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**Imperial Authorship and Eighteenth-Century Transatlantic Literary
Production**

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**Imperial Authorship and Eighteenth-Century Transatlantic Literary
Production**

by

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Dissertation

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I dedicate this work to my father, John David Hardy, for his unwavering support of and
enthusiasm for my endeavors.

Acknowledgements

I want to offer a brief genealogy of this project in an effort to acknowledge those who have helped me shape it. Having spent time in Dublin, New Delhi, and Geneva during and after college, I came to UT enthusiastic about intersections between nationalist literatures and legal regimes, and it is thanks to Barbara Harlow that I learned that the best place to develop that interest is in the archive. Because of Barbara's class, from my first semester here at UT, I was a regular at the Harry Ransom Center. I then became a graduate intern here, and under the supervision of Richard Workman, librarian and dog walker extraordinaire, I went to Rare Book School to learn all I could about the Stationers' Company. There, I was told that the Stationers' Company had nothing to do with Ireland, and though I learned a lot that week, I was not buying it. In my own research, I was thrilled to dive into the scholarship of Irish book historians like M Pollard to find out how that was not a complete truth. What I started to see through her work and the work of Scottish book historians like Richard Sher was how hard the Irish and Scottish booksellers worked to make sure that the Stationers had nothing to do with them, that outside of London, there was an active resistance to the Stationers' monopoly and that resistance was led by booksellers and writers alike. At this stage, Sam Baker's class on Maritime Empire not only introduced me to the infamous *Colonel Jack* and his many adventures, but also got me thinking about pirates and capital, about slavery and the Atlantic world, and sitting in his office, getting endless lists of what else I needed to read, I started, with his guidance, to tie all of the ideas swimming around in my head together. Lance Bertelsen's encyclopedic knowledge of who was doing what to whom in the eighteenth-century helped me to see that my project was in part about pirates, but that it

had more to do with mainstream politics, as these booksellers were not quite as revolutionary as I first wanted them to be. I was not, I was at first sorry to see but am now overjoyed to have avoided, going to write *The Many Headed-Hydra* of book history. At this stage, I needed to start narrowing my interests and getting my ideas down on paper, and Lisa Moore saw me through this process with the rigor and care that most graduate students can only hope for. Thanks to her and our writing group, I found out what my arguments were, avoiding many a rabbit hole that Barksdale and I would have both liked to go chasing down, but for which our legs were ultimately too short. As Lisa's research assistant for *Sister Arts*, I also began to think much more carefully about the agrarian metaphors for literary property, and my thoughts on *Colonel Jack* began to make much more sense to me. Much to my good fortune, it was about this time that Matt Cohen appeared on the scene at UT, and he encouraged me to pursue this project as a transatlantic one, including the Mathew Carey chapter, one that I was initially not sure had a place here, and that I now see as the case study that does the most work for me in showing not just what copyright means, but how it might be used to function. My summer at the Library Company of Philadelphia helped me to mine the archives of Mathew Carey's business correspondents, access that I can only hope to have to my others booksellers in the future. Matt was always a step ahead of me when it came to where this dissertation was going. He let me find my own way, but he also never let me get lost. I am thankful to the wonderful committee that I have assembled here to today, and I am especially thankful to Lisa and Matt for not letting me just write a dissertation, but for asking me to write it in my own voice, a voice that they heard even when I could not.

I also want to include some personal thanks. In the background of this dissertation is my family in Gloucester, probably sitting on Good Harbor Beach right now, enjoying a perfect New England summer day. My grandfather and great-grandfather, neither of whom I ever knew, were both printers, using both a hand press and lithography. I can't help but feel that there is something in my blood that got me interested in their labor, in the nature of their productions. If for no other reason, their house, built in 1713, has always been full of books, and in the many summers I spent there, those books were indeed "alive and talking to me" and I can't help but think that this project started there, with the question, why are they talking to me? And how can I best listen to them?

My support has come from the wonderful community I have been so fortunate to be a part of here in Austin. I am thankful to everyone sitting in this room today, and I want to give a special thanks to my partner, Matt King, who, ever since we first met as T.A.s has been my stalwart support. Not only has he learned to revolve his life around a basset hound, but he has even come to tolerate arguments that there is nothing in those newfangled postmodern novels he studies that Lawrence Sterne was not doing 250 years before. I am so excited to be on this journey with you. You make the pleasures of it more rich and the pains of it worthwhile.

**Imperial Authorship and Eighteenth-Century Transatlantic Literary
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Molly O'Hagan Hardy, Ph.D.
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Supervisors: Matt Cohen and Lisa Lynne Moore

My project examines eighteenth-century struggles over literary property and its part in England's control over its colonies. Debates over literary property set in the context of the larger colonial struggles over ownership help us to understand the relationship between authority and authorship: in the colonies, booksellers and authors worked together to make authority and authorship local, to separate it from England, English constructions of authorship, and the book trade system in London. The figures I analyze—Daniel Defoe, Jonathan Swift, Samuel Johnson, and Mathew Carey—brought new models of print capitalism to the colonies, dispersing an understanding of copyright that was an assertion of local affiliations. In the case of Ireland, these affiliations manifested themselves in a nationalist movement, and in Scotland, in an assertion of equality under the union of Great Britain. In the newly formed United States, the affiliations were among those still struggling for legal recognition after the American Revolution. Using book history in the service of literary analysis, my study is the first devoted to reading the way that liminal figures such as George Faulkner, Alexander

Donaldson, Absalom Jones, and Richard Allen have influenced the work of these largely canonical authors, and thus local politics, through their literary production practices.

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Introduction

At the start of Richard Cumberland's *The West Indian* (1771), the play's hero, Belcour, arrives in London from Jamaica, where he owns a thriving sugar plantation. With the help of Stockwell, a wealthy merchant whom he eventually discovers to be his father, Belcour must learn how to behave in England. Belcour magnanimously comes to the aid of Captain Dudley, who prepares to leave for Senegambia, where he will fight to protect the British slave trade. The play's booksellers, the Fulmers, almost disrupt the play's resolution as they attempt to capitalize on Belcour's attraction to Louisa Dudley, the Captain's daughter, by misrepresenting her to Belcour as a mistress for hire. After a number of miscommunications, Belcour wins the heart of Louisa, who epitomizes the proper English woman. At the play's end, Belcour, the slave owner, and Captain Dudley, the defender of the slave trader, both get the woman and fortune they respectively desire, while the Fulmers end up in prison for their double dealing. In his effort to represent and repudiate social prejudices, Cumberland leaves the audience with the message that booksellers are not to be trusted, while slave owners and slave traders are upstanding citizens.¹

¹ Cumberland explains his motive for writing the play: "I fancied there was an opening for some originality, and an opportunity for showing at least my good-will to mankind, if I introduced the characters of persons who had been usually exhibited on the stage, as the butts of ridicule and abuse, and endeavored to present them in such lights as might tend to reconcile the world to them, and them to the world. I thereupon looked into society for the purpose of discovering such as were the victims of national, professional, or religious prejudices; in short, for those suffering characters which stood in need of an advocate, and out of these I meditated to select and form heroes for my future dramas, of which I would study to make such favorable and reconciliatory

In the play's final scene, just before the Fulmers are taken to prison, Stockwell exclaims, "I fear the law does not provide a punishment to reach the villainy of these people."² Though Stockwell refers to their abuse of his son, Belcour, the statement can be read to reflect the fact that the legal means to curtail book piracy had been exhausted by the second half of the eighteenth century. The most prominent London booksellers, member of the Stationers' Company, used the term "piracy" to describe the practice of reprinting books. Though the first use of the term to describe a printing practice dates back to the sixteenth century, by the eighteenth century, it was most often used to refer to reprinting that occurred outside of London, by competitors in Ireland, Scotland, and eventually the eastern United States.³

Like the London booksellers' depictions of the printing pirates, *The West Indian's* booksellers, the Fulmers, are depicted as bad for the Crown; they delegitimize the very bodies, whether those bodies be of a text or a maiden, that comprise England and its expanding empire. The Fulmers, who are exposed as illegitimate merchants and citizens, help to define authentic Englishness through their negative example. And, yet, the slave owner in the play, Belcour, does not suffer such disrepute under Cumberland's pen; *The*

delineations, as might incline the spectators to look upon these with pity, and receive their good opinion and esteem" (*Memoirs* (New York: Benjamin Bloom), 142).

² Richard Cumberland, "The West Indian," in *British Dramatists from Dryden to Sheridan*, ed. George H. Nettleton and Arthur E. Case (Carbondale and Edwardsville: Southern Illinois University Press, 1975), IV.10.160-61.

³ Adrian Johns credits Robert Atkyns with the first use of "pyrate" to refer to a printer in his *The Original and Growth of Printing* (1664) (*Piracy: The Intellectual Property Wars from Gutenberg to Gates* (Chicago, University of Chicago Press, 2009), 35).

West Indian can be read as a sort of theatrical bildungsroman for Belcour as he sheds his “uncouthness, backwardness and degeneracy”⁴ and becomes a proper English gentleman.

Belcour’s experience as a slave owner dictates his behavior in London, particularly toward Louisa, the “body” he is most interested in acquiring. In Jamaica, enslaved men and women toil for Belcour’s wealth, and are effectively commodified—they are considered part of the products they produce. Slavery took on a new form under the plantation system in the colonies, one that was heavily influenced by the burgeoning capitalist models in the imperial center.⁵ Slavery became the extreme example of Adam Smith’s exchange value of labor, what Karl Marx would later describe as the obfuscation of subject object relations under capitalism, in which “subjects become objects, workers become things.”⁶ Belcour is accustomed to treating people like objects, and this thinking initially dictates his behavior towards Louisa. When he first sees Louisa on the streets of London, Belcour behaves as if he were on the hunt; he describes it as a “wild goose

⁴ Kathleen Wilson, *The Island Race: Englishness, Empire and Gender in the Eighteenth Century* (New York: Routledge, 2003), 130.

⁵ Joyce Appleby writes, “What capitalism introduced [to slavery] was sustained and systematic brutality in the making of goods on a scale never seen before” (*The Relentless Revolution: A History of Capitalism* (London and New York: Routledge), 124).

⁶ This is Mark Poster’s formulation in *Foucault, Marxism and History: Modes of Production Versus Modes of Information* (Cambridge, UK: Polity Press, 1984), 50. On the exchange value of labor, see Adam Smith’s “Of the Wages of Labour” in *The Wealth of Nations* (New York: Modern Library), 73-99. In *Capital*, Marx explains how the subjects who produce commodities become objects themselves: “The mysterious character of the commodity-form consists therefore simply in the fact that the commodity reflects the social characteristics of men’s own labour as objective characteristics of the products of labour themselves, as the socio-natural properties of these things. Hence it also reflects the social relation of the producers of the sum total of labour as a social relation between objects, a relation which exists apart from and outside the producers” (*Selected Writings* (Indianapolis and Cambridge: Hackett), 232).

chase” in the Blue Mountains of Jamaica and considers giving “the chase up.”⁷ When Belcour does encounter Louisa, he tries to inspect her body as if she were a slave on the auction block. Louisa reports to her father: “[H]e was very importunate to speak to me, and once or twice attempted to lift up my hat.”⁸ Mrs. Fulmer draws out the comparison between Louisa and a slave when she warns Belcour in the next act: “girls of her [Louisa’s] sort are not to be kept waiting like negro slaves in your sugar plantations.”⁹ This comment is as close as Cumberland comes to acknowledging the colonial reality that makes Belcour who he is. Belcour learns to behave as an English gentleman, to recognize Louisa as worthy of the same respect as England, “the land of beauty, of arts, and elegancies.”¹⁰ Mrs. Fulmer’s comment highlights what Louisa stands for in Belcour’s mind before he sheds his identity as a plantation owner in Jamaica and becomes a gentleman in London.

It is Mrs. Fulmer who recognizes Belcour’s misunderstanding of Louisa Dudley, a misunderstanding that is a mark of the entrepreneur in the colonies, but not of a gentleman in the imperial center, because she and her husband are also misguided by their unscrupulous quest for profit. They too confuse subject object relations in their

⁷ Cumberland, "The West Indian," II.5.13,16.

⁸ Ibid., II.4.8-9.

⁹ Ibid., III.3.18-19.

¹⁰ Ibid., I.5.58-60. For a discussion of how Georgian women’s “bodies and minds functioned symbolically and literally as the bearers of national values and ideals,” see Kathleen Wilson, *The Island Race: Englishness, Empire and Gender in the Eighteenth Century* (New York: Routledge, 2003), 93.

nefarious profit making activities at which the play hints.¹¹ Mr. Fulmer draws the comparison between the female body and the textual body, a comparison that Cumberland presents as a colonial, plundering mentality, not one that a gentleman would maintain in the imperial center. They are corrupt booksellers, a set against whom Cumberland has a particular vendetta. In his *Memoirs*, Cumberland claims that his tragedy of a decade earlier, *The Banishment of Cicero*, was to be printed “by Mr. J. Walter, at Charing Cross, upon quarto paper in a handsome type; I found it pirated and published in a sixpenny edition in Dublin, from the press of George Faulkner of immortal memory.”¹² Cumberland locates his distrust of booksellers in the Fulmers, who repeatedly make the mistakes that Belcour does when he first arrives in London. In the world of the Fulmers, Louisa, the proper English lady in the play, is just another chance to turn a profit, like the books they trade. Mr. Fulmer makes explicit the relationship between the reading of texts and the reading of women when he says, “A favorite author is like a favorite mistress; and there you know, Captain, no man likes to have his taste

¹¹ The Fulmers are not directly accused of selling scandalously produced books, but the fact is more than suggested, as is Mr. Fulmer’s characterization as a crooked citizen. In his opening lines, he tells his wife that he has “talked treason,[and] writ treason” before opening the bookshop (II.2.36). From the outset then the Fulmers’ bookshop is tied to the most threatening form of criminal activity -- betrayal of the Crown. The audience also knows that the Fulmers are trying to make a dishonest living locally. Mrs. Fulmer remarks that Mr. Fulmer had “a thousand ingenious devices to repair your fortune; and this your native country was to be the scene of your performance” (II.i.10-2). This line confirms that Mrs. Fulmer is not English; presumably, she is from France, where Mr. Fulmer “found” her.II.i.5 The reader is left to speculate what exactly Mr. Fulmer was doing in France, but it is worth noting that the cheapest paper available, and that which Dublin printers most often used, was imported from France (James W Phillips, *Printing and Bookselling in Dublin, 1670-1800: A Bibliographical Enquiry* (Dublin: Irish Academic Press, 1998.), 186).

¹² Cumberland, *Memoirs*, 111.

arraigned.”¹³ For Cumberland, then, a mistress is analogous to a pirated text and an English lady is analogous to a legitimate English text, as Louisa Dudley will come to prove. Initially, like the Fulmers, Belcour misreads Louisa as an illegitimate text, as a mistress rather than a lady. The idea of authentic Englishness is therefore extended to books as well, and *The West Indian* is the story of Belcour coming to recognize the difference between legitimate Englishness and inferior replications of it in colonies as far away as Jamaica or as close as Ireland.

The West Indian foregrounds many of the questions that I address in the following chapters. It asks us to consider the relationship London, the “second Eldorado, [with] rivers of gold and rocks of diamonds,”¹⁴ had to its colonies, and specifically how that relationship at once was defined by and defined commercial relationships in the metropolitan center. Belcour brings his wealth to London to spend, but he has to learn how to perform Englishness. While the slave trade is the absent presence in the drama, the trade in books is literally located at the center of the stage as a bookshop is the primary setting in which much of the action unfolds. The metadiscourse on the book trade, on how it should and should not be conducted, is available through a reading of the Fulmers. This dissertation aims to show that this metadiscourse—the ways that authors reference book production—can also be found in much of the literature of the century that writes back to the empire. This metadiscourse may not always be as obvious as Cumberland makes it by including booksellers and a bookshop, but as I will show,

¹³ Cumberland, "The West Indian," II.2.22-24.

¹⁴ Ibid., II.1.4-5.

reading with an attention to it allows us to see how print capitalism worked in different moments of colonial occupation and postcolonial establishment. Attention to this metadiscourse also allows us to see how authors talk about authorship, and therefore to read the difference between the legal construction of authorship and its social and political register.

Literary Property in a Transatlantic Network

In the last two decades, book historians have taken up Michel Foucault's call for a sociohistorical analysis of authorship, and eighteenth-century England is a key site for such scholarship. Most such studies have focused on the publishing "center" of London and the struggles to define and defend literary property there.¹⁵ Literary property held a conflicted position in the language of rights that predominated in political discourse after the Glorious Revolution, particularly in the writings of John Locke. Unlike the right to a piece of land, literary property is intangible and abstract, but like land, it is a right that had to be legitimated to be possessed. According to Locke, property is intimately linked with the right to freedom, a natural right. Locke specifies a person's inherent rights as the "right of freedom to his person" and a right "to inherit, with his brethren, his father's

¹⁵ For examples, see Mark Rose, *Authors and Owners: The Invention of Copyright* (Cambridge, Mass.: Harvard University Press, 1993); John Feather, *Publishing, Piracy and Politics: An Historical Study of Copyright in Britain* (London: Mansell, 1994); Joseph Loewenstein, *Author's Due: Printing and the Prehistory of Copyright* (Chicago: University of Chicago Press, 2002); Jody Greene, *The Trouble with Ownership: Literary Property and Authorial Liability in England, 1660-1730* (Philadelphia: University of Pennsylvania Press, 2007); and Lisa Maruca, *The Work of Print: Authorship and the English Text Trades, 1660-1760*. (Seattle: University of Washington Press, 2007).

goods.”¹⁶ Property is not listed as one of these innate rights, and yet the implication is that private property is at the heart of these rights because civil government forms to protect private property; Locke’s state of nature is less brutal than that of Thomas Hobbes, but people still opt out of it for stability and security.¹⁷ Locke’s idea of property is from its very conception somewhat paradoxical then: it is a natural right insofar as it is a precondition to freedom, the “right to own, rather than to be owned,”¹⁸ but this natural right depends on civil government to ensure that it can be possessed.

Locke’s understanding of private property undergirds the eighteenth-century conceptualization of literary property, and the period saw two important changes to the conceptualization of literary property. The first was the movement of the right to literary property to places outside of London, as Dublin, Edinburgh, and eventually Philadelphia hosted formidable challenges to the London booksellers’ monopoly of the trade. Configuration of literary property outside of England became increasingly complicated because tangible property and the right to it were not considered to exist in the same way outside of civil government, or specifically, England.¹⁹ Locke sets up this distinction in

¹⁶ John Locke, *The Second Treatise on Civil Government* (New York: Prometheus Books, 1690, Reprint 1986), 104.

¹⁷ The disadvantage of the state of nature is that “every man hath a right to punish the offender, and be executioner of the law of Nature” (Ibid., 11).

¹⁸ J.S. Peters, "The Bank, the Press, and the 'Return of Nature': On Currency, Credit, and Literary Property in the 1690s" in *Early Modern Conceptions of Property*, edited by John Brewer and Susan Stave (London: Routledge, 1995), 365.

¹⁹ John Brewer and Susan Stave describe the uneasy translation of private property outside of England in the Early Modern period: “Rationales legitimating private property, having a certain common-sense appeal when considered in the at-home context of farmers, artisans, or even authors, become more complex and more disturbing when they are played out on the larger field of empire” (“Introduction” in *Early Modern Conceptions of Property* (London: Routledge, 1995), 13).

his *Second Treatise on Civil Government* (1690) when he writes: "yet there are still great tracts of land to be found, which the inhabitants thereof, not having joined the rest of mankind . . . lie waste, and are more than the people who dwell on it, do, or can make use of, and so still lie in common."²⁰ Locke effectively articulates a rationalization of colonialism, one that would dominate English conquest of lands as close as Ireland and as far away as the Americas. In both cases, the English insisted that the locals failed to possess the land fully. For example, the Irish were "wild" because of the importance of transhumance in their land use, and similarly, the English claimed that Native Americans did not farm and possess the land. Beginning with surrender and regrant policy in Ireland in the 1540s and continuing in the long process of colonial charters, Native American treaties, and experiments in land appropriation, the English colonized these lands in the name of spreading freedom, their freedom to possess the land and its inhabitants.²¹ Resistance to this reasoning began in the eighteenth century as colonized populations began to assert their own right to property and therefore to freedom. The most obvious and successful example of this assertion is the American Revolution, but there were less successful acts of resistance to English control in Scotland and Ireland as well.²² In the following chapters, I will show that this assertion of a right to property included literary property.

²⁰ Locke, *The Second Treatise on Civil Government*, 29.

²¹ Michael Warner, "What's Colonial About Colonial America?" in *Possible Pasts: Becoming Colonial in Early America* (Ithaca and London: Cornell University Press, 2000), 55.

²² As I will discuss in my fourth chapter, the American Revolution also serves as a further example of the use of rights discourse for a limited population, the white men who occupied the land, not the Native populations they took it from nor the thousands they enslaved.

The second change in the conceptualization of literary property that the eighteenth century saw was the bestowing of the right to it from the bookseller to the author. The 1710 Statute of Anne replaced the Licensing Act, which had secured the Stationers' monopoly of the book trade and lapsed in 1694, and it did so at a considerable cost to the Stationers. Through customary practices that constituted a monopoly, the Stationers tried to maintain their supremacy in the trade. With the rise of the public sphere and England exercising colonial dominance over Ireland, Scotland, and eastern North America for much of the eighteenth century, copyright was in flux—it was unclear who was allowed to print what or when. The London booksellers tried to take advantage of the ambiguity in copyright law, excluding Irish, and Scottish, and eventually American booksellers from the London literary market. In the Irish context, these debates flared up after the Declaratory Act of 1720; in Scotland, with *Donaldson v. Becket* in 1774; and finally in the United States, around the Federal Copyright Act of 1790. In the discourse around these legal battles, Irish, Scottish, and American colonial booksellers who challenged the London booksellers' monopoly were considered interlopers and branded pirates. Just as seafaring pirates posed a threat to the English control of the Middle Passage, Irish, Scottish, and American booksellers posed a threat to Londoners' control of the British book trade.

Given these two shifts in what literary property meant and how it would be implemented in the period, my project examines local contestations within an imperial network, specifically struggles over literary property and its part in England's control over its colonies. Debates over literary property set in the context of the larger colonial

struggles over ownership help us to understand the relationship between authority and authorship: in the colonies, booksellers and authors worked together to make authority and authorship local, to separate it from England, English constructions of authorship, and the book trade system in London. The figures I analyze—Daniel Defoe, Jonathan Swift, Samuel Johnson, and Mathew Carey—brought new models of print capitalism to the colonies, dispersing an understanding of copyright that was an assertion of local affiliations. In the case of Ireland, these affiliations manifested themselves in a movement for economic independence from England, and in Scotland, in an assertion of equality under the union of Great Britain. In the newly formed United States, the affiliations were among those still struggling for legal recognition after the American Revolution.²³ Using book history in the service of literary analysis, I will read the way that liminal figures such as George Faulkner, Alexander Donaldson, Absalom Jones, and Richard Allen have influenced the work of these largely canonical authors, and thus local politics, through their literary production practices.

My project travels through the eighteenth century and through many of the spaces of the Atlantic world in the period. I travel through this world mindful of the role of what

²³ David Armitage has argued that the Union of 1707 made available the contrasts in the conceptions of Empire at work in Scotland, Ireland, and the American and Caribbean colonies: “The Union of 1707 sharply distinguished a range of different available conceptions of empire, from the incorporating union of Great Britain, through the semi-colonial dependency of Ireland to the colonial semi-autonomy enjoyed by the American and Caribbean colonies. It this incorporated a yet sharper form of disunity within the British Empire than had existed before, even as it also enshrined diversity between the Churches and legal systems of England and Scotland” (*The Ideological Origins of the British Empire* (Cambridge: Cambridge University Press, 2000), 149). I intend to highlight these differences in my discussion of Dublin, Edinburgh, and Philadelphia, rather than to flatten out these distinctions.

Ralph Bauer has called “spatial dialectics.” In *The Cultural Geography of Colonial American Literatures*, Bauer argues that literary evolutions in the metropolis and the colony are “uneven and *co-dependent*.” He insists therefore that we must investigate tropological codes in historical time in geographical space; “we must place literary history in the context not only of the historical but also of the spatial dialectics that were foundational in the making of modernity.”²⁴ Literary piracy, I contend, is one of these “tropological codes” as it is central to our understanding of how modernity gets constructed in specific places. These pirates were telegraphers of information in the unstable, transient spaces between and among locations, and their status shifted depending on their location. In his recent study on the subject, Adrian Johns makes the link between piracy and location: “Piracy was a property not of objects alone, but of objects in space. A given book might well be authentic in one place, piratical in another.”²⁵ This focus on space, on the particularities of a location, is therefore central to my work here, for it is the key to understanding how certain booksellers mobilized the technology of the book as a site of struggle.

Though my work is grounded in the local, it also relies heavily on uncovering and understanding the networks among booksellers and between booksellers and authors.²⁶

²⁴ Ralph Bauer, *The Cultural Geography of Colonial American Literatures: Empire, Travel, Modernity* (Cambridge: Cambridge University Press, 2003), 12.

²⁵ Adrian Johns, *Piracy*, 13.

²⁶ I am borrowing from Trish Loughran in my understanding of the local trumping the national in identity formation in the early decades of the United States. Loughran writes: “The nation, such as it was, was simply less legible—more literally speaking, less *available*—as a mode of affective affiliation than were the state, the country, and the village” (Trish Loughran, *The Republic in Print: Print Culture in the Age of U.S. Nation Building, 1770-1870* (New York: Columbia University Press, 2007), 12).

These networks are themselves communication systems as booksellers, such as Robert Bell, whose career touches upon my arguments about Swift, Johnson, and Carey, move throughout the Atlantic world, trying out the different modes of print capitalism available to them in these places and creating important networks among these peripheral locations. In this focus on connectivity, I borrow from Kathleen Wilson's deployment of the concept "network" in *The Island Race* insofar as it "provides a local translation of a wider imperial circuit that impacted the forms of labor, consumption, servitude, freedom and belonging in specific ways."²⁷ Wilson points to the paradox of colonial identity, the paradox between the notion that identity is "situational" and that it is also something that might be "protected by British 'rights and liberties'" and therefore governed by a nonlocal idea. This is true of Cumberland's Belcour in *The West Indian*. Belcour is part of an emerging international network of Englishness, but his situatedness differs in Jamaica from that in London. In his effort to recuperate this West Indian planter from prejudice, Cumberland stresses his benevolence because he is "a fellow subject" of the Crown, and a wealthy one at that. The morality of the play remains questionable because of its silence surrounding the slave trade, the way that Belcour's wealth is produced. Violence that is never directly represented creates the exchanges of wealth and allows Belcour to be charitable to Captain Dudley. The silence around slavery in the play

²⁷ Wilson, *The Island Race*, 16.

reflects the tacit consent to such violence in the colonies until the last decade of the eighteenth century.²⁸

A look at transatlantic networks allows us to foreground the connections among colonies and between the colonies and the metropole in eighteenth-century cultural productions like *The West Indian*. Cumberland urges his readers to see Belcour as “wild, perhaps, as the manner of his country is, but, I trust, not frantic or unprincipled,”²⁹ in contrast to the Fulmers, who allegedly plunder London as if it were an imperial destination, a “second Eldorado.” Recognizing the networks that Belcour relies on and those that the Fulmers, as booksellers, might be a part of, opens up a reading of the play outside of the moral universe it constructs. Wilson also points out that reading through networks allows us to avoid the epistemological trap of universalizing and calls for an understanding of “local translation” of the relationship between freedom and property. This tendency to universalize is especially present and pernicious in studies of the Enlightenment because the period itself makes claims to such universalizing gestures in the name of reason. And these universalizing gestures in turn can cause us to homogenize all center periphery struggles as nationalist, or at least latently nationalist.³⁰ A theory of

²⁸ During the eighteenth century, the slave trade accounted for the transport of an estimated 6 million Africans, with Great Britain as the worst transgressor, but it was not until the end of the century that slavery became an issue of public moral outrage. In 1787, the Society for the Suppression of the Slave Trade was founded. In 1792, the House of Commons voted to abolish the trade by 1796, though it was not abolished until 1807 (Seymour Drescher, “Public Opinion and the Destruction of British Colonial Slavery,” in *Slavery and British Society: 1776-1846*, ed. James Walvin (London: Macmillan Press, 1982).

