meaning of writing. Insofar as written contexts entailed dispositions of character that interpellated their subject as male, women could only write with a certain cognitive dissonance.

One curious symptom of this dissonance was a coding of the pen, of which the best-known literary example is Anne Bradstreet's "The Prologue." Like so much of her work, it thematizes the discrepancy between gender and medium and begins by abjuring the male subjects of civil history—too elevated, the poet writes, for her "mean pen." Sandra Gilbert and Susan Gubar have read this trope as part of a tradition of the literary metaphors of creation—and a very problematic one for women writers—in which the possession of the pen signifies possession of the phallus. For colonial Americans the connection had the force of self-evident fact rather than of literary metaphor. Even the shopkeeper Sarah Knight, adept at both commerce and writing, declares in her journal that the causes of divorce "are not proper to be Related by a Female pen." Women such as Bradstreet and Knight were inscribed by an ideological link with the body. Despite the universalizing claims made by writing in its role as communication, these exceptional women felt themselves to be particularized in the given being of their bodies with relation to their pens. Holding pens, they entered a contradictory relation to the implicitly male community that was constituted in writing. In other words, the collectivity formation of written discourse meant that writing was gendered even where no outright prohibition from writing was in effect. To write was to inhabit gender.

The male collectivity formation of writing meant also that the metonymic link between the pen and the gendered body carried over even into printed discourse, where it might have been possible to abandon the trope. Ben Franklin, for example, declaring in 1732 the winner of a riddle competition in his Pennsylvania Gazette, makes a point of noting that the winning entry was "wrote by a Female Hand." More striking is the preface to the first South Carolina Gazette in that same year. There, when the printer hopes that the paper might be "some little Incitement to abler Pens," he and his male readers enjoy a conventional metonymic thrill. He particularly solicits writing on trade, which he says is the one subject that "every worthy Inhabitant of the Province" will find to have a "Claim to
his [sic] Pen." Though the emphasis on hand-held instruments went without comment, the gendering of the instruments was not lost on an anonymous contributor in the next issue, who begins by apologizing: "This, Sir, I doubt not, but you'll think, comes awkwardly from a Female Pen." The figurative pattern in these examples would seem trivial—a perhaps unfortunate conventional metonymy—did it not register an internal dissonance, or awkwardness, inhabited by women who wrote. For most women that awkwardness was resolved by not writing, which of course leaves no record for the historian.

Reading leaves no more record than not writing, but here again the fact that women did read does not tell us what its meaning was. Female farm children learning to spell out and recite the sacred text of the Bible were not performing the same act as a male merchant glancing at the latest commodity prices. Writing was a specialized skill primarily employed in the male-dominated realms of commerce and law; it was especially common for women to be taught reading but not writing. The case of Dinah Nuthead was probably not exceptional in this regard. The wife of a printer in late-seventeenth-century Maryland, she could not sign her name but was able to set type and run the press after her husband died. The personnel teaching the different skills of literacy, moreover, were divided in the same way as their pupils. Increase Mathew, remembering his education, records: "I learned to read of my mother. I learned to write of Father." His experience was typical; to the very end of the eighteenth century, colonists distinguished between "woman schools" that taught children to read, and "masters' schools" that taught them to write. Here the terminology speaks, as it were, volumes.

Linguistic technologies were also saturated with class and social status, as can be seen in modern statistical reconstruction. Mid-eighteenth-century Virginia men with personal estates of £200 had a literacy rate twice that of men with estates of £100. Men in the clergy and the professions had a literacy rate of 90 percent or higher, and this figure decreases as one moves down the social scale from clergy to merchants, artisans, laborers, and farmers. This would not have surprised anyone at the time, since everyone knew perfectly well that literacy functioned as a social distinction. More important than the statistical record is the registration of status in the immanent meaning of print for colonial culture. The South Carolina Gazette once led off an issue with a piece purportedly written by a cobbler, one "Ralph Cobble," incensed by some encomia on education in the previous issue: "What do you tell us of yr Larnin & examples of our Naboring colonees pish dont you no that Strangors were alwase performed here To All digityns And molymnts before any of Us Old Standard." Orthography reminds the printer's gentlemen subscribers that their class is a natural feature of language. The editorial voice of the Gazette goes on to remark that "from the Head of Science, to the Foot of Mechanics, there may be drawn a proportional Degree of Service to the Community." Yet even in pointing out the self-evident social distinction of letters, the mock exchange in the Gazette nervously registers a potential resistance to the hegemony of letters. And not for the last time.

No one had a relation to linguistic technologies—speaking, reading, writing, and printing—unmediated by such forms of domination as race, gender, and status. Every printed artifact came saturated with the distinctive qualities of communities. Few groups in colonial society successfully incorporated the use of letters as part of their constitutive self-understanding: chief among these were the clergy, the Southern gentry, and the seaport merchants. Yet even for these groups, though the use of printed goods distinguished them advantageously from other colonial groups, the same goods could continually represent their marginal relation to other communities of the empire. For instance, unlike later periods, in which print acquired the ideological character of local and everyday phenomena, print in the early eighteenth century was distinguished for the fact of its distant origins, its ability to cross space and time in a way that made it represent the exotic. So the same Philadelphia merchant who distinguished himself from his wife and clerks by his familiarity with letters would in turn find himself inscribed in the imperial periphery by a print discourse that everywhere recorded its emanation from distant parts.

This secondhand authority of the provinces was reproduced by the colonists themselves. Most early colonial newspapers devoted their prime space to imperial and foreign intelligence (often of military character) rather than to domestic affairs. News from Muscovy and Hungary often occupied the front pages, while the tiny amount of local news was generally relegated to small type just before the advertisements. Local news could be had through hearsay faster than the weekly newspaper could print it, and until the colonists developed an ideological preference for seeing it in the paper rather than hearing it on the street, they turned to print mainly for advices from abroad. Dividing both media and news along the same axis classifies the spoken with the local and the printed with the exotic. Crossing space in a perceptibly alien way could thus be taken as natural to print.

The early papers are not divided by sizable headlines, and it seems likely that they were read through rather than glanced at for a selective reading.
Moreover the early presses, like other capitalized trades of the period, were almost always in the seaports; and printers had a very special relationship with merchants and ship captains. The normal errands of maritime commerce were the only channels for transoceanic news, and papers announced ship arrivals more regularly than any other kind of local news. The exotic reference of print came about in a commercial context, and newspapers were a kind of metacommodity—objects of trade that described trade itself. Reading the foreign advices, one would have recognized that print discourse derived its authority and material from the shipping trade. Built into the difference between printed news and street speech was a phenomenological topography of the seaport world that could be thematized as foreign reports.

There was only one kind of printed artifact that could have been regarded as an everyday secular object, a piece of the standard routine of early-eighteenth-century society. That was the legal form. Some colonies had passed laws at the turn of the century requiring the use of printed forms in all official transactions (Maryland, for example, did so in 1700). Soon they were available in an astonishing variety: summonses, writs of attachment, deeds of transfer, apprentice indentures, customs receipts, surveyors’ certificates, tax assessment forms, land grants, powers of attorney, military supply requisitions, returns, executors’ warrants, vouchers, bills of exchange, bonds, debentures, election decrees, jury summonses, petitions for military discharge, complaints for suits in equity, recognizance appeals, commissions civil and military, post-rider oaths, special warrants, bills obligatory, mortgages for slaves, bills of lading, oats of allegiance, and more. The most prestigious legal forms might be engraved in London, but one of the clearest advantages for the colonists in having domestic printers was the ability to have the simple forms cheaply available.

At a time when legal affairs were usually transacted without professional lawyers, printed forms were thought useful insofar as the common-law tradition had developed a set of formulas, the exact following of which had legal value. Accordingly, printers advertised their forms as the “correctest,” and legal forms as a genre remained very stable throughout the century. Because most of these forms required the manual insertion only of a name, or perhaps also an amount, their use did not require a high degree of literacy. It may have been largely through legal forms that nearly illiterate artisans and tradesmen in the seaport towns began to regard the use of printed objects as natural to their own legal and economic world. What is more, the printed forms metonymically represented the arena of imperial administration. The handling of these forms constructed for the colonists their relation to networks of power uniting the colonies and deriving from the English courts.

**New England**

Printers and readers were more numerous in New England than elsewhere. But, as Kenneth Lockridge has argued, high literacy in early New England did not result in the modernizing orientation toward letters. Printing seems to have been put to conservative uses. Certainly the special tradition of Puritan culture conferred its own features on print and writing. Books that were read in the devotional tradition had a strong public value in the New England towns, where in fact it was not uncommon for committees to inspect each home to make sure that it had a Bible.

The reading of these works was a technology of the self. Cotton Mather, for example, records in his diary the uses of the German pietists’ writings: “I would endeavour as in Reading their Books, I find the Passages of a raised and noble Piety occurring, to pant and strive after a lively Impression thereof, on my own Mind. And in this Way I would seek a particular prepraeration for Services which I may do, in the coming on of the Kingdom of God.” The ideal that Mather articulates here contains a norm for subjectivity: reading, ideally, is a way of internalizing that is simultaneously a feature of literacy and a feature of the sacred order. He takes it as a moral imperative for himself but also for the community: “In visits to credible Families, I will bespeak little Studies and Book-shelves for the little Sons that are capable of conversing with such things; and begin to furnish their Libraries and persuade them to the Religion of the Closet.”

The religion of the closet prescribes not only that books will be useful, but that their utility will lie in a practice of internalization. In the official text of the Massachusetts laws the colony’s citizens were reminded, “When Laws may be read in men’s lives, they appear more beautiful than in the fairest Print, and promise a longer duration, than engraven in Marble.” On the basis of the same perception, one minister could write, “The life of Reading, is in the performance of our duty in what we learn. Words are but empty sounds, except we draw them forth in our lives. Printed Books will do little good, except Gods Spirit print them in our hearts.” Implicit here are assumptions about printing technology that differ radically from those underlying John Adams’ history of enlightenment. Sacred internalization renders the nature of print in such a way that the publication of broadsides or newspapers could only be seen as inferior uses accidental to
the godly effort to "print" the divinely ordained laws "in our hearts." In this case we do not see individuals emancipated by print; instead, it is the individual who is printed from an authoritative stamp.

In the diary entry just quoted, Mather used the same figure to connect the nature of print with its normative effects: he speaks punningly of the "Impression" that reading should make on his mind. I want to make a strong claim about this metaphor as an indicator of the meaning of print in Puritan culture. At the very least, the idea of an authoritative stamp—as opposed to far-flung distribution, let us say—is the standard metaphorical use that Puritan rhetoric makes of printing. Such metaphors cannot be sharply distinguished from the objective facts of printing, for there are any number of ways in which printing might be distinguished from other technologies, and to describe it as a definitive impression has as much validity as any. The rhetoric of impression names the literal and defining features of the print medium in a way that already defines the social value of print. Here the emphasis is on the perfect reception by the copy of a master original. Puritan typography and Puritan typology, in other words, could be mutually reinforcing. Insofar as print is construed, valued, and used according to the perception of a relation between type and anti-type—a relation that obtains both between copy and original as well as between text and animated reading—it expresses the character of authority. Constituted in the context of this symbolic logic, print seems eminently suited to the devotional text. One would not construe the distinctive features of the medium in the same way if the object were a shipping report.

Perceiving a relation between private reading and the religion of the closet, Mather became a tireless promoter not only of his own innumerable screeds, but of devotional literature of all kinds. "There is an old Hawker," he once wrote in his diary, "who will fill this Country with devout and useful Books, if I will direct him; I will therefore direct Him, and assist him, as far as I can, in doing so." With such help, the Boston and Cambridge presses produced a moderate but steady stream of cheap broadsides, devotional steady sellers, execution accounts, sensational reports, and almanacs—all of which combined in various degrees the rhetorical pleasures of leisure reading with the disciplinary discourse of sacred exegesis.