²⁹ Cumberland, “The West Indian,” I.4.31-32.

³⁰ I am borrowing from Partha Chatterjee who explicates the relationship between reason and nationalism. He explains that nationalism “is a framework of knowledge which proclaims its own universality” (*Nationalist Thought and the Colonial World: A Derivative Discourse?* (London:

“networks” allows difference and similarity, rupture and influence, to coexist. And in the spirit of political economy, it allows the political and the economic to collide productively, as they did in the exchanges of the book trade and as they do in the imaginative sphere of literature. Publics are not just defined by the political, but also by “fiscal, financial, and commercial capacities.”³¹ Booksellers in Dublin, Edinburgh, and Philadelphia were, after all, economic players, participating in a certain amount of imitation as they form congers³² that reproduce the structures present in the London book trade since the end of the seventeenth century. But, they also mimic each other in the ways and means through which they circumvent and at times flout London’s assumed authority over their practices.³³ These propensities for imitation and departure helped to shape the publics booksellers at once imagined and produced in their print productions.

The contemporary connotations of networks as related to communication technologies also make it a term that best describes the structures I examine in this

Zed Books, 1986), 11).

³¹ I am borrowing from Armitage’s explanation of the heritage of “political economy” in the late-seventeenth and throughout the eighteenth centuries, before it became a “distinct discipline, with a canon of classic texts and a set of definite problems” in the nineteenth century (*The Ideological Origins of the British Empire*, 147).

³² Philip Gaskell defines congers: “From the 1680s . . . several large publishers formed a more permanent association which came to be known as the ‘conger’ (the name being variously derived from *congerere*, ‘to bring together,’ and from the big eel which gobbles up the small fry). The first known conger, which survived until the early eighteenth century, was established to protect the copyrights of its individual members, which it did by controlling the greater part of the wholesale trade in books. The conger system was found to be a profitable one to its members, and congers dominated the London book trade for the first half of the eighteenth century; in these later congers copyrights were usually jointly owned, and books were simultaneously published and distributed by the association” (Phillip Gaskell, *A New Introduction to Bibliography* (Winchester, UK: St. Paul’s Bibliographies, 1995), 180-81).

³³ The form of mimicry that I am characterizing is one found in practice, rather than in representation. Therefore, I do not align it with Homi Bhabha’s discussion of mimicry in *The Location of Culture* (London and New York: Routledge, 1994), 85-92.

project. The printing press was well established by the eighteenth century (less so in the North American colonies, which did not have their first press until 1638), and yet, the period that I examine—1710 to 1790—is the time in which cultural and legal regimes adapt to the ubiquity of print in both England and its colonies. The legal battles around literary property in the period offer a relief against which the novels, biographies, and polemics reveal their deeply situated stakes. These stakes are at once particular and connected. The moments I read in these texts depict this network as at once imperial and dependent; they are in effect arguments and imaginings towards shaping a material network that at once replicates and challenges London booksellers' monopoly on the book trade. The local circumstances of each rhetorical situation are unique, but they are part of a larger nexus. This nexus resists the *telos* of the nation, in that the specific situations created their own temporary sociopolitical situations. I situate my work in the call of transatlantic studies to recall the pre-national moment when affinities throughout the Atlantic world were as powerful, if not more powerful than national affinities.

Printing Pirates

The communication and trade systems across and through the Atlantic world create a space, a potential in which alternative narratives might get created, narratives that problematize imperial capitalism's fantasy of hoarding and accumulation. Both slavery and literary property do not fit neatly into the prevailing Lockean notions of private property that governed individual ownership and guaranteed freedom in civil society. Booksellers who transgress the customary practices of the trade were branded

pirates, and I want to show how this term is a node of intersection for the troubles around literary property and slavery. Piracy parasitizes capital accumulation because it eliminates predictable circulation; slavery highlights the paradoxical nature of freedom that is predicated on subjects' rights to own and protect their property. Because literary property can only be explained in the abstract, it gets compared to types of ownership that are more tangible—the land and the body are the most frequently used metaphors. Slavery is a form of reification; subjects become objects insofar as enslaved people are not allowed to own their labor and therefore to have any agency within civil society. They become, as we see with Belcour's initial treatment of Louisa Dudley, objects to be exploited. Part of my goal in this dissertation is to show that the discourse around literary property and that around slavery have more in common than has been hitherto discussed in part because they are both anomalies within dominant models of ownership. In fact, colonial booksellers compare themselves to slaves in an effort to highlight that England is denying them their rights to own the products of their toil.

Scholarship has lamented the dearth of productive conversation between the concern in ethnic study with identity and book history's concern with objects. In his recent "state of the discipline" article in *Book History*, Leon Jackson characterizes the relationship between scholars of African American literature and of print culture, for example, as one of "mutual disinterest" because "Neither has listened to, or understood, the other."³⁴ I would like to posit the history of copyright as an arena in which identity

³⁴ Leon Jackson, "The Talking Book and the Talking Book Historian: African American Cultures of Print—the State of the Discipline," *Book History* 13 (2010): 255, 52.

and materialism productively collide and potentially offer a space for these disciplines to intersect. Within the framework of my dissertation, this comparison between literary property and slavery starts in Swift's *Drapier's Letters* and finds full realization when two formerly enslaved men, Absalom Jones and Richard Allen, assert their right to copyright in Philadelphia at the end of the century.

The claim that someone is a pirate is a claim that she or he is not playing by certain economic rules that allegedly govern a given locale. "Noncapitalist economic sites," argues J.K. Gibson-Graham, "must inhabit the social margins; and, as a corollary, . . . deliberate attempts to develop noncapitalist economic practices and institutions must take place in the social interstices, in the realm of the experiment, or in a visionary social replacement."³⁵ Unlike literal pirates, literary pirates were not so quick to disavow capitalism, and yet theirs were sites of "experiment" where customary practices and capitalist entrepreneurship were combined in new ways, ways that are best understood when they are not just explicated as legal debates, but also as potentials for "social replacements" about how private property would function outside of the imperial center. In *The Many-Headed Hydra* (2000), Peter Linebaugh and Marcus Rediker consider how the rhetoric around piracy on the high seas works both to romanticize the adventure and criticize the actions of pirates of the past.³⁶ Literary pirates were not anarchists or

³⁵ J.K. Gibson-Graham, *The End of Capitalism (as We Knew It): A Feminist Critique of Political Economy* (Malden, Massachusetts: Blackwell, 1996), 3.

³⁶ Linebaugh and Rediker posit a theory of hydrarchy, a two-pronged system, one tier of which consisted of the maritime state, including the British navy and commercial ventures. The second tier consisted of organized reaction to that oppression in the form of piracy. Piracy, in other words, was not a vocation that a young man would choose, not a result of greed or a thirst for blood, but, Linebaugh and Rediker tell us, it was instead a response to utter desperation, to the

revolutionaries in the ways that Linebaugh and Rediker characterize pirates of the high seas. They were less a part of a class struggle and much more entrepreneurs. They were less critics of capitalism than proponents of it, and in their efforts to define themselves against England's presence in their locales, they wanted to rid themselves of the rules of English custom that the London monopoly tried to impose. Booksellers wanted to maintain certain courtesies of the trade, but on their own terms, not as imposed from London. In some sense, this transition from rules of the trade imposed from London to those of local practice mirror the transition to capitalism itself, albeit via a less Whiggish transformation. In her recent efforts to trace the "relentless revolution" of capitalism, Joyce Appleby asks, "How did entrepreneurs get out of the straitjacket of custom and acquire the force and respect that enabled them to transform, rather than conform to, the dictates of their society?"³⁷ (7) This same question with an imperial twist is part of my project here. In the instances that I am looking at, the "straitjacket of custom" has an English accent, one that booksellers in Dublin, Edinburgh, and Philadelphia would reconfigure on their own terms and for which they would at times be branded "pirates."

Governance of cultural production is necessarily part of the colonial order, for its focus is ultimately property, albeit an abstracted form of property. In *The Letters of the Republic* (1992), Michael Warner calls property a "particular language of materiality"

cruel and inhumane abuses of the common man aboard a navy or commercial ship. In the eighteenth-century context, this desperation led to productive experimentation; they posit pirates as the first communal anarchists, pioneers in creating a socioeconomic culture that was a direct affront to the burgeoning capitalist imperialism of the period (*The Many-Headed Hydra: Sailors, Slaves, Commoners, and the Hidden History of the Revolutionary Atlantic* (Boston: Beacon Press, 2000), 143-73).

³⁷ Appleby, *The Relentless Revolution*, 7.

and reminds us that this language must be understood in the context of the construction of other discourses in the period.³⁸ Almost twenty years ago, Warner pointed out what might today seem obvious—that the medium of print and political structures are connected, so that “a history of letters requires a history of the political conditions of utterance.”³⁹

There is not only a connection between control of representation and control of real property, and so the “political conditions of utterance,” but also between the discourses used to describe that control. This is where the question of slavery becomes particularly relevant to my argument. By focusing on the production of this discourse as well as the words themselves, I am able to read local specificity in ways that Warner, writing in the wake of Jürgen Habermas, does not.⁴⁰ In this sense, I want to align my readings here with Joanna Brooks’s revision of Warner in 2002 when she wrote: “it seems that Warner and early Americanists after him have inherited from Habermas a tendency to foreclose on the role of race and colonialism in structuring civil society.”⁴¹ Looking at how literary pirates compared themselves to slaves and at how the authors I examine here were acutely aware of and at times sympathetic to these booksellers’ plight, I hope to show another way to open up Warner’s formulation to include race and colonialism.

Literary pirates, as booksellers and people of letters, have left archives for us to mine, but their work also registers in the literature of the day. Those traces are at times

³⁸ Michael Warner, *The Letters of the Republic: Publication and the Public Sphere in Eighteenth-Century America* (Cambridge, Mass.: Harvard University Press, 1992), 70.

³⁹ *Ibid.*, 35.

⁴⁰ In explaining his *res publica* of letters, Warner explicitly invokes Habermas’s bourgeois public sphere (*The Letters of the Republic*, 39).

⁴¹ Joanna Brooks, “The Early American Public Sphere and the Emergence of a Black Print Counterpublic,” *The William and Mary Quarterly* 62, no. 1 (2002): 69.

apparent in the metaphors authors use, in the pseudonyms they choose, in their generic decisions, or in the stories they tell. At other times, they register at more material levels—the title pages of a publication in a given location, the way different editions are set in type, or the copyright secured for given editions. I read both sets of these phenomena—the content and the material form it takes—in conversation with one another for two reasons. I think it is imperative to do so if we understand the author as a dependent, contingent creation, a figure who is neither unified nor autonomous. This is a status most often thrust upon canonical authors, so that is where my study focuses at this stage. If one of the goals of my work is to show contingency, then I need to show that even those imagined to be the stalwarts of the literary canon were deeply imbricated in local production practices. And then, employing the methodologies that book history makes available and that my dissertation's subjects insist on, we can see that the relations among literary form, physical embodiment of texts, and the politics that are their content are not set, but are instead variable. The methods of book history and the authors I am taking up are concerned with material form, literary form, and politics, but they do not resolve to one particular set of relations among these elements. At times, the literature is more about politics than the physical embodiment of the texts. At other times, the material form of the book is indispensable. My dissertation traces four authors negotiating these relationships in different places at different times.

The History of the Book

I see the academic discourse around the rise of print culture as having the potential

to be sympathetic to my query about printing pirates' relationship to the rhetoric around and practices of slavery in the eighteenth century. Book historians have long seen the printing press as an agent of change, as Elizabeth Eisenstein titled her seminal two-volume study in 1980. Michael Warner, Adrian Johns, and others have criticized Eisenstein for "technodeterminism," for citing the *printing press* itself, rather than the humans operating that press, as the creation of publics and republics.⁴² Nonetheless, she, along with others such as Lucien Febvre, Henri-Jean Martin, Robert Darnton, and D.F. McKenzie, opened up the field of book history to considerations of the sociological meaning of textual production, of how that production reflects upon and reacts to the cultural and economic forces that surround it. We can and should extend their understanding to make the move that Linebaugh and Rediker do, and read book piracy not necessarily as revolutionary, but at least as part of local contestations of an order imposed from outside, to consider how literary pirates used their printing presses to challenge territorial occupation. My claim is not that the book pirates were early or proto-nationalists, but rather that in establishing and securing practices that were most beneficial to them, they argued for a right to ownership of property that is tied, though not always intentionally so, to the arguments against occupation.

In *Bibliography and the Sociology of Texts*, D. F. McKenzie asserts that the relation between the author and the text can be found in "the ways in which texts are then re-read,

⁴²Adrian Johns, *The Nature of the Book: Print Knowledge in the Making* (Chicago: University of Chicago Press, 1998), 19.

re-edited, re-designed, re-printed, and re-published.”⁴³ Much as for Walter Benjamin, writing thirty years before McKenzie, the meaning of the text relies on its ability to be reproduced, the very quality that also complicates the author or the author-function. Working in the wake of Michel Foucault’s “What Is an Author?” McKenzie explains how post-structuralist theory complicates the work of the bibliographer:

[The] shift in attention away from the study of historical process makes it easy to conclude that we cannot really presume to recover an authorial voice at all, or an intended meaning, from the written or printed records. We are left only with synchronic structures, and the conventions which regulate their meaning as we read. It follows, of course, that if the meaning we read is entirely a function of the structural relations within the verbal system which constitutes a text, then it is not something inherent which can be expressed at all. Meaning is not what is meant, but what we now agree to infer.⁴⁴

For McKenzie, post-structuralism further complicates the notion of the stable text and renders the idea of an ideal text that conveys an author’s intentions even more unstable. In other words, the “agreement” about what is inferred from a text is a constantly shifting paradigm, and one that the textual scholar must take into account. In his own work and in the sociological study of the book that follows his work, these “synchronic structures” have begun to be deconstructed. McKenzie’s groundbreaking move here is to align the

⁴³ D.F. McKenzie, *Bibliography and the Sociology of Texts* (Cambridge: Cambridge University Press, 1999), 23.

⁴⁴ *Ibid.*, 33-34.

work of the bibliographer with that of the deconstructionist because they both displace the author as the sole generator of meaning in a text.⁴⁵

In the spirit of Foucault, McKenzie lays out how bibliography can partake in the reconceptualization of authorship. Since McKenzie, scholarship of the last few decades has uncovered the legal and cultural battles surrounding the Statute of Anne. I will work in the tradition of this scholarship, but my focus is on places where private property did not have the same status as it did in the imperial center, from London to Dublin and Edinburgh and Philadelphia. McKenzie's work is fundamental to my shift in focus for two reasons. First, McKenzie considers the ways in which bibliography challenges notions of authority, noting a "partial but significant shift . . . from questions of textual authority to those of dissemination and readership as matters of economic and political motives."⁴⁶ These economic and political motives, I will argue, are most clear in the London book trade in the early days of England's imperial domination. Second, toward the end of a distinguished career as an expert on the history of the book in England, McKenzie switched focus. He explained how his own work had expanded beyond the London book trade, asserting that "oral, manuscript, and printed texts" can be used to determine "the rights of indigenous peoples subjected to European colonization and to the

⁴⁵ Though I do want to align my work with McKenzie's theoretical orientation as he articulates it in the Panizzi Lectures, I agree with Matt Cohen's critique of McKenzie's practice. Cohen writes: "Though usefully modifying the question of authorial intention as one that should serve a more speculative purpose—one of several tools for characterizing the cultural milieu and effects of a given work—McKenzie ultimately recenters the concept, which he sees as proven by the material practice of certain authors" (Matt Cohen, *The Networked Wilderness: Communicating in Early New England* (Minneapolis: University of Minnesota Press, 2010), 15.)

⁴⁶ McKenzie, *Bibliography and the Sociology of Texts*, 1.

commercial and cultural impositions of the powerful technologies of print."⁴⁷ To consider these “economic and political motives” of print, McKenzie looked to his home, New Zealand. My project will focus on places closer to and more directly affected by the London book trade in the eighteenth century—Scotland, Ireland, and the newly formed United States.

The Literature

The authors I read in this project took part in this debate in important and largely undertheorized ways. They were aware of and, at times, sympathetic to these outsiders’ struggles to break up London’s attempted stranglehold on literary production. In their letters, newspaper or pamphlet writings, essays, and novels, Defoe, Swift, Johnson, and Carey address the arguments among the London booksellers and colonial booksellers. Recognizing the difference among the literary marketplace in London and those in the colonies, these authors at once comment on and look to create distinctive colonial publics, publics in search of separate economies of trade and of meaning. The colonial publishers whom I examine collude with these authors in the creation of these publics. I read these publishers and authors as cultural intermediaries because they spread their understanding of literary property throughout the colonies. My project poses and attempts to answer questions such as: Do ownership and authority function in the same way in the Atlantic world as they did in London? How and why do booksellers reposition English authors in the colonies? How are publics imagined in this repositioning? Which models

⁴⁷ Ibid., 5.

of print capitalism do booksellers and authors import from the imperial center and which do they cast off? Are these moments of imitation and disavowal done wittingly or unwittingly? In each chapter, I place debates over literary property in the context of the larger colonial struggles for ownership of production.

The order of the chapters moves from the Statute of Anne (1710) to the U.S. Copyright Act (1790), and my methodology takes me more or less through the century chronologically, but I do not mean for this movement through time necessarily to mark progress. Each chapter offers a snapshot of the struggles with ownership, moving from the imperial center—England—to England’s first colony—Ireland—to England’s first legal consolidation of its empire Britannia—Scotland—and finally to England’s first “lost” colony—the United States. I pair the debates around literary property in each of these settings with one author and his publishing practices in London, Dublin, Edinburgh, and Philadelphia.

In the context of the copyright debates in London at the turn of the century, I read Defoe’s *Colonel Jack* (1722) in a new way, highlighting its relationship to Defoe’s polemics on the regulation of print production and on empire building. Through Defoe’s agrarian and sexual metaphors for print production, I show that authorship is not merely a legal concept, but one that registers on a number of cultural and political levels and that fractures the logics of ownership, even in the imperial center of London. Agrarian metaphors used to explain the new regulatory regime for literary property were also used to describe the territorial expansion of the burgeoning English empire. At the same time as authorship was being professionalized, the English empire was expanding through its

“planting,” to employ a euphemism of the day, of remote locations. Defoe sees these acts of planting of distant lands as central to the success of the British empire, a point he makes clear throughout his polemics, but most explicitly in his *A Plan of the English Commerce* (1728). I read his deployment of this same metaphor for authorship at the start of *Colonel Jack* alongside his call for England’s imperial expansion, for England’s authority over distant lands through a form of ownership. I show how the logics of imperialism undergird Defoe’s metaphors for authorship, relating them to his corporeal metaphors of birthing and violence in *Colonel Jack*. The novel also reflects Defoe’s own anxieties around the relationship between attribution and ownership. Throughout the novel, Jack adopts different identities, and this type of shifting identity is, for Defoe, perilous insofar as it challenges the English national imaginary that assumes inherent qualities attached to national origins, that one’s Englishness cannot be put on and cast off at will. Just as Defoe insists that authors must claim the words they write, he also shows through the character of Colonel Jack that a good English subject must maintain a constant, stable identity, especially when in the colonies of the burgeoning empire.

In my second chapter, I begin my shift to those colonies, first focusing on the contested understanding of literary property rights in Ireland. I argue that Swift’s creation of a series of literary avatars—narrators such as the Teller in *A Tale of a Tub* (1704) and literary functions such as the bookseller—serve as a perverse satire of property rights as he ironically inverts types of ownership. I consider Swift’s use of shifting authorial identities in the paratexts and texts of *A Tale of a Tub* and *The Drapier’s Letters* (1724-

25) as a means of creating what Warner calls a *res publica* of letters.⁴⁸ To read Swift in this way, one must account for the competition between London and Dublin booksellers and for the material concerns of literary production, moving from author-centric analysis, a move that is important when authors consistently disavow their ownership of the text produced, especially when they do so for political reasons, as in the case of Swift. I consider Swift's dealings with prominent Dublin bookseller George Faulkner, who was branded a "pirate" by London Stationers such as Samuel Richardson. Reading Faulkner's printing practices next to Swift's words illuminates how the Irish public sphere could not be created in the economic practices, legal impositions, or literary texts alone, but instead, how all three coalesced in the 1730s in the relationship between Swift and Faulkner to create a distinctly Anglo-Irish version of anti-imperialism.

Next, I move to Edinburgh and examine the reaction of Scottish printers, some of whom relocated to London just after the Treaty of Union, to the Statute of Anne, a reaction that culminated in *Donaldson v. Becket*, a case that reached the High Court in 1774. Highlighting Samuel Johnson's sympathy for Scottish bookseller Alexander Donaldson, I argue that this case ultimately influenced the writing and print production of *The Lives of the Poets* (1779). My examination of Johnson's stance on these literary property debates reveals that Johnson offers another way to read literary production as less the product of a single entity and more the product of multiple "protagonists of

⁴⁸ Warner, *The Letters of the Republic*, 70.

print,” to borrow a phrase from Lisa Maruca’s *The Work of Print* (2007).⁴⁹ I argue that a letter Johnson wrote to his printer William Strahan is a better contender than his famous letter to Chesterfield for enumerating the rights of authors and their relationships with their booksellers. Presumably, critics have overlooked this letter because its language is far tamer, it inveighs against no one, and it references the complicated legal disputes over copyright, but it ultimately reveals far more about Johnson’s understanding of the relationship between the author and the “*bona communia*.”⁵⁰ Understanding Johnson as both a producer of literary culture and a free agent in the marketplace reveals the limits Johnson saw for the author as a cultural nationalist. Reading Johnson’s take on the politics of print production through the lens of literary critics such as Deirdre Lynch and Helen Deutsch and of book historians such as Adrian Johns and Lisa Maruca shows that his cultural capital as the most English of English authors—I am thinking here of *Dictionary Johnson*, of the man instructed by George III to write the literary biography of his country—is a position that was thrust upon him by booksellers, more than it is a reflection of his own belief that an author can stand for the “inchoate body of a nation.”⁵¹

Finally, I turn to Philadelphia, which in the 1790s can be seen as a microcosm of the contestations in England and its colonies that I have been tracing in the previous three chapters. If the implementation of copyright was uneven in the British Isles, it was

⁴⁹ Maruca, *The Work of Print*, 26.

⁵⁰ Samuel Johnson, "Letter to William Strahan 7 March 1774," in *The Letters of Samuel Johnson*, ed. Bruce Redford (Princeton, N.J.: Princeton University Press, 1992), 130-31.

⁵¹ Helen Deutsch, *Loving Dr. Johnson* (Chicago: University of Chicago Press, 2005), 45..

downright disregarded in colonial America until the 1790 Federal Copyright Act. I show that in Mathew Carey's own struggles over when to use the new U.S. Copyright Law and when to circumvent it, he does not leave behind the practices he learned as a young printer in Dublin. I will look at three different modes of authorship and ownership that Carey tried out early in his career—anonymous, exclusive, and collaborative—in his capacity as a maker and seller of texts. I dwell on the second of these models in Carey's pamphlet wars with leaders of the African American community in Philadelphia in the wake of the yellow fever pandemic. In their rhetorical sparring, there is a struggle over race, a struggle over definitions of disease, but also a struggle over copyright. The first African Americans to claim copyright, Jones and Allen protect their words, their position, through legal "investiture," to borrow Srinivas Aravamudan's term.⁵² As I will show in the other two models of authorship I examine, others who dealt with Carey, such as Jedidiah Morse of Boston, had extralegal means of protecting their interests. And the Jones and Allen incident brings into stark relief the importance of such arrangements. Carey ultimately leaves behind the collective spirit so valued by the republican virtue he espoused as a young man in Dublin, for an entrepreneurial, capitalist model of citizenship that rewards individualistic claims to property and profit.

Conclusion

⁵² Srinivas Aravamudan, *Tropicopolitans: Colonialism and Agency, 1688-1804* (Durham, N.C.: Duke University Press, 1999), 22.

The change that my dissertation traces is the transition from the Stationers' Company to a new model for regulating print production in a transnational network that required a kind of distribution that the old model could no longer support. Though the print production that I will be looking at is in relatively close geographical proximity to London, what I am studying is the birth of a global print culture that led to questions that international law would only mediate two centuries later. As the first copyright act in the world, the Statute of Anne was a harbinger of many of the debates that have arisen around intellectual property in the centuries since. Part of what Anne heralded, I am arguing, is that copyright is never a local concern that nations can regulate independently. Like other ordering regimes of imperialism, copyright was predicated on a patriarchal understanding of ownership that morphed in different colonial and postcolonial settings. My reading of the literature of these settings calls attention to the ways that authors and booksellers worked together to localize ownership. This is not to insist that these literary productions are necessarily counterhegemonic, but rather that they contain in them, both in their content and in their material form, lineaments of the political and cultural struggles that occurred in the Atlantic world of the eighteenth century.

We are living in a shift in the ways that texts get produced and consumed, and we need to be astutely aware of the ways in which technology is part of a larger material infrastructure that ceaselessly interacts with our social structures. As we increasingly live and work in a digital environment, definitions around authorship, publication, and technology once again need reexamining. By looking to the past, I hope that this

dissertation models a disposition towards the relationship between sovereignty and technology that allows us to see the many hands at work in the production of both.

Chapter 1: Planting and Parenting: Ownership in Daniel Defoe's *Colonel Jack*

In the preface to *Colonel Jack* (1722), Daniel Defoe establishes the relationship between the reader and the author. In his editorial persona, Defoe likens reading the novel to gardening:

The various Turns of his Fortunes in the World, make a delightful Field for the Reader to wander in; a Garden where he may gather wholesome and medicinal Plants, none noxious or poisonous; where he will see Virtue and the Ways of Wisdom, every where applauded, honoured, encouraged, rewarded; Vice and all Kinds of Wickedness attended with Misery, many Kinds of Infelicities, and at last, Sin and Shame going together, the Persons meeting with Reproof and Reproach, and the Crimes with Abhorrence.⁵³

Through the telling of his tale, the novel's protagonist, Colonel Jack, has been a sort of landscapist, as the "various Turns of his Fortunes in the World" create a field so "delightful" that it is in fact "a Garden," which the reader can now "wander in." The lessons that blossom in this garden can only benefit the reader, for it is a place in which virtue has been cultivated and vice has met with "reproof and reproach." Jack's telling of his tale is then a form of cultivation; he will take the wildness of uncultivated land and

⁵³ Daniel Defoe, *The History and Remarkable Life of the Truly Honorable Col. Jacque* (London: Oxford University Press, 1722; reprint, 1965), 22.

plant and prune until only the most “wholesome and medicinal Plants” flourish there.⁵⁴ This parataxis falls apart by the end of this passage, however. Have the “noxious or poisonous” plants been weeded out? According to the metaphor at work, yes, but then we are told that the weeding process itself is what the reader will experience in the novel, that the reader will not be spared the sight of these nefarious elements. The reader will “see . . . Vice and all Kinds of Wickedness attended with Misery, many Kinds of Infelicities, and at last, Sin and Shame going together, the Persons meeting with Reproof and Reproach, and the Crimes with Abhorrence.” This collapses the events of the reader’s wandering and the protagonist’s narrating. In reading, the audience views the author in the persona of the first-person narrator turning a field into a “delightful” place, a garden where the reader can benefit. As the metaphor first suggests, then, the reader is not in fact wandering through a completed setting, but is instead watching the author weed, plant, clear brush, put up walls, move stones, till, etc. The author becomes the gardener and the reader is left to reap the benefits of his toil. This passage, though seemingly about the reading experience, has much to tell us about the writing process, about what it means to author a text.