The Massachusetts presses also produced a different kind of trade, often in conjunction with the European Protestant market: learned theological works produced and mainly consumed by the ministerial class. Such works differ from the popular trade not only in their subject matter or in their typically higher price, but in their mode of consumption. These are the works that were accumulated to form the libraries essential to the status and collective identity of the clergy. Learned lawyers and other nonclerical men of letters were rare in New England until James Otis' generation, and the popular, cheap literature consisted almost entirely of ephemera or a relatively small number of steady sellers. The New England library as a substantial collection, therefore, was clerical, and ministers well understood the relation between bibliotechnical capital and professional authority. Mather, for one, was seldom so happy as when he was able to purchase the library of a deceased fellow minister. Edward Taylor, unable to buy many books because of their expense and his remote residence, laboriously copied a library of books which he carefully bound. The discourse that comprises the theological works of the clerical library is highly self-referential, and the books appear to have been read in an intensive and cross-indexical manner—digested for sermons, cited for authority, attacked in polemic. The theological literature exhibits the discursive mode of the library, which can itself be understood as a metonym for the corporate clergy.

It has often been claimed that New England was an oral society. In an important sense this is true, though not in the way that is usually meant. The conventional distinction between oral and literate societies, in which oral means preliterate and innocent of the exploitation that comes through writing, I would reject as sentimental and ideological. It conceals norms not only about language, but about personhood and social relations. New Englanders, far from being ignorant of letters, used them with an intensity equaled by very few other cultures in the world at the time. Yet in an important ideological way it was an oral society. New Englanders accorded a disciplinary privilege to speech and in most contexts insisted on seeing writing as a form of speaking. A case in point is the response of Obadiah Gill and his collaborators to Robert Calef's skeptical treatise on the witch trials:

Is there any among the Children of men, that have Sold themselves to serve the Interest of Satan to purpose? Let it be their Study by their Slander to Blast the Reputation of those, in whom the Honour of God, and of His Religion, and the Salvation of Souls is much concerned. This we take to be the Grand Aim and End of all that Robert Calef can call his own, throughout his whole Treatise. And now, vent thy malice; speak what thou hast to Accuse them of; they shall come off with flying Colours.

Gill here demonstrates a desire to consider his writing not only as speech, but as speech in a setting of exemplary and disciplinary personal
presence. He wants to imagine the exchange of pamphlets as an unmediated relation between persons, in which the godliness invested in himself and the ministers will dictate the outcome. Hence the command to Calef—"speak what thou hast"—which creates a fictive scenario of speech in order rhetorically to cancel any sense of practical liberty that the print medium might occasion. The same vocative scenario can be seen governing Cotton Mather’s practice to the end of his career—notably in the smallpox inoculation controversy, where he emphatically represents his opponents as assaulting his person. He once remarked that his sermons would be more powerful if "Preached a Second Time in the way of the Press." And although he tells us that he gave away his books by the score, he also notes that when giving a book away he liked to instruct the recipient: "Remember, that I am speaking to you, all the while you have this Book before you!"

This disciplinary fiction was part of the trade politics of print. Calef, after all, had been forced to send to England to have his attack on Mather printed, and a similar piece by Thomas Brattle evidently circulated only in manuscript. A group of disgruntled ministers in Boston charged in 1700 that the printer Bartholomew Green was so "in awe of the Reverend Author"—Increase Mather, Cotton’s father—as not to print anything hostile to him. Whether the accusation is entirely true or not, such struggles over personality and access to print demonstrate that an ethic of personal presence serves as the ground of print. Mather’s defenders say of the charge that "It was highly rejoicing to us, when we heard that our Book-sellers were so well acquainted with the Integrity of our Pastors, as not one of them would admit any of those Libels to be vended in their shops." The critical ministers and the Mathers agree in seeing the printing of a work as an act in a relation between specific persons, and the possibility that print might function as a public mediation is not even entertained.

In 1722, as a new set of print practices was only just emerging, the Reverend Thomas Symmes published a sermon which included a preface that comments extensively on the scene of print in New England society.

The chief advantage of the "Art of Printing," he explains, is that by its means, "as many of the eminent Servants of God being dead, yet speak unto us; so many other worthy Persons, and especially . . . the Ministers of the Gospel are still blest with Opportunities of rendering their Usefulness more extensive and durable." The attributes of extension and durability are the classically distinctive features of writing, and print’s superiority to script is seen as lying mainly in its greater extension. Extension and durability determine print as a derivative of speech that introduces to the immediacy of speech the dimensions of space and time. In other forms of print discourse, writing’s dimensions of space and time appear as exoticism and antiquarianism; here Symmes’s terms for those dimensions—extension and durability—bear connotations less of curiosity than of ministerial power.

Symmes encourages his fellow clergy to make more use of print. In a revealing moment he explains that the reason they do not is that they hope to "escape the scourge of the tongue. If the scourge of the oral is the restraint on the press, it is also the validation of the press. Symmes argues that no one nec fear superfluous or bad publications, for such works "we are under no obligation in the World to patronize, admit under our roof; or touch with one of our Fingers." Space and time, in the Puritan ideology, do not sever print from the speaking body and its fingers—they bring it inexorably under a metonymic discipline. Because New England culture structured print in this way, print discourse had not become the basis for the community’s self-representation—as it would be for John Adams and his contemporaries—except in its covert identification with the community of white males.

The typological and ministerial virtues of print were only one symbolic context for understanding print. I have already indicated that the world of seaport commerce gave printing a set of features that could hardly be incorporated with those picked out by Symmes, Mather, and their fellow clergy. And since the way print was construed always had consequences for imagining society and its norms, there were stakes of power in these symbolic differences. The New England printing trade and its cultural settings were anything but monolithic; the trade, for example, displayed a much greater specialization than in the Southern colonies. As early as 1700 a book-buyer in Boston would have had a choice among nineteen booksellers and seven printers. Unlike Virginia, where book owning remained a sign of wealth and distinction, New England had some kind of printed artifact for almost all white families. As David Hall points out, in the same period in which the Virginia Almanac was printed in press runs of 5,000 copies (and even this figure is much larger than that of the average press run), New Englanders were buying 60,000 copies of a single almanac and supporting several others.

We like to associate print with general distribution, but the same popular press that put almanacs in the hands of so many New England farmers was also decentralized and heterogeneous. Widely circulated titles were published by means of loose agreements among a number of printers and booksellers, none of whom alone would have had the kind of commercial...
network of transportation and marketing that is taken for granted by our more modern notion of a publisher. Because almanacs were produced on a schedule, and because their audience included many people who would not have bought any other book, they represent the peak of the book trade's organization. Uniformity was not at a high premium for other kinds of books. Some of the most widely dispersed titles, for example, were what Hall calls "steady sellers"—books usually of a devotional character that remained in print year after year and can be found in households of very little wealth. But these texts have little stability from edition to edition, since each printing was worked up cheaply by a small-time printer trying to reach a local market and would vary depending on what sources the printer had on hand and what tastes in his customers he anticipated.

The localism of the decentralized book trade meant that many texts circulated in a more or less "popular" fashion, meaning that the book market was capable of articulating a counterpublic print discourse in broadsides and cheap pamphlets. Those in position to represent the order of colonial society—especially ministers—occasionally expressed some anxiety about this counterpublic potential. Cotton Mather wrote in his diary in 1713 that "the Minds and Manners of many People about the Countrey are much corrupted, by foolish Songs and Ballads, which the Hawkers and Peddlars carry into all parts of the Countrey." Unfortunately, we know relatively little about this literature—how much of it there was, what all of it was like, who made it, and how it was perceived and read by those who bought it. The counterpublic literature of broadside ballads, devotional books, and sensational pamphlets never articulated a public threat, depending as it did on an invisible worthlessness for its very existence. Not only did it have to be cheap in order to be hawked in the countryside, but in order to be counterpublic (and thus "corrupting"), it had to be "foolish," that is, without status and without public reference. Yet it was precisely this extraneous relation to claims of public value that Mather found disturbing. Accordingly he spent a considerable part of his writing and publishing career in an effort to match the public discourse of theocidy with the reading tastes of the sensational literature, striving for a seamless representation of the world in printed discourse.

An illustration of just how little status and authority many books had can be found in an anonymous broadside poem of 1731—a cheap popular artifact, which describes the cheapness of popular artifacts. Titled "Father Abbey's Will," the doggerel broadside lists the possessions that are sup-

posed to have been bequeathed by Matthew Abdy, an aged sweeper and bedmaker employed by Harvard, to his wife. Included are:

- A ragged Mat
- A Tub of Fat
- A Book put out by Bunyan,
- Another Book
- By Robin Rook,
- A Skain or two of Spunyarn.  

Here Abdy is an object of comic condescension for his poverty, yet his possession of two books is regarded as not incongruous. A literature without prestige was easily imaginable.

A different kind of cultural authority is visible in this broadside, as well as in the many surviving wills that follow its pattern for listing books. Virtually any New Englander who possessed devotional books such as Pilgrim's Progress would also have owned some cheaper kinds of print, such as the ever-present almanacs or broadsides like "Father Abbey's Will." These cheaper artifacts are not mentioned in wills. Their owners almost never went to the expense of having them bound for preservation, as they did for other kinds of works in an age when books were typically purchased in sheets. We consider the cheap artifacts ephemera because they were not considered by New Englanders to be eligible components in the construction of the archive of cultural tradition, any more than they have been considered eligible for the normative archive constructed by literary history.

One of the most important features of the colonists' relation to letters was the ability of certain printed objects to count as wealth. And the close relation between the economic wealth of books and their "cultural" wealth is evident in the ambiguity of the word "heritage." Inheritability was an ambiguous value in books in that it defined cultural tradition and capital at the same time, and was accordingly determined as much by allusion as by bindings and wills. It was and is also a paradoxical value since, in order to count as cultural wealth for the individual, a book must predicate the death of the individual. It is not valued either for its practical use—as, say, a farrier's manual would be for a farmer—or for its exchange, but for the possibility of its surviving the owner. Because of that possibility, because a book owner negate his own life in valuing a book, owning a book symbolically represents a degree of self-consciousness and independence. In the colonies this was markedly less true of manuals, almanacs, news-
papers, pamphlets, and broadsides than it was of books in religion, history, and biography. One reason for the difference is that these categories of discourse were able to count as wealth insofar as they were able to thematize the death of the individual.

For New Englanders inheritability was most clearly determined by the sacred reference of a devotional literature, although in the Northern as in the Southern colonies a historical literature had the same potential. Works in the sanctioned discourses of theology and history were by no means all that the colonial presses produced; they are what have survived. Their potential for survival was both a condition of their discourse, which attained self-referentiality by presupposing the death of the individual, and of their material value for the owners whose independence was won by a self-negating investment. Perhaps for the same reason, most of the cheap broadsides that have survived, by far, are funeral elegies. In the main, however, the counterpublic literature of foolish songs and sensational accounts achieved its independence from the centralized forms of cultural authority by abjuring inheritability and, with it, the self-referentiality of a definite tradition.

The Southern Colonies

South of New England, where the press developed more slowly, it took on a different set of characteristics. Printing appeared in Philadelphia in 1683, and at the same time in Maryland, though in the latter colony it would continue only intermittently. For the first three decades of the eighteenth century there was no press in Virginia or the more Southern plantations, and consequently no newspapers or magazines. What print there was in these colonies was imported. Not until 1730 did Virginians persuade the Annapolis printer William Parks to establish a press and bookstore in Williamsburg. Books were still inaccessible to most people, literate or not. Even as late as the 1760s Smollett's History would have cost a Williamsburg resident the equivalent of thirty hogs.53

In this setting the extension and durability that defined print for Americans decidedly took on the character of the exotic and the antique. Book-buying was the province of the wealthy, since imported printed goods were costly, and the great libraries of the Southern colonies were, almost without exception, those of the landed gentry, not the clergy—though smaller collections were common enough among ministers and lawyers.54 The necessity of importing the books for these libraries no doubt contributed to their function as a social distinction, since social distinction took the form of visible luxury rather than intensive pious reflection. Library building, like tea drinking, was part of a symbolic culture of regulated luxury. While Mather's library of 7,000 volumes or so probably lay in stacks and in chests, William Byrd II housed his 3,625 tomes in twenty-four black walnut bookcases.