⁵⁴ The first two definitions of “field” in Samuel Johnson’s *Dictionary* are “Ground not inhabited; not built on” and “Ground not enclosed.” The third definition, which he takes from Alexander Pope’s *Statius*, is a “cultivated tract of ground” (Samuel Johnson, “Field,” in *A Dictionary of the English Language* (London: Printed by W. Strahan, For J. and P. Knapton; T. and T. Longman; C. Hitch and L. Hawes; A. Millar; and R. and J. Dodsley, 1755).) The term seems to be in flux in 1722, then; it can mean either unsettled or enclosed lands. By aligning it with a garden here, Defoe signals the latter, as a garden, Johnson writes, has been, since Shakespeare’s use of it, “A piece of ground inclosed, and cultivated with extraordinary care” (———, “Garden,” in *A Dictionary of the English Language* (London: Printed by W. Strahan, For J. and P. Knapton; T. and T. Longman; C. Hitch and L. Hawes; A. Millar; and R. and J. Dodsley, 1755).)

The comparison between gardening and writing is not unique to Defoe. In fact, it is among the dominant metaphors for writing in the period, and one whose valences reveal the shifting status of authorship at the beginning of the eighteenth century as writers became legal owners of the products of their pens. This agrarian metaphor is an example of what Mark Rose describes as “the figuration of the literary work as a form of estate [that] would be reiterated and elaborated [after the Statute of Anne]” because it “contributed to a new way of thinking about literature,”⁵⁵ a claim that I will return to later. Agrarian metaphors were also used to describe the territorial expansion of the burgeoning English empire.

At the same time as authorship was being professionalized, the English empire was expanding through its “planting,” to employ a euphemism of the day, of remote locations. In his fiction and nonfiction, Defoe partook in the imagining of how this expansion fit into English ideas of liberty and freedom enshrined in the Bill of Rights of 1689, though as David Armitage has shown in *The Ideological Origins of the British Empire*, liberty and empire did not sit easily together.⁵⁶ Defoe sees these acts of planting of distant lands as central to the success of the British empire, a point he makes clear throughout his polemics, but most explicitly in *A Plan of the English Commerce* (1728).

⁵⁵ Mark Rose, *Authors and Owners: The Invention of Copyright* (Cambridge, Mass.: Harvard University Press, 1993), 41.

⁵⁶ Armitage looks to the discourses of political economy and of the empire of the sea as places where the conflict between liberty and expansion got worked out in the late seventeenth century. Economic treatises of the period made it “more persuasive, because now more intellectually plausible, to argue that liberty and economy might be reconciled, both theoretically and historically.” Armitage recognizes, however, that “Only in England (and possibly some colonies on the American mainland) did the Glorious Revolution represent the victory of law, liberty, and localism against absolutism, subordination and centralism” (*The Ideological Origins of the British Empire* (Cambridge: Cambridge University Press, 2000), 147 and 153).

His deployment of this metaphor for authorship at the start of *Colonel Jack* can be read in relation to his call for England's imperial expansion, for establishing its authority over distant lands through a form of ownership rendered visible and effective through the cultivation of these lands.

Locke writes in his *Second Treatise on Civil Government* (1690) that it is through the cultivation of land that one comes to possess it. This logic was used to justify the taking of land from natives, for they did not properly care for it, and the unsettled land therefore remained in common. This Lockean understanding of colonialism validated the practice—the English came to own these distant lands because they possessed them properly. And this possession was not neutral; it was coded as masculine and considered superior to that of rival nations. Jill Casid explains the power implicit in the agrarian metaphors for this occupation: "planting or the privileged act of sowing seed had long been understood as a founding gesture of paternal, possessive insemination."⁵⁷ The metaphor of author as gardener is also sexualized, a form of "possessive insemination." This patriarchal power at the heart of Defoe's understanding of authorship can be seen not only by unpacking his agrarian metaphors for authorship, but also by reading them alongside his corporeal metaphors for authorship.

In order to see the ways in which Defoe extends his argument about authorship from *An Essay on the Regulation of the Press* (1704) and his *Review of the State of the British Nation* (1709-1712) in *Colonel Jack*, one must be attuned to the corporeal

⁵⁷ Jill H. Casid, *Sowing Empire: Landscape and Colonization* (Minneapolis: University of Minnesota Press, 2007), 24.

metaphors he employs to describe print production and to the arguments, both theoretical and legal, underpinning these metaphors. Production and reproduction are at the heart of *Colonel Jack* as the protagonist is subject to the “Turns of his Fortunes in the World.” Katherine Armstrong argues for such a consideration of the novel as a process of creating: “What Defoe offers with *Colonel Jack* is not just a historical novel . . . but a demonstration of how history is made.”⁵⁸ For Armstrong, the novel reveals Jack’s “agency, that is to say, his direct role in the creation of his times. Ultimately *Colonel Jack* proposes that historical epochs and those who live through them are mutually determined.”⁵⁹ I will focus Armstrong’s assertion a bit more directly to show that the novel demonstrates not just how history is made, but how history is made through print. Reading the novel with Defoe’s previous meditations on print culture in mind reveals that in the making of a history, of a story, Jack is an author in the world, as he negotiates his rights to ownership and his claims to authority. Like Richard Cumberland does decades later with Louisa Dudley in *The West Indian*, Defoe chooses metaphors that reflect the ways that the production of books and the work of empire are intertwined. Evolving questions around ownership unite the myriad metaphors Defoe invokes: in the years between the lapse of the Licensing Act (1695) and the Statute of Anne (1710), what does it mean for an author to claim his work? Is such a claim a right or a responsibility? What constitutes the claims to property that Locke insisted on and that England has recently

⁵⁸ Katherine Armstrong, “‘I Was a Kind of an Historian’: The Productions of History in Defoe’s *Colonel Jack*,” in *Tradition in Transition: Women Writers, Marginal Texts, and the Eighteenth-Century Canon*, ed. Alvaro Ribeiro, SJ, and James G. Basker (Oxford: Clarendon, 1996), 109.

⁵⁹ *Ibid.*, 97.

reorganized itself around in the 1689 Bill of Rights? How does literary property become privatized? How does that process mirror the formation of civil government that Locke predicates private property on? The work of empire seems to be about a similar process of appropriation as Defoe ties his understanding of authorship to the national, and increasingly imperialistic, interests of England.

Book historians of the period have yet to grapple with these sexualized metaphors for print production. The way they tend to understand the changing ownership regime is to look at legal debates about the literary marketplace, and these have been tremendously powerful and productive tactics, as I will discuss. But, when we look beyond the legal realm into the world of fiction, we begin to see how disjunctive this ownership was, even in the metropolitan center of London, and what such a dissonance induced in the imaginative world of fiction. Defoe's work is a good place to start this socio-historical mining, in part because he has personal experience with the regulatory regimes of his day and in part because he thematizes his concerns around ownership in both his polemics and his fiction. *Colonel Jack*, one of his lesser-known novels, is one of his most interesting when it comes to trying to figure out how it is that the changing condition of a legal and literary marketplace in fact gets argued through and sometimes against fiction. Defoe's career exemplifies that even at the center of print power as we have imagined it—London—the effects of disjunctive, colonial and parametropolitan debates as well as historical debates about property have fractured the logics of authorship and ownership.

Colonel Jack moves through the Atlantic world—from England, to Scotland, to the North American colonies, to the European continent. A picaresque novel, *Colonel*

Jack includes settings that are as full of disjunction as the hero himself, but this disjunction is all part of Defoe's efforts to capture the diffuse and de-centered authority of the "historical epoch," to borrow Armstrong's term. The status of the author as a newly independent, legal entity is one way to get at this disjuncture, and it is one of the few unifying themes in a novel with so much movement that it can, at times, be hard to see relationality, let alone causality, among its many episodes. This difficulty is part of the reason that this is one of Defoe's less known and less studied novels, but it is at the heart of the work Defoe is doing in the novel. Although Defoe's *Colonel Jack* has recently gained currency in eighteenth-century studies of race and colonialism,⁶⁰ it has been little noticed by those of us working in book history. Despite Defoe's canonical status in studies of print culture, book historians most often turn to his polemical writing and have much less to say about his fiction.

I want to offer a reading of *Colonel Jack* as a meditation on the perils of print in the wake of the Statute of Anne. My reading will extend and complicate recent understandings of shifts of notions of authorship engendered by the new limitations placed on the Stationers' rights with the 1710 Statute of Anne. To do this, I will first explicate Defoe's agrarian metaphors in relation to his polemics on colonization. After showing that the logics of imperialism undergird these metaphors, I will relate them to

⁶⁰ The most illuminating example of this work is chapter two of George Boulukos, *The Grateful Slave: The Emergence of Race in Eighteenth-Century British and American Culture* (Cambridge: Cambridge University Press, 2008). Other examples include Srinivas Aravamudan, *Tropicopolitans: Colonialism and Agency, 1688-1804* (Durham, N.C.: Duke University Press, 1999) and Adam Hansen, "Criminal Conversations: Rogues, Words and the World in the Work of Daniel Defoe" in *Literature and History* 13, no. 2 (2004): 26-48.

his corporeal metaphors of birthing and violence, examining how Defoe embodies writing and printing through his protagonist and his protagonist's struggles. I will show that these moments in the novel have their origins in Defoe's polemics from earlier in the century. The picaresque form is integral to Defoe's work here if we understand genre as less a platonic ideal and more involved with historical context.⁶¹ In other words, Colonel Jack's shifting locations, shifting occupations, shifting nationalities, and shifting identities take the reader across the Atlantic world, highlighting the ways in which London does and does not maintain authority in its colonies.

“To Plant and People the World”

For the most part, Defoe depicts the women in *Colonel Jack* as the weeds that the story's teller must extract to make the “delightful Garden” promised by the editorial persona in the preface. In other words, these women create little besides “Misery” for Jack with their “Vice and all Kinds of Wickedness.” The women meet with the “Reproof and Reproach” the editorial persona promises they will. The editorial persona begins the preface by telling the reader how easy it will be to separate good from bad in the ensuing story: “This Work needs a Preface less than any that ever went before it; the pleasant and delightful part speaks for itself; the useful and instructive Part is so large, and capable of so many improvements, that it would employ a Book, large as it self, to make

⁶¹ I am borrowing here from comments made by Barbara Harlow, “Pandemic Possibilities and People,” at the *Fourth Annual World AIDS Day Conference* (University of Texas at Austin 2010).

Improvements suitable to the vast Variety of the Subject.”⁶² The editorial persona depicts the two sides of the construction of meaning here—through the text and through the reader. The book both “speaks for itself” and to the reader. Meaning will also be created in other publications that this book engenders. And all of this will come from the reader wandering in the “delightful Field,” the “Garden” that Defoe has planted for his reader.

This agrarian metaphor is exactly the sort of thing that Rose must have in mind when he argues that for fifty years after the Statute of Anne, “the figuration of the literary work as a form of estate would be reiterated and elaborated, and it contributed to a new way of thinking about literature.”⁶³ And yet, in his fiction, Defoe does not abandon the metaphor of paternity with all of its “rhetorical difficulties.” Moreover, the agrarian metaphor does not necessarily free the writer of rhetorical difficulties in quite the way that Rose assumes it does. Rose writes, “The real-estate metaphor provided a comforting sense of weight and tangibility.”⁶⁴ Lewis Hyde recycles Rose’s point when he writes in his recent history of U.S. copyright law, *Common as Air*:

Defoe's familial analogy never caught on, however, probably because it becomes awkward when carried to its logical end. A man might sell the brat of his brain, yes, but he isn't supposed to sell the brat of his loins, nor his wife for that matter. Partisans of individual rights to literary property, in any event, soon dropped all talk of women and children and turned

⁶²Ibid., 1.

⁶³ Rose, *Authors and Owners*, 41.

⁶⁴ Ibid., 58.

instead to land, a man of genius being pictured as the owner or steward of an estate from which he harvests a marketable crop.⁶⁵

Hyde's reiteration of Rose's argument helps to highlight how the original metaphor begs further investigation. Hyde does not question what the relationship between the male body and the "brat" might be, adopting Rose's argument that such paternal metaphors were forsaken for metaphors related to the land. I will examine this metaphor in detail in a moment, but for now I want to point out that both Rose and Hyde do not consider the logics implicit in the agrarian metaphor. Like Rose, Lewis assumes that agrarian metaphors were free of sexual connotations and ignores the power dynamics inherent in the type of ownership they describe.

Defoe's use of an agrarian metaphor in his preface is an excellent example of how the agrarian metaphor is neither neutered nor neutralized. As I will show in Defoe's polemics and in *Colonel Jack*, this process is not necessarily "(hetero)sexualized" in Defoe's metaphors; instead, it requires a fair amount of gender-bending. In *Sister Arts: The Erotics of Lesbian Landscape*, Lisa Moore examines how the discourse around painting, poetry, and landscape gardening marked "the boundaries between proper marital sexuality and unauthorized 'other' forms." She writes that "the sister arts rhetoric of the period mobilized sexuality, in ways both stated and unacknowledged, to manage the anxieties produced by . . . imperialism, the decline of patronage, the emergence at the end of the century of the role of professional artist, and the invention of new genres such

⁶⁵ Lewis Hyde, *Common as Air: Revolution, Art, and Ownership* (New York: Farrar, Straus and Giroux, 2010), 82.

as the novel.”⁶⁶ Defoe’s “anxieties” over ownership and authority, over the changing regimes in relation to property—both literal and literary—mean that the metaphors he reaches for are not going to be logically consistent. Men will be having babies in Defoe, but we need to interrogate such moments, rather than assume they disappear with the Statute of Anne, as Rose does. We must also acknowledge the power dynamic, a dynamic that has everything to do with imperialism and the changes in authorship that occurred concurrently. The sexualized rhetoric around landscape gardening, as Moore explicates in her book, is one of the places where these changes registered. Planting metaphors captured at once the literal act of colonization and the power dynamics at work in such an insemination of a foreign people on a new piece of land. Casid shows how “The idea of colony as plantation and the plantation as farm mythicized empire as anti-conquest by making empire as rooted and natural as rural England was supposed to be.”⁶⁷ Planting justified colonization, as Locke argued in his *Second Treatise on Civil Government* (1690): “yet there are still great tracts of land to be found, which the inhabitants thereof, not having joined the rest of mankind . . . lie waste, and are more than the people who dwell on it, do, or can make use of, and so still lie in common.”⁶⁸ In the logic of Locke that characterized much of English imperial logic, the colonizer has every right to this piece of land that is in common; the cultivation of this land constitutes ownership. For Defoe, this type of ownership that is constituted by cultivation is analogous to the type of

⁶⁶ Lisa L. Moore, *Sister Arts: The Erotics of Lesbian Landscape* (Minneapolis: University of Minnesota Press, 2011), 15.

⁶⁷ Casid, *Sowing Empire*, 8.

⁶⁸ Locke, *The Second Treatise on Civil Government*, 29.

ownership at work in literary property. This is the very gesture that Defoe depicts in his preface: the creative process is a procreative process as well. Wandering through the garden may plant ideas in the reader's own mind; it may, in fact, inseminate the reader.

In this agrarian metaphor, Defoe reflects a Lockean understanding of property, an understanding that has everything to do with colonialism. According to Locke, the primary motive for people to consent to the rule of law is the protection of their property. Locke offers a new understanding of property, presupposing that God gave the world to all people. Through labor, people make common property their own: "It is labour, then, which puts the greatest part of value upon land, without which it would scarcely be worth anything."⁶⁹ In a lengthy treatise on how and why England should expand its empire of 1728, Defoe applies this Lockean understanding of the relationship between agrarian labour and ownership, arguing that England must continue not just to colonize, but to establish *planting* colonies. Planting is increasingly becoming synonymous with colonizing in the period, so that by 1755 Johnson offers the fourth definition of "To Plant" as "To settle; to establish: as, to *plant* a colony."⁷⁰ Defoe understands this settling as central to securing England's superior position in the colonies. He maintains that English endeavors have been superior to Spanish ones because the English have planted in their colonies. He writes of

⁶⁹ Ibid., 26.

⁷⁰ Samuel Johnson, "Plant," in *A Dictionary of the English Language* (London: Printed by W. Strahan, For J. and P. Knapton; T. and T. Longman; C. Hitch and L. Hawes; A. Millar; and R. and J. Dodsley, 1755).

The Island of *Jamaica*, where the *Spaniards* were the Discoverers, that is, in the room of the Inventors, and made little or nothing of it, and we are the Improvers; and what that Improvement is, we all know: that Island for its Planting, and its other Advances of Trade, is at this Time the greatest Article in all our *West India* Commerce; and if some nice Calculators may be allowed to judge right, the Product of the island of *Jamaica*, and the Consumption of Goods there from *England* or which goes that Way to *New Spain*, makes the Trade of the Island superior at this Time to the Trade of all our other Islands.⁷¹

It is only through planting that trade can be secured, and only through a monopoly of the trade in the colonies, particularly the American colonies, that imperial dominion can be secured. Defoe goes so far in this argument that he claims that it is the lack of planting that caused Rome to fall. He writes: "The *Romans* (like the *Turks* in our Time) were no Friends to Trade; they carry'd on their War for Glory; like mere Soldiers they fought to conquer, and concur'd to plunder, not to plant and people the World."⁷² The English, he urges in this treatise, must not make this mistake; instead, they must fully occupy the land they conquer through planting and inhabiting.

In the period, Stationers and jurors called on Locke to draw analogies between physical labor that secures landed property and mental labor that secures intellectual

⁷¹ Daniel Defoe, *A Plan of the English Commerce. Being a Compleat Prospect of the Trade of This Nation, as Well the Home Trade as the Foreign* (London: printed for Charles Rivington, at the Bible and Crown in St. Paul's Church-Yard, 1728), 310.

⁷² *Ibid.*, 312.

property. In *An Essay Concerning Human Understanding* (1693), Locke describes the mental labor that develops as ideas, ideas that he describes as substances that people combine in different ways to form original ideas.⁷³ Combining his writings about how ideas are formed and how property becomes private, an understanding of intellectual property was deduced. The Stationers convinced most jurists on grounds that were essentially a combining of Locke's ideas: writing is the result of this intellectual work, then it can also be understood as the physical manifestation of intellectual labor.⁷⁴ Therefore, the person who does the mental labor to create the writing is the proprietor of it. And so, the figure of proprietary author, the one whose work belongs not to a patron or a publisher, but to him/herself, emerges.

Regulatory Regimes

The Statute of Anne was the outcome of Stationers and politicians wrangling over how to define and defend literary property. As Adrian Johns shows, intellectual property was still an amorphous concept at the time, and so the idea of literary property, of who owned the right to the copy of a text, rather than who owned the right to the ideas behind a text, was what was at stake in the debates.⁷⁵ The ownership of literary property rights was a longstanding customary right among Stationers, one that was understood to be

⁷³ See Book II of Locke's *An Essay Concerning Human Understanding* (Indianapolis: Hackett, , 1693; reprint, 1996), 33-172.

⁷⁴ For an explication of the jurists' arguments around literary property, see Rose, who explains that "The paradigm of property for Blackstone, as for other 18th c. jurists, was land, and it was on the model of the landed estate that the concept of literary property was formulated" (7). Rose examines the rhetoric of Sir William Blackstone, jurist and Tory politician, most extensively (*Authors and Owners*, 90).

⁷⁵ Johns, *Piracy: The Intellectual Property Wars from Gutenberg to Gates*, 143.

perpetual, much like the ownership of a piece of land. Since the inception of the Stationers' Guild in 1564, booksellers regarded copies as properties; they had paid a lot of money for them, and they often willed such a right to the reprinting of a work to their progeny.⁷⁶ Unlike what would happen in the newly formed United States toward the end of the century, in England, booksellers, not authors, fought the battle over copyright, and therefore must be considered in the making of the myth of the modern author. In lobbying to protect their literary property, the Stationers constructed the author as an "autonomous creator and the distinct literary object, unitary, closed, and caught up in relations of ownership."⁷⁷ If authors owned their work, then the law should protect that ownership, the Stationers argued. By arguing that, the Stationers were also securing their own right to then have that ownership transferred to booksellers.

The Stationers were looking to protect themselves from others' reprinting of texts that they considered themselves to have an exclusive and perpetual right to, just as one has a right to a piece of land. From the lapsing of the Licensing Act in 1695 to the Statute of Anne in 1710,⁷⁸ this exclusive right was in flux: was a book, or the content therein, a piece of private property? If so, did the publisher own that private property? The Stationers initially claimed that they did during what Johns terms the "years of no property," and then they argued that authors in fact initially held literary property, but then they could pass it to the publisher. This process of transference was legitimated in the publication of the book in a closed transference of rights between the author and the

⁷⁶ Rose, *Authors and Owners*, 44.

⁷⁷ *Ibid.*, 1.

⁷⁸ Johns, *Piracy*, 43.

printer. When this closed circuit was interrupted, the Stationers claimed that their, and by transference, authors', rights to property had been transgressed. According to their application of Lockean ideas of property, such a transgression was a threat to civil government, for it was exactly this type of roguery that civil government was in place to protect against. Therefore, those who questioned the Stationers' claim to this exclusive right were deemed "pirates." This threat of "piracy," a concept I will spend much more time on in my next chapter, also helped to crystallize the ownership instilled in authorship. Johns explains, "Precisely when authorship took on a mantle of public authority, through the craft of the printed book, its violation came to be seen as a paramount transgression—as an offense against the common good akin to the crime of the brigand, bandit, or pirate."⁷⁹ Literary piracy was therefore considered a violation of territory, and the Statute of Anne was called for to protect authors and, ultimately, the purchasers of their literary property, the Stationers.

The Statute of Anne has gone down in history as the first Copyright Act. This memorialization of it is somewhat misleading. It did not create copyright; Stationers had been claiming exclusive rights to print and reprint works since the inception of the Guild in 1594. What the Statute of Anne did was in effect take this exclusive right away from the Stationers and put it first and foremost in the hands of authors while they were alive. The author could sell it to a bookseller for a period of fourteen years, would get it back at the expiration of that period, could sell it again, and so on as long as the author lived. Booksellers who already were printing a given author's work had twenty-one years from

⁷⁹ Johns, *Piracy: The Intellectual Property Wars from Gutenberg to Gates*, 19.

the date of the Statute in which to claim exclusive right to that work. After that, the work would not longer be any bookseller's exclusive private property. Therefore, what the Statute really created was the public domain, for after an author's death, no one, not a Stationer or any other bookseller, could claim exclusive right to that author's work. The property of the work was no longer anyone's private property, but instead was held in common. This, according to the language of the Statute, was for the public good. The title of the Statute is "An Act for the Encouragement of Learning," and within its first paragraph, it purports to exist "for the Encouragement of Learned Men to Compose and Write useful Books."⁸⁰

The Statute also establishes a series of penalties for anyone who violates it. As my second and third chapters will show, it is within this enumeration of penalties that the Statute's political moment is most apparent, for there is no assumption in the Statute that "Great Britain" is a known quantity. Instead, there is a listing of specific places where the Statute will be enforced, and it reminds us that there is "a place in Great Britain called England" and "a place in Great Britain called Scotland."⁸¹ The Statute comes into effect only a few years after the Treaty of Union between Scotland and England, and reflects efforts to "forge," in Linda Colley's metaphor, a union between the two.⁸² Ireland is a notable omission in this tour of the British Isles; it is not mentioned anywhere in the

⁸⁰ *An Act for the Encouragement of Learning, by Vesting the Copies of Printed Books in the Authors or Purchasers of Such Copies, During the Times Therein Mentioned*, (London: printed by the assigns of Thomas Newcomb, and Henry Hills, deceas'd; printers to the Queens most excellent Majesty, 1710).

⁸¹ *Ibid.*, 264-65.

⁸² Linda Colley, *Britons: Forging the Nation 1707-1837* (New Haven, Conn.: Yale University Press 1992).

Statute. As my next chapter details, much would be made of this loophole in the Statute. It served to make Dublin perhaps the greatest threat to the Stationers' monopoly that was shaken, but not truly threatened until the end of the century.

The Statute then both served and did not serve the Stationers' goals in getting it passed. The Statute explicitly aims to protect against the kind of territorial violations of which the Stationers had been complaining. The Statute was enacted to prevent those who "have of late frequently taken the Liberty of Printing, Reprinting, or Publishing . . . without the Consent of the Authors or Proprietors of such Books and Writings, to their very great Detriment, and too often to the Ruin of them and their Families."⁸³ This language is a clear recognition of the Stationers' lobbying, for it addresses both the authors and the proprietors, thereby acknowledging both the cause that the Stationers are seemingly advocating for, "authors," and the one that they are really advocating for—"proprietors," or themselves. And yet, the Statute does not give authors and proprietors the same rights to protection; with the limit of fourteen years, the Stationers' literary property is no longer perpetual. It takes many decades of legal wrangling for the Stationers to accept this limitation.

Harry Ransom was the first scholar to dedicate an entire monograph to the Statute of Anne. He includes a copy of the Statute in his discussion of it, and he portrays the Statute as bringing order to the chaos of the years between the lapse of the Licensing Act and the Statute. Forty years later, Rose nuances and complicates Ransom's depictions of

⁸³ *An Act for the Encouragement of Learning, by Vesting the Copies of Printed Books in the Authors or Purchasers of Such Copies, During the Times Therein Mentioned*, 261.

the Statute, assiduously working his way through the legal battles that led up to the Statute. Rose's contribution to our understanding of the Parliamentary debates, the Stationers' lobby, and the rhetoric surrounding it all cannot be overstated insofar as he clarifies the competing interests that often disguised themselves in nearly unrecognizable forms. Most notably, the Stationers appear to be the champions of the authors, to share their same interests, when in fact, Rose explains, the Stationers are using the authors as a Trojan horse to advance their own monetary interests. Rose makes valuable contributions to our understanding of the polemics around the Statute in his reading of Richard Steele and Joseph Addison's *The Spectator* and Defoe's *A Review of the State of the British Nation*, but his efforts to simplify a complex and multivalent phenomenon lead him to make generalizations from these periodicals that do not hold up in fiction, a point I will return to in my analysis of *Colonel Jack*.

Ultimately, Ransom, Rose, and Joseph Lowenstein in *The Author's Due: Printing and the Prehistory of Copyright* (2002), all offer teleological arguments about the evolution of modern authorship, a move that Jody Greene works hard to avoid in *The Trouble with Ownership* (2007). Her argument relies heavily on pamphlet wars and quasi-legal battles to explain what a sociohistorical understanding of authorship might look like. She writes: "To study this alternative history is not in any way an attempt to resituate the author as the actual productive center of the history of the book; it is, instead, to offer a history of how the author came to be understood to occupy that cultural

role in the first place."⁸⁴ Because Greene does not read these moments, both legal and cultural, as necessarily building up to the Statute of Anne, but rather as “diachronic snapshots," her work is most useful to me here.⁸⁵ Such a perspective allows room for the messiness, the contradictory metaphors and images that Defoe reaches for in his figuring of this changing regime.

When he explicitly addressed it in his periodical *A Review of the State of the British Nation*, Defoe wrote favorably of the Statute of Anne. On February 2, 1710, he defends the Statute, which at that point was still a Bill, as common sense, "for it can never be reasonable to leave any Man's Property in a Book, open to the Deprecation of another Invader, any more than it can be lawful to command him to take off the Door of his House, and leave it open in the Night."⁸⁶ Defoe sees the Statute as making authors more secure insofar as one who takes that property from the author will now be punished. Just as a door protects a denizen from thieves, so too will this law protect authors from those who threaten to take their literary property. Defoe reaches for a domestic metaphor in explaining the relationship of an author to his work. And the book here becomes a site of territorial struggle, one that, like land, is only secure once civil government legitimizes singular ownership of it. Before the Statute, an author or a publisher might claim the property of a book, but it is only through the government's newfound willingness to protect that claim that the ownership can be secured.

⁸⁴ Jody Greene, *The Trouble with Ownership: Literary Property and Authorial Liability in England, 1660-1730* (Philadelphia: University of Pennsylvania Press, 2007), 8.

⁸⁵ *Ibid.*, 37.

⁸⁶ Daniel Defoe, "February 2, 1710," *A Review of the State of the British Nation* 7, no. 129 (1938): 515.

Early in his career, Defoe understood ownership as coming with a certain amount of peril, however. Loewenstein argues: “Defoe attests . . . to a powerful sense of authorial implication in the printed book, an implication variously produced—by a culture of libel, by the development of the author as trademark, and by the proliferation of sites and occasions [of] assertion of authorial property.”⁸⁷ Defoe’s long and varied career meant that he experienced the transition from authorship as a form of ownership that had a punitive dimension to it insofar as it was a statement of one’s responsibility for her or his words to a form of ownership that was a right to claim property. Defoe’s metaphors to describe the latter form of authorship cannot be understood without a look at the former, a look at Defoe’s time in the pillory.

The Pillory

Defoe’s experiences in the pillory are central to his depictions of the changing regulatory regimes around authorship. He was charged to stand for his publication of *The Shortest Way for the Dissenters* in 1702. At his trial, Defoe admitted to having written the piece, though he argued that it was ironic. Such an interpretive defense was outside of the realm of the jury’s ruling, however. A juror at John Tutchin’s trial the year before Defoe’s was told, “The Question is not whether the Papers are Criminal, but whether the Defendant is the Author of the Papers.”⁸⁸ Judges consistently refused to allow jurors to

⁸⁷ Joseph Loewenstein, *The Author’s Due: Printing and the Prehistory of Copyright* (Chicago: University of Chicago Press, 2002), 213.

⁸⁸ Quoted in Paula Backscheider, *Daniel Defoe: His Life* (Baltimore and London: Johns Hopkins University Press, 1989), 111.

see the books in question, for the question they were asked to rule on was whether or not the people on trial “owned” the book in question, not what they meant or intended to mean in the work. Before the Statute of Anne, one could exercise ownership over a book by publishing it or by authoring it; in the eyes of the law, ownership meant taking responsibility for the contents of the book as Greene succinctly explains, “To own a book was thus to own up to it.”⁸⁹ Naming and ownership were therefore intimately linked. To name an author meant to ascribe ownership of the ideas, however interpreted, to that author. Interpretation was considered outside the court’s jurisdiction. Or rather, by the time the defending author stood before the court, the interpretive work had been done.

Defoe’s own punishment for *A Shortest Way* was considered incredibly harsh: Defoe was fined 200 marks (about £133) and had to stand three separate times at the pillory—he had to stand for one hour between 11:00 a.m. and 3:00 p.m. with a paper on his hat listing his offenses. Defoe used the event as an opportunity to sell his books and propagate his ideas.⁹⁰ These days in the pillory mark Defoe’s turn to professional authorship. Though he would continue his career in politics and still partake in money-making schemes with mixed success, he was now foremost a writer, an occupation he would self-identify with a few years later.

In his *Essay on the Regulation of the Press*, Defoe ponders the changing regulatory regime around authorship, reacting to his experiences on the pillory and in Newgate.

⁸⁹ In *The Trouble with Ownership*, Greene notes that in the 1649 act, “the term 'Author' replaces the unwieldy formulation, 'Maker, Writer or Composer' found in the previous act” (57).

⁹⁰ Maximillian E. Novak, *Daniel Defoe: Master of Fictions* (Oxford: Oxford University Press, 2001), 190.

Maximillian Novak argues, “Defoe's *Essay* should be read as the work of a professional writer attempting to protect his turf. . . . He was no longer the manufacturer who was also an occasional writer on politics. He had settled on his career, and was ready to throw into it all of his energies and talents.”⁹¹ Defoe was ready to immerse himself in a career that had obvious perils, but he clearly saw the tides changing and wanted to be a part of that change. The stakes for him are clearly personal, but he articulates them as having broader, very public stakes. He vents his frustration at authors’ inability to defend themselves in court as well as the inconsistency in terms of the punishments for such ownership. He writes: “For I know nothing in which our Laws have been executed with a greater Irregularity, no Crime has been punish'd with such improper Punishments, such arbitrary Latitude, or such inconsistent Variety.”⁹² As well as standardizing the laws, then, Defoe wants to create a more direct form of ownership for printed works. The most obvious solution to this authorial crisis is the process of naming, and attribution is a topic Defoe discusses as tied to the public good in both his polemics and his fiction. One of the ways he makes this connection between an individual’s production and public interests is to compare authorship to parenting.

Orphan Publications

The analogy between the body and the text has its roots for Defoe in *An Essay on the Regulation of the Press*, in which he defends the author’s right to ownership. Such

⁹¹ Novak, *Daniel Defoe*, 209.

⁹² Daniel Defoe, *An Essay on the Regulation of the Press* (London, 1704), 18.

discussions were not uncommon in the day, for how print would and should shape and affect the nation was certainly topical. Defoe begins *An Essay on the Regulation of the Press* with an homage to print, “the most useful Invention ever found out, in order to polish the Learned World, make men Polite, and encrease the Knowledge of Letters, and thereby all useful Arts and Sciences.”⁹³ Defoe wrote this essay in support of a new licensing bill before the House of Commons, and it was published just before the reading of the bill in January of 1704.⁹⁴ The bill was unsuccessful, however; Ransom characterizes the first decade of the eighteenth century as “anarchy,” explaining that “attempts to establish a new press regulation in 1698 failed, and from that time until 1710, no suggestion for regulation of the trade was put into practical effect.” Ransom garners evidence from the absence of a system of regulation and in the petitions and complaints addressed to Parliament and to the public.⁹⁵ Greene looks back to the mid-seventeenth century, considering how these “failed” attempts might be interpreted. She concludes that “taken together,” they offer a sense of “the changing cultural fantasies of how such regulation might be achieved.”⁹⁶ Defoe’s *Essay* is one such fantasy, and it is grounded both in his understanding of legal regulations that had come before and in his personal experience as a published writer and persecuted polemicist.

⁹³ Defoe, *An Essay on the Regulation of the Press*, 2.

⁹⁴ P. N. Furbank and W. R. Owens, *A Critical Bibliography of Daniel Defoe* (London: Pickering & Chatto, 1998), 47. Furbank and Owens include this essay in their bibliography of works definitely written by Defoe, but they, along with other scholars, offer sound evidence that *A Vindication of the Press* (1718) is not by Defoe (P.N. Furbank and W.R. Owens, *Defoe De-Attributions: A Critique of J.R. Moore's Checklist* (London: Hambledon Press, 1994), 113.

⁹⁵ Ransom, *The First Copyright Statute*, 90.

⁹⁶ Greene, *The Trouble with Ownership*, 37.

In Defoe's fantasy, the process of literary production is dually gendered, so that the press is compared to the body that brings the author's creation into the world and the text to the patriarch in a family. In this way, the text work is often feminized, and in any discussions of the position of the author, writing is also embodied as masculine. Thomas Laqueur's research has shown that in this period science "fleshed out" the categories of male and female as "opposite and incommensurable biological sexes."⁹⁷ Defoe is caught somewhere in this epistemological transition in which physicality replaces notions about gendered order. For Defoe, the body can therefore at once be a site of patriarchal power and of birthing, so that the gender and the sex of the author's body do not match up. The act of birthing, one reserved for the female sex, becomes the domain of the male body so that Defoe does not lose the kind of patriarchal power that comes with ownership of literary property in explaining this new form of authorship.

Michel Foucault explains that sexuality and authorship belong in the same constellation. Foucault argues that "the author is . . . the ideological figure by which one marks the manner in which we fear the proliferation of meaning."⁹⁸ Discourse privileges the author and the body as agencies of domination, locations that discourse constructs to hold power. Foucault locates this solidification of the power of sexuality in the creation of the scientific body of knowledge around sexuality in the eighteenth century. At the end of the century, Foucault notes a break from the major "codes" that governed

⁹⁷ Thomas Laqueur, *Making Sex: Body and Gender from the Greeks to Freud* (Cambridge, Mass.: Harvard University Press, 1990), 154.

⁹⁸ Foucault, "What Is an Author?," 209.

sexuality.⁹⁹ The disruption of the clear delineations of licit and illicit marks a major shift; Foucault explains that shift: “The essential point is that sex was not only a matter of sensation and pleasure, of law and taboo, but also of truth and falsehood, that the truth of sex became something fundamental, useful, or dangerous, precious or formidable: in short, that sex was constituted as a problem of truth.”¹⁰⁰ This understanding of sexuality is intimately connected to the body as a location of power. To replace the previous governing “codes,” the misuse of sexuality became disciplined through the marriage law and the order of desire in the “medico-sexual regime.”¹⁰¹ The discourse of sexuality is then an apparatus through which one experiences power: “power’s hold on sex is maintained through language, or rather through the act of discourse that creates, from the very fact that it is articulated, a rule of law. It speaks, and that is the rule.”¹⁰² Language makes the sexualized body a location of power. In a similar sense, the author speaks or writes and establishes a rule, and that rule thereby creates the author. Discourse constitutes both sexuality and authorship, and they are presented as sites of origins. Part of Foucault’s contribution to literary studies, and via the work of Roger Chartier and others to textual studies, has been to scrutinize the construction of the author as “originator, and [to analyze] the subject as a variable and complex function of discourse.”¹⁰³ Once the author is understood as a series of responding actions, a

⁹⁹ Michel Foucault, *The History of Sexuality* vol. 1 (New York: Vintage, 1978), 37.

¹⁰⁰ *Ibid.*, 56.

¹⁰¹ *Ibid.*, 42.

¹⁰² *Ibid.*, 83.

¹⁰³ Foucault, “What Is an Author?” 209.

“function,” then the “truth and falsehood” that the authority represents can be examined.

Foucault explains:

[T]hese aspects of an individual which we designate as making him an author are only a projection, in more or less psychologizing terms, of the operations that we force texts to undergo, the connections that we make, the traits that we establish as pertinent, the continuities that we recognize, or the exclusions that we practice. All these operations vary according to periods and types of discourse.¹⁰⁴

In this time of transition for the sociolegal meaning of authorship, the “projections” that Defoe employs are complicated and, in some ways, contradictory. He offers a wholly patriarchal construction of authorship that is all about control. And yet, Defoe’s depiction destabilizes this author as the authority on the subject matter of the book. Like a mother who births a child, the author may be the author of this book, but he does not own or control its productive power.

In his earlier polemics, Defoe tries out different metaphors to explain the authoring process. In an essay in the *Review* in 1705, for example, Defoe briefly explores the metaphor of defecation. He writes that “insolent men who Lampoon their Maker” are supported by an “Unlimited Press” that “issues out the Spurious Excrement of the Brain without any Regard.”¹⁰⁵ Here the press, rather than the author, is the site of creation, and what it creates is shit. This metaphor is of course limited, for Defoe hardly wants to

¹⁰⁴ Ibid., 203.

¹⁰⁵ Defoe, "November 8, 1705," 424.

compare the work of authors whom he respects to shit, so he more often than not uses the paternal metaphor, with all of its confusion, to describe the process of literary production. And he sees the naming of that literary production as paramount to the success of the new regulatory regime that the state does not as directly censure.

Defoe begins this description in his *Essay on the Regulation of the Press* with a meditation on the importance of attribution. In addition to making licensing more just, Defoe argues that the practice of inscribing someone's name, someone who will be held accountable for the work, will alleviate the problems he has observed after his experience in the pillory.¹⁰⁶ The court's work will then be more about how to interpret a text, rather than simply who authored it. Defoe insists that the process of naming for an author's, a printer's, or a bookseller's progeny is of paramount importance. The process of naming "will answer two Ends together; be a means to prevent Crime, and fix the Offender if it be committed. If the Name of the Author, or of the Printer, or of the Bookseller, for whom it is printed, be affix'd, every Man is safe that sells a Book."¹⁰⁷ Defoe addresses the same problem of attribution in his *Review* in the next year. He describes the persistent problem: "Books are printed by no body, and Wrote by every body; one Man Prints another Man's Works, and calls them his own; again, another Man Prints his own, and calls them another man's."¹⁰⁸ The idea of disembodied books, "printed by no body,"

¹⁰⁶ This is not a new idea, as Greene chronicles the history of laws relating to including one's name on a work. She explains that a "1637 decree resurrects a requirement specified only once before, in 1546, that the name of the author be placed on any new printed work" (*The Trouble with Ownership*, 50).

¹⁰⁷ Defoe, *An Essay on the Regulation of the Press*, 20.

¹⁰⁸ Daniel Defoe, "November 8, 1705," *A Review of the State of the British Nation* 2, no. 106 (1938): 424.

greatly worries Defoe because connecting books with bodies lays the foundation for misused regulations that ultimately do not serve the public. Defoe describes the stakes of attribution as no less than the well-being of the nation. He writes:

The Nation groans under the Load of this voluminous Impertinence; eternal Clamours are in every News-house, and in every Society; every hour some new Comet appears in the *Horizon of Letters*, born of no visible Parent, that bids Battle to Reason, Law, Nature, Policy, and the whole Nations; these Monsters, may it please your Honours, are generally recommended for their extravagant Dress, scare the Ignorant World, amuse Mankind, and possess the Multitude, with as many various sorts of Devils, as the several Corrupted Fancies of Men form to themselves, from the False Images they conceive public things; but of all them Embarrass Makind [*sic*], with Prejudices against the Government, or the several Parties they Respect, and tend to Create a general Disquiet, and Uneasiness in the Nation.¹⁰⁹

These tracts without names on them are embodied as bastards or “Monsters” because they are “born of no visible Parent.” Defoe himself experienced the “Uneasiness in the Nation” that such productions produced, an uneasiness that he had been the victim of just two years previously. The “Monsters” and “Devils” are unattributed books, who prey on the “Ignorant World” as they “bid Battle,” “scare the Ignorant World,” “amuse Mankind,” “possess the Multitude,” “Embarrass Makind [*sic*],” and, finally, “Create a

¹⁰⁹ Ibid., 423.

general Disquiet, and Uneasiness.” Authors must be named and their identities must be fixed for such “Uneasiness” to be avoided and for the damage they cause to be avoided.

Five years later, while the Statute of Anne is under debate in Parliament, Defoe reiterates this point in his *Review*, though he now makes the connection between these “Monsters” and their parents more apparent. Defoe invokes the language of property to explain how authors must be responsible to the texts they write just as parents must be responsible for the children they create. Defoe’s focus on property as the common denominator in this metaphor causes him to embody authorship in both the female and the male body. He writes:

A Book is the Author's Property, 'tis the Child of his Invention, the Brat of his Brain; if he sells his Property, it then becomes the Right of the Purchaser; if not, 'tis as much his own, as his Wife and Children are his own—But behold in this Christian Nation, these children of our Heads are seiz'd captivated, spirited away, and carry'd into Captivity, and there is none to redeem them—And what must be done? The Nation groans to be eas'd of this Weight of Injustice—Why do we not rob the Hospitals, and take away the Bread from the Orphans, the Cloaths from the Indigent, the Crutches from the Lame.¹¹⁰

The printing process is embodied as female and authorship as male. An author masters his work just as a mother births a child and a husband rules his household. The authoring process is then feminized, but the author’s rights, his *authority*, are masculinized; it is a

¹¹⁰ ———, "February 2, 1710," 515.

patriarchal power that is tantamount to the safety of “this Christian Nation.” Surely there is a note of satire towards the end of this passage, as Defoe slips into the voice of the “graon[ing]” “Nation” that he describes in histrionics: “Why do we not rob the Hospitals, and take away the Bread from the Orphans, the Cloaths from the Indigent, the Crutches from the Lame?” But, in his exaggerated metaphors, Defoe also expresses here what must have been a real fear. In advocating for the Statute of Anne, Defoe describes the relationship between the author and his book: it is only comparable to the relationship of a father to his child. Defoe consistently invokes the female body to embody authorial creation, and yet, he vests the author with a kind of authority that he clearly marks as masculine. The phrase “brat of his brain” suggests that the child somehow came from the father’s brain, in the same way that an infant comes from a mother’s womb. And yet, the author’s power is clearly patriarchal, for he is the one who “owns” his wife and child. And it is this very notion of ownership on which the ease of the nation rests, for it protects the “Ignorant Public” from “Monsters.” This dual conceptualization of authorship reflects eighteenth-century thinking about gender and sexual difference. As Kathleen Wilson explains, this thinking, “like the varieties of masculinities and femininities performed and practiced, exhibited circuitous and even contradictory logics that foundered on the irresolvability of gender's status as natural or ascribed.”¹¹¹ Authorship is likewise full of contradictory logics at the time. The author’s body is also Britannia’s body insofar as both must be at once protected so as not to be unjustly

¹¹¹ Kathleen Wilson, *The Island Race: Englishness, Empire and Gender in the Eighteenth Century* (New York: Routledge, 2003), 23.

censored or pirated, and regulated so as not to be “licentious,” a word Defoe repeats throughout his *Essay on the Regulation of the Press*.¹¹² Defoe invokes the rhetoric of fear here—a pirate who prints an author’s work is tantamount to a threat to “this Christian Nation.” The pirates are implicitly othered as the interests of the nation are not their interests.

Just as Defoe had hoped it would do, the Statute of Anne foregrounds the author’s stake in production. And yet, in 1722, these “Monsters” and “Devils” still seem to haunt Defoe as he centers his novel around an orphan whose status as such allows him to change his identity in ways that threaten the English imperial project. Defoe still ponders the metaphorical relationship between sexuality and textuality. The questions of paternity and reproduction that abound in the novel must be read in relation to his identity as a writer. Even when Colonel Jack is illiterate, his identity is bound up with writing. A character of many twists and turns, Colonel Jack is in this regard a consistent character; Defoe establishes him as a storyteller in his youth in London, and, at the novel’s close, Colonel Jack reflects on the pleasure he finds in writing. Toward the novel’s end, Jack tells his reader where and why he has been writing:

Here I enjoy’d the Moments which I had never before known how to
employ, I mean, that here I learn’d to look back upon a long ill–spent Life,
bless’d with infinite Advantage, which I had no Heart given me till now to

¹¹² “Licentious” did not necessarily have the sexual connotation that we associate with the word in contemporary parlance, but that connotation—of sexual unrestraint—was in circulation at the time of Defoe’s writing (“Licentious,” in *Oxford English Dictionary* (Oxford University Press, 1989).

make use of, and here I found just Reflections were the utmost Felicity of human life. Here I wrote these Memoirs having to add, to the Pleasure of looking back with due Reflection.¹¹³

Jack is, in some sense, what the novel makes. The character as author both constitutes and is constituted by the novel; he writes the novel, and in the act of writing it, he creates himself. One might observe this feature of all first-person narratives, and especially of the soon-to-be-popular epistolary novels, but Jack is unique in that he reflects on this process. Like all Defoe characters, he has a religious epiphany in the novel, but unlike others, he reminds us throughout the novel that it is his writing that defines him. For his epiphany goes hand in hand with his relationship to his tutor, the very man who gave him literacy. These closing reflections come as no surprise to Jack's reader, then; of course Jack "found just Reflections were the utmost Felicity of human life," and of course those reflections have taken the form of writing.

The novel is Jack's authoring of his own story, and that role is hard-earned. Jack does not become literate until halfway through the novel, and yet, he is a site of production and reproduction in his early days in Cripplegate. Not only does the novel begin in the place where Defoe himself was born, but Jack is constantly running in and around Grub Street, home to subversive and rapid literary production of the time.¹¹⁴ In Cripplegate, Jack benefits greatly from the free circulation of knowledge: "In this way of

¹¹³ Defoe, *The History and Remarkable Life of the Truly Honorable Col. Jacque*, 261.

¹¹⁴ For a complete description of Grub Street, see Pat Rogers, *Grub Street: Studies in Subculture* (London: Methuen, 1972), Lance Bertelsen, *The Nonsense Club: Literature and Popular Culture, 1749-1764* (Oxford and New York: Oxford University Press, 1986).

Talk, I was always upon the Inquiry, asking Questions of things done in Publick as well as in private.”¹¹⁵ From the start of his story, then, Jack’s mind serves as a sort of press, recording and disseminating this knowledge. He tells his reader: “I never forgot any thing they told me, I could soon, that is to say, in a few Years give almost as good Account of the Dutch War, and of the Fights at Sea. . . . By this means, as young as I was, I was a kind of an Historian, and tho’ I had read no Books, and never had any Books to read, yet I cou’d give a tolerable Account of what had been done.”¹¹⁶ Jack spreads this public news through words, and then later in the novel, he threatens to spread his own private news through print. Stories engender other stories in this novel, and, in this sense, the narrator reflects on the act of creation while he tells his story.

The character of Colonel Jack realizes that “Uneasiness in the Nation” in his chameleon-like ways, donning and taking off his English identity as is most advantageous to him at any given moment. His identity is never fixed, and this fluidity is manifested in the problem of naming that vexes Jack from the very start. Because he does not know his origins, Colonel Jack creates himself as a person, and, simultaneously, as a text, through the act of writing.¹¹⁷ Early in the novel, Jack tries to piece together his own genealogy: “My original may be as high as any Bodies for ought I know, for my Mother

¹¹⁵ Defoe, *The History and Remarkable Life of the Truly Honorable Col. Jacque*, 9.

¹¹⁶ *Ibid.*, 11.

¹¹⁷ In “Criminal Conversations: Rogues, Words and the World in the Work of Daniel Defoe” *Literature and History* 13, no. 2: 26-48, Adam Hansen’s description of Defoe’s liminal characters supports my claim here, though Hansen’s focus is on the use of spoken, rather than written words. He looks at how Defoe “superbly reconfigures the permeabilities, proximities and confusions between seemingly licit, decent, settled, normative society, and illicit, vagrant, deviant individuals, so pervasive in material and social relations. Yet as much as characters suffer under the confusions induced, so do they exploit and cultivate the dysfunction of separations, most notably in their use of language” (30).

kept very good Company, but that part belongs to her Story, more than to mine, all I know of it, is by oral Tradition thus; my Nurse told me my Mother was a Gentlewoman.”¹¹⁸ Jack refers to his mother as his “original” because she is the source of his story, the missing author. Jack’s dilemma then is one of writing; if his mother’s story had been written down, he would know it. Jack’s origin cannot be known because it only exists in oral form, a form that cannot be transmitted if the teller of the story is absent. Jack is then one of an anonymous many, a text without an author.

Defoe emphasizes Jack’s dilemma here through the problem of naming in the novel. The other two boys also under the care of Jack’s Nurse share his name. One of these sons is the Nurse’s own child, so she “would have him call’d Captain, because forsooth he was the eldest.” The protagonist protests at this unmerited distinction and tells the reader:

I was provok’d at having this Boy call’d Captain, and I cried and told my Nurse I would be call’d Captain, for she told me I was a Gentleman, and I could be a Captain, that I would: The good Woman to keep the Peace, told me ay, ay, I was a Gentleman, and therefore I should be above a Captain, for I should be a Colonel, and that was a great deal better than a Captain.¹¹⁹

The Nurse names Colonel Jack in a distinguishing way, but in a sense, she is too late, for he is already loose in the world. His mother, his originator, his author, needed to name

¹¹⁸ Defoe, *The History and Remarkable Life of the Truly Honorable Col. Jacque*, 3.

¹¹⁹ *Ibid.*, 4.

this “Child of [her] Invention,” this “Monster” who is now “born of no visible parent.” The Nurse, in fact, names three Jacks, but she only created one of them. Hence the problem of naming in the novel: in the discovery/creation of his own identity, Jack’s name is a matter that vexes him throughout his childhood; the three Jacks are all copies with no credited source, like books without known authors. Jack is a generic name, a nickname, and it does serve the function of a name—the ability to meaningfully distinguish one person from another. His Nurse stands in for his parents, but her naming of Jack proves insufficient and impermanent. The acquisition of a title does not alleviate the future problems that Jack will encounter because, with this name, he is indistinguishable from the other two Jacks. For naming is an essential part of authorship, of owning and owning up to one’s work, to paraphrase Greene.

Defoe explores the relationship between naming and punishment early in Colonel Jack’s life. A gentleman mistakes him for one of the other Jacks, a mistake that almost costs protagonist Jack his life, makes this point most apparent when he laughs at the news that Jack has no mother: “Is your Father or Mother alive? said he. / No, said I, my father is dead. / Where is your Mother then, said he. / I never had er’e a Mother, said I. / This made him laugh; what, *said he*, had you ne’er a Mother, what then? / I had a Nurse, said I, but she was not my Mother.”¹²⁰ The gentleman laughs because of course Jack must have origins, a mother, just as a creative act, a text, must have a source, an author. And, yet even with no mother, no traceable source or origins, Jack exists.

¹²⁰ Defoe, *The History and Remarkable Life of the Truly Honorable Col. Jacque*, 32.

While a young petty thief around London, Jack runs into another considerable obstacle because of his name. He is arrested for a much more serious crime than one of the other Jacks committed. His illiteracy at the time means he cannot read the warrant for another of the three Jacks. He recounts his woes:

I took the Warrant, but to my great Affliction, I could know nothing by that, for I could not read, so I desir'd them to read it, and they read it that they were to Apprehend a known Thief, that went by the Name of one of the three *Jacks of Rag-fair*, for that he was Charg'd upon Oath, with having been a Party to a notorious Robbery, Burglary, and Murther, committed so and so, in such a Place, and on such a Day.¹²¹

It is not until Jack is able to convince his captors that they have the wrong Jack that he is liberated.¹²² As he did in his polemics, Defoe is writing from his own experience at Newgate and his own public punishment in the pillory, for Jack too has a problem of naming and of being misinterpreted by the world. He is not the murderous Jack, just as Defoe believed that he was not the libelous Defoe; both are misunderstood. Just as the “Nation groans under the Load of this voluminous Impertinence” of unnamed books, so too does it suffer when parentless children are loose in the world. For Jack embodies what Defoe fears, of the offspring “born of no visible Parent, that bids Battle to Reason, Law, Nature, Policy, and the whole Nations.” As an orphan, Jack is the “Monster” of

¹²¹ Ibid., 77.

¹²² Jack says, “For I very well knew that I was Guilty of the first Days work, tho' I was not of the last; so I did not doubt, but I should be sent to *Newgate*, and then I took it for granted I must be hang'd; for to go to *Newgate*, and to be hang'd were to me, as things which necessarily followed one another” (Ibid., 78.).

Defoe's polemics, and before he escapes to Edinburgh, as a petty thief, he increasingly poses a threat to the civic order through his political alignments and trading practices.

In the course of the novel, Jack escapes from his rogue life as a young thief in London by going to Edinburgh, where he joins the army. His plans to go to Flanders to fight are disrupted by a desire to get back to London. In an effort to find free passage on a boat back to London, Jack is tricked and ends up on a boat bound for Virginia. Once in the colonies, Jack begins work as an indentured servant on a plantation in Maryland. The plantation owner takes a liking to Jack, and after becoming that owner's overseer, he comes to own three plantations of his own. Jack hires a tutor who teaches him to read and write, and again decides to return to London, knowing that he can trust his tutor to oversee his land. On a tumultuous boat ride to England, Jack ends up in the Canaries, where Frenchmen attack his ship. Jack becomes a prisoner of war in St. Malo, where he escapes by tricking the Captain out of ransom. Jack then goes to Ghent where he watches the English and French fight. He makes use of his French passport to leave Ghent and establishes himself in London as Colonel Jacques:

And thus I pass'd for a Foreigner, and a *Frenchman*, and I was infinitely fond of having every Body take me for a *Frenchman*; and as I spoke *French* very well, having learn'd it by continuing so long among them; so I went constantly to the *French-Church* in *London*, and spoke *French* upon all occasions, as much as I could.¹²³

¹²³ Defoe, *The History and Remarkable Life of the Truly Honorable Col. Jacques*, 185-86.