Despite the scarcity of print, there were many different possible relations to print and writing for colonial Southerners, as has recently been emphasized by Rhys Isaac's history of Virginia.55 Letters could have a prominent role even in the lives of the illiterate and semiliterate. The extreme case was that of slaves, since a slave was required to carry a letter written by his owner simply in order to travel. For whites who could read fitfully, but could not write, books provided enough of a glimpse into other ways of thinking and living as to be a reminder of the distinction between the two domains. Laws were still read aloud at the courthouse to the assembled citizens. In the Anglican liturgy, as well as in the traditions of recitation and spoken commentary surrounding the Bible and common-law judgments, the text was both tied to oral performance settings and employed to underwrite the authority of those settings. Letters thus appeared in intermediary connections between the high culture of learning and the other traditions of the community. Had letters been confined to the silent reading and writing of gentlemen such as George Wythe, they would have been easy to avoid.

As in New England, Southern society was organized by a performative order of speech. The meanings of speech and its privilege, however, were different in the South, chiefly because of the deferential order of status in which the gentry played a pivotal role. As Charles Sydnor so vividly pictures in Gentlemen Freeholders, the gentry relied for much of their authority on an exemplary speech, emphasizing their local interests by means of an agonistic self-representation. In common parlance, a man "carried his election," and the phrase meant more than mere success. "There was an implication," as Sydnor puts it, "that success was deserved and earned by energy, force of character, ready information, manly presence, and courage."56 Campaigning for office in such an environment was not a matter of oratorical eloquence, and speech-making seems to have been rare during election campaigns.57 If eighteenth-century Virginia was not oratorical, however, that was not because it was script-dominated but because its orality presided over the most mundane levels of interaction. Campaigning meant going among residents, inquiring about wives and children, simulating the immediate, conversational relation of a neighbor.
The Letters of the Republic

So great was the oral composition of the gentry’s power that the elections themselves were conducted orally. Candidates faced the courthouse chamber, freeholders delivered their votes orally, and clerks paid by each of the candidates recorded the votes. Frequently the candidate would respond personally to each voter. In one election recorded by Sydnor a Mr. Buchanan entered the courthouse and was asked by the sheriff how he voted. When Buchanan announced that his preference was for John Clopton, Clopton replied, “Mr. Buchanan, I shall treasure that vote in my memory. It will be regarded as a feather in my cap for ever.” Clopton’s invocation of his memory as a reference locates the value of Buchanan’s vote within an unmediated relation between the two men (affection and loyalty versus alienation and enmity) temporally scaled by the lifetime of the single man.

On the other hand, as Rhys Isaac demonstrates, the gentry’s authority within the general community had as much to do with script and print as did their authority among professionals and tradesmen. The unlettered assumed that writing belonged to a higher order that did not conflict with the oral tradition, and the difference in plane of reference between literate and illiterate authorized the social hierarchy of the genteel and the common. The extra-local reference of literacy, Isaac explains, was incorporated by the gentry as an aspect of character:

The quality that most nearly epitomized what was needed in a gentleman was “liberality.” This word was rich in connotations deriving from its Latin root: first and foremost, it denoted freedom from material necessity and the grubbing for subsistence that poverty entailed; second, it meant freedom from the servile subjection that the quest for satisfaction of material want imposed; third, it evoked freedom from the sordid subordination of considerations of honor and dignity to calculations of interest that lack of independence was presumed to involve; and fourth, most relevant to [the] discussion of print and social authority, it was associated with freedom to elevate the mind by application to the authoritative books that contained the higher learning (as in the expression “liberal arts”). Ultimately the idea of “liberality” referred to a certain disposition in the soul that all these freedoms made possible—the disposition to undertake important responsibilities in the community at large.

The different meanings of liberalty bear important relations. The value of the gentleman’s willingness freely to take responsibility had to be grounded in the paradox of disinterested coupled with common interest.

The Cultural Mediation of the Print Medium

The republican notion of freehold, by identifying real property with both independence and localism, was the core of that paradox. The local allegiance of the freeholder was vouched for in the extensive oral performance by means of which the gentleman familiarized himself with the less wealthy. A more substantial familiarity, however, could compromise the claim to disinterested independence and concerns particular to the broader commonwealth. The different referents of liberalty—wealth, independence, and learning—all allowed the gentleman to stand above the merely local, to predicate his identity upon freedom from the kinds of private interest that would compromise his public commitment. It was to this liberalty that writing testified in the society; particularly in its character as learning, writing gave evidence of breadth of mind, of extra-local comprehension. It could do so precisely because of its antique exoticism in the Southern culture of literacy.

The social position of the Virginia gentry at that time—unlike that of their English counterparts—was a complex mediation of orality, writing, and print—a mediation that took place under the categories of familiarity and liberalty and that further required certain traits to be seen as natural to letters. The gentry identified themselves by means of oral performance with the populace and the locality of freehold; by means of learning with law and the clergy; by means of print with an authoritative public realm and with the freedom of freehold as demonstrated by extra-local concerns. The importance of this context for print can be illustrated by the first object to come from the newly erected Williamsburg press, a poem called Typographia by John Markland, celebrating the virtues of print. Markland begins by celebrating all that writing imports from without and from the past; as though to exemplify formally writing’s ability to resurrect the foreign and the ancient, he opens with an epigraph from Cicero: “Pleni sunt omnes Libri, plenae sapientum voces, plena Exemplorum vetustas; quae jacerent in Tenebris omnia, nisi Literarum Lumen accederet.” (All literature and the voices of wisdom abound with ancient and noble examples that would lie in darkness if the light of letters did not fall upon them.) In the context of the oration from which the quote is taken, Cicero’s notion is a norm for letters. He is contrasting the useful literature of public life with the private indulgence of the bookish recluse. Markland drops the distinction, implying that letters just are beneficial for their extension and durability.

In the poem that follows Markland articulates the nature of writing in accordance with the import economy of printed goods. What is most interesting about the poem is that it presents letters as distinguished
through the anthropomorphic equivalent of their extension and durability. Writing, in Markland’s view, transcends context, and that transcendence corresponds to aspects of character. He shares Cicero’s emphasis on the exemplary content of literature; for both, what useful literature is about matches what it is: a way of having broad vision and detachment from local objects of attention, which are implicitly regarded as ignoble. Thus the phrase literarum lumen has the resonance of a liberal education.62 As Markland continues:

Happy the Art, by which we learn
The gloss of Errors to detect,
The Vice of Habits to correct,
And sacred Truths, from Falsehood to discern!
By which we take a far-stretched View,
And learn our Fathers Vertues to pursue,
Their follies to eschew.

Markland’s “far-stretched View” is the psychological equivalent of the material circumstances with which he identifies print. In connecting the far-stretched view with “our Fathers Vertues,” he grants a moral authority to the stance associated with the use of print. But Markland puts greater emphasis on the place of exemplary virtue in the past, making print the vehicle of a specifically ancestral example. The idea invokes the value of inheritability, a powerful component of colonial classicism, and one that implicitly appreciated a certain part of Park’s stock. The disposition toward inheritable knowledge in the consumption of print is a distinctive character trait. By describing the character of virtue by means of the far-stretched view, Markland associates the vehicle of print with the nature of exemplary virtue. The same temporal distance that constitutes “our Fathers Vertues” as an authoritative precedent makes print the appropriate means of access to that precedent, and the moral view that recognizes the fathers’ virtues is acquired by the physical viewing of print. Typographia thus rhetorically assures the patrons of Park’s press that their favors are not wasted: by their use of print they naturally align themselves with the character of authority.

Transformation
It is not my intention to chronicle the full range of the printing in colonial America. Rather, I have sought to demonstrate that different ways of determining the nature and value of letters were available in different contexts in New England and the Southern colonies. I have sought not to speak of “print culture,” as though to attribute a teleology to print, but to indicate some of the competing symbolic contexts of print. None of them, however, corresponds to Adams’ vision of print. We have not yet seen print routinely opposed to authority, identified in its nature with a popular struggle or with emancipatory reflection, or forming the basis of a protonationalist consciousness. The forms of print discourse that have been examined so far have been stable if not homeostatizing. Adams’ rhetoric would therefore seem to indicate a new condition for print.

Not until the middle decades of the eighteenth century did the printing trade begin to resemble the scene of circulating information and critical discourse that Adams depicts as natural to it. I have called attention to the regional and contextual differences in ways of determining print in order to suggest, in part, that the development of a public print discourse could not have derived from the nature of print, as is often suggested. The point can be strengthened by noting the lag between the establishment of printing in the colonies and its use for the tasks that Adams describes. The colonial printing trade had been around for a long time by the early eighteenth century; the oldest colonial press had been in operation since 1639. The date is not early in the history of printing (Mexico City had already had a much more active press a century earlier) but it was early for provincial printing in the English world. At the time of the Restoration only three towns in the realm outside of London had presses: Oxford, Cambridge (England), and Cambridge (Massachusetts). In 1662 York was added to the list. Then Boston in 1674, Philadelphia and St. Mary’s City (Maryland) in 1685, and New York in 1693. When the restrictions on the press were repealed in England in 1695 the colonies had more towns with printers than England did.63

But these colonial presses had also been relatively inactive. Most seventeenth-century colonists were quite content—insofar as we can tell—to do without a press. On several occasions when printing was introduced it was immediately discouraged, sometimes by royal governors, but also by elected assemblies.64 The early artisans printed no newspapers or magazines. They seldom concentrated their capital or developed broad enough markets to produce big editions or large volumes. In the main they were booksellers or general shopkeepers, retailing not only books imported from London but also stationery and a variety of unrelated goods. In Andrew Bradford's Philadelphia printing shop one could find, in addition to printed goods: molasses by the barrel, whalebone, goose feathers, rum, corks, chocolate, peas, snuff, tea, “very good Pickled
Sturgeon," beaver hats, patent medicines, a harpsichord, spectacles, and quadrants. Most printers' income came from a combination of such general sales, a few imprints, and a good deal of job printing, such as blank legal forms and official publications subsidized and controlled by the colonial governments.

By 1765, however, print had come to be seen as indispensable to political life, and could appear to men such as Adams to be the primary agent of world emancipation. What makes this transformation of the press particularly remarkable is that, unlike the press explosion of the nineteenth century, it involved virtually no technological improvements in the trade. To the end of the eighteenth century, printers were using a wooden flatbed hand press that had scarcely changed since the German presses of the fifteenth century. The material constraints on the press—such as the scarcity of paper or the lack of the skill to cast type domestically—remained in force until the end of the eighteenth century. Nevertheless, printing changed both in character and in volume, after 1720 growing much faster even than the population.

<table>
<thead>
<tr>
<th>Number of master printers</th>
<th>1720</th>
<th>1760</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boston</td>
<td>6</td>
<td>14</td>
</tr>
<tr>
<td>Philadelphia</td>
<td>1</td>
<td>9</td>
</tr>
<tr>
<td>New York</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>Elsewhere</td>
<td>1</td>
<td>14</td>
</tr>
<tr>
<td>Total</td>
<td>9</td>
<td>42</td>
</tr>
</tbody>
</table>


Thrown into relief by the Stamp Act, figures such as the ones in the accompanying table begin to suggest the resonance of Adams' 1765 historical narrative. Yet the figures would not interest us if they recorded only more printers doing the same job printing. The importance of this expansion is that the trade was now involved in different tasks. The dramatic change had begun at the time of the establishment of newspapers, for only then did colonial printing become a substantial industry, rivaling and communicating with the European book trade. And only then did colonial printing begin to sustain a continuous local discourse. In the decades before Adams and the Stamp Act, the dynamism of the printing trade lay in new contexts of print discourse in commerce and politics. They became the arena in which print would be reconceptualized—and, with it, those dimensions of politics and subjectivity entailed by Adams' vision of republican enlightenment. When Adams politicized the Puritan "Religion of the Closet," his revision articulated the realignment of linguistic technologies and power that integrated print with an emergent republican paradigm as the proper medium of the public.
of Franklin’s super-irony here may be attributed to the very rigor of his modernity, to his at times untempered pursuit of print negativity.