Jack's pretensions here could hardly be more politically charged, for he essentially is aligning himself with the Jacobitism of the period, a cause that he will briefly fight for in the course of the novel. This move implies that Jack has no allegiance to his English origins; "born of no visible Parent," he now has turned into a threat to the nation. "Colonel Jacques" also becomes the name on the title page of the novel, with a subtitle detailing that "Colonel Jack" is what he is "commonly called."¹²⁴

In addition to joining the Jacobites, Colonel Jack comes to threaten English commercial interests in their colonies. Tara Ghoshal Wallace notes the importance of Jack's time in the eastern United States as central to his ability to cast off his English identity at will: "In an ironic inversion of Defoe's exhortations to settle America with Englishmen so as to diminish French influences there, Jack's time in America has provided him with the tools to become French in a way that the London street urchin could never have mastered."¹²⁵ And, yet, Jack's French identity will not last either, for his time in the North American colonies have made him a chameleon. Jack vacillates back to a sort of patriotism, turning against his Jacobite past and becoming a dedicated Hanoverian. And yet, even as a born-again patriot, Jack flouts the Navigation Acts of

¹²⁴ Daniel Defoe, *The History and Remarkable Life of the Truly Honourable Col. Jacque, Commonly Call'd Col. Jack, Who Was Born a Gentleman, Put 'Prentice to a Pick-Pocket, Was Six and Twenty Years a Thief, and Then Kidnapp'd to Virginia. Came Back a Merchant, Married Four Wives, and Five [Sic] of Them Prov'd Whores; Went into the Wars, Behav'd Bravely, Got Preferment, Was Made Colonel of a Regiment, Came over, and Fled with the Chevalier, and Is Now Abroad Compleating a Life of Wonders, and Resolves to Dye a General* (London: printed, and sold by J. Brotherton, at the Royal-Exchange; T. Payne, near Stationers-Hall; W. Mears, at the Lamb, and A. Dodd, at the Peacock without Temple-Bar; W. Chetwood, in Covent-Garden; J. Graves, in St. James's-Street; S. Chapman, in Pall-Mall, and J. Stagg, at Westminster-Hall, 1722), title page.

¹²⁵ Tara Ghoshal Wallace, *Imperial Characters: Home and Periphery in Eighteenth-Century Literature* (Lewisburg, Pa.: Bucknell University Press, 2010), 77.

1660 by using non-English vessels to transport his goods from America, where he returns after more adventures on the continent. Colonel Jack's peripatetic ways teach him that identities are mutable, that just as he went from being "Jack" to "Colonel Jack" as a child, his name can be changed. Just as Jack assumed a French identity, toward the novel's end he becomes "a Merchant come from old *Spain . . . Don Ferdinand de Villa Moresa*."¹²⁶ In these various identities, Colonel Jack threatens the English national imaginary that assumes inherent qualities attached to national origins, that one's Englishness cannot be put on and cast off at will. In this way, Colonel Jack causes an "Uneasiness in the Nation" akin to that which Defoe links to publications without authorial attributions. Colonel Jack never possesses the patriarchal power that Defoe aligns with ownership, and his relationships with women in the novel further illustrate his impotence.

Violations and Threats to the Nation

We do not hear much of Colonel Jack's relationships with women until about halfway through the novel, and even then, the women are seldom named, nor are they given any dialogue. They are, in fact, little but a source of frustration for him. When Jack returns to England from France, he falls in love with a woman whom he later deems evil. He has a son with her and then divorces her. Jack then joins the army, this time at Dunkirk, and goes to Italy, where he fights against the Germans. Jack again becomes a prisoner of war for eight months; before he can return to England, he must rid himself of the Italian woman who has seduced and married him. Back in London, Jack again falls in

¹²⁶ Defoe, *The History and Remarkable Life of the Truly Honorable Col. Jacque*, 301.

love, this time with a widow who ends up being a raging alcoholic. After this wife dies, Jack marries a woman named Maggie, whom he truly loves, but she too dies after four years of marriage. Jack therefore decides to return to his plantations in Maryland, where he finds the wife he divorced working as a slave on his plantation. Jack forgives her for her wrongs, and though his tutor has fallen in love with this woman, Jack remarries her.

When Defoe figures the female body as a site of origins, he also at times figures it as a site of violation. When he describes at length the ill effects of literary piracy in another conflation of the textual and the sexual, he compares piracy to making one a cuckold. In his *Essay on the Regulation of the Press*, he writes that there is not “a greater Abuse of any Civil Employment, than the printing of other Men’s Copies, every joy as unjust as lying with their Wives, and breaking-up their Houses.”¹²⁷ The act of pirating another’s work is a form of adultery; this analogy rests on an understanding of intellectual labor and women as comparable forms of property. We can surmise that they are both, for Defoe, pieces of property that the owner has an intimate relationship with. Stealing these forms of property is a personal violation, a personal insult to the author or the husband. The author and the husband are both masters of these pieces of property, but, presumably, he owns them because he cares about them and for them. The paternalistic figuring of authorship is easy to see here; in this analogy, it is an exclusively male domain, and, more specifically, it is the domain of a man in power, a head of his household, an owner.

¹²⁷ ———, *An Essay on the Regulation of the Press*, 21.

In his *Essay on the Regulation of the Press*, Defoe locates the source of the licentiousness of the press in the unscrupulous licensers who decide what gets printed. Defoe advocates for the liberation of “the whole Trade of Books, and the whole Body of Learning” from the “arbitrary” power of merchants.¹²⁸ Defoe’s primary concern, and the grievance that the Statute of Anne most directly addressed five years later, is the establishment of the author, rather than the licenser, as responsible for the words printed. Nothing less than England’s national well-being is at stake for Defoe in this matter; England “groans” every time the regulation of the press is violated. While he praises England as having the most liberal press of any nation, Defoe also argues that the time for measured censorship is nigh. However, the mishandling of the press and unjust censorship will lead to greater political instability, an instability that directly ties his argument to a national project. Defoe concludes that an unprejudiced licenser, one not swayed by any political party, is what the country needs for the press, and thereby learning, and thereby greatness, to flourish in England. Defoe distinguishes England for its press; it is because of its excellence that the stakes are so high.¹²⁹

The analogy between the female body and print has its roots for Defoe in the creative process of the author, where ideas are inseminated and brought to fruition. The unjust licenser, Defoe argues, is a threat to this natural process. He writes:

¹²⁸ *Ibid.*, 4.

¹²⁹ He writes: “The English Nation has always carried a figure equal to their Neighbours, as to all sorts of Learning, and in some every much superior, and tho’ without all those Encouragements, have not yet sunk their Character in that way (*Ibid.*, 9).

[A] person having writ a Book, brings it to one or other Licenser, the Law is not express that such a Book shall not appear in the World, there is no Crime committed, but the Book shall be Damn'd in its womb, not because any thing in it is offensive to the Government, Irreligious, Blasphemous, or any other way Criminal, not because 'tis a Book unfit to appear, but because Mr. *Licenser* does not please to like it.¹³⁰

The writer's ideas are incubating until the licenser allows him to birth that which is "Damn'd in its womb." To be published is to be born, and the biased licenser who arbitrarily prevents this natural process is a threat to the nation, which would otherwise benefit from this birthing process, a point that we also see in the analogy between orphans and "Monstrous" publications. Defoe argues for a literary marketplace where ownership of ideas and freedom of expression can coexist for the betterment of England.

Defoe also figures the nation as benefitting from the order that comes with authorship as patriarchal through violations to domestic order in the form of cuckoldry. He writes in his *Essay on the Regulation of the Press*, "There is no law so much wanting in the Nation, relating to Trade and Civil Property, as this, nor is there a greater Abuse in any Civil Employment, than the printing of other Men's Copies, every jot as unjust as lying with their Wives, and breaking-up their Houses."¹³¹ Defoe actualizes this analogy to cuckoldry in *Colonel Jack* when the protagonist retaliates with his ability to defame his foe in writing after he suspects that the man has seduced his wife. In this instance in the

¹³⁰ *Ibid.*, 6.

¹³¹ ———, *An Essay on the Regulation of the Press*, 21.

novel, Jack both tells the story and controls the means of production of his story's dissemination. It is an explicit acknowledgment of the power of reproduced words. In a fury, Colonel Jack threatens his rival:

[H]e might be assured, that if he continued to pretend that I had any Body with me when I caned him, I would publish the whole story in Print, and besides that, would Cane him again where ever I met him, and as often as I met him, till he thought fit to defend himself with his Sword like a Gentleman. He gave me no answer to this Letter, and the Satisfaction I had for that was, that I gave twenty or thirty Copies of it about among the Neighbors, which made it as publick as if I had printed it.¹³²

The distinction here is between print culture and scribal culture, between the public created through print culture and the more limited public created in scribal culture. The circulation of one's written words comes with peril, Defoe recognizes. As in *An Essay on the Regulation of the Press*, Defoe depicts the power to publish as an injurious weapon; in addition to the caning he threatens to punish his adversary with, he also threatens to "publish the whole story in Print."

Publishing here is analogous to an act of corporeal violence, and it is used to control one's domestic affairs. And this collapse of the domestic space and the place of printing production is no coincidence as printing houses were also often places where families resided. At one point the law actually stipulated expressly that presswork could only be done at home. Johns reads this connection between printing and domesticity as

¹³² Defoe, *The History and Remarkable Life of the Truly Honorable Col. Jacque*, 209.

further substantiating the patriarchal “moral order.”¹³³ For Jack to remain master of his house, he must be able to excise control over his property, a control that can at times call for the violent act of caning or of printing. This whole episode has been set into motion because of a violation of the governing socio-sexual regime, i.e., marriage. In a violation of the marriage law, Jack has been deprived of one of his means of reproduction, his wife, so he reproduces himself in another manner—through the reproduction of his word. He can and does copy the story out in his own hand, but he threatens to employ the powerful technology of the press to disseminate his story. As Foucault has theorized and Greene has historicized, the author is constructed so as to contain the “proliferation of meaning.” The press offered a whole new level of proliferation. When meaning is not contained, it is the author who must be punished. Greene writes of the punishment of whipping seditious authors outlined in a 1637 decree that predates but in important ways also anticipates the Statute of Anne. The decree reminded those reading it and those subject to its provisions “that it is their bodies, and not only their textual properties, that are destined to suffer for infractions.”¹³⁴ Though the punishment is performed on the physical body, and not the text, the two necessarily come to stand in for one another insofar as one is accountable for the other. And the power of the author, especially when he has the technology of the press behind him, is then also embodied. In Defoe’s formulation here, the pen and sword are equally mighty.

¹³³ Johns, *Piracy*, 25.

¹³⁴ Greene, *The Trouble with Ownership*, 51.

The novel itself is the ultimate act of creation for Colonel Jack. In it, he struggles to control his property, first in Cripplegate as a young thief, then in the colonies as a plantation owner, and then back in London as a husband. How to understand this sort of ownership in terms of property rights is still being negotiated in the period. And those negotiations are no more apparent than in the construction of the author as an owner, a master of his creation. Because Jack traverses the Atlantic world, we see his struggle inside and outside of the imperial center of London, but Defoe's concerns remain with the logics of ownership as constructed in London. According to Defoe, authors' rights to their property are just as important to secure as all other forms of private property, and therefore authors' ownership of their work came to be understood as patriarchal and complete.

Conclusion

Daniel Defoe's fears have been realized. For the past two centuries, as many as five hundred essays ranging from advice on economic speculation to diatribes on the Catholic Church have been incorrectly recorded as written by him. Before P.N. Furbank and W.R. Owens began their corrective work in a new Defoe bibliography, Defoe was in many ways an open signifier in the eighteenth century; it was hard to pinpoint his position on any matter. For much of his interpretive afterlife, Defoe has been a sort of universal attribution, a sign that became the signifier for a wide range of contradictory pamphlets and essays written between 1687 and 1745.

Furbank and Owens have chronicled the alleged missteps in Defoe canon making for the last decade.¹³⁵ The story that Furbank and Owens tell is one of eccentric personalities, duplicity, and greed, but ultimately, it has a happy ending—through their tenacity and transparency, they purport to have reconstructed a Defoe opus that is robust enough for scholars to work with, yet not so all-encompassing as to raise suspicion. Furbank and Owens have, they claim, rescued Defoe from this interpretive wasteland, while others, most notably Novak, are skeptical of their bibliographical methodologies and worry that they have foreclosed the possibility of Defoe’s authorship of too many texts. In his biography, published in the wake of Furbank and Owens’s work, Novak writes in a rather acerbic footnote that their conclusions rely too heavily on a conception of authorship that is singular. According to Novak, Furbank and Owen, “do not take into account the possibility of other hands being involved“ in the creation of Defoe’s work.¹³⁶ Novak essentially accuses Furbank and Owen of applying to Defoe a presentist understanding of authorship, an understanding that Defoe in many ways advocated for in his own writings, but which as we see in the creation of his own bibliography, creates some confusion. Printers and publishers fall away in the legal construction of authorship that came with the Statute of Anne, but Defoe’s legacy speaks to how messy authorship was during this time of transition.

What has yet to be pointed out in the discussion of Furbank and Owens’s work, therefore, is the incredible irony of it. The contemporary conundrum around Defoe’s

¹³⁵ For the best summary of what their investigation uncovered, see “Introduction” in Furbank and Owens, *Defoe De-Attributions: A Critique of J.R. Moore’s Checklist*, xi-xxxii.

¹³⁶ Novak, *Daniel Defoe*, 482 (n. 41).

work reflects the sociopolitical contingencies of authorship in the years leading up to and immediately following the Statute of Anne. Daniel Defoe, the early modern author arguably most concerned with authorial appropriation as his polemics and fiction reflect, is the one who has potentially been the victim of more misappropriation and therefore misinterpretation than any other canonical author in English literary history. The name of the man who chose the pillory rather than deny that he authored *The Shortest Way with the Dissenters*, who fought the piracy of *De Juro* from Newgate Prison, and who wrote consistently about the place of authors in a changing regulatory regime, was made to cover over all sorts of discursive inconsistencies. “Daniel Defoe” has become Michel Foucault’s “author-function” on steroids; it was the name placed on all sorts of proliferating meaning.¹³⁷ Defoe’s own experience of authorship as taking responsibility for his work and his advocacy for authorship as a right to claim one’s work reflect that he lived at the cusp of a changing regime of regulation. His work reflects both where he understood authorship to have been and where he hoped it was going. The literary marketplace and the legal regime that accompanied it burgeoned during Defoe’s lifetime, leading to a construction of authorship as singular and solitary. But, by recalling that such a construction is just that—a fabrication, of sorts—we are able to see not only the material contingencies of authorship, but its political contingencies as well. Through his metaphors for authorship, Defoe renders these contingencies visible. For Defoe, authorship, as a form of ownership, is akin to imperialism as both rely on patriarchal,

¹³⁷ Foucault explains that the “author-function . . . does not refer purely and simply to a real individual, since it can give rise simultaneously to several selves, to several subjects—positions that can be occupied by different classes of individuals” (“What is an Author?,” 205).

singular forms of possession. These contingencies become all the more apparent as we move from London to the colonies where struggles over property would rage on for the rest of the century. As I will show in the following three chapters, booksellers and authors worked together in Dublin, Edinburgh, and Philadelphia to re-imagine, to reconfigure, and to remediate English constructions of ownership and authorship.

Chapter 2: Publics and the Printing Pirate: Jonathan Swift and the Irish Property Debates

Jonathan Swift's printing practices changed with his politics; early in his career, he printed with the prominent London booksellers of the day and sought preferment in the English government. Once the Tory government lost power in England, Swift left for Ireland and became increasingly sympathetic to the Irish cause. He printed with the Dublin printers, most notably George Faulkner. Despite his own Protestant roots and apprenticeship with a London Stationer, Faulkner increasingly viewed his printing practices as part of the struggle against England, and Swift, also a Protestant, defended Faulkner's rights to publish with fervent anti-imperialistic rhetoric.

In 1735, Faulkner set out to publish a complete, four-volume edition of Swift's work. Faulkner viewed his edition of *The Drapier's Letters* as part of the struggles for some version of Irish sovereignty from England, and the London booksellers responded. Though Benjamin Motte and Laurence Gilliver had published some Swift pieces in London, their copyright on these pieces had expired. Faulkner was therefore not in violation of the law, but, in the eyes of the English booksellers who, as the original printers of Swift's work, had their own interests in mind, his actions were a violation of the trade's customary practices. Motte filed a bill in Chancery and was granted an injunction against Faulkner. Faulkner's edition could not therefore be openly sold in England. Swift wrote to Motte in defense of Faulkner:

I know he passes for a perfectly honest man here, and a fair dealer; and I confess that the many oppressions we suffer from England sour my temper

to the utmost. Besides the best lawyers, even those who come from England, say there is no law against importing into England any books that have been printed here. For, books are not to be prohibited goods, unless they contain in them something against law and loyalty.¹³⁸

Swift depicts the Irish, even the Anglo-Irish like himself and Faulkner, as suffering under “many oppressions” from England. Swift maintains a willingness to remain within legal boundaries, but he notes that “the best lawyers, even those who come from England” see no legal basis for Motte’s claim. Motte’s claim, Swift implies, is based in self-interest and has no legal basis. Yet, six months later, Lord Talbot ruled in Motte's favor, ordering the confiscation of all copies of Faulkner's Swift editions in England. Swift wrote again to Motte, supporting the Irish booksellers and printers:

The cruel Oppressions of this Kingdom by England are not to be borne. You send what books you please hither, and the booksellers here can send nothing to you that is written here. As this is absolute Oppression, if I were a bookseller in this town, I would use all safe means to reprint *London* books, and run them to any town in *England* that I could...I am so incensed against the Oppressions from *England*, and have so little Regard to the Laws they make, that I do as a Clergyman encourage the Merchants

¹³⁸ Jonathan Swift, "Letter to Benjamin Motte 1 November 1735," in *Correspondence*, ed. Harold Williams (Oxford: Clarendon Press, 1963), 414.

both to export Wool and Woollen Manufactures to any Country in Europe
or any where else¹³⁹

Swift understands Motte's actions and the negative depiction of Irish booksellers as part of the imperial project, of England's "cruel" and "absolute Oppression" of Ireland. Swift swings to Faulkner's defense against English efforts to impose a colonial monopoly on Ireland. Swift does not assert his own rights as an author to choose Faulkner as his printer and distributor; he does not naturalize his rights or the power of print. Instead, Swift imagines himself as a bookseller and asserts Faulkner's rights on the grounds of mercantile interests. In so doing, he disavows authorial ownership and implicitly aligns the two ends of literary production—writing and publishing—together. In adopting the persona of the bookseller, Swift highlights the affinity he sees between himself as an author and Faulkner as a publisher: they both want to produce literature outside of London in a way that directly opposes the London monopoly. Swift also aligns booksellers with "Wool and Woollen Manufacturers," another group who suffers under English rule. After the 1699 Woollen Act, Irish weavers could only export raw wool, not spun or finished cloth, to England; the law prohibited Ireland from exporting to any country other than England.¹⁴⁰ Swift aligns the plight of the booksellers with those of other "Merchants," an alliance that he also highlights in his imaginative depictions of England's exploitation of Ireland. Swift's experience with colonialism shapes his earnest

¹³⁹ Jonathan Swift, "Letter to Benjamin Motte 25 May 1736," in *Correspondence*, ed. Harold Williams (Oxford: Clarendon Press, 1963), 493.

¹⁴⁰ A. Bielenberg and Terry Barry, "Woollen Act (1699)" In *The Oxford Companion To Irish History*, edited by S.J. Connolly (Oxford and New York: Oxford University Press, 1998), 600.

disavowal of authority imposed from England, and as I will show, it also undergirds his creative productions more generally.

From the 1710 Statute of Anne, which excluded Ireland, until the Act of Union in 1800, Ireland acted as a sovereign nation with regard to literary property, while Irish land and commodities were exported and exploited for English gain. Given the importance that scholars since Benedict Anderson have placed on “print capitalism” as a building block to nationalism, this implicit assertion of sovereignty within the bounds of English law can be said to be one of the “cultural artifacts” that we should examine to understand how the Irish imagined and, in fact, created their identity separate from England, though the political independence of Ireland would not be realized for almost two more centuries.¹⁴¹ To read Swift in this way, one must account for the competition between London and Dublin booksellers and for the material concerns of literary production. This book history approach to literature allows us to get away from author-centric analysis, a move that is important when an author consistently disavows his ownership of the text produced, especially when he does so for political reasons, as in the case of Swift.

Throughout his career, Swift vacillated between provocatively playing with authority and harshly condemning it. The types of authority—both literary and political—he considers in his writing most ostensibly collide in his dealings with booksellers in London and in Dublin. The authorial identities he plays with in the paratexts and texts of *A Tale of a Tub* (1704) and *The Drapier’s Letters* (1724) create what Michael Warner

¹⁴¹Benedict Anderson, *Imagined Communities: Reflections on the Origins and Spread of Nationalism* (London: Verso, 2006), 4.

calls a *res publica* of letters. Swift's particular "political conditions of utterance" heavily shape the imaginative landscape he creates.¹⁴² Swift's presentation of himself as an absent author highlights these conditions, ultimately creating a *res publica* of letters that is more imbricated in the colonial experience of Ireland than Benjamin Franklin's literary avatar as read by Warner.

Though the Irish colonial situation differs in many ways from the American, both of their most famed authors used literary avatars to both associate and dissociate themselves from their words.¹⁴³ Warner describes Franklin's reliance on pseudonyms as reflecting the negation of the symbolic self in the formation of public discourse. Warner writes: "Franklin envisions writing as the scene of pure socialization, and even of a social erotic, paradoxically because it is freed from the localization of the personal, the bodily, the corruptible."¹⁴⁴ I will show how Swift too creates a "scene of pure socialization" in his meditations on materiality and property, concerns germane to the emergent Irish public Swift helped to define. In contrast to Warner's depiction of the public sphere as the purview of the elite, characterized by those speaking from "a position of impersonality, rationality, and disinterestedness,"¹⁴⁵ however, I examine Swift in relation to the particularity of the situation in Ireland. I align my reading of Swift with

¹⁴² Michael Warner, *The Letters of the Republic: Publication and the Public Sphere in Eighteenth-Century America* (Cambridge, Mass.: Harvard University Press, 1990), 35.

¹⁴³ Though he too acknowledges the differences between Ireland and North America, Warner reminds us that in both colonial cases, the English insisted that the locals failed to possess the land fully ("What's Colonial About Colonial America?" In *Possible Pasts: Becoming Colonial in Early America*, edited by Robert Blair St. George (Ithaca and London: Cornell University Press, 2000), 55).

¹⁴⁴ Warner, *The Letters of the Republic*, 87.

¹⁴⁵ Leon Jackson, "The Talking Book and the Talking Book Historian: African American Cultures of Print—the State of the Discipline," *Book History* 13, (2010): 264.

Joanna Brooks's revision of Warner when she describes how he forecloses on the role of race and colonialism in his characterization of the public sphere.¹⁴⁶ To read Swift in these political terms, we need to understand how his books were produced in Ireland by booksellers like Faulkner, how Swift became a figure who speaks to the prevailing conditions of colonialism, and also how he localized them and is localized in particular ways. Swift's interest in the Irish cause was first and foremost an economic one; he advocated for Irish manufacturers' independence from England, but he increasingly saw how the productions of his pen were subject to colonial domination as well. Habermas's Whiggish formulation of the public sphere that Warner adopts does not fit as neatly into the Irish context. Habermas writes: "In the *Tatler*, the *Spectator*, and the *Guardian* the public held up a mirror to itself . . . The public that read and debated this sort of thing read and debated about itself."¹⁴⁷ It is these English Whigs whom Swift's later writings take issue with insofar as their financial interests led to Irish oppression.¹⁴⁸ In contrast

¹⁴⁶ Joanna Brooks, "The Early American Public Sphere and the Emergence of a Black Print Counterpublic," *The William and Mary Quarterly* 62, no. 1 (2002): 69.

¹⁴⁷ Jürgen Habermas. *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society*. Translated by Thomas Burger and Frederick Lawrence (Cambridge, Mass: MIT Press, 1989), 43.

¹⁴⁸ Sean Moore also makes this point when he writes, "The Whig press, in Swift's view, was partly to blame. Contrary to our current idea, promoted by Jürgen Habermas, that the rise of coffeehouse culture and journalism in the eighteenth-century Britain was bringing about a disinterested public sphere, Swift contended that this arena for debate was partisan and complicit in exacerbating England's fiscal problems...His contribution to the history of the English book, accordingly, was to link the importance of a sovereign, national print media to the problem of public finance and political agency" (*Swift, the Book, and the Irish Financial Revolution: Satire and Sovereignty in Colonial Ireland* (Baltimore: Johns Hopkins University Press, 2010), 45). This chapter was conceived before Sean Moore's very recent book, but many of our points overlap. Beyond the purview of Habermas, there is also evidence of the kind of arguments that Swift would eventually write back to in pamphlets like "Remarks showing that it is not to be the interest of England that Ireland should remain a separate kingdom" (1690). David Armitage

to Swift, Franklin fashioned himself on this Whiggish press.¹⁴⁹ The avatar he creates for himself partakes in the bucolic ideal of the farmer, Poor Richard, while Swift's avatars are far more implicated in the unfair trade relations between Ireland and England.

Throughout his oeuvre, Swift presents himself as an absentee author, a figure akin to the absentee landlord who emerged in eighteenth-century Ireland. Absenteeism refers to the common practice of Anglo-Irish or English of the ascendancy class who owned estates in Ireland to reside elsewhere, outside of Ireland. Their absence was increasingly seen as a major cause of the destitution of Irish peasants; the native population were left in the hands of a corrupt or indifferent overseer, while the landowner, the only one who might care for those who tended his land, lived a carefree life in London or traveled extensively on the continent. This mismanagement of Irish property would become a major source of native discontent by the end of the eighteenth century.

Swift's authorless texts are akin to absenteeism, but not because he was

describes this pamphlet as written "in the language of English whiggery," claiming that "Ireland was the home of arbitrary government and passive obedience, and that . . . Jacobite corruptions could easily be reintroduced into England" (*The Ideological Origins of the British Empire* (Cambridge: Cambridge University Press, 2000), 154).

¹⁴⁹ Franklin recalls learning to write as a polemicist from Joseph Addison and Richard Steele's *The Spectator*: "'An odd volume of the Spectator fell into my hands. . . . I was enchanted with it, thought the style excellent, and wished it were in my power to imitate it. With this view I selected some of the papers, made short summaries of the sense of each period, and put them for a few days aside. I then, with out looking at the book, endeavored to restore the essays to their true form, and to express each thought at length, as it was in the original, employing the most appropriate words that occurred to my mind. I afterwards compared my Spectator with the original...many faults were apparent, which I corrected; but I had sometimes the satisfaction to think, that, in certain particulars of little importance, I had been fortunate to improve the order of thought or the style; and this encouraged me to hope that I should succeed, in time, in writing the English language, which was one of the great objects of my ambition" (Benjamin Franklin, *The Life of Dr. Benjamin Franklin. Written by Himself* (Philadelphia: Printed for Benjamin Johnson, 1794), 25-27).

sympathetic to the practice—quite the contrary, in fact. Swift identified absenteeism as one of the great ills plaguing Ireland early in the century, and his attacks made way for the assaults on the practice later in the century in works such as Maria Edgeworth's *Castle Rackrent* (1792). Swift's *Drapier's Letters* is an early examination of the effects of absenteeism, and as I will show, his *Tale of a Tub*, which establishes the relationship between woolen and print production, is a precursor to this examination. The literary avatars he creates for these works ask us to consider the ways in which property and ownership were conceived of in the period. Conquering and colonizing were considered legitimate claims to ownership of a piece of land, and through a series of laws at the end of the seventeenth century, England claimed authority over manufacturing from Ireland. England told Ireland what it could and could not produce and where it could and could not sell its raw goods; the London Stationers made every effort to extend this authority to print production. For the first time, this authority over expression was not in the form of censorship, but instead in the form of trade monopolies set up by the London Stationers to keep Irish competition out of their market. This imposition from abroad can also be understood as a form of regulation of the press, however, though a much more insidious form as it was not articulated in laws, but, as the case of Motte illustrates, it was, at times, enforced by the courts. Swift playfully disavows ownership as censorship and therefore authorship through his literary avatars. These avatars represent an absent author in the same way that the overseer of an Irish estate represents an absent landlord: they are not to be trusted; they are guileful and duplicitous, and most importantly, as stand-ins for the real owners of property—literary or land—they force us to consider what kind of

authority can exist in the absence of ownership. Swift's understanding of production and property coincides and, at times, collides with his politics.

Swift has certainly been discussed as a prototype of Irish patriotism; in large part because his work relies so heavily on satire and irony, the twentieth-century critical debate raged over his politics, and whether he is best understood as an English or Irish author. A lot of that work has been reclamatory in nature—Swift has always resided in the English canon, but a consideration of his sympathies and loyalties to Ireland lead to a more politicized understanding of *Gulliver's Travels* (1726), for example. *A Modest Proposal* (1729) is most often heralded as the best example of how Swift vehemently criticized English policy in Ireland, and a reading of the satire in it is then used as the way into a political reading of Swift's oeuvre.¹⁵⁰ And this recuperation of Swift has not only resided in the critical realm. In fact, critics have largely come to this reading of Swift in response to the appropriation of him by the pillars of Irish Modernism, W.B. Yeats and James Joyce. As early as 1934, for example, Frank Budgen wrote of Swift's influence on Joyce: "While Joyce was planning and composing The Cyclops episode of his book [*Ulysses*], he reread Swift. . . . I mentioned Thackeray's opinion that Swift was an Englishman, to which Joyce demurred, on account of Swift being born in Dublin and of much of his character that is essentially Irish."¹⁵¹ As the annotations of his copy of

¹⁵⁰ The most illuminating postcolonial reading of *A Modest Proposal* come from Claude Rawson in *God, Gulliver, and Genocide: Barbarism and the European Imagination, 1492-1945* (Oxford: Oxford University Press, 2001), and, more recently, Sean Moore, "Devouring Posterity: A Modest Proposal, Empire, and Ireland's 'Debt of the Nation'," *PMLA* 122, no. 3 (May 2007).

¹⁵¹ Frank Budgen, *James Joyce and the Making of Ulysses* (New York: Harrison Smith and Robert Haas, 1934), 185.

Swift in his Trieste library have been read to indicate, Joyce references *Gulliver's Travels* throughout *Ulysses* and opens subsequent postcolonial readings of Swift's masterpiece.¹⁵²

Swift scholars have certainly picked up on Swift's Irishness since Joyce's remark to Budgen. Critical claims that Swift is best understood as an Irish author are almost fifty years old, starting with Oliver Watkins Ferguson's *Jonathan Swift and Ireland* (1962), who first placed *A Modest Proposal* in the context of the "superfluous reports and useless debates" in Parliament in his larger effort to explicate Swift's economic philosophy.¹⁵³ Contemporary scholars have focused on more specific ways in which Swift interacted with and negotiated an Irish identity. Carol Fabricant, for example, considers Swift's writing about history as a way to secure himself some authority, arguing that "a displaced and insecure Irishman, having experienced only economic hardship and dependency in the places of his birth, should identify with the office of historian and evidence a desire to appropriate some of its authority to himself."¹⁵⁴ Though Swift's interest in Irish history merits consideration, especially insofar as it differentiates Swift's project from some of his fellow Anglo-Irishmen, I am less convinced of Fabricant's argument that it comes from a desire for Swift to situate himself as authentically Irish.¹⁵⁵ Other scholars delve

¹⁵² For a reading of Swift's influence on *Ulysses*, see Philip Sicker, "Leopold's Travels: Swiftian Optics in Joyce's 'Cyclops'," *Joyce Studies Annual* 6 (1995). And for a description of Joyce's edition of Swift in the Trieste Library, see Oliver Watkins Ferguson, *Jonathan Swift and Ireland* (Urbana: University of Illinois Press, 1962), 170.

¹⁵³ James E. Tierney, "More on George Faulkner and the London Book Trade," *Factotum: Newsletter of the XVIIIth-Century Short Title Catalogue* 19 (October 1984).

¹⁵⁴ Richard Cargill Cole, *Irish Booksellers and English Writers 1740-1800* (London: Mansell Publishing, 1986), 2.

¹⁵⁵ Fabricant writes, for example, "Swift discovered that his own success in this venture would necessarily depend on his country's ability to similarly 'find room in history' and command recognition as a nation in her own right" (Ibid., 48).

less into speculation about Swift's personal motives in identifying and disidentifying with Ireland, and focus more on the contexts in which he writes. Sean Moore's work also engages with the Irish political scene that Swift reacts to, but Moore is less invested in claiming Swift as an Irish writer. Instead, his work is based on a transatlantic understanding of eighteenth-century literature, and the economic and political conditions Swift responds to, an approach I find helpful to my discussion of *The Drapier's Letters*.

In this chapter, I shift the focus of the critical conversation around Swift's imaginative writings to include his publishing practices. How he published— anonymously, the pseudonyms he chose—and eventually whom he published with are neglected areas of this conversation. Besides the new reading of some of Swift's most acclaimed texts that this approach offers, my approach allows us to understand how he constructed himself through his literary avatars and how he was constructed by others, such as Faulkner. In both constructions, Ireland's economy, a direct effect of its anomalous political status, is key. In *Jonathan Swift: The Irish Identity* (1995), Robert Mahoney has used the Faulkner/Swift relationship to illuminate Swift's relationship to Ireland, but I will examine the relationship in terms of textuality and the discourse around the production of books and how Swift depicts the relationship between authors and booksellers. In the context of Ireland, he understands that relationship around the production of texts as having increasingly political stakes.

As with Swift, it is difficult to pinpoint Faulkner's affinities. Though Faulkner was sympathetic to forces working against the imperial forces from London, it would be hard to argue that Faulkner was a radical printer like Mathew Carey, who had to flee Ireland

for Philadelphia because of his seditious printings and who is the subject of my final chapter. In fact, a group of dissident Catholic booksellers would rebel against the established Protestant booksellers like Faulkner later in the century.¹⁵⁶ Faulkner defended his right to print, refusing to accept an inferior position within the book trade because he was an Irish printer. I am less interested in arguing, as Charles O'Connor and James Tierney have,¹⁵⁷ that Faulkner was a latent Irish nationalist, however; instead, I have considered how his publishing practices, particularly in relation to Swift, were counterhegemonic, albeit not necessarily patriotically Irish. The fact that such a distinguished printer, trained in London, refused to play by London's rules defied the metropole's understanding of ownership and property; his actions confronted England's imperial dominion at its very core. Even if Faulkner's actions were more entrepreneurial than political, more about private interests than public, they speak to an emerging discourse of independence and ownership in eighteenth-century Ireland. Reading Faulkner's actions next to Swift's words illuminates how this discourse could not be created in the economic practices, legal impositions, or literary texts alone, but instead, how all three coalesced in the 1730s in the relationship between Swift and Faulkner to create a distinctly Anglo-Irish version of anti-imperialism.

Print and Politics in Dublin

¹⁵⁶ M. Pollard, *Dublin's Trade in Books, 1550-1800* (Oxford: Clarendon Press, 1989), 72.

¹⁵⁷ See Ibid., 85. Sean Moore, "'Our Irish Copper-Farthen Dean': Swift's *Drapier Letters*, the 'Forging' of a Modernist Anglo-Irish Literature, and the Atlantic World of Paper Credit," *Atlantic Studies* 2, no. 1 (2005): 76.

In my previous chapter, I explained the emerging and contested copyright laws in England. The debates in England caused considerable legal wrangling in the colonies as well, especially in places like Dublin where print was well established, but the King's printer no longer monopolized print production as his patent, when renewed in 1732, was limited to official documents and Bibles, though in practice rival printers had been competing with the King's printer in other genres since the turn of the century¹⁵⁸ The emerging market competition led to both partnerships and hostilities between Dublin and London, and that discourse used to characterize that rivalry can be understood in terms of other colonial relationships. While the English defamed uncooperative Irish printers as "pirates," the Irish responded that they were subject to discriminatory laws and therefore had a right to pursue their interests. The reason for these accusations rests in large part in contests over ownership of production.

The Dublin Protestant booksellers' Guild of St. Luke the Evangelist never had as much power as the Stationers did in London. Incorporated by royal charter in 1670, the Guild aspired to control the Irish print trade, but its variegated composition—it included cutlers and painters as well as printers—and the lapse of the Licensing Act in 1695 meant that it was largely ineffective for most of the eighteenth century.¹⁵⁹ The Guild did maintain ceremonial importance and was restrictive in its membership; Roman Catholics

¹⁵⁸ Moore, *Swift, the Book, and the Irish Financial Revolution*, 192.

¹⁵⁹ Colm Lennon, "The Print Trade, 1700-1800," in *The Oxford History of the Irish Book: The Irish Book in English 1550-1800*, ed. Raymond Gillespie and Andrew Hadfield (Oxford: Oxford University Press, 2007), 78-79.

were only allowed membership as quarter brothers until 1793.¹⁶⁰ Until the Stamp Act of 1774, statute law did not restrict the Irish press; only prosecution in courts for seditious and other libel censored it.¹⁶¹ M. Pollard notes that by 1700, at least six printers were at work in Dublin, and that by this time, the King's printer's patent no longer guaranteed him a monopoly.¹⁶²

The 1710 Act of Anne created a copyright loophole for Irish printers and booksellers, and because it was cheaper to print in Dublin than in London, eighteenth-century printing in Dublin thrived as a reprint industry. The Act of Anne stipulated that booksellers in England and Scotland must pay authors for copy; Dublin printers did not have to pay copyright fees. Moreover, their overhead was generally less as Irish paper was cheaper for most of the century,¹⁶³ the books were produced in smaller sizes,¹⁶⁴ and the print runs were smaller than those in London.¹⁶⁵ And the Dublin booksellers used the London editions as a trial run—if a book sold well in its first edition in London, then it was worth reprinting in Dublin.¹⁶⁶ The importation of such reprints was not explicitly outlawed in the Statute of Anne, though London Stationers lobbied to outlaw importation of these threateningly cheap reprints.

The English government never intervened in the sale of reprints in Dublin, but it did try to regulate their importation into England. Pollard postulates how this rather

¹⁶⁰ Sher, *The Enlightenment and the Book*, 470.

¹⁶¹ M. Pollard, *Dublin's Trade in Books, 1550-1800* (Oxford: Clarendon Press, 1989), 17.

¹⁶² *Ibid.*, 11.

¹⁶³ *Ibid.*, 13.

¹⁶⁴ Sher, *The Enlightenment and the Book*, 459.

¹⁶⁵ Lennon, "The Print Trade, 1700-1800," 84.

¹⁶⁶ Pollard, *Dublin's Trade in Books, 1550-1800*, 101.

unusual legal arrangement came to be, surprised that “the puny Dublin trade” from the “clout of the London booksellers’ lobby,” who presumably could have forced recognition of the English copyright law upon Ireland.¹⁶⁷ The London Stationers still tried to stop the importation of these “piracies” into England, however. In 1739, Parliament passed and King George II signed the act “prohibiting the Importation of Books reprinted Abroad, and first composed or written, and printed in Great Britain.”¹⁶⁸ A book first printed in Ireland could be legally imported into Britain, whereas a reprint of a book first printed in Britain could not.¹⁶⁹ From 1709 to 1739, then, the term “pirates” was inaccurate to

¹⁶⁷ Ibid., 71.

¹⁶⁸ Moore, “Our Irish Copper-Farthen Dean’: Swift’s *Drapier Letters*, the ‘Forging’ of a Modernist Anglo-Irish Literature, and the Atlantic World of Paper Credit,” 87. The act was renewed every seven years until September 1795. In 1794, the prohibition was included as section 57 of the act relating to duties on paper, and it was also included in the Copyright Act of 1801 (Jonathan Swift, *A Tale of a Tub*, ed. A.C. Guthkelch and D. Nichol Smith (Oxford: Clarendon Press, 1704; reprint, 1920), 214.

¹⁶⁹ Twenty years after the enactment of the Importation Act, copyright-holders were not satisfied with legal efforts to curtail Irish piracies. The legal remedies to curtail book piracy had been exhausted by the second half of the eighteenth century. Although the law made Irish books subject to seizure in British ports by agents of the Commissioners of Excise, smuggling from Ireland continued. Pollard notes that there is evidence that when a customs official was in doubt, he simply impounded all the goods. The Importation Act, therefore, served as a total ban on Irish books, whether reprints or not (Jonathan Swift, “Thoughts on Various Subjects,” in *The Prose Works of Jonathan Swift*, ed. Herbert Davis (Oxford: Printed at the Shakespeare Head Press and pub. for the press by B. Blackwell, 1939), 253.). Pollard also explains how the regulation of books moved from the jurisdiction of the law to that of the booksellers: “If [customs officials] were asleep, bribed, or merely bemused by their tasks, the London copyright-holders were in the background, alert to any infringement of their monopoly” (ibid., 87). Though Pollard is hesitant to claim that there was an abundance of book smuggling into England, Warren McDougall has continued where her research left off. Finding much more evidence of smuggling into England through Scotland, McDougall postulates why book smuggling was so successful: “The officers involved wanted more money for their troubles. The reward system motivated the Customs and Excise ranks—after seized goods were condemned, the officer making the seizure was entitled to at least a third of the proceeds after various expenses were met. But what worked for rum and tobacco, did not apply to books” (“Smugglers, Reprinters and Hot Pursuers: The Irish-Scottish Book Trade and Copyright Prosecution in the Late Eighteenth Century” In *The Stationers’*

describe Irish printers selling their cheaper books in London; there were no laws forbidding such activity. After 1739 and the Importation Act, these Irish printers were in breach of the law insofar as they were not allowed to import the books they reprinted, but the act of printing itself was not illegal because copyright still did not legally exist in Ireland. And so, the term “pirate” is not quite apt, as the Irish were not technically stealing English property; it was not until the Act of Union that Ireland, under the Copyright Act of 1801, was forced to recognize the existence of literary property in law.¹⁷⁰

Nonetheless, for much of the eighteenth century, Dublin was considered by London as a sort of Tortuga for literary pirates. The term “pirate” was applied to these booksellers because, just as seafaring pirates posed a threat to the English stronghold on the Middle Passage, Irish printers and booksellers posed a threat to Londoners’ control of the British book trade. Calling upon the foundation work of Pollard, Richard Cole, James Phillips, and Richard Sher, Johns discusses how the London Stationers routinely denounced Faulkner’s and other Irish editions as piracies and deemed “pirates” the Irish printers and booksellers who took advantage of the fact that Ireland was never mentioned in the 1710 Statute of Anne. In his recent study of literary pirates, Johns explains that London booksellers “liked to believe that Ireland was the true pirate kingdom of their age. They thought their Irish counterparts recognized no morality at all, but would grab whatever came their way, produce inferior knockoff copies, and sell them as fast as

Company and the Book Trade, 1550-1990, edited by Robin Myers and Michael Harris (New Castle, Del.: Oak Knoll Press, 1997), 154).

¹⁷⁰ Pollard, *Dublin's Trade in Books, 1550-1800*, 74.

possible."¹⁷¹ The lack of copyright in Ireland meant that London booksellers and printers could simply take a rival's publication, send it to Dublin, and have their firm or Irish partner reprint it ("pirate" it) without having to pay copyright fees. But it was breaches of propriety, not property laws, that the Irish printing "pirates" were violating. Many, including famed author and prominent Stationer Samuel Richardson, were not as sympathetic as Swift to Irish printers. Richardson worked hard to stigmatize Faulkner as a threat to the perceived established order of the London Stationers.¹⁷²

For much of the eighteenth century, the slur "pirate" must be understood as a rhetorical device used by the London Stationers to make the Irish reprints—which were violations of customary practices—seem like violations of the law, violations that were comparable to an attack on England's imperial dominion over its colonies. In the eighteenth century, Ireland was called a Kingdom, and even though it had its own

¹⁷¹ Adrian Johns, *Piracy: The Intellectual Property Wars from Gutenberg to Gates* (Chicago: University of Chicago Press, 2009), 145.

¹⁷² Samuel Richardson's complaint against Dublin booksellers, *The Case of Samuel Richardson, of London, Printer; with Regard to the Invasion of His Property in the History of Sir Charles Grandison* (1753), blames Faulkner for printing illicitly acquired sheets of *Clarissa* and *The History of Sir Charles Grandison*, calling it an "Invasion." Twelve years earlier, Richardson had accused Faulkner of outright piracy of *Pamela*, Part II, and in 1748, he charged Faulkner with a failure to render his share of the profits from *Clarissa*. Why Richardson negotiated with Faulkner for the Dublin edition of *Grandison* six years later remains a mystery, but the subsequent "theft" of *Grandison* earned Faulkner a prominent place in Richardson's denunciation of Dublin booksellers. Accusing Faulkner of colluding with other Dublin printers to print a seven-volume edition of the novel without the author's permission, Richardson describes himself as an editor who has been victimized, as his moral work as been "immorally obtained" by booksellers who "hasten the Work at several Presses, possibly with a View to publish their piratical Edition before the lawful Proprietor can publish his." In his newspaper, the *Dublin Journal*, Faulkner addressed Richardson's claim, blaming Richardson for "not sending him the Sheets directly from the Press," thereby delaying Faulkner's own printing and allowing time for the sheets to be smuggled out of Richardson's press and sent to the Dublin booksellers, Wilson, Exshaw, and Saunders. Richardson was not satisfied with explanation, however, and held a grudge against Faulkner long after he wrote *The Case of Samuel Richardson, of London, Printer*.

Parliament, this was largely only true in name. Economically, England kept it in a state of colonial dependency. The Navigation Acts of 1663 and 1666 created a monopoly for England in colonial trade and also placed a high tariff on Irish livestock exports to England. As Swift alludes to in *The Drapier's Letters*, in 1699, Irish weavers were forbidden from exporting finished woolen goods. The Declaratory Act of 1720, which reinstated the "Poynings Law" of 1494, formalized the limitations on the Irish Parliament—the English Parliament could pass laws on Ireland without the consent of the Irish Parliament. Historians argue over how much the Declaratory Act crippled the will of the Irish Parliament, but as Moore explains, it helped to "invent the Irish public, producing a literary imagination of what Ireland, or at least the Anglo-Irish subject, should be."¹⁷³ Swift ultimately created "a broad market for himself and other Anglo-Irish writers, one that could embrace literature as an alternative to political authority."¹⁷⁴ This alternative needed its own model of production and therefore was part of a struggle for economic independence. In reading Swift's literary avatars, I want to keep in mind the particulars of the Irish colonial situation. From the time of the Statute of Anne that excluded it and until the Act of Union, Ireland acted as a sovereign nation with regard to intellectual property, while Irish land and commodities were exported and exploited for English gain. Before he explicitly takes up Ireland's plight in his writing, however, Swift

¹⁷³ Sean Moore, "'Our Irish Copper-Farthen Dean': Swift's *Drapier Letters*, the 'Forging' of a Modernist Anglo-Irish Literature, and the Atlantic World of Paper Credit," *Atlantic Studies* 2, no. 1 (2005): 76.

¹⁷⁴ William Wotton, *A Defense of the Reflections Upon Ancient and Modern Learning, in Answer to the Objections of Sir W. Temple, and Others. With Observations Upon the Tale of a Tub* (London: Printed for Tim. Goodwin, 1705).

establishes a connection between *textual* and *textile* creation and production, a homology that he will later use to fracture the logics of England's domination of Ireland.

Battling Books in *A Tub*

In Swift's lifetime, the battle of the books raged on many fronts. In his famous essay "The Battle of the Books," which was first published with *A Tale of a Tub* in 1704, Swift depicts the theoretical clash between the "ancients," or Classical authors of Greece and Rome, and the "moderns," contemporary writers concerned with science and reason, a dispute that engrossed his contemporaries. In the preface of "The Battle of the Books," he cautions:

I must warn the reader to beware of applying to persons what is here meant only of books in the most literal sense. So, when Vergil is mentioned, we are not to understand the person of a famous poet called by that name, but only certain sheets of paper, bound up in leather, containing in print the works of the said poet, and so of the rest.¹⁷⁵

The persona of the bookseller differentiates between the author and the physical manifestation of his literary toil; the ancient and modern authors' avatars clash, creating the sense of absentee authors, of texts void of their creators. In true Swiftian spirit, this disclaimer, this warning to his reader, is to some extent disingenuous. We are of course to understand this battle as between authors' ideas, or rather interpreters of such ideas. The siege in St. James's library in "A Battle of the Books" is an allegory for a purely

¹⁷⁵ Swift, *A Tale of a Tub*, 22.

philosophical debate, and yet, the persona of the bookseller in the preface calls our attention to the materiality of the book, to “certain sheets of paper, bound up in leather.”

Throughout his life, especially after he moved to Ireland, Swift was involved in another battle of the books, or rather, booksellers—the one between the English and the Irish. From this cautionary note in the preface of the “Battle of the Books,” we can begin to see how Swift might have understood this confrontation. In his *Thoughts on Various Subjects* (1711) Swift would express a seemingly contradictory sentiment: “When I read a Book, whether wise or silly, it seemeth to be alive and talking to me.”¹⁷⁶ There is a contradiction in these two quotes; the latter emphasizes, almost echoes Miltonic sentiments, that books “do preserve as in a vial the purest extraction of that living intellect that bred them.”¹⁷⁷ The first emphasizes the material nature of the book, that books are “only certain sheets of paper, bound in leather.” This paradox offers a glance into Swift’s understanding of the nature of the book both as embodying the spirit of its author and as a commodity, subject to the unjust colonial laws of trade that all Irish manufactured goods were subject to in the eighteenth century. Though *A Tale of a Tub* is not ostensibly about Irish politics, related questions of ownership and intent percolate throughout it.

¹⁷⁶ Samuel Johnson, “The Life of Jonathan Swift,” in *Samuel Johnson: Selected Poetry and Prose*, ed. Frank Brady and W.K. Wimsatt (Berkeley: University of California Press, 1977), 40, Andrew Carpenter, “*A Tale of a Tub* as an Irish Text,” *Swift Studies* 20 (2005).

¹⁷⁷ Swift’s words from “Thoughts on Various Subjects” echo John Milton’s famous lines from *Aeropagitica*: “Books are not dead things but do contain a potency of life . . . as active as that soul was whose progeny they are; nay, they do preserve as in a fial the purest extraction of that living intellect that bred them” (*Aeropagitica; a Speech of Mr. John Milton for the Liberty of Unlicenc’d Printing, to the Parlament of England*. London 1644).

Swift composed *A Tale of a Tub* to curry favor with the English Whig Junto he hoped to serve, dedicating it to the chief of the Junto Lords, John Somers, later Baron Somers of Evesham. He wrote *A Tale* in 1696 while at Moor Park, but Swift delayed its publication until 1704, a time when it seemed Somers might return to power.¹⁷⁸ His name did not appear on the title page, but presumably he hoped that once the publication won him the favor he expected, he would reveal himself. By 1705, William Wotton had published *A Defense of the Reflections Upon Ancient and Modern Learning, in Answer to the Objections of Sir W. Temple, and Others. With Observations Upon the Tale of a Tub*, which identified Dr. Swift as the author.¹⁷⁹

Swift's plans for *A Tale* fell through. He codes his own obsequiousness and political aims in the dedication of a fawning bookseller "To the Right Honourable John Lord Sommers": "Neither would desire any other Help, to grow an Alderman, than a Patent for the sole Priviledge [*sic*] of Dedicating to your Lordship."¹⁸⁰ Because of the irreverence of the piece, Swift was unsuccessful in currying anyone's favor, however. Insofar as he attacked dissenters in it, he failed miserably at securing support from these powerful English politicians or winning the patronage of Lord Sommers because the piece was understood as an attack on dissenters. As David Oakleaf notes, though they publicly denounced them, the Whigs' "supremacy depended in part on lucrative ties with

¹⁷⁸ David Oakleaf, *A Political Biography of Jonathan Swift*, ed. J.A. Downie, Eighteenth-Century Political Biographies Series (London: Pickering & Chatto, 2008), 31.

¹⁷⁹ Swift, *A Tale of a Tub*, 74.

¹⁸⁰ *Ibid.*, 73.

the dissenting community in the City, an important source of loans to the government."¹⁸¹ The general blasphemy of the piece also angered Queen Anne, and she blocked Swift's elevation to a bishopric.¹⁸² Queen Anne's move would ultimately lead to Swift's return to Ireland.

Swift's first major prose piece, *A Tale* alternates between sections that tell the story of three brothers and sections with philosophical musings, or "digressions." The story of the brothers begins with their father's death. On his deathbed, the father gives each son a plain, clean overcoat with a will that instructs them how to care for their coats. The will contains penalties for not following these instructions. With his dying breath, the father tells the sons that in his will he has also commanded "that you should live together in one House like Brethren and Friends, for then you will be sure to thrive."¹⁸³ First the brothers violate the instructions for the care of their coats, and then Peter, the most scholarly of the three, kicks Jack and Martin out of the house. From there, the brothers understand the role of the will in dictating how they will care for their coats and how they will live their lives in varying and creative ways.

A Tale questions the relationship between the author and the bookseller, and the ways in which print mediates that relationship.¹⁸⁴ Print is in many ways the impetus for

¹⁸¹ Oakleaf, *A Political Biography of Jonathan Swift*, 53.

¹⁸² See Gerard Genette, *Paratexts: Thresholds of Interpretation*, trans. Jane E. Lewin (Cambridge: Cambridge University Press, 1997), 2. For a contemporary discussion of Swift's relationship to Queen Anne, see Genette, *Paratexts: Thresholds of Interpretation*, 2.

¹⁸³ Swift, *A Tale of a Tub*, 28.

¹⁸⁴ For an excellent article on the role of Swift's "interpretive community" in creating the author of *A Tale*, see Brian A. Connery, "Persona as Pretender and Reader as Subject," in *Cutting Edges: Postmodern Critical Essays on Eighteenth-Century Satire*, ed. James E. Gill (Knoxville: University of Tennessee Press, 1995).

Swift to write this piece, a satire on the heterodoxy of religious writings, or rather the fear of such heterodoxy, after the lapse of the Licensing Act of 1695. For the first time in England, there were ubiquitous printing presses and no clear way to regulate them. Any hack writer could find a way to get his or her words into print, and the persona of the author in *A Tale* is just such a hack. What his role as the “author” of the story is consistently troubled—does he own the text? And does that ownership mean that he is responsible for the content of it and/or that he has a right to its reproduction? In what ways is the text his and not the bookseller’s? And in what ways is the text the bookseller’s and not the author’s?

One way *A Tale* addresses these questions is to challenge any distinctions one tries to make between text and paratext. It includes an elaborate title page with three epigraphs; a list of other works by the same author; An Apology (added only in 1710); a Bookseller's Dedication to a Lord; a Bookseller's note to the readers; a parodic Epistle from the nominal author to a second potential patron, Prince Posterity; and a preface by the nominal author. And just when the reader thinks she is safely landed in the text proper, she finds that Section 1 of *A Tale* turns out to be “The Introduction,” and Section 2 begins with “Once upon a Time,” not the generic marker the reader expects to find anywhere but at the beginning of a text.¹⁸⁵ All of this raises the question—where does *A Tale* begin? When does the authorial persona intercede? And where does that voice end? Tacked on at the back are the aforementioned *Battle of the Books* and a fragment from *A Discourse Concerning the Metaphysical Operation of the Spirit in a Letter to a Friend*.

¹⁸⁵ Carpenter, “*A Tale of a Tub* as an Irish Text,” 40.