For the same reason, if the character of the man of three letters appears here in the form of a joke, we must remember that the stakes are high. Some four years after the Wedderburn affair, Joseph-Siffred Duplessis would paint his famous portrait of Franklin, the face of which would bear the bold, simple legend “vir.” It might seem that only a poor pun unites the three-letter man of Duplessis’ portrait to the man of three letters named by Wedderburn, but the logic that would justify such a pun has been provided by Franklin himself. In Franklin’s career the virtuous citizen of the republic (vir) attests to his virtue by constituting himself in the generality of letters; if the designation of manipulator (futur) is made appropriate, so is the exemplary and general status that makes possible the designation of “vir” rather than “Franklin.” The poet who claimed that the calm philosopher’s withdrawal bestowed liberty upon his country had disclosed the central truth of Franklin as man of letters: his career is designed at every level to exploit the homology between print discourse and representative polity. He cashes in like no one else on the resource of negativity. The logic of his career is the logic of representation.

Its closest analogue may be the fictive speaking voice of the written constitution, that bizarre invention in which Franklin took a hand. “We, the People,” like B. Franklin, Printer, Richard Saunders, Silence Dogood, and the homo Trium Literarum, speaks only in print, and for precisely that reason speaks with the full authority of representative legitimacy. It is with the Constitution, therefore, at the climax of Franklin’s career, that his lifelong effort to locate himself in the generality of republican letters finds its embodiment. In his well-known speech to the convention, Franklin submerges his own voice to the motion for unanimous passage, authorizing as his own the voice of the document, as publication comes literally to constitute the public in yet another pseudonymous text.

Textuality and Legitimacy in the Printed Constitution

In our society, outfitted as it is with unprecedented technologies of discipline, the forms of coercion are innumerable. The supreme means of deriving force over the will of others, however, is to win the appeal to a written text. Let us consider this state of affairs. Why is the ground of legality, and thus of coercion, an official hermeneutics of a written text? What establishes its legality, and what is the significance of its textuality? The question is complicated because the Constitution’s textuality was an issue even before conflict over the text’s meaning was institutionalized in the role of the court system. The act of writing constitutions had been an American innovation, and in the case of the federal Constitution of 1787 at least, one that took place only on the assumption that the constitutional text would be a printed one. The subject of this chapter, therefore, is the meaning of the writtenness and printedness of constitutions in the culture of republican America, and of the relation between textuality, so considered, and the changing criteria of legitimacy that produced our official hermeneutics.

For Americans of the Revolutionary period the written constitution was a way of literalizing the doctrine of popular sovereignty. That literalization was a complex strategy, giving substance to the people’s authority but doing so only through the agency of writing. It was a deeply problematic strategy, since the sovereignty of the people obviously is not identical to the official hermeneutics entailed by the constitutive text. On the other hand, if popular sovereignty seems to be a doctrine beyond question in our society, I shall argue that its literalization articulated its already problematic nature. The writtenness of the Constitution mediated a central and paradoxical problem in revolutionary politics: that of sovereignty in a legal order, or, more generally, the legality of law.
The British too had believed their polity to be founded, in theory, on the sovereignty of the people. Sovereignty lay in Parliament, or the king-in-Parliament, but it did so because all Englishmen in their capacity as subjects were represented there and could be said to have consented to Parliament's laws. The imperial crisis leading to the Revolution came about when Americans, refusing their consent to the laws of Parliament, denied that they were represented there. In doing so they disclosed a tautology deployed in England to legitimate the order of law: although what gave authority and legality to parliamentary law was its claim to represent the people, the only warrant for its claim to represent the people was parliamentary law. No one questioned the appeal to sovereignty; it was axiomatic that law required some authority for its legality. But since Americans were denying that they themselves, in representation, were the authority for law's legality, it became obvious that parliamentary law was its own authority. The American rhetoric of contestation, which identified parliamentary law as arbitrary power, thus derived its categories and its power from the British rhetoric of legitimation.

Working out that rhetoric of contestation could be dangerous. Since it was (and could only have been) worked out within the paradigm of representational legitimation, having identified the tautology of representational politics left the Americans with a heavily invested challenge to the legitimacy of their own governments. Recognizing that their challenge to the British was not just a challenge to particular rulers but to the fundamental validity of a legal order, the Continental Congress, on May 15, 1776, issued a decree calling for suppression of the authority of the Crown and for the establishment of new state governments, "on the authority of the people." A peculiar crisis ensued. Extant governments, like Parliament, already claimed the authority of the people in their representational character, though their claim to that authority became problematic because revolutionary politics depended on rejecting the circularity of such claims. But it also seemed that any legal procedures for claiming the authority of the people would have to be void along with the rest of the Crown-derived legal order. Far from being a lawyer's debate internal to law, this was a political crisis involving the legality of law. In a time of increasing military violence and crowd actions, the legal order as a whole was losing legitimacy.

In Philadelphia, as soon as word had spread of the May 15 decree, a pamphlet called The Alarm appeared, asking the hard question of who the "proper persons" could be to establish a government, "on the authority of the people," and what could be the proper "mode of authorizing such persons?" The Assembly was claiming that right, but as The Alarm pointed out, the Assembly derived its legal warrant from the proprietary charter, the authority of which was now void. Were the Assembly to suppress the authority of the Crown and institute the authority of the people, it would be suppressing its own authority and instituting its own authority; thus the Assemblies might be "continually making and unmaking themselves at pleasure" (1). The Assembly, in other words, was not legal enough precisely because it was already legal.

For all the splendor of the argument, one has to wonder what ideal standard is being invoked against the Assembly. The very posing of the problem in The Alarm offers us the spectacle of a legal order trying to legalize itself. "It is now high time," the pamphlet says, "to come to some settled point, that we may call ourselves a people; for in the present unsettled state of things we are only a decent multitude... We are now arrived at a period from which we are to look forward as a legal people" (3). From decent multitude to legal people—how could this transformation come about? Better yet, how could it come about without law being there already?

The crisis symptomatized an irresolvable problem in the sovereignty of the people. The sovereignty of the people had to be appealed to as the ground for a legal order, but it could only be represented from within that legal order. As James Otis had put it in 1764, "An original supreme Sovereign, absolute and uncontrollable, earthly power must exist in and preside over every society; from whose final decisions there can be no appeal but directly to Heaven. It is therefore originally and ultimately in the people." Originally, ultimately—but in the meantime? One reason why the American Revolution has struck many observers as not being very revolutionary is that the Americans insisted at every point on the continuity of law; new governments could not be established by fiat. The common-law tradition continued; as a sphere of customary law rather than of positive, bureaucratic law, it required no original authority and could even be said to be authoritative because its origins lay beyond memory. What required original authority was a state apparatus and the legal order in which it would operate. In this sphere of positive, bureaucratic law, revolutionary rhetoric insisted that law had been abrogated. Some in New Hampshire, for example, believed that once royal prerogative was annulled, "they never were a body politic in any legal sense whatever."

There is a delirious theatricality about such claims. The American crisis of law was acting out, through time, the eighteenth century's narrative of legitimation: the social contract. Once law had been relegalized by the
Massachusetts constitution, for example, an orator named Thomas Dawes proclaimed that the people had successfully "convened in a state of Nature." "We often read," he said, "of the original Contract, and of mankind, in the early ages, passing from a state of Nature to immediate Civilization. But what eye could penetrate through the gothic night and barbarous fable to that remote period? . . . And yet the people of Massachusetts have reduced to practice the wonderful theory." By enacting the founding of the legal-political orders that would represent them, the people would render the origin within history, and the transcendent source of law as its present practice.6

The crisis is revealing because the difficulties encountered in generating law from nature are symptomatic of difficulties in the legal order's claim to transcendent justification—that is, to law's character of duty as opposed to force. Many of the period's most vexing problems, such as the problematic character of popular sovereignty, continue to haunt law's account of itself. As H. L. A. Hart argues in The Concept of Law, the people cannot be said to lay down the rules, and thus to be sovereign, because "The rules are constitutive of the sovereign . . . So we cannot say that . . . the rules specifying the procedure of the electorate represent the conditions under which the society, as so many individuals, obeys itself as an electorate; for 'itself as an electorate' is not a reference to a person identifiable apart from the rules."7 Hart concludes that a legal system cannot have a sovereign, an origin of law not itself legally constrained. It can have only rules.

Hart argues against sovereignty because he identifies it with coercion, with an account of law as orders backed by threats. Sovereignty, to him, is that point at which legality must derive from orders backed by threats, or, what comes to the same thing, from politics. His solution, however, will be subject to the same problem. Hart argues that primary rules, such as statutory law, are made law by means of secondary rules—rules of recognition that enable certain people under special conditions to establish law. According to these terms, Americans of the Revolutionary period were trying, in their debates about constitution-forming, to establish the secondary rules. But what rule of recognition allows one to establish or adjudicate or even reproduce a rule of recognition? Rules, as Hart himself remarks in another context, cannot provide for their own interpretation (123). It follows that the legality of law is not itself guaranteed by law or rules. The effectiveness of any claim to be operating according to rules depends—in the last analysis—not on autonomous or self-modifying rules, but on the politics of rhetoric in which rules are reproduced and altered. Hart struggles to imagine a self-contained and self-authorizing system of

legality because, for him, if law's authority derives from the contingencies and irregularities of political culture, it can no longer be exempt from the character of coercion.

Eighteenth-century Americans had the same dream of a self-contained system of positive law. Where Hart dreams of law regulated by its own regularity, Americans pictured law justified by its derivation from the will of the people. The legal-political order would be transcendental in its authority but immanent in its source. The trick was to see how law could be given to the people transcendently and received from it immanently at the same time. Like Hart's, The Alarm's solution for the legal origination of law was predictably disappointing. The committees of inspection, "agreeable to the power they are already invested with," were to call a convention for the drafting of a constitution. The pamphlet regards the authority of the committees as unproblematic, a tendency which should not be astonishing since at some point the authority of law must always be seen as "already invested." Similar crises in other colonies were resolved in similar ways. The 1778 Massachusetts constitution, for example, was voted down primarily because it originated in the old House of Representatives and not a special convention; two years later a convention-drafted constitution was adopted. Only a national pest like Noah Webster would follow the critique to its conclusion, pointing out that a convention must inevitably be "chosen by the people in the manner they choose a legislature."8

If the argument for constitutional conventions lacked a legal and theoretical consistency—and no argument for the legal establishment of law could have had such a consistency—the question of how they were legitimated could only be answered politically. Why, having mounted a brilliant challenge against the Assembly's claim to originate law, did The Alarm simply turn around and accord that right to conventions established by virtually the same legal procedures? The explanation lies in one of the most brilliant insights in Gordon Wood's history of the period. Given the colonial tradition of extralegal conventions, says Wood, the new constitutional conventions could fill their legitimating role precisely because of their inferior legality. Formed in imitation of assemblies, the conventions had long been denounced as subversions of law. They could therefore be described, as Tom Paine describes them in Common Sense, as "some intermediate body between the governed and the governors, that is, between the Congress and the people."9 In the political culture of revolutionary America the convention was sufficiently dubious to appear unconstrained by law; thus it could stand in the place of the sovereign.

But this is also where writing comes in. Paine's notion that the constitu-
tional conventions would stand between "the governed and the governors" is an invocation of the contract theory of written law, in which bills of rights or charters or the Magna Carta were supposed to embody agreements mutually constraining rulers and ruled. Yet, as Wood points out, "bills of rights in English history had traditionally been designed to delineate the people's rights against the Crown or the ruler, not against Parliament which presumably represented the people" (272). The bizarre new American project of writing charters as fundamental law for all government aimed at removing the circular legitimation of representative assemblies. But the constitutions, themselves generated "on the authority of the people," prescribed the procedures for claiming the authority of the people. By constituting the government, the people's text literally constitutes the people. In the concrete form of these texts, the people decides the conditions of its own embodiment. The text itself becomes not only the supreme law, but the only original embodiment of the people. In this act of literalization, the meaning of the charters' writ is transformed; no longer merely a better way of keeping records, writing gives original existence to its author. Hence it would save the republic.