The reader keeps waiting for the text proper, for the definitive authorial voice to enter the text, but that authority is repeatedly delayed, creating an ambiguous, in between space in the text. Gerard Genette defines paratext as “an 'undefined zone' between the inside and the outside, a zone without any hard and fast boundary on either the inward side (turned toward the text) or the outward side (turned toward the world's discourse about the text), an edge.”¹⁸⁶ Genette’s definition of paratext as a “threshold” rather than a clearly delimited space allows us to understand the ways in which the world of publishing and the world of the text collapse into each other for Swift.¹⁸⁷ This collapse occurs because, as I will show, form echoes content in *A Tale*; the point made with these paratextual elements reiterates the tension between author as a singular whole and as a part of a contingent production process. Is the book a commodity or an idea that has been reified into a book? Is it “certain sheets of paper, bound up in leather” or is it “alive and talking to me”?

It is not merely the plethora of paratextual elements that cause this collapse, however. The persona of the hack writer alongside that of the bookseller asks the reader to consider what it means for an author to refuse flamboyantly to lay claim to his text, to disavow ownership with such pomp. The hack writer at the center of *A Tale*, referred to by critics as the “Teller,” functions not only to satirize the idea of the prostitute scribbler in the burgeoning literary marketplace, but also to call attention to the absence of a legitimate author for this piece. The production and dissemination of *A Tale* fall in the lap

¹⁸⁶ Michael G. Devine, "Debating The "Original" In Swift's *Tale of a Tub*," *Swift Studies* 18 (2003): 28.

¹⁸⁷ Swift, *A Tale of a Tub*, 20.

of a bookseller, rather than to an author. Swift creates *A Tale* as a text without a governing voice, and he ponders what the material consequences of such an absence are. Johns's description of authorship at the turn of the seventeenth century helps us to understand Swift's absentee author. He writes: "Authorship and authority alike are better seen as *attributions to* a book (by Stationers, readers, legal inquisitors, and others) than as *attributes of* a book. They were matters of cultural practice and negotiations."¹⁸⁸ Presenting many different textual authorities in *A Tale*'s paratext, Swift asks his reader to ponder such "matters of cultural practice and negotiations," while he too vexes questions of authorship in the parable of the father's will in the story of *A Tale*.

For Swift, intentionality is to be understood as diffuse, as not residing in one person or persona. The character of the bookseller, in his opening note to the reader, tells us this:

As to the Author, I can give no manner of Satisfaction; However, I am credibly informed that this Publication is without his Knowledge; for he concludes the Copy is lost, having lent it to a Person, since dead, and being never in Possession of it after; So that, whether the Work received his last Hand, or, whether he intended to fill up the defective Places, is like to remain a Secret. If I should go about to tell the Reader, by what Accident, I became Master of these Papers, it would, in the unbelievable Age, pass for little more than Cant, or Jargon of the Trade.¹⁸⁹

¹⁸⁸ Adrian Johns, *The Nature of the Book: Print Knowledge in the Making* (Chicago: University of Chicago Press, 1998), 271.

¹⁸⁹ Judith Mueller, "Writing under Constraint: Swift's 'Apology' for *a Tale of a Tub*," *ELH* 60, no. 1 (Spring 1993): 104.

The source of *A Tale* is complicated from the outset; the most immediate source is dead, and an understanding of the trade of book production would be necessary to understand how these papers came into this fictionalized bookseller's hands.¹⁹⁰ The possibility of unknown authorial meaning resurfaces as the Teller, in his digressions, reflects on the "Scholastic Midwifry" that misconstrues authorial intent.¹⁹¹ Michael Devine argues that insofar as *A Tale* is about religion, Swift is in fact playing with ideas of ultimate authority here because such questions about God had "far-reaching implications for many debates in the seventeenth century, not the least is the Roman-Anglican quarrel over Scripture."¹⁹² An authorless text also has significant political and cultural implications. A text with no stable author relies more heavily on the forces of production. In other words, the text's focus shifts from those who created it to those who produced and distributed it—on another kind of labor inherent in book production, but often ignored in contemporary literary and cultural criticism of the period.¹⁹³

¹⁹⁰ Andrew Carpenter argues that *A Tale*'s evolution to print began with it as a coterie, a text passed among friends, so that three versions of the text eventually ended up in the hands of John Nutt. Nutt, a fairly successful Whig printer, obtained all three from an unnamed source and then went ahead and published the first three editions. Swift, *A Tale of a Tub*, 16-17. For more on Nutt, see also Johns, *The Nature of the Book*, 150.

¹⁹¹ Jonathan Swift, "Tale of a Tub," in *The Writings of Jonathan Swift*, ed. Robert A. Greenberg and William Bowman Piper (New York: Norton, 1973 (1710)), 358. The Teller also explains the relationship between the critic and the author in an agricultural metaphor that illuminates the ownership of the author, despite his/her work's reception—"The Words of such Writers being like Seed, which, however scattered at random, when they light upon a fruitful Ground, will multiply far beyond either the Hopes or Imagination of the Sower" (358).

¹⁹² Christopher Fauske, *Jonathan Swift and the Church of Ireland 1710-1724* (Dublin: Irish Academic Press, 2002), 44.

¹⁹³ I am borrowing from Johns here. He writes that the labor of book production "has long been overlooked, and is not now evident. But its very obscurity is revealing. It was dedicated to effacing its own traces, and necessarily so: only if such efforts disappeared could printing gain the air of intrinsic reliability on which its cultural and commercial success could be built" (Johns, *The*

The Bookseller's note appears in the first edition published in 1704, and in the subsequent two editions of 1705. Five years later, in the fifth edition, Swift adds "An Apology For the, &c.," to defend himself against charges of blasphemy. Swift presents himself as subject to factors, both interpretive and textual, outside of his control. The author of "The Apology" explains that "Men of Wit and Tast" have noticed and appreciated the irony in *A Tale*; it is readers who have no wit or humor who have been offended by the piece.¹⁹⁴ Judith Mueller argues that in this coy defense of himself against those who have branded him anti-religious or heretical for *A Tale*, Swift further satirizes his target. Mueller explains: "His 1710 defense, therefore, only compounds the original offense by underscoring that responsibility and insisting that his most powerful readers' response to the *Tale* necessarily incriminates them."¹⁹⁵ Mueller astutely reads the backhanded admissions of guilt in the 1710 Apology that essentially point to the success of *A Tale*; its wit is subtle enough that the targets implicate themselves if they object to it. Swift does not make this point exclusively, however; I also see him backing away from a pointed satire in his "Apology" in order to make a point about how texts get produced.

Swift spends much of the "Apology" explaining how and why he is not the master of his text. Though he does not quite corroborate the bookseller's story in the preface of the original text, he still does defer complete ownership of the text. Given the fact that by

Nature of the Book, 2-3). Lisa Maruca picks up this point of Johns's and really explores its possibilities in her detailed analysis of what she terms "text work" in *The Work of Print: Authorship and the English Text Trades, 1660-1760* (Seattle: University of Washington Press, 2007).

¹⁹⁴ Marcus Walsh, "Text, 'Text,' And Swift's 'A Tale of a Tub'," *Modern Language Review* 85, no. 2 (1990 April): 292.

¹⁹⁵ Swift, *A Tale of a Tub*, 135.

1710, everyone knew Swift had written *A Tale*, this seems like a strange move.¹⁹⁶ But, on some level, he still does not want to take full responsibility for the published *Tale*. Swift was not received as he intended, but critics like Mueller ignore the possibility that he may not have printed all that he intended either.¹⁹⁷ Referring to himself in the third person, Swift explains the mistakes in his work as the result of his lack of control over the document. He writes:

How the Author came to be without his Papers, is a Story not proper to be told, and of very little use, being a private Fact of which the Reader would believe as little or as much as he thought good. He had however a blotted Copy by him, which he intended to have writ over, with many Alterations, and this the Publishers were well aware of, having put it into the Booksellers Preface, that they apprehended a surreptitious Copy, which was to be altered, &c. This though not regarded by Readers, was a real Truth, only the surreptitious Copy was rather that which was printed, and they made all hast they could, which indeed was needless; the Author not

¹⁹⁶ Unless of course you are Samuel Johnson, who thought of Swift as an inferior writer and therefore never believed that he could create a masterpiece like *A Tale*: "Swift has a higher reputation than he deserves. His excellence is strong sense; for his humour, though very well, is not remarkably good. I doubt whether *The Tale of a Tub* be his; for he never owned it, and it is much above his usual manner" (Ibid., 361).

¹⁹⁷ Mueller argues that in this coy defense of himself against those who have branded him anti-religious or heretical for *A Tale*, Swift further satirizes his target. Mueller explains: "His 1710 defense, therefore, only compounds the original offense by underscoring that responsibility and insisting that his most powerful readers' response to the *Tale* necessarily incriminates them" ("Writing under Constraint," 104). Mueller astutely reads the backhanded admissions of guilt in the 1710 Apology that essentially point to the success of *A Tale*; its wit is subtle enough that the targets implicate themselves if they object to it. I disagree, however, that Swift makes this point. Rather, I see him backing away from a pointed satire in his "Apology."

being at all prepared; but he has been told, the Bookseller was in much Pain, having given a good Sum of Money for the Copy.¹⁹⁸

The author's intention does lie behind this text as it is presented to the reader. The author hints at some sort of malice behind the publication, causing the reader to be skeptical of his sincerity in the "Apology," but not, I would argue in contrast to Mueller, turning the "Apology" into full-blown satire. He looks for some sort of middle ground; Swift paints himself as a victim of the bookseller's motives, but he still wants to be taken seriously. Writing in the third person, the Teller guarantees his own fastidiousness in creating the piece, even if he did not intend it for publication. The question remains, however: Why does Swift create this elaborate ruse around *A Tale*? On one level, of course, the various personas function to distance the actual author from his work even more than writing under a mere pseudonym allows for and also thereby add a humorous effect to the piece, though such a function is not necessarily unique to Swift's literary avatars. On a deeper and more particular level, however, I would also argue that it reflects what is at the center of *A Tale* itself—questions of intention and execution, of will and the carrying out of that will.

The thinly veiled parable at the heart of *A Tale* involves a father's written wishes for his three sons, each of whom represents a different strand of Christianity. The father is Christ, and on his deathbed, he leaves each his three sons—Peter (Roman Catholicism), Martin (Martin Luther and the Church of England), and Jack (Protestant dissent

¹⁹⁸ Christopher De Hamel, *Medieval Craftsmen: Scribes and Illuminators* (Toronto: University of Toronto, 1992), 13.

associated with John (Jack) Calvin)—an overcoat that he explains how to use in his will, the New Testament. Critiques have made much of Swift’s motives behind this parable, but I would like to focus my discussion on the will itself—on its physical presence in the story.¹⁹⁹ At a basic level, the brothers rely on the father's will, and the pun on the word “will” highlights the relationship between the immaterial and the textual as an expression of intention. The brothers repeatedly consult the father’s will to address their questions about how to wear their overcoats. Despite their father’s instructions to keep their coats unadorned and to brush them often, the triplets follow the fashion dictates of the city, lavishly decorating them. After a falling out with Peter, Martin and Jack clandestinely consult their father’s will to see how they have deviated from it. Peter has by this time locked the will away, scorning it as irrelevant in understanding what their father intended,²⁰⁰ but Martin and Jack still consider it relevant. The two brothers realize:

Comparing the Doctrine with the Practice, there was never such a wide difference between two Things; horrible down-right Transgressions of every Point. Upon which, they both resolved without further Delay, to fall

¹⁹⁹ I do not mean to suggest that the textual concerns are not germane to the religious controversies *A Tale* explores. Marcus Walsh acutely summarizes the relationship when he writes: “The *Tale* arguably presents a contrast, then, between a stated humanist belief in the possibility of recovery and transmission of a true copy, and that modern skepticism which displays the incoherence of textual transmission and allows subjective application of the text” (“Text, ‘Text,’ and Swift’s ‘Tale of a Tub,’” *Modern Language Review* 85, no. 2 (April 1990): 299). The general consensus is that Swift favors the moderation of Martin / Anglicism over the extremism of Catholicism and Dissenters. For further explanations, see Moore, “Our Irish Copper-Farthen Dean’: Swift’s *Drapier Letters*, the ‘Forging’ of a Modernist Anglo-Irish Literature, and the Atlantic World of Paper Credit,” 87.

²⁰⁰ Peter prefers the oral over the written tradition, which Marcus Walsh points out is “of course, distinctly Roman.” (Paul Degategno and Jay Stubblefield, *Critical Companion to Jonathan Swift: A Literary Reference to His Life and Works* (New York: Facts on File, 2006), 75.)

immediately upon reducing the Whole, exactly after their Father's model. . . . They both unanimously entered upon this great Work, looking sometimes on their Coats, and sometimes on the *Will*.²⁰¹

The considerable chasm that has developed between what the father wanted and what his sons are doing is epitomized in the difference between the coats and the will, between two types of cloth, neither of which fulfills the father's intention. By consulting the will—the Doctrine—and the coats—the Practice—Jack and Martin correct the misinterpretation that has developed between them. The “hole” created by misinterpretation must be mended so that the coats and the will are one again, so that they are “Whole.” Jack, who loses his mind by the *Tale*'s end, tries to make that unity quite literal as he pushes the limits of what the will can *do*, or perform.

Just as in the paratext, intentionality and materiality are intimately linked here. Swift extends this thematic strand to the point of absurdity, so that by the end of *A Tale*, the father's will becomes one more source of humor. Jack comes to fetishize the physicality of his father's will.

Jack had provided a fair Copy of his Father's Will, engrossed in Form upon a large Skin of Parchment; and resolving to act the Part of a dutiful Son, he became the fondest Creature of it imaginable. . . . He began to entertain a Fancy, that the Matter was *deeper* and *darker*, and therefore must needs have a great deal more of Mystery at the Bottom. *Gentleman*,

²⁰¹ Moore, "'Our Irish Copper-Farthen Dean': Swift's *Drapier Letters*, the 'Forging' of a Modernist Anglo-Irish Literature, and the Atlantic World of Paper Credit," 81.

said he, *I will prove this very Skin of Parchment to be Meat, Drink, and Cloth, to be the Philosopher's Stone, and the Universal Medicine.* In consequence of which Raptures, he resolved to make use of it in the most necessary, as well as the most paltry Occasions of Life. He had a way of working it into any Shape he pleased; so that it served him for a Night-cap when he went to Bed, and for an Umbrella in rainy Weather. He would lap a Piece of it about a sore Toe, or when he had Fits, burn two Inches under his Nose; or if any Thing lay heavy on his Stomach, scrape off, and swallow as much of the Powder as would lie on a silver Penny, they were all infallible Remedies.²⁰²

Without his father there to dictate how Jack is to read the will, how to use the will, Jack has put it to all sorts of illegitimate purposes. He resolves that in the absence of his father, he will use the parchment copy of the will to maintain, to protect, and to soothe him.²⁰³ Even strong, handmade, eighteenth-century paper would not be able to sustain Jack's manipulation of it; because parchment is far more durable than paper, Jack dutifully copies the will onto it. The copying Jack performs is reminiscent of monastic scribes who used parchment, the material of choice in the pre-printing press, medieval period. The treated skin of animals, parchment would be able to sustain Jack's handling of it and not

²⁰² Lance Bertelsen, "Ireland, Temple, and the Origins of the Drapier," *Papers on Language and Literature* 13, no. 4 (1977): 419.

²⁰³ Jack's actions could also be read as a parody on the status of texts during the Early to High Middle Ages, when "texts were considered sacred fonts of wisdom from a pure past and an Other World—a belief that often manifested itself in worship of the medium itself, to which was attributed metaphysical, quasi-magical powers" (Ronald Deibert, *Parchment, Printing, and Hypermedia: Communication in World Order Transformation* (New York: Columbia University Press, 1997), 52).

disintegrate when wet.²⁰⁴ Its healing powers are, of course, part of Jack's imagination, or rather a sign that Jack looks for the will to do more than the father ever intended. The will has lost all power as the manifestation of his father's intentions; instead, its power lies in its physicality, in the parchment itself. Maximizing the obfuscation of authority and intention in *A Tale* to the point of hilarity, Swift too imagines his own work being subject to all sorts of purposes he never intended. In her seminal essay on authorship of almost thirty years ago now, Martha Woodmansee writes:

To ground the author's claim to ownership of his work, then, it would first be necessary to show that this work transcends its physical foundation. It would be necessary to show that it is an emanation of his intellect—an intentional, as opposed to a merely physical object. Once this has been acknowledged, however, it will still remain to be shown how such an object can constitute property.²⁰⁵

In these early writings, Swift shows the tension between material objects and the “emanation[s]” of the father's intellect, but it is not until he settles in Dublin and starts to take on the Irish cause that he begins to question what relationship this duality of the text has to property and rightful ownership of that property. The *Drapier's Letters* is the place

²⁰⁴ Bertelsen, "Ireland, Temple, and the Origins of the Drapier," 420.

²⁰⁵ Martha Woodmansee, "The Genius and the Copyright: Economic and Legal Conditions of the Emergence of the 'Author'," *Eighteenth-Century Studies* 17, no. 4 (1984), 442.

where Swift probes deeper into the economic, if not political implication of “text work.”²⁰⁶

The Drapier’s “*plain strong course Stuff*”

In Swift’s *Drapier’s Letters*, questions around textual production and property explicitly collide. His subject matter is Ireland, and he writes to protect the country from an immediate affront. Under the name M.B. Drapier, Swift inveighs against the English government’s decision to grant a royal patent for minting Irish copper halfpence and farthings. George Faulkner’s first foray into publishing Swift was this group of letters; Faulkner published the first five letters in 1725 and the first complete edition in 1735. Faulkner views his edition of *The Drapier’s Letters* as part of the struggles for some version of Irish sovereignty from England, a struggle that as the letters themselves reflect, was burgeoning after the Declaratory Act of 1720. In the wake of the act, Moore writes: “If Swift did not successfully bring a broader demographic into the elite public of Ireland, he was successful, however, in creating a broad market for himself and other Anglo-Irish writers, one that could embrace literature as an alternative to political authority.”²⁰⁷ Faulkner was instrumental in the broadening of that market, but before Faulkner branded Swift as a patriot, Swift laid the foundation for the creation of *Hibernian Patriot* in the

²⁰⁶ Lisa Maruca coins the term “text work” and uses it “to suggest an opposition both to the abstraction and denial of labor usually known as a 'literary work' and to descriptions of the print trade assumed by historians to provide unmediated access to real-life routines. Such an approach demands that the rhetoric of print be placed alongside the other discursive practices of the period” (*The Work of Print*, 5).

²⁰⁷ Fauske, *Jonathan Swift and the Church of Ireland 1710-1724*, 109.

character of M.B. Drapier. How did Faulkner imagine this Irish reading public? Was it solely an economic creation—those who would buy the products he was selling—, or did he see it being formed by “intellectual “emanations” these products contained as well? Did it coincide with Swift’s imagined community in the letters themselves? To answer these questions, I will first look at Faulkner as a cultural force in eighteenth-century Dublin, and then I will consider the Ireland Swift creates in *The Drapier’s Letters*.

The occasion for *The Drapier’s Letters* was the English government’s decision to grant a royal patent for minting Irish copper halfpence and farthings. The patent was to be sold for the benefit of the King’s mistress, Ermengarde Melusina von der Schulenburg, duchess of Kendal.²⁰⁸ William Wood, a British ironmonger, paid £10,000 for the patent, and in 1722, the King granted it to him. The copper threatened to take the more valuable silver coins out of circulation.²⁰⁹ Moreover, the small copper coins would not be negotiable elsewhere. Moore explains the potentially catastrophic consequences, including a shortage in sterling, which would make tenant farmers unable to pay landlords. The landlord would then evict the tenant farmers, causing homelessness and a general decline in an already bad economy as domestic crops would not be cultivated.²¹⁰ In addition to this direct threat to Irish property posed by the coin, the threat of counterfeiting increased considerably. In his recent biography of Swift, David Oakleaf explains that there were inadequate measures to prevent counterfeiting and that there was

²⁰⁸ Philip Gaskell, *A New Introduction to Bibliography* (Winchester, UK: St. Paul's Bibliographies, 1995), 57-58.

²⁰⁹ Oakleaf, *A Political Biography of Jonathan Swift*, 167.

²¹⁰ J. Paul Hunter, *Before Novels: The Cultural Contest of Eighteenth Century English Fiction* (New York: Norton, 1990), 108.

no check to prevent Wood from issuing even more coins than the already considerable amount stipulated for in the patent.²¹¹ Since 1722, both Houses of the Irish Parliament had made official protests to the King asking him to block the sale of the patent. In the series of letters written over two years, Swift implores the Irish to protest against the coins, and to boycott them: customers should refuse to use them and merchants should refuse to accept them. In the letters, he responds to the fact that the English Parliament made this decision without consulting the Irish Parliament and outlines the catastrophic devaluation of Irish currency.

Unlike *A Tale*, in which the authorial identity constantly shifts, *The Drapier's Letters* have a stable, definite authorial voice. But Swift once again writes under disguise. Because pseudonyms at once reflect and create publics, as Michael Warner argues, Swift's selection of a middle-class Dublin linen draper merits consideration. The connection between the cloth and book trades dates back to the seventeenth-century in London. The first Stationer to be elected Lord Mayor, Thomas Davies in 1676, translated to the Drapers' Company on his election, as all Lord Mayors had to be, or become, members of the top twelve companies.²¹² The pageant that celebrated his election noted that:

Their [i.e., the Drapers'] Manufacture doth in England grow:
And in the Winter, when Boreas doth blow,
And all the City wears a Veil of Snow,

²¹¹ Oakleaf, *A Political Biography of Jonathan Swift*, 167.

²¹² From email correspondence on the Society for the History of Authorship, Reading, and Publishing Listserv with Ian Gadd. March 11, 2011. Cited with permission.

For Cloth and Books Men will have more to do

In Paul's Church-Yard than Pater-Noster-Row.²¹³

The pageant is in honor of the Drapers' Company, not the Stationers' Company, so there's something of an in-joke in this passage. Paul's Church-Yard is the location of Stationers' Hall, a place that Davies has forsaken for the drapers of Pater-Noster-Row. Davies is now a Draper by title, but not by profession. The cold weather ("when Boreas doth blow") means that for both cloth and books one is really better off in Paul's Church-Yard, where Davies belongs, than in Paternoster Row. Swift too will unite cloths and books in the figure of the draper, but the winds he depicts are politically charged as they come to stand in for English colonial oppression. Lance Bertelsen postulates that Swift might have chosen the trade of draper because the word "drapier" is a pun on the French verb *draper*—to censure or reflect on, both of which Swift does in his seven letters. Bertelsen concludes, "Enraged by injustice and fighting back with the only weapons he possessed, the Drapier represented not only the plight of an Ireland under English domination but the deepest moral and satiric impulses of his creator."²¹⁴ As a sort of every person, the

²¹³Thomas Jordan, *Londons Triumphs Express'd in Sundry Representations, Pageants, and Shows, Performed on Monday, Octob. 30, 1676, at the Inauguration and Instalment of the Right Honourable Sir Thomas Davies, Kt., Lord Mayor of the City of London : Containing a True Description of the Several Scenes and Habits of the Representers, with the Speeches Spoken on Each Pageant*, Early English Books, 1641-1700 / 1151:05. London: Printed for John Playford, 1676, C3r.

²¹⁴Lance Bertelsen, "Ireland, Temple, and the Origins of the Drapier," *Papers on Language and Literature* 13, no. 4 (1977): 419.

Drapier can assume solidarity with the uneducated and underprivileged, a result of “continuing victimization by England.”²¹⁵

The letters themselves support Bertelsen’s political reading. In the second letter, the Drapier describes himself as an “ignorant Shop Keeper, utterly unskill'd in Law,” who will “try what can be done by plain Reason, unassisted by Art, Cunning, or Eloquence.”²¹⁶ The Drapier deals in plain cloth, in unadorned fabrics, and true to his trade, in unadorned speech, the speech of the victimized public he writes to defend.²¹⁷ Swift describes M.B. Drapier as creating finished products, something that would have been illegal under the 1699 act forbidding the exportation of finished woolen goods. As Christopher Fauske points out, Irish businessmen were deprived of the opportunity to invest in many of the industrial and trading opportunities that had led to economic growth in England. At best, they were people in the middle, supplying raw goods to England.²¹⁸ Swift’s draper would have been one such middleperson, and though he was better off than some under colonial rule, England still severely curtailed his business. In adopting the persona of a draper, then, Swift attempts to write for “everyman,” for Ireland’s Poor Richard. As Warner has shown for the American case, such an imagined role has far

²¹⁵ Nigel Wood, *Swift* (Atlantic Highlands, N.J.: Humanities Press International, 1986), 98.

²¹⁶ Swift, *The Drapier's Letters to the People of Ireland against Receiving Wood's Halfpence*, 38.

²¹⁷ Though Bertelsen’s reading of the name makes the most sense to me, Nigel Wood troubles Bertelsen’s reading of the name, explaining that “the Irish draper acted as a middle-man for weavers, from whom he received brown linen, and the larger merchants or exporters to whom he sold bleached and finished white cloth.” Wood concludes that the draper would not then have been the best symbol of Irish victimization because “the Irish linen industry provided a mercantile success story, one of the very few in Ireland at the time” (108).

²¹⁸ D.F. McKenzie, *Bibliography and the Sociology of Texts* (Cambridge: Cambridge University Press, 1999), 23.

more status in an emerging nation than more traditional sources of authority.²¹⁹ In fact, in opposition to Franklin's bucolic farmer, Swift's avatar here is directly implicated in the opposition to "traditional sources of authority." As the letters progress, Swift's vitriol expands from the immediate currency crisis to the whole of England's policy in Ireland. In the fourth letter, "A Letter to the Whole People of Ireland" (October 22, 1724), Swift focuses on the injustice inherent in the colonial regime. Swift relates the nature of this dependence to the Declaratory Act of 1720, pointing out that the term "depending kingdom" is an oxymoron, or a "*Modern Term of Art*" insofar as it makes no sense to be both dependent and autonomous, as the title "Kingdom" suggests.²²⁰

As happens with the father's will and the coats he bequeaths his sons in *A Tale*, materiality and textuality collapse in the fifth *Drapier's Letter* to Lord Viscount Molesworth (December 31, 1724). The Drapier explains the impetus for continuing to write in the language of his trade, substituting the making of sweaters for the writing of letters. He writes:

Some Months ago considering with my self that the *lower and poorer Sort of People* wanted a *plain strong course Stuff* to defend them against cold *Easterly Winds*, which then blew very fierce and blasting for a long time together, I contrived one on purpose, which sold very well over the Kingdom, and preserved many Thousands from *Agues*. I then made a

²¹⁹ Warner writes: "Social authority, like truth, holds validity not in persons, but despite them; it is located not in the virtuous citizen nor in God nor in king, but in the light of day, in the supervision of the publicity itself" (*The Letters of the Republic*, 82).

²²⁰ Swift, *The Drapier's Letters to the People of Ireland against Receiving Wood's Halfpence*, 78.

Second and a *Third* kind of *Stuffs* for the *Gentry* with the same Success, insomuch that an *Ague* hath hardly been heard for some time.

Through this thinly veiled analogy, Swift defines his audience for his open letters. Though they are addressed to the governing class, he writes first and foremost for “the *lower and poorer Sort of People*” in a “plain strong course Stuff.” On one level, this “Stuff” is the wool that the Drapier makes into sweaters for the people of Ireland. On another level, it is Swift’s plain language in these letters, his method as he describes it in the second letter: “by plain Reason, unassisted by Art, Cunning, or Eloquence.”²²¹ The word “Stuff” registers in another way as well: it is the technical term for the pulp used to make paper. In a process dating back to the sixteenth century, white paper was made from undyed rags that were collected, sorted, washed, and left to sit wet for four or five days. After being cut into small pieces, the “sweated” rags were placed in wooden mortars and pounded to a pulp called “stuff.” The final stuff was transferred to a vat, and diluted with water. Wooden frame molds would then be immersed in the water, and the stuff evenly collected and distributed on the mold to create a single sheet of paper.²²²

Through his use of the word “Stuff,” Swift furthers the analogy between making sweaters and writing letters, counting the process of paper making—the first step in the production of printed materials—as part of his craft. And like the Drapier’s sweaters, Swift’s letters have “sold very well over the Kingdom.” Because they have caught the attention of “the

²²¹ Ibid., 38.