Because the notion of writing constitutions stems from the legitimating—and, by the same token, delegitimizing—tenet of popular sovereignty, it shares a history with crowd actions, extralegal conventions, and the intense localism of community assemblies in the 1770s and 1780s. Yet these latter movements, though motivated by the desire to maintain political sovereignty in the people rather than in the kind of supreme institution that Parliament had become, were distinctly outside the legal order. They were perceived not as manifestations of the sovereign body, but as the breakdown of government altogether. In these contexts the "people" functioned as a legitimating signifier that did not entail the regularity of law. It interpellated subjects into a political world without interpellating them into the juridical order. In some regions, such as Vermont and the western counties of Massachusetts, people began regularly to disobey the courts, and they defended their action through rigorous republican constitutional theory. Undesirable as this delegitimizing result was for American revolutionaries, it was the practical fulfillment of the necessary conditions under which the signifier of "the people" could legitimate a juridical order.

Like any signifier the people could never be realizable as such. Yet in the revolutionary years a wide range of collectivities—especially local assemblies—were able to recognize themselves, in action, as the people. Moreover, they were often able to sustain that self-identification legiti-
mately in their dealings with other, similarly identified collectivities. This should not surprise us, since a people recognizing itself as the people is like a king recognizing himself as the king; we do not have to indulge in a sentimental populism to see these groups as realizations of the people. The difficulty of doing so is that our society's representational polity rests on a recognition of the abstract and definitionally nonempirical character of the people. It is the invention of the written constitution, itself now the original and literal embodiment of the people, that ensures that the people will henceforward be nonempirical by definition. The opacity of signification has become a political fact.

By means of their customarily extralegal status, the constitutional conventions repeated the revolutionary realizations of the people so that writing could be summoned, from a position not yet law, to become already law. It could do so partly on the very grounds of a traditional logocentric anxiety: whereas in speech, persons, hearing themselves speak, are present to themselves and responsible for their language, writing migrates from persons arbitrarily. Rousseau cites this determination of language in order to argue for the necessity of speech for any realization of the people in a republic. "I maintain," he writes in the Essay on the Origin of Languages, "that any language in which it is not possible to make oneself understood by the people assembled is a servile language; it is impossible for a people to remain free and speak that language." The classical republics survived because "Among the ancients it was easy to be heard by the people in a public square." Writing, by contrast, is the mark of modern corruption: "Popular languages have become as thoroughly useless as has eloquence. Societies have assumed their final forms: nothing can be changed in them anymore except by arms and cash, and since there is nothing left to say to the people but give money, it is said with posters on street corners or with soldiers in private homes; for this there is no need to assemble anyone; on the contrary, subjects must be kept scattered; that is the first maxim of modern politics." As Derrida observes of Rousseau, "Praise of the 'assembled people' at the festival or at the political forum is always a critique of representation. The legitimizing instance, in the city as in language—speech or writing—and in the arts, is the representer present in person: source of legitimacy and sacred origin."

The Americans who prevailed in the constitutional movement regarded their task not as getting rid of representation, but of deriving representa-
tion in the first place. The presence of the people to themselves in oral assembly was for them not legitimate enough precisely because it was recognized as the source of legitimacy. As source, or sovereign, it was by
definition not legally constrained. The speech heard by the assembled people, in the words of the Boston Independent Chronicle, could only come from men “with the vox populi vox Dei in their mouths.” In this view the vox populi, in order to be the vox Dei, cannot be in anybody’s mouth, because the owner of that mouth, as the embodiment of the sovereign, would not be a constrained subject. The people in assembly do not follow legitimate procedure in laying down the law, and they could not do so unless someone could lay down the law of legitimate procedure to the sovereign—but then that agency would be sovereign, and thus not following legitimate procedure. What was needed for legitimacy, the Americans came to believe, was the derivative afterward of writing rather than the speech of the people. By articulating a nonempirical agency to replace empirical realizations of the people, writing became the hinge between a delegitimizing revolutionary politics and a nonrevolutionary, already legal signification of the people; it masked the contradiction between the two.

Written constitutions, including the federal Constitution of 1787, completed a deployment of writing that had begun with the Declaration of Independence. The best account of that earlier deployment comes to us from the unlikely source of Jacques Derrida, in a set of prefatory and not entirely serious remarks at the University of Virginia during the Declaration’s bicentennial. Derrida notes the paradox that documents such as the Declaration—or the Constitution—should be signed. “In principle,” he observes, “an institution is obliged, in its history and in its tradition, in its permanence and thus in its very institutionality, to render itself independent from the empirical individuals who have taken part in its production.” Nevertheless, “the founding act of an institution—the act as archive equally with the act as performance—must retain the signature within it.” Derrida will attribute the felt need for the founding signature to “the structure of the institutive language.” But for such a purpose, “whose signature could be legitimate?”

Derrida observes that although Jefferson wrote the Declaration, he did so not in his own right but by delegation from the other delegates, who then revised his draft and put their names to it. But they in turn put their names to it not in their own right, but “in the name and by authority of the good people of these . . . free and independent states.”

By rights, then, the signatory is the people, the “good” people . . . It is the “good people” that declares itself free and independent by the relays of its representatives of representatives. One cannot decide—and it is all the interest, the strength, and the impact of such a declara-
tive act—whether the independence is stated or produced by this statement . . . Is it the case that the good people is already freed in fact and does nothing but acts out its emancipation by the Declaration? Or rather does it liberate itself at the instant and by the signature of this Declaration? . . .

Such then is the “good people” which is not engaged and only engaged in signing, in causing to sign its own declaration. The “we” of the Declaration speaks “in the name of the people.”

But this people does not exist. It does not exist before this declaration, not as such. If it is given birth, as a free and independent subject, as a possible signatory, that can only depend on the act of this signature. The signature invents the signatory. The latter can only authorize to sign once it has arrived at the goal, so to speak, of its signature, in a sort of fabulous retroactivity. Its first signature authorizes to sign . . .

In signing, the people speaks—and does what it says to do, but in deferring it by the intermediation of its representations, whose representativeness is only fully legitimated by the signature, and thus after the fact . . . By this fabulous event, by this fable which is implicated in the trace and is in truth possible only by the inadequacy of a present to itself, a signature is given a name. (20–23)

In this mention of the trace and the inadequacy of the present, Derrida’s philosophical concerns become visible, and he will pursue his teasing remarks only in that direction, through a discussion of Nietzsche. Yet the paradox he identifies in the Declaration is perhaps not just a tease or a philosopher’s puzzle, and Derrida indicates in passing a couple of ways in which it raises a serious issue. The puzzle of the relation between the authorizing people and the authorized signature that creates the people’s authority, he remarks, “is not a matter here of an obscurity or a difficulty of interpretation, a problematic on the way toward a solution. It is not a matter of a difficult analysis that founders before the structure of implied acts and the overdetermined temporality of events. This obscurity, this indecibility between, let us say, a performative structure and a constative structure, is required in order to produce the effect sought for. It is essential to the very position of law [droit] as such, that one speaks here of hypocrisy, of equivocation, of indecibility or of fiction” (21).

Derrida suggests, in other words, that the paradox of the authorized and authorizing signature replicates the contradiction that we have observed in the notion of sovereignty. By saying that it is “essential to the
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very position of law as such,” however, he means that the effect is not simply that of the founding moment produced by the Americans’ theatrical claim that they had reversed to the state of nature. The word “driot,” essential for his assertion here, denotes at once law and right, commandment and authorization to command. In the systems of positive law that characterize modern society—systems of law, let us say, not underwritten by God—law is defined by its derivation of authority from itself.

The contrast with divine authority may clarify the position of the written constitution as fundamental American law. In Rights of Man, Paine refers to the written constitution as “a political bible.” It is no accidental turn of phrase. When the Declaration asserts that the states “are and ought to be” free and independent, and joints here the two discursive modalities of is and ought, statement and prescription, fact and law,” occupies the position of God (27). “Are and ought to be” is like the divinely imperative and creative “Be,” which human authority can approximate in an indicative “is” or a subjunctive “ought.” For a legal system to derive its legality immanently rather than transcendentally, therefore, requires the effect of textuality that collapses the two modes. William Nelson’s study of the law in Massachusetts affords an interesting illustration of this point. According to him, prerevolutionary legislation was almost always justified by preambles that explained the continuity of the statute with common law. Beginning with the ratification of a written constitution, however, the legislature began to shift its self-understanding, so that by the 1790s “legislation was coming to rest solely on a ‘be it enacted’ clause—a naked assertion of sovereign legislative power.” The Constitution deploys that effect most notably in the preamble: “We the People . . . do constitute.” Legality rides on the inability to decide whether the people constitute the government already—that is, in fact—or in the future, as it were by prescription.

In order to be the law to the law, however, the people must occupy this textual position themselves, and not through the relays of representatives who sign for them in the Declaration. For this reason it was of utmost importance that the legal-political order be constituted not just by a written text, but by a printed one. In the important 1776 pamphlet called Four Letters on Interesting Subjects, which along with Common Sense was among the first to argue for a written constitution, we read that “All constitutions should be contained in some written Charter, but that Charter should be the act of all and not of one man.” The specific negative reference here is to Pennsylvania’s proprietary charter, granted by the Crown. Such charters are inappropriate models, the pamphlet suggests, because they emanate from the authority of persons, and are thus “a species of tyranny, because they substitute the will of one as the law for all.” Because it is not clear how any concrete act could be the act of all, the obscurity of agency in print was helpful as the enabling pretext for a constitution.

In Common Sense, Paine suggests that the people might charter their own government. This suggestion occasions the famous passage in which he imagines a solemn day for “proclaiming the charter,” on which the charter will be brought forth and crowned so that the world will know that “in America the law is king.” “But lest any ill use should afterwards arise,” he adds in a revealing afterthought, “let the crown at the conclusion of the ceremony be demolished, and scattered among the people whose right it is.” The political motives for this vivid image of the smashed and scattered crown would also determine the meaning of the printed artifact of the constitution. By the time of Rights of Man, Paine would be laying great emphasis on the constitution’s printed condition, detailing carefully the procedures of printing proposed constitutions for the people’s approval. Similarly, he notes with satisfaction that once approved in Pennsylvania, the state constitution had been properly scattered. “Scarcely a family was without it. Every member of the Government had a copy; and nothing was more common when any debate arose on the principle of a bill, or on the extent of any species of authority, than for the members to take the printed Constitution out of their pocket, and read the chapter with which such matter in debate was connected.” When every representative is able to pull the people out of his pocket to receive his charter, then is law law.

The procedure of printing the Constitution for reference was undergone twice during the proceedings of the federal convention (after the reports of the committees of detail and style), that each delegate might be sure of identical wording. The procedure guaranteed that the constitution would be a general creation. Franklin’s motion for unanimity indicates the importance of nonparticular authorship. When his famous speech failed to obtain the assent of every delegate, Franklin proposed that the document be signed by “unanimous consent” of the states. By this strategem, signing the constitution would not amount to endorsing it personally. Thus, whereas the climactic moment for the Declaration of Independence was the signing, for the Constitution the climactic moment was the maneuver that deprived signing of personal meaning. For the same reason, whereas the signed copy of the Declaration continues to be a national fetish, from which printed copies can only be derived imitations, the Con-
stitution found its ideal form in every printed copy, beginning, though not specially, with its initial publication, in the place of the weekly news copy of the Pennsylvania Packet.

The Constitution's printedness allows it to emanate from no one in particular, and thus from the people. It is worth stressing, however, that this meaning for print is a determinate construction of political culture, not a transcendentally secured logic. The Constitution derives from particular persons as much as speech or script do. We know their names—com-pilers, printers, and print-shop journeymen included. Only contingent structures of meaning ensure that such filiations will lack the status of the filiations of other kinds of language. Among these structures we may count the emergent paradigm of representational legitimacy, with its newly literal and literalizable notion of the sovereignty of the people. We may also include the republican metadiscourse of the specialized subsystem of public discourse, a paradigm that for several decades had informed perceptions of print in America.

Developed in practices of literacy that included the production and consumption of newspapers, broadsides, pamphlets, legal documents, and books, the republican ideology of print elevated the values of generality over those of the personal. In this cognitive vocabulary the social diffusion of printed artifacts took on the investment of the disinterested virtue of the public orientation, as opposed to the corrupting interests and passions of particular and local persons.\(^\text{18}\) The Alarm is a good example of the continuity between the republican metadiscourse of print and the legitimacy of constitutional measures. It argues that one reason why the Assembly should be disqualified from writing a constitution is that its members have a "private interest" in the positions to be established under such a constitution. Offering itself as a contrast, the anonymous Alarm proclaims: "The persons who recommend this, are Fellow-Citizens with yourselves. They have no private views; no interest to establish for themselves. Their aim, end and wish is the happiness of the Community. He who dares say otherwise, let him step forth, and prove it; for, conscious of the purity of our intentions, we challenge the world" (3).

"We," however, do so anonymously, in print, while the doubtless corrupt challenger is imagined to speak and stand forth in person. Anonymity, in the republican culture of print, designates not cowardice, but public virtue. The arguments of The Alarm are vouched for by the claim to disinterested concern for the general good, which claim is in turn vouched for by the perceived conditions of the very medium in which it is made. And if such assumptions on the part of the unnamed "we" of The Alarm seem to be determinate features of a political culture, the same assumptions enable the unnamed "we" of the Constitution. They will also be seen animating the ratification debates, especially in the aggressive print campaign of the "Publius" who stands forth in the Federalist papers.

For all the power of the republican paradigm of print discourse, it hardly replaced the more familiar logocentric determinations of language. Readers of The Alarm, even while according validity to its rhetorical self-presentation, might have speculated about the authors' identities and private views. The same is true, as we know, of the Constitution. Its composers, unlike those of The Alarm, did not refuse to subscribe their names, though after Franklin's motion they deliberately ambiguaded the significance of their subscriptions. It was not unusual during the ratification period for copies of the Constitution to omit the delegates' names, printing only the approved resolutions of unanimity. That the generality of the printed language be seen as more important than the signatures was crucial to the legitimation of the document.

Some of the document's detractors, from that time to the present, have insisted on reading its significance as determined by the private interests of those men. By the same token, many of the document's professed admirers also adduce, for their interpretations, views about the private interests of the subscribing individuals, though interests in this case are redescribed as intentions. Former Attorney General Edwin Meese, for one, considers the preamble's version of the Constitution's authority uncreditable. In his view, all official hermeneutics of the text should be governed by the intentions of the particular men who signed it on September 17, 1787, in Philadelphia—long before its ratification. Given the eighteenth-century republican understanding of the Constitution as fundamental law expressing the authority of the people, Meese's understanding of constitutional validity would transform the document into the kind of charter that Four Letters on Interesting Subjects calls tyranny. For, in the last instance, he derives authority from the will of the so-called founders—specifically, from the supposed mental contents of those founders—rather than from the people, the only legitimate founders. The Constitution would never have been ratified had it been perceived as the kind of document that Meese thinks it is. His brand of intentionalism could only take hold once a nationalist filiopietism had supplanted the radical republicanism that initially legitimated the constitutional order. The amnesia of that shift in legitimacy paradigms demonstrates the historical specificity of the cultural assumptions that allowed the printed constitution to embody the will of all.
The printedness of the constitution, in short, was understood as precluding any official hermeneutics, especially an intentionalist one that would accord privilege to the views of the delegates. As one South Carolinian put it in 1783, “What people in their senses would make the judges, who are fallible men, depositories of the law; when the easy, reasonable method of printing, at once secures its perpetuity, and divulges it to those who ought in justice to be made acquainted with it.”

This last passage makes it clear that in allowing the expression of the “will of all,” the printedness of the Constitution not only underwrites, so to speak, the popular authorship of the Constitution—it summons the readership of the print audience to recertify it continually and universally. As with the authorship, the readership of the Constitution is more than a convenience or mere exigency; in an important sense it is structurally required by representational legitimacy. The same textuality essential to the constitution of law’s authority inhabits equally the position of the subject under the law, in that it provides a necessary ambiguation of consent. Popular sovereignty, which avoids domination by allowing that all subjects of the legal order will take their place as the sources of law, requires a notion of consent, in which the people who give law vouch that they will take their place as its subjects. The two parts of sovereignty and consent correspond to the compulsory and voluntary aspects of duty. To give law the character of duty republican political rhetoric insists on the foundation of politics in popular sovereignty and popular consent. Thus the predicament of sovereignty in the revolutionary period was everywhere implicated with a problem of consent. Much of the power of the constitutional innovation lies in its solution to the problem: with the Constitution, consent is to sovereignty as readership is to authorship.

Revolutionary rhetoric required Americans to be very good at using the word consent to mean both authorization and compliance at once. For example, when the Boston Evening Post proclaimed in 1765 that “the only moral foundation of government is, the consent of the people,” it meant either that the consent of the people allowed an existing government to have a “moral foundation,” or that consent allowed the existence of the government in the first place—or it meant both simultaneously. On one hand, to say that people consent to the law is tautological, since consent from this point of view designates what Weber calls “validity”—the belief in a norm by the members of a society. Consent of this variety does not confer any lasting authority on law, but just is the authority of law; it is either continually reproduced or law loses legitimacy. On the other hand, in a system of positive law and popular sovereignty, consent is adduced to justify the enforcement of norms even where they are not believed—that is to say, where they are not taken as duty—or those norms obviously would not be law. But this second variety of consent is narrativized; it is the moment at the origin of law in which the coercive character of law is forsworn in advance. Unlike the voluntary aspect of duty, which by nature cannot be instituted as positive law, authorizing consent is consent to one’s own coercion, contradiction in terms though that might be.

For the American republicans it was self-evident that a law could not be law by reason of someone else’s consent. In a letter to Madison in 1789, Jefferson took this to mean that “no society can make a perpetual constitution, or even a perpetual law.” Madison’s response astutely realizes that a doctrine of actual consent would not only prevent one generation from legislating for another—this, it will be recalled, is Paine’s justification for revolution—but will prevent the majority from legislating for the minority. “Strict Theory,” he observes, “at all times presupposes the assent of every member to the establishment of the rule itself.” But, asked John Adams when he sensed the same implications, “Shall we say that every individual of the community, old and young, male and female, as well as rich and poor, must consent, expressly, to every act of legislation?” “I find no relief from these consequences,” Madison wrote, “but in the received doctrine that a tacit assent may be given to established Constitutions and laws, and that this assent may be inferred, where no positive dissent appears.” Indeed, he went on, “May it not be questioned whether it be possible to exclude wholly the idea of tacit assent, without subverting the foundation of civil Society?” Madison, Adams, and Jefferson were understandably worried about this conclusion, because it retroactively denied the legitimacy of the Revolution and, more to the point, left the present order without transcendent legality. Every extant legal order—no matter how tyrannical, corrupt, or irrational—is justified by tacit assent, which is to say that no legal order is justified at all.

The written constitution mediates this crisis in perpetuity—the only way it could be mediated. In the preamble the reading citizen interpellates himself—even herself—into the juridical order precisely at its foundation. Whereas Meese’s sacralizing intentionalism understands the foundations of law to lie in the intentions of the patriots, the ongoing consumption of the preamble in print makes the moment of foundation perpetual and socially undifferentiated. Not only does it enact the consent of every citizen—male and female, old and young, black and white, rich and poor—it also reads that consent as the transcendent grounds of subjection. We might say that the printedness of the Constitution here restores to the
dutifulness of law the permanence that consent had narrativized. By the same token, the “we” of the Constitution—and this is essential for its legitimating effect—is speaking to itself. The evidently untraced origins and universal audience of the printed text allow the people always to be both authoring and reading, both giving and receiving its commands at once. Unlike Rousseau’s general will, which similarly derives its obligatory character from the simultaneity of its common origin and common object, the printed constitution is a mechanism that translates the transcendent conditions of legality into a system of positive law. In this sovereign interpellation the people are always coming across themselves in the act of consenting to their own coercion.

I say “their” own coercion, but of course this is what the Constitution will not allow me to say. There is no legitimate representational space outside of the constitutive we. When someone calls out to the people, you will answer.22 You inhabit the people, but this is not true of any group to which you belong, the people being the site where all lesser collectivities are evacuated. For this reason the preamble contributes to a nationalist imagination in the same way that Benedict Anderson has argued for novels and print in general.23 By means of print discourse we have come to imagine a community simultaneous with but not proximate to ourselves: separate persons having the same relation to a corporate body realized only metonymically. The national community of the constitutional we is an aspect of the people’s abstractness and may be contrasted with the intense localism of the popular assemblies which were its main rival for the role of the people.24

Some other spokespersons for the people noticed this hazard to their voices. In the ratifying convention in Massachusetts, for example, one Amos Singletary stood up and protested aloud: “These lawyers, and men of learning, and moneyed men, that talk so finely, and gloss over matters so smoothly, to make us poor illiterate people swallow down the pill, expect to get into Congress themselves; they expect to be the managers of this Constitution, and get all the power and all the money into their own hands, and then they will swallow up all us little folks, like the great Leviathan, Mr. President; yes, just as the whale swallowed up Jonah. This is what I am afraid of.”25 Singletary senses a danger, but he misrecognizes the threat posed against the illiterate by the new constitution. That threat does not depend, as he believes, upon the capacity of the men of letters, but is established in the legitimation of the document itself, since the document’s authority means that the kind of oral setting in which Single- tary participates will henceforth be secondary. To be accurate, we should say that the authority of the written constitution creates two hazards to the voice of the people. First, it enables the mediation of legitimacy by a relatively small class of the literate. Second, it establishes the denial of such mediation as the first condition of representative legitimacy—a denial made possible by the existence of the written text ceaselessly representing a silent people.

The new paradigm about which Singletary worries finds its exemplary “spokesman” (though neither speaker nor man) in one “Publius”—author of The Federalist and now known to be the collective pen name of Alexander Hamilton, James Madison, and John Jay. The very identity of Publius dramatizes the conditions of authority in representational polity, for Publius—like the People in “We, the People”—is emphatically a pen name, a composite voice made articulable only in his written pseudonymy. Throughout the ratification debate he was lauded or attacked only as “Publius” because he was not known by any other name. The highly literate men who lie behind Publius underscore the analogy between their spokesman and the People in the name they give him: Publius Valerianus, commonly known as Publicola (“people-lover”), was one of the founders and early consuls of republican Rome. In Plutarch’s Lives he is lengthily compared to Solon as an exemplary lawyer. In choosing the relatively uncommon pseudonym of Publius the authors of The Federalist punningly identify themselves with the public while also identifying themselves with the founding of polity and the institution of law.26

In keeping with the publicity suggested in the identity of Publius, The Federalist was produced in a barrage of print. Publius was not content simply to appear in print. Through various machinations he was able to appear simultaneously in four newspapers in New York and another in Virginia, with occasional appearances elsewhere to boot—a strategy of blanketing the public space of print that was warmly resented by his opponents.27 That strategy no doubt reflects Publius’ sense of the high stakes involved in his persuasive task; it can also be seen as corresponding to the claims of public representation implicit in his identity. Publius speaks in the utmost generality of print, denying in his very existence the mediation of particular persons.

For several decades before the Constitution, print had been acquiring the ability to serve as a means of imagining the public sphere. The simultaneity of the artifacts of political print discourse expressed the identity of this sphere which was no longer local. Eventually, although this abstract public sphere was articulated with republican categories of generality, disinterested virtue, and civic liberty, it would enable a modern national
state that was more appropriate to liberal individualism. We can look forward beyond the scope of this book to suggest a way in which the deployment of textuality in the Constitution, though itself profoundly republican, marks the emergence also of a new mode of textuality.

The commission of sovereignty to its literalization in print required from American political culture a high degree of confidence in the transparency of language and the undifferentiated universality of print. "No man is a true republican," says Four Letters on Interesting Subjects, "or worthy of that name, that will not give up his single voice to that of the public" (386). The voicing strategies of the written constitution are registered here as the liberty of the social contract. In the decades after ratification, however, a liberal discourse of rights increasingly regarded the state as an institution for accommodating the conflicting claims of persons, and defined persons by their economic self-interest and their private relation to the state. The republican ideology of print eroded, and an official hermeneutics emerged—only twenty years after our South Carolinian had argued that printing made the opinions of lawyers and judges unnecessary. Between the legitimating drama of sovereignty that gave rise to the Constitution and the official hermeneutics that resulted from it, the meaning of the document's writteness had been transformed. The transformation was not recognized as such, but was regarded as a restatement of republican principles. A good example is John Marshall's decision in Marbury v. Madison, where he appeals to the Constitution's writteness in order to argue that hermeneutics gives the law exactly in the act of receiving the law.

The powers of the legislature are defined and limited; and that those limits may not be forgotten, the constitution is written... Certainly, all those who have framed written constitutions contemplate them as forming the fundamental and paramount law of the nation, and consequently, the theory of every such government must be, that an act of the legislature, repugnant to the constitution, is void. This theory is essentially attached to a written constitution, and is, consequently, to be considered, by this court, as one of the fundamental principles of our society.  

It may seem paradoxical that Marshall's decision, which establishes the principle of judicial review, does so precisely by denying that the court can make law: "the courts, as well as other departments, are bound by" the written constitution. Official hermeneutics came into being on the condition of its own denial. It required both the drama of popular sovereignty and the republican faith in the transparency of print that seemed to make a hermeneutics unnecessary. Giving the law in receiving it, official hermeneutics repeats, albeit in a very different mode, the sovereign consent of the Constitution.

The salient point of difference is that official hermeneutics constructs a relation between the subject and the text that is registered as mediation. Language, far from being transparent, has become in its ambiguity the site of social conflict, even while the resolution of that conflict must be received from an authority imminent in the language. In a letter written in 1814 Gouverneur Morris expresses disbelief at the new state of constitutional textuality. For him, the existence of "a written constitution containing unequivocal provisions and limitations" should have eliminated all difficulty of meaning. Interpreting the Constitution, he writes, "must be done by comparing the plain import of the words with the general tenor and object of the instrument." He then adds, evidently in support of his position: "That instrument was written by the fingers which write this letter." The curious thing about Morris' remark is that he does not appeal to his intentions as founder, but to the act of writing as testament to the clarity of the written text. But because authority was now to be received from its already mediated condition, Morris' somewhat comical confidence in what might be called the indexical value of his fingers had become deeply anachronistic. Legality, under the bureaucratic nationalist state, is to be registered as an alienation within experience.

This relation to an authoritatively mediated hermeneutics is characteristically modern. I suggest that it helped to determine a newly representative relation between literary textuality and the nature of subjectivity in the bureaucratic nation. It was of no small importance that the years in which literary culture was established in this country were also the years of protracted constitutional crisis. In the official discourse of law and the state, as well as in the specialized discourse of an emergent literary culture, or even the theological discourse of the higher criticism, it became possible to locate in language the conflicted and mediated character of truth, nonetheless maintaining the authoritative character of that truth. Insofar as authoritative mediation had come to define the position of the subject in relation to the bureaucratic state, such discourses could mutually articulate the experience of that subject. They were all ways of understanding one's fateful immersion in social conflict as a naturally alienated dependence on interpretation. Constitutional hermeneutics, literary culture, and the higher criticism jointly helped to make language to liberal society what the market was to the liberal economy: authoritative but
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disembodied mediation of conflict among interested and conflictual subjects.

Thus, textuality came to be understood as rather more than polysemy, which had long been recognized within scriptural hermeneutics. Texts began to be regarded as having incommensurable meanings, and it became possible to see that incommensurability as given and even as necessary. For this reason Poe's Narrative of Arthur Gordon Pym, published fifty years after the Constitution, is a more appropriate illustration of the textuality of official hermeneutics than is Morris' appeal to his fingers. Although Poe displays an obsession with textuality throughout his career, it is nowhere clearer than in this text. And since Poe brought to full development for the first time in America a discourse of the literary distinguished from other discourses precisely by its embrace of a naturalized textuality, there is good reason to regard the novel as a cultural landmark.

In particular, consider the unfingered text that has mysteriously but authoritatively materialized on the island of Tsalal. Pym and his companion, it will be recalled, find some markings resembling characters on the side of a chasm where the earth has flaked away. The circumstances prove to Pym that they could only have been produced by the work of nature. He also makes a set of drawings that show, from an aerial perspective, the shapes of the several chasms he has found. Not until the "Note" appended to Pym's narrative is it revealed that both the markings and the shapes of the chasms themselves are writing. We are not told who the agent of these writings is, and our knowledge of the agent behind the Note is ambiguous, since the Note points out that the pattern of the chasms had "escaped the attention of Mr. Poe." According to the Note, the markings Pym has found in the chasm combine an Arabic word meaning "to be white" with an Egyptian word meaning "the region of the south." And the shapes of the chasms, when read in an inverted map, constitute the Ethiopian word meaning "to shady." 20

It would be too simple to say that the meaning of these writings is left ambiguous. That they have reference, even authoritative reference, is clear. The novel appeared in the midst of a crisis over black and white in the region of the South, and its dominant episodes are about race and revolt. Nothing is clearer than that these messages refer to the political crisis of race in the union. At the same time nothing is less clear than how they refer to that crisis. This is not simply to say that Poe's ideas on racial conflict are difficult to infer. It is to say that what he has most carefully ambiguates is the textuality of the writings from which he solicits our inference. Another example can illustrate. An extra line appended to the

Note reads: "I have graven it within the hills, and my vengeance upon the dust within the rock." This line, the last in the book, is curiously unattributed. It is italicized to set it off from the speaker of the Note, but it is assigned to no one in lieu of that speaker. In such circumstances, and with a scriptural tone rare in this most untheological of writers, the last line in relation to the text epitomizes the nature of the texts that Pym and Peters have found on Tsalal. They appear from a general source, admit with difficulty of interpretation, are conflictually fraught, but carry transcendent authority as well.

The political crisis that forms the relevant context for these cryptic texts—race and regional conflict—hinged on the textuality of the Constitution. Webster's debate with Hayne had been seven years earlier, and in another three years Madison's newly released notes from the constitutional convention would be read as the key to national fate. In this context it should not surprise us that, although without an author—or rather because without an author—the writings on Tsalal bear the full prophetic weight of law. They are encountered both as fate and as the pure resonance of signification. It is the romantic scandal of hermeneutics, now to inhabit the law.

But this, as I have said, is to look beyond the scope of my book. Another problem lies closer at hand. If, as I have suggested, literary textuality can be seen as an aesthetic developed to fit the legitimacy of post-republican, liberal society, what aesthetic could have developed to fit the preliterary culture of republican society? To ask such a question is to have created a problem for literary criticism, which typically predicates its inquiries into early national literature, like any other, on the assumption of liberal society's textual aesthetics. Early national, republican America stands as an interesting anomaly. The cultural conditions for valuing ambiguuated textuality and giving it the resonance of modern experience had not yet developed. But the discourse of the public sphere also required a critical posture toward the personal and theological modes of authority that had previously grounded textual aesthetics and hermeneutics.
NOTES


3. Ibid., 97.

4. The argument that emancipation is structural to reason as self-reflection can be found in Jürgen Habermas, Knowledge and Human Interests, trans. Jeremy Shapiro (Boston: Beacon Press, 1971). Without necessarily sharing the confidence of that argument, we can see in Habermas that the two Enlightenment doctrines of emancipation and reflection for its own sake are mutually determined in the structure of rationality. See especially pp. 205–213.


6. The problem here is virtually the same as that announced in the opening of Max Weber's The Protestant Ethic and the Spirit of Capitalism (New York: Counterpoint, 1958). Weber argues that although the development of capitalism involves universalizing values, narratives of technological advance, even the notion of "development," yet it remains culturally specific and local. His book still presents a challenge to theorize the relation between an international phenomenon like capitalism and the local cultural history in which it is constituted. The same


15. Weber, *Protestant Ethics*; see especially the Introduction, where printing is discussed.

16. See, for example, Phyllis Wheatley’s poem “On Being Brought from Africa to America.”


18. The strong version of this position is that taken by Jürgen Habermas in *The Theory of Communicative Action*, trans. Thomas McCarthy (Boston: Beacon Press, 1984). The point I am making, however, need not be understood as a grounding of validity—only as an operative condition of practice.

19. This view has been developed in a wide range of sociolinguistic studies. The general understanding of literacy implicit in such studies has been argued for in Brian Street’s excellent book, *Literacy in Theory and Practice* (Cambridge: Cambridge University Press, 1984).

20. Implicitly I am arguing against the notion of a predictable social meaning or outcome of literacy, just as I am arguing against a predictable social meaning or outcome of print. An antiessentialist model of sociology is required by this argument, so my foregrounding of dispositions of character and collectivity in this account can be taken as a shorthand reference to Pierre Bourdieu’s emphasis on what he calls habitus. See, for example, his *Distinction*, trans. Richard Nice (Cambridge, Mass.: Harvard University Press, 1984), and “The Economics of Linguistic Exchange,” *Social Science Information* 6 (1977): 645–668. There is also a growing body of research in the anthropology of literacy challenging the standard view, set by Jack Goody, that literacy has a regular crosscultural social meaning. For a brief summary, see Sylvia Scribner, “Literacy in Three Metaphors,” in Eugene Kiinget, et al., eds., *Perspectives on Literacy* (Carbondale, Ill.: Southern Illinois University Press, 1988), 71–81.


27. *South Carolina Gazette*, January 8 and 15, 1732.

30. Kenneth Lockridge, noting the correlation between literacy and wealth or occupation, offers the obvious reason that the wealthier-and more leisureed-had better access to schooling. He also argues that literacy promoted upward mobility, so that a poor farmer's son who learned to write was less likely to remain a poor farmer than his brother who did not learn to write; see Lockridge, Literacy in Colonial New England. Robert Gross, observing in an unpublished paper that Lockridge's figures indicate writing skills rather than reading, extends the argument to suggest that literacy statistics correlate not simply to wealth as such, but to commercialization. Writing and the commercial economy, he argues, are nearly coextensive: most highly developed in New England and in the seaports, less so in the South and in rural areas.
31. South Carolina Gazette, April 22, 1732.
32. Lockridge, Literacy in Colonial New England. Lockridge is opposed on this point to the more Whiggish narrative of literacy in Cremin, American Education. For a similar debunking of the correlation to modernization, but in a nineteenth-century urban setting, see Harvey Graff, The Literacy Myth: Literacy and Social Structure in the Nineteenth-Century City (New York: Academic Press, 1979).
35. Mather, Diary, 2:338 (June 1718).
38. Mather, Diary, 1:65 (June 11, 1665).
40. The extreme form of this claim is to be found in Harry S. Stout's "Religion, Communications, and the Ideological Origins of the American Revolution," William and Mary Quarterly 34 (1977): 519–541. The essay displays an unabashed and uncritical sentimentalism, assuming that print was "elitist and hierarchical" (540) and that any form of speech, such as evangelical oratory, must be an egalitarian "opposition to the established social order" (527–528).
41. I refer to the critique of Levi-Strauss in Jacques Derrida, Of Grammatology, trans. Gayatri Spivak (Baltimore: The Johns Hopkins University Press, 1976). Although the subsequent American history of literary deconstruction has obscured the connection, Derrida's deconstructive project arose in the context of an inquiry into the political history in determinations of writing. Indeed, it was to this inquiry that "grammatology" referred.
42. Anon., Some Few Remarks Upon a Scandalous Book (Boston, 1701), 11.
43. Cotton Mather, Urilla (Boston, 1716), iv.
47. Thomas Symmes, A Discourse Concerning Prejudice in Matters of Religion (Boston, 1723), i.
48. The point could also be illustrated by the bookplates that Thomas Prince had printed for his library: "This Book belongs to The New-England-Library, Begun to be collected by Thomas Prince, upon his entring Harvard-College, July 6, 1703; and was given by said Prince, to remain therein forever", reproduced in Carl Cannon, American Book Collectors and Collecting (New York: H. W. Wilson, 1943), 2–3. The durability of the book inspires Prince with the thrill of that closing "forever"; it also contributes to the meaning of his effort to write a history of New England.
49. Symmes, Discourse Concerning Prejudice, ii.
51. Mather, Diary, 2:242 (September 27, 1713).
57. Ibid., 114–115.
58. Ibid., 18–22.
61. The quotation comes from the oration known as Pro Archia Poeta, and can be found in the Loeb edition at 11:22. The translation is my own.
62. The phrase "light of letters" was often used in eighteenth-century America with this meaning. For an exploration of the context and meaning of such usage, see Chapter 5.
63. Most of the information in this paragraph can be found in Lawrence C. Wroth, The Colonial Printer, 2d ed., rev. (New York, 1938). See also Helmut Lehmann-Haupt et al., eds., The Book in America (New York, 1951). For the comparative perspective on the spread of printing in the West, see the classic study by Febvre and Martin, Coming of the Book.
64. The most famous discouragement of printing is that by Governor William Berkeley of Virginia in 1671: "I thank God, there are no free schools nor printing, and I hope we shall not have these hundred years; for learning has brought disobedience, and heresy, and sects into the world, and print has divulged them, and libels against the best government. God keep us from both." Fourteen years later a printer named Buckner published the laws of the state and was forced to post bond under the promise never to print again. The Pennsylvania Council, with Penn in attendance, ordered in 1683 that the colony's laws not be printed. See Leonard Levy, Emergence of a Free Press (New York: Oxford University Press, 1985), esp. 16-22.


II. The Res Publica of Letters

1. The taxonomy of law invoked here derives from Roberto Mangabeira Unger's Law in Modern Society (New York: Free Press, 1976), 48-66. It is also by means of Unger's book, as well as the classic studies of law by Weber and Durkheim, that we can see the relation between forms of law, broadly defined, and social organization. On changes in colonial law, see Bruce Mann, Neighbors and Strangers (Chapel Hill: University of North Carolina Press, 1987). Mann, however, still speaks rather naïvely of "law and society" as positive and distinct entities, in a way that remains blind to the social theory of law exemplified in the tradition from Weber to Unger.

2. Samuel Whittemey, A Public Spirit Described & Recommended (New London, Conn., 1731), 7. Further references to this text will be made parenthetically. See also similar sermons by Timothy Cutler, The Firm Union of a People Represented (New London, 1717), and William Balch, A Public Spirit (Boston, 1749).


4. Mather, Diary, 2:17 (September 14, 1709).

5. Anon., An Appeal to the Men of New England (Boston, 1689).

6. Wroth, "The St. Mary's City Press" (see n. 28 in Chapter 1).


8. On Parks, see J. A. Leo Lemay, Men of Letters in Colonial Maryland (Knoxville: University of Tennessee Press, 1972), and Lawrence C. Wroth, A History of Printing in Colonial Maryland, 1686-1776 (Baltimore, 1922).

9. Anon., A Letter from a Friend, to a Member of the Lower House of Assembly (Annapolis, 1727). Further references will be made parenthetically.


11. Jürgen Habermas, "The Public Sphere: An Encyclopedia Article," trans. Sarah Lennox and Frank Lennox, New German Critique 3 (1974): 49-55. "To the principle of the existing power, the bourgeois public opposed the principle of supervision—that very principle which demands that proceedings be made public. The principle of supervision is thus a means of transforming the nature of power, not merely one basis of legitimation exchanged for another."

12. This principle may be described as a special form of the negativity of democratic politics in general, as explained by Ernesto Laclau and Chantal Mouffe in Hegemony and Socialist Strategy (London: Verso, 1985). The argument of my book presupposes the arguments of Laclau and Mouffe.


17. [Paul Dudley], Objections to the Bank of Credit (Boston, 1714), 3.


19. Anon., The Postscript (Boston, 1720).


21. Ibid., 3.


23. Anon., Some Proposals to Benefit the Province (Boston, 1720).

24. [John Coles], The Distressed State of the Town of Boston, &C. Considered in a Letter from a Gentleman in the Town, to his Friend in the Countryside (Boston, 1720), 9.

25. Anon., A Letter from One in the Country to his Friend in Boston (Boston, 1720), 23.


27. A Letter From a Gentleman (Boston, 1720), 13.


struction of reason is such that “behind the masks is the universal capacity to take on masks” (233). The main point of difference between this book and Breitweiser's lies not in any detail of interpretation, but in the general source of interest. Where Breitweiser regards the self as a subject in its own right, traceable from Mather directly to Franklin, I am trying to direct attention to the social practices and political structures of which self and reason are only related manifestations.

14. The American Weekly Mercury, April 25, 1734. Bradford, the printer, is drawing heavily on Trenchard and Gordon, and the ideas discussed here would have been a familiar way of relating republican print and for any reader of Cato's Letters.

15. See, for example, “Self-Denial Not the Essence of Virtue” (1735), in which Franklin argues that “self-denial is neither good nor bad, but as ‘tis applied”—an argument that exhibits Franklin’s habit of subdividing the self out of existence. The self that not only denies itself but further applies that denial is scarcely recognizable as a self.


18. It is because Franklin locates himself in generality that he is so difficult to locate. Hence Carl Becker’s well-known remark in the Dictionary of American Biography that Franklin was never fully immersed in anything he did. (See the discussion of Becker’s remark in Breitweiser, Mather and Franklin, 233, 238.) The same relation to self helps to account for Franklin’s addiction to pseudonyms and fictional personae—exceptional even in his time. Crane counts forty-two different pseudonyms just in the period covered by his study. No one has counted the fictional personae, such as Alice Addertongue or the King of Prussia, but they abound. That perfection is associated with print for Franklin takes a less serious form in the 1738 Poor Richard’s Almanac, where Bridget Saunders exclaims, “What a peasecots! cannot I have a little Fault or two, but all the Country must see it in print” (2:191).

19. A Fragment of the Chronicles of Nathan Ben Saddi (Constantinople [Philadelphia], 1707 [1728]). I have been unable to determine whom “Jacobs” designates in the Philadelphia scene; the available information on the pamphlet and its key seems to be limited to the notes in the Evans Bibliography. One would like to know, if for no other reason than the oddly homoerotic language of the satire against Franklin.

20. An Answer to the Plot (Philadelphia, 1764). The poem was a reply to a satire called The Plot by Way of a Burleske, To Turn F——n out of the Assembly (Philadelphia, 1764), and in at least some copies was printed on the verso of the latter. Both are election polemoses in a year in which the election turned decisively on the interpretation of a printed text. Seeking to turn the German population against Franklin, his opponents uncovered an old publication in which he had referred to Germans as “Palatine Boors.” They then publicized the remark among the German population. Franklin’s allies leapt to his defense, in part by writing The Plot, which, addressing those who were using the remark to attack Franklin, says: “Your Wisdoms have mistook a Letter. / Boor may be Hogs but Boor is Peasant... Go home ye Dunce learn to spell.”

21. The latter was a common theme in the election of 1764, when Franklin led the move to end proprietary government in Pennsylvania by appealing for a royal charter. At least one pamphlet accused him of wanting to be royal governor himself: To the Freeholders and Electors of... Philadelphia (Philadelphia, 1764). At the same time another pamphlet accused him of leveling, of trying to destroy "Every necessary Subordination"; What Is Sauce for a Goose Is Also Sauce for a Gander (Philadelphia, 1764). The theme of Franklin’s lower-class origins appears both in the latter and in William Smith’s An Answer to Franklin’s Remarks on a Late Protest (Philadelphia, 1764). For background on the election, its polemics, and the extremes of Franklin’s reputation, see J. Philip Gleason, “A Scurrilous Colonial Election and Franklin’s Reputation,” William and Mary Quarterly 18 (1961): 68–84.

22. The Hutchinson correspondence can be found in the Franklin Papers, 20:539–80. A good account of the whole affair is Bernard Bailyn’s The Ordeal of Thomas Hutchinson (Cambridge, Mass.: Harvard University Press, 1974), esp. chap. 7.

23. Wedderburn’s role is described in Ronald Clark, Benjamin Franklin (New York: Random House, 1983).


25. Compare another remark of Wedderburn: “This property [correspondence] is as sacred and precious to Gentlemen of integrity, as their family plate or jewels are” (21:31). The examples of plate and jewels are telling because of their contiguity with the body. Wedderburn has to insist on a metonymy between letters and the body, a metonymy contained by the juridical force of property relations. Franklin, while denying the force of the metonymy, exploited it, for it is the same metonymic bond of letters to the body that had been parodically foregrounded in the 1728 epitaph, or the 1740 preface to Poor Richard.

26. At the same time, a Chancery suit brought against Franklin by Whately over the affair charges with a sneer that in disseminating the letters Franklin was merely “carrying on the Trade of a Printer” (31:439). This theme of the silent manipulator of letters became something of a tradition among Franklin’s enemies. Thomas Hutchinson reports with horror seeing Franklin “staring with his spectacles” during an embarrassing speech in Parliament on behalf of the Ministry. “The relation of this speech,” Hutchinson writes, “is on its way to America” (letter to Israel Williams, Sept. 30, 1774, quoted in Bailyn, Ordeal, 332).


29. Franklin to Jan Ingenhousz, March 18, 1774 (21:148), and to Thomas Cushing, February 15, 1774 (21:93).


IV. Textuality and Legitimacy in the Printed Constitution

1. Since 1887, when this chapter was first presented as a talk, countless volumes have been published on the Constitution. I make no systematic attempt to review this literature. The best source on American constitutionalism remains...


3. The tension between revolutionary rhetoric and forms of continuity such as the doctrine of state succession is explored in Peter Onuf's *The Origins of the Federal Republic* (Philadelphia: University of Pennsylvania Press, 1983). Onuf is particularly useful on the problem of the sovereignty of the states as political agents, a subject that I have had to slight in this book.

4. The distinction between customary and bureaucratic law follows Unger, *Law and Modern Society*. One of the main differences between bureaucratic and customary law, in Unger's view (and here he follows Weber), is the separation of state and society. The common-law tradition did not observe that separation, as has been amply shown by Nelson, *Americanization of the Common Law*. The emergence of a paradigm of sovereignty in constitutionalism, along with the consequent replacement of the customary legitimacy of common law, is therefore part of the emergence of the modern state.


10. The term "interpellation" comes from Louis Althusser's "Ideaology and Ideological State Apparatuses" in *Lenin and Philosophy* (New York: Monthly Review Press, 1971), 127–186. It designates the hailing of the individual that always renders the individual as a subject within an ideology. See also note 22 below.


20. Quoted in ibid., 182.


22. My wording is meant to echo Althusser's explanation of interpellation (see note 10). Ideology, he writes, "transforms the individuals into subjects (it transforms them all) by that very precise operation which I have called interpellation or hailing, and which can be imagined along the lines of the most commonplace everyday police (or other) hailing: 'Hey, you there!' Assuming that the theoretical scene I have imagined takes place in the street, the hailed individual will turn round. By this mere one-hundred-and-eighty-degree physical conversion, he becomes a subject. Why? Because he has recognized that the hail was ‘really’ addressed to him, and that ‘it was really him who was hailed’ (and not someone else)" [*Ideology*, 174].


24. The ratification parades that were held in some cities—notably in Boston—provide an interesting case in which these two modes for the realization of the public are sutured together. In the parades, printing presses were dragged through the streets on wagons, being operated en route by pressmen who distributed the products to the crowd. The civic populace and the abstract public of print are here called to bear witness to each other in a way that may be without parallel.


27. In the *New-York Journal*, for example, Publius' strategy was described as "a new mode of abridging the liberty of the press" (January 1, 1788):


V. Nationalism and the Problem of Republican Literature


2. The classic study of this theme is Benjamin T. Spencer, *The Quest for Nationality* (Syracuse: Syracuse University Press, 1957). See also H. H. Clark,