²²² Philip Gaskell, *A New Introduction to Bibliography* (Winchester, UK: St. Paul's Bibliographies, 1995), 57-78.

Gentry,” presumably those Anglo-Irish who are sympathetic to the Irish cause, Swift expanded his intended audience. This analogy also highlights how Swift’s public is still imagined; he has identified a group most affected by the “*cold Easterly Winds* [i.e., from England], *which then blew very fierce and blasting for a long time together*,” and he has imagined what they need to protect themselves. This incident supports J. Paul Hunter’s more general characterization of Swift: “He saw the causal relationship in a commercial world of print between the desires, however inarticulate, of potential readers and the responsive practice of writers.”²²³ And the figure of the draper allows him to do this.

The cultural value of the sweaters and the letters unite the weaver and the pamphleteer, for they are both subjects of colonial control. Their production can at best protect people from the pandemic of colonial rule, but they cannot prevent it all together. This analogy falls apart, however, when we consider what happened to the printer of the first four letters. The Drapier continues:

This incited me so far, that I ventured upon a *Fourth* Piece made of the best *Irish* Wooll I could get, and I thought it Grave and Rich enough to be work by the best *Lord* or *Judge* of the Land. But of late some *Great Folks* complain as I hear, that when they had it on, they felt a *Shuddering in their Limbs*, and have thrown it off in a Rage, cursing to Hell the poor *Drapier* who invented it, so that I am determined never to *work for*

²²³ Paul J. Hunter, *Before Novels: The Cultural Contest of Eighteenth Century English Fiction* (New York: Norton, 1990), 108.

Persons of Quality again, except for your *Lordship* and a *very few more*.²²⁴

Swift must acknowledge that his craft as a critical writer is dangerous, and he does this in the guise of the Drapier. The fourth letter/sweater did not protect the Irish public; in fact, it makes “some Great Folks” even more susceptible to the wind from the east. In November 1724, Lord Carteret ordered the arrest and imprisonment of John Harding, the printer of the first four letters, and of his wife, Sarah. The charges were eventually dropped, and both were released from prison. Swift comments on this incident here as a way to distance himself from “Persons of Quality,” an ironic epithet for his censors; those working in such a capacity will not read his tracts, will not don the Drapier’s sweaters. Instead, he will have to find another public, one that wants protection from the Crown, but in a position to purchase his distinctly Irish goods.

In his seventh and final *Drapier’s Letter* (1725), Swift unequivocally locates the root of English imperial oppression of Ireland in a theft of property. The final and most “fatal Consequence” of English seizure of Irish land, he explains, has been the creation of a class of absentee landlords: “the absence of so many noble and wealthy Persons” who would otherwise take responsibility for their tenantry and agricultural production. Swift explains that if “that *very considerable* Number of Lords, who possess the amplest Fortunes here, had been content to *live at home*, and attend the Affairs of their own Country in *Parliament*; the Weight, Reputation, and Dignity thereby added to that noble House, would, in all human Probability, have prevented *certain Proceedings*, which are

²²⁴ Swift, *The Drapier’s Letters to the People of Ireland against Receiving Wood’s Halfpence*, 103.

now *ever to be lamented*.”²²⁵ These "proceedings," the Declaratory Acts that further weakened the Dublin Parliament, are the result of this "lamentable" absence from and denial of responsibility for property. Yet paradoxically, when it came to questions of intellectual property—his own writings—Swift constructed a kind of "absentee authorship" in which he used various rhetorical strategies to disavow the products of his own pen. Swift's creation of a series of literary avatars—narrators such as the Teller in *A Tale of a Tub* and literary functions such as the bookseller—serve as a perverse and thus typically Swiftian satire of property rights per se as he ironically inverts types of ownership. Condemning literary property as a form of censorship allows Swift to skewer all the more effectively the perils of English dominion over Irish property, both territorial and intellectual. And the skewering would realize its full potential in the hands of Dublin's most notorious printing "pirate," George Faulkner.

The Printing Pirate

As was typical in the eighteenth century, Faulkner was both a bookseller and a printer. Pollard describes him as "the most enterprising, energetic and successful bookseller in eighteenth-century Dublin."²²⁶ Early in his career, he was a journeyman to prominent London Stationer William Bowyer. After his time in London, he returned to Dublin, where he became a distinguished member of the Guild of St. Luke the

²²⁵ Jonathan Swift, *The Drapier's Letters to the People of Ireland against Receiving Wood's Halfpence*, ed. Herbert Davis (Oxford: Clarendon, 1935), 159.

²²⁶ M. Pollard, *A Dictionary of Members of the Dublin Book Trade 1550-1800* (London: Bibliographical Society, 2000), 201.

Evangelist, serving as Warden in 1764. Like all members of the Guild of St. Luke's, Faulkner was a Protestant; like Swift, he grew increasingly sympathetic to the native Irish Catholic cause. As I noted, he angered many of the London Stationers with his publications of Swift and Richardson.

In his essay "George Faulkner and the Irish Catholics," Charles O'Connor argues that Faulkner was not only supportive of the Irish cause, but actively promoted it through his publishing of Irish Catholics and his own writings on the plight of the native Irish in his *Dublin Journal*. O'Connor claims that on Faulkner's frequent visits to Dublin Castle, he "utilized his privilege to bring different pamphlets in favor of the Catholics to the notice of successive viceroys."²²⁷ In an argument related to O'Connor's, Christopher Morash cites Faulkner's publishing of Henry Brooke's tragedy, *Gustavus Vasa, The Deliverance of His Country* (1739). Because of its heroic depiction of the Swedish struggle for independence from Denmark, Brooke's tragedy is an early victim of the 1737 Licensing Act, as among the "small—but significant—number of instances" in which "Irish publication provided a way of bringing to the public a play that had been suppressed for political reasons." After Thomas Sheridan staged it in Smock Alley, provocatively re-titled as *The Patriot*, on December 3, 1744, Faulkner published the script, with the pointed subtitle "As it was to have been acted at the Theatre-Royal in Drury Lane."²²⁸ Faulkner first faced legal difficulties when the House of Lords ordered

²²⁷ O'Connor, "George Faulkner and the Irish Catholics," 498.

²²⁸ As quoted in Catherine Coogan Ward and Robert E. Ward "Literary Piracy in the Eighteenth Century Book Trade: The Cases of George Faulkner and Alexander Donaldson" in *Factotum: Newsletter of the Eighteenth-Century Short Title Catalogue* 17 (November 1983): 27.

him into Custody for the publication of Swift's *Considerations upon Two Bills Relating to the Clergy* (1732); he was ultimately reprimanded and discharged without fees.²²⁹

Faulkner helped create and responded to an emerging Irish reading public that was distinct from that in England, though many of its members had Anglo-Irish roots. Pollard explains that such was the result of the London booksellers' monopoly: "The lack of any real export market and the hazards of smuggling meant that the Dublin bookseller had no choice but to make the Irish reader his prime target."²³⁰ Faulkner increasingly saw Swift as instrumental in the creation and reinforcement of that emerging reading public. In 1735, he seized his opportunity: Faulkner set out to publish a complete, four-volume edition of Swift's work. Faulkner's first foray into publishing Swift was his *Drapier's Letters*; Faulkner published the first five letters in 1725 and the first complete edition in 1735. Faulkner would help Swift to create the public he imagines in the *Letters*.

In his 1725 edition of the letters, the first edition in which all the letters appear together, Faulkner disregards the previous title of *The Drapier's Letters* and unifies the letters under the more patriotic title *FRAUD DETECTED: OR THE Hibernian Patriot*. Faulkner begins his preface by explaining the relationship between the author of the letters and the people of Ireland:

The Greatest part of the following Papers were written by a Gentleman
(who stiled himself the *Drapier*) for the Preservation of his Fellow

²²⁹ Four years later, however, Sergeant Bettersworth had committed Faulkner to Newgate for libel as the printer of Bishop Josiah Hort's *New Proposal for the Better Regulation of Quadrille* (Pollard, *Dictionary*, 199).

²³⁰ Pollard, *Dublin's Trade in Books, 1550-1800*, 63.

Subjects; the Love for his Country, and not a Desire of Fame, or Applause from the Vulgar, induced him to publish them to the world: And every one was so sensible not only of this, but also of his Capacity to serve the Nation, that they testified their Acknowledgement of it in the most publick Manner, and when *Three Hundred Pounds Ster.* were offered by Proclamation of the Government, to any faithful Subject that would discover the Author, not one single Person was induced by it to inform against him.

In these lines, Faulkner offers a genealogy for his presentation of the author as the “Hibernian Patriot”; the people of Ireland must have also already seen him as their champion or they would have informed against him and taken the 300 £ sterling reward. Just as the author of these papers, whom Faulkner still has not named, did not write them for fame or money, but for love of country, the reading public has also, according to Faulkner, received them with equally pure hearts—they were “so sensible not only of this, but also of his Capacity to serve the Nation.” With these lines, Faulkner justifies his rebranding of *The Drapier’s Letters* as *The Hibernian Patriot*, for he is only solidifying a championing of the author that the public already feels for him. He also creates the public that Swift imagines in the *Letters*; these are the folks so in need of sweaters “*against cold Easterly Winds*” who are no longer just victims of oppression, but now, according to Faulkner, are actors in resistance.

Though he never outs Swift as the author of the letters, Faulkner does not miss this opportunity to crystallize Swift, in his readers’ mind, as the most Irish of Irish authors.

He writes:

His Reasoning is so strong, his Positions so just, and Conclusions undeniable, that no Pen but the DRAPIER's could have written like his. *Prometheus* is a Master-Piece; and tho' the Liberty and Learning of *Rome* and *Athens* expired together; yet the Genius of poor *Ireland* arose when *Its Liberty* was almost set, and was resolved to expire like the Swan, in a Song.²³¹

Faulkner characterizes Swift as arriving on the scene just in time: Ireland's great nationalist writer has appeared to rouse burgeoning nationalist sentiment moments before the English extinguish it forever, before it "*expire like the Swan, in a song.*" After Faulkner published *The Hibernian Patriot*, the Drapier "became as much mythical as rhetorical, as much a political rallying-cry as a persona, uniting both the savage and the genteel."²³² Whether one understands Faulkner's rebranding of *The Drapier's Letters* as motivated by politics or economics, its effects are the same. Swift imagines a distinctly Irish reading public in the letters of the Drapier, but Faulkner begins the work of creating Swift as the voice of that public in his edition of the letters.

Conclusion

By branding their Dublin rivals such as Faulkner "pirates," the London Stationers postured as victims who had been plundered. Even if what the Irish booksellers did was

²³¹ Jonathan Swift, *Fraud Detected: Or, the Hibernian Patriot. Containing, All the Drapier's Letters to the People of Ireland* (Dublin: George Faulkner, 1725), v.

²³²

not illegal, but rather a breach in custom or what Johns calls “propriety,” the question remains, why were they doing it? To turn a profit, of course, but that answer alone is unsatisfactory. Can and should these printing pirates be understood as the real victims, as Swift suggests? Are they in fact the ones who are responding, within the economy of the book trade, to “cruel oppression . . . by England”? And, if so, what does this tell us about their products, the books themselves? In other words, a sociological understanding of texts of the sort called for by D.F. McKenzie allows us to read the material production alongside the content of these volumes to understand the contingencies from which this distinctly Anglo-Irish form of anti-imperialism came. When we read Swift’s “certain sheets of paper, bound up in leather” as “synchronic structures,” as “alive and talking,” we can see them as signs of resistance, and as *the stuff* from which reading publics were formed and in which they were reflected.²³³ And this understanding of material production can also drive our reading of these texts, a prioritization that is of particular value when authors choose literary avatars simultaneously to represent and to create the publics to which they write.

²³³ McKenzie, *Bibliography and the Sociology of Texts*, 33.

Chapter 3: The Patron and the Print Shop: Samuel Johnson and His Scottish Booksellers

In the early months of 1777, three booksellers approached Samuel Johnson to write brief biographical vignettes or *Lives of the English Poets* (1779) for each of the poets in their projected collection of British poetry. These three were the selected representatives from a group of booksellers who had recently “met in solemn conclave and determined 'to print an elegant and accurate edition of the English Poets of reputation from Chaucer to the present time.’”²³⁴ This conger comprised the most prominent printers and publishers in London, and their undertaking “was their immediate retaliation” to the offensive by the Scottish bookseller John Bell, who, in the spirit of another rogue Scottish bookseller, Alexander Donaldson, posed a direct affront to the London Stationers’ customary, but no longer legal, claim to the copyright of the “English Poets of reputation from Chaucer to the present time.” John Bell announced he would publish over one hundred volumes of English poets to secure the rights Donaldson had defended in the House of Lords three years previously in the famous case *Donaldson v. Becket* (1774). John Bell’s editions would put an end to any claims London booksellers still had to English authors as their exclusive literary property. To head off this offensive, the London conger would publish their own extensive collection, and “‘Johnson’ was the name they wanted at the head of the publishing venture in order to endow it with the

²³⁴ Johnson asked for 200 guineas, “the booksellers spontaneously added a third hundred, and at a later date (1783) a further sum of one hundred pounds was added” (William Prideaux Courtney and David Nichol Smith *A Bibliography of Samuel Johnson* (Oxford: Clarendon Press, 1915), 130).

merchandising clout and literary prestige it needed."²³⁵ Despite his age and failing health, Johnson agreed to the project, though, like many of his major undertakings, it took him far longer to complete than originally planned.

Ultimately, the *Prefaces* were a discrete ten-volume set, and the *Works* were another fifty-six-volume set. Johnson's contributions were not complete when the booksellers had hoped they would be, and so the publishers were "obliged to abandon the arrangement intended" and to bind the prefaces separately. The first four volumes with twenty-two poets' biographies and fifty-six volumes of poems were sold as a set for £7 10s as of June 1779. Two years later, the work was completed by the publication of eight volumes: volumes V-X of the *Prefaces* (dated 1781) and two volumes of index (dated 1780).²³⁶ For the next decade, the *Prefaces* would be reprinted with multiple titles, effectively separating this work from the *Works of the English Poets*, which were not reprinted.

One wonders why seventy years after the Treaty of Union with Scotland, the original collection of prefaces was not called "Lives of British Poets." With the inclusion of James Thomson and Jonathan Swift, the collection contained poets who not only were not born in England, but who also, at various points in their own lives, took pride in being from elsewhere.²³⁷ The most obvious explanation for the designation is a linguistic one,

²³⁵ Peter Martin, *Samuel Johnson: A Biography* (Cambridge, Mass.: Harvard University Press, 2008), 467.

²³⁶ R.W. Chapman and A.T. Hazen, *Johnsonian Bibliography: A Supplement to Courtney* (Oxford: Oxford University Press, 1939), 130.

²³⁷ Johnson had to persuade the booksellers to include Thomson, and he recruited Boswell's help in the form of an interview with Thomson's sister, to complete it. Johnson wrote to Boswell: "I am engaged to write little Lives, and little Prefaces, to a little edition of the English Poets. I think I

that the anthology unites those who wrote in English, but this account elides the historical implications of such a title. To consider oneself *English*, rather than *British* in the eighteenth century marked a political position, and the title pages of some of the early editions note this distinction.²³⁸ There is little difference between the 1779 first editions printed both in England and in Dublin. Both use the term “English” to title the project at hand, and so we can consider the ways in which the London Stationers who comprised the conger backing this project use the title “English” to assert what they understood as their exclusive right to this literary property.

This claim, no longer legally defensible, would not last the century in the sociocultural landscape of book production either. The 1793 London edition title page still reads, *The Lives of the English Poets*. Thomas Davies and his conger retained “English” in the title. The Dublin edition from the same year has a considerable title change, however. The title of Johnson’s work has become *The Lives of the Poets of Great Britain and Ireland*.²³⁹ J. Moore, the publisher of the Dublin edition, did not see fit to describe these poets as “English.” The title’s change shows an aversion to the designation “English” outside of London. The change in nomenclature of 1793 in Dublin is one that

have persuaded the booksellers to insert something of Thomson, and if you could give me some information about him, for the life which we have is very scanty, I should be glad” (Samuel Johnson, “Letter to James Boswell, 3 May 1777,” in *The Letters of Samuel Johnson*, ed. Bruce Redford (Princeton, N.J.: Princeton University Press, 1992), 20).

²³⁸ Linda Colley writes: “To many eighteenth-century Englishmen, ‘union with Scotland seemed a blatant affront to older identities. They bitterly disapproved of ‘English’ and ‘England’ giving way to ‘British’ and ‘Great Britain,’ as they were in both official and everyday vocabulary by the 1750s. And many regarded the Scots as poor and pushy relations, unwilling to pay their fair share of taxation, yet constantly demanding access to English resources in terms of trade and jobs” (*Britons: Forging the Nation 1707-1837* (New Haven, Conn.: Yale University Press, 1992), 13).

²³⁹ Because I deal with the politics of Dublin printing in my previous chapter, I will only dwell on the use of the geographic description of “Great Britain” here.

reflects hostility to the word “English” as a catch-all descriptor. Publishing in a colony where resistance to English rule was reaching a fever pitch by 1793, J. Moore rejected the blanket term “English” to describe the cultural production of Ireland, Scotland, and England.

As I have used this title change to illustrate, because of the new understanding of copyright ushered in with the Statute of Anne and solidified in *Donaldson v. Becket*, the Stationers’ thinking could not last. Though the conger’s members are not able to assert their copyright in any manifest, legal way by reprinting the work of poets, they claim perpetual right to this literary property through customary law, ignoring the Statute of Anne and the Lords’ decision in *Donaldson v. Becket*. They assert that these poets are “English,” despite the poets’ place of birth or personal allegiances. Implicit in this title is a rebuttal to newly defined copyright law; in the eyes of the Stationers conger here assembled, these poets are *English* because their copyrights now and forever belong to Stationers, London’s guild of booksellers. In other words, the poets are English because as the Stationers viewed them as English property, a point that I will make through an examination of the networks between Edinburgh and London booksellers and their influence on both Johnson’s involvement and depictions in the *Lives*. But what did Johnson think of this catch-all descriptor?

The poems, which Johnson’s biographical sketches were originally intended to preface, were published separately because Johnson’s sketches took so long to complete them and because they were far longer than expected. We know that Johnson expected his prefaces to be included with the poems; shortly after agreeing to write the prefaces, he

writes, “The booksellers of London have undertaken a kind of Body of English Poetry . . . and I have undertaken *to put before each* [emphasis mine] author[']s works a sketch of his life, and a character of his writing.”²⁴⁰ In a letter to a member of the conger after the prefaces and poems had been published separately, he objects to the way they have been bound, recalling his training in his father’s bookshop in Lichfield. Johnson writes:

I was bred a Bookseller, and have not forgotten my trade. Do not let us teize one another about books. That they are lent about I suppose is true, but it must be principally by those that have bought them, which would have been done much less, if you had united every writer's life to his works, for then the borrower must have carried away near twenty volumes whereas he now takes but four.²⁴¹

Johnson argues that the separation of the prefaces makes little business sense, for now the customer does not have to borrow or purchase the volumes of poems in order to read his prefaces. But Johnson’s objection is more than merely practical; he also demurs as a matter of principle when this separation of Johnson’s commentary on the poets from the poems did not stop the conger from using his name. Instead of these mixed-genre volumes, Johnson’s name was used to advertise the fifty-four editions of the poems, and he found this use of his name repugnant. Not only are the poems marked by the conger as “English,” but on the spine of the fifty-four volumes of the poems themselves, Johnson’s

²⁴⁰ Samuel Johnson, "Letter to Richard Farmer, 22 July 1777," in *The Letters of Samuel Johnson*, ed. Bruce Redford (Princeton, N.J.: Princeton University Press, 1992), 43.

²⁴¹ ———, "Letter to Thomas Cadell, 13 April 1779," in *The Letters of Samuel Johnson*, ed. Bruce Redford (Princeton, N.J.: Princeton University Press, 1992), 159.

name comes to stand in for “English,” for the booksellers had the original set bound in leather, lettering the spine “Johnson’s Poets.” In April of 1780, he remonstrates John Nichols, printer and part of the conger, for “impudently call[ing] it mine.”²⁴² Why might Johnson object to the use of his name as the signifier of that which encapsulates the best of English culture? Why would he object to being seen as the proprietor of these poets after he has just written these lengthy *Prefaces*? Or rather, why does he object to being the name that stands in for these booksellers who are asserting their literary property through this edition, a property that the High Court had recently declared in *Donaldson v. Becket* that they did not in fact have?

In this chapter, I will examine Johnson’s understandings of the uncertainty of the literary marketplace he depicts in the *Lives of the English Poets*, poets who lived contemporaneously, or nearly contemporaneously, with him.²⁴³ The grumblings over how the *Lives* would be bound and sold reflect the tension Johnson describes in the prefaces themselves, the “uncertainty” of the literary marketplace and its relationship to the Statute of Anne, which is over 50 years old by the time Johnson sits down to write the prefaces.²⁴⁴ And, yet, the Stationers have clearly not accepted this legal constraint on their practices; the *Lives* is, in some sense, their last stand in asserting their claim to literary property on the grounds of customary, rather than statute law. Dustin Griffin

²⁴² ———, “Letter to John Nichols, C. April 1780,” in *The Letters of Samuel Johnson*, ed. Bruce Redford (Princeton, N.J.: Princeton University Press, 1992), 226.

²⁴³ The series of the *Lives* begins with Cowley, who died in 1667, and ends with Gray, who died in 1771. Johnson lived from 1709 to 1784.

²⁴⁴ Richard G. Swartz, “Patrimony and the Figuration of Authorship in the Eighteenth-Century Literary Property Debates,” *Works and Days* 7, no. 2 (1989): 33.

reads the *Lives* in a similar way, uncovering more of Johnson's understanding of the patronage system through his depictions of it in these biographies, but in so doing, Griffin ignores the very impetus that led the booksellers to ask Johnson to write the *Lives*. By considering the coexistence of aristocratic and middle-class culture in the eighteenth century and by shifting the focus from Johnson's relationship with Lord Chesterfield and the patronage system to his relationship to the London Stationers and those who challenged their monopoly, I will be partaking in what Srinivas Aravamudan calls for when he writes, "Literary histories have to be updated, at the very least, by *geocultural* histories of production, reception, and institutionalization"²⁴⁵ through a closer look at Johnson's dealings and correspondence with his Scottish booksellers. I will show that another letter of Johnson's, one written two decades after the Chesterfield letter, is a better contender for enumerating the rights of authors and their relationships with their booksellers. Presumably, critics have overlooked it because it lacks bombastic verbiage, an *ad hominem* attack, and a readily available understanding of the incidents to which it refers.

The letter is Johnson's thoughtful and practical response to a request from his friend, his printer, and a Member for Parliament, William Strahan. Johnson's letter addresses the London booksellers' appeal of a "cause" in the Edinburgh Court of

²⁴⁵ I would argue, however, that Aravamudan fails to do this when he lumps John Bells's *Poets of Great Britain Complete from Chaucer to Churchill* (1776-92) together with Johnson's *Lives of the Poets* (1779-81) as "institutionaliz[ing] English literature" by ignoring the vastly different motivations behind these works, a difference that I will highlight in my discussion of the "history of production" behind the two projects (*Tropicopolitans: Colonialism and Agency, 1688-1804* (Durham, N.C.: Duke University Press, 1999), 10 and 233).

Sessions in 1773 regarding literary property that Boswell argued on behalf of the Edinburgh bookseller Alexander Donaldson.²⁴⁶ Johnson read Boswell's notes on the cause and offered his views on them before they were published separately as a pamphlet early in 1774. In a letter dated March 7, 1774, Johnson laid out his response to Strahan's request for him to state his ideas on copyright as part of the London booksellers' efforts to appeal the Edinburgh ruling to the House of Lords.

A comparison between Johnson's depictions of eighteenth-century authorship with that of the legal construction of the author at the time productively challenges Johnson's status as the harbinger of modern English authorship, and in my efforts to illuminate this challenge, I align my work with that of Diedre Lynch and Helen Deutsch. Calling upon Michel Foucault's notion of the author-function, Lynch writes that Boswell and Hester Piozzi alike "modernized the author and supplied their national culture with a new image of authority, a new style of story for interpreting new conditions of legitimacy and social control."²⁴⁷ Johnson's *Life/life* provides rich fodder for understanding the formation of the modern English author because he is depicted and he depicts himself with a new type of agency in the burgeoning literary marketplace of the eighteenth century. Yet critics thus far have failed to read Johnson's understanding of national authorship in conjunction with the burgeoning legal conception of authorship codified in the eighteenth century.

In her book *Loving Dr. Johnson* (2005), Helen Deutsch, in the spirit of Lynch,

²⁴⁶ Martin, *Samuel Johnson*, 414.

²⁴⁷ Deidre Lynch, "'Beating the Track of the Alphabet': Samuel Johnson, Tourism, and the Abcs of Modern Authority," *ELH* 57, no. 2 (1990): 357-58.

further opens up an understanding of the cultural construction of Johnson. She explains how Johnson has come to stand for England, and this metonym relies on “substitutions of parts for wholes” in which the author is exchanged for the “inchoate body of a nation.” Most important, she explains: “This exchange is haunted by differences . . . in the case of Britain, the ungovernable differences—social, racial, sexual, and economic, between and within nation and empire—that must be disavowed. Desire and disavowal haunt us to this day when we summon the English canon in Johnson's image.”²⁴⁸ Part of the disavowal that has occurred in the creation of Johnson, I argue, is a disavowal of what Lisa Maruca terms “text work” to suggest an opposition “to the abstraction and denial of labor usually known as a 'literary work.'”²⁴⁹ In the case of Johnson, the absence of discourses around “text work” in considerations of his literary work have led to the erasure of the printers and publishers who shaped his career, and of his relationship to them. As I have done in my previous chapter, I want to show once again that this disavowal has a political dimension. Johnson has been preserved as *English* rather than *British*, but a reconsideration of his relationship to print culture will reveal this characterization of him as part of the obsession with *a part* of Johnson, rather than a more whole Johnson full of “ungovernable differences.” It is the Stationers, ironically, some of them Scottish, and not Johnson, who work to protect a narrow definition of English authorship. Johnson's personal judgment on the legal case of *Donaldson v. Becket* reflects his understanding of

²⁴⁸ Helen Deutsch, *Loving Dr. Johnson* (Chicago: University of Chicago Press, 2005), 45. For Deutsch, this dissection is quite literal as she reads medical and literary scholars' obsession with Johnson's body, both living and dead.

²⁴⁹ Lisa Maruca, *The Work of Print: Authorship and the English Text Trades, 1660-1760* (Seattle: University of Washington Press, 2007), 8.

the role of the author in his personal and professional writing. Johnson's stance on Donaldson's case fluctuated somewhat, for he had a personal and professional affinity for the members of the Stationers. Ultimately, however, Johnson's resolution on this case can be read as an understanding of the author as separate from national ties, as a refutation of the notion that he is only or primarily a "national" English author. His literary legacy, in other words, is both less modern and less nationalist than we have thought.

Patrons, Publishers, and the National Author

"Perhaps no class of the human species requires more to be cautioned against this anticipation of happiness, than those that aspire to the name of authors. A man of lively fancy no sooner finds a hint moving in his mind, than he makes momentous excursions to the press, and to the world, and, with a little encouragement from flattery, pushes forward into future ages, and prognosticates the honour to be paid him, when envy is extinct, and faction forgotten, and those, whom partiality now suffers to obscure to him, shall have given way to other triflers of as short duration as themselves."²⁵⁰

"No man but a blockhead ever wrote, except for money."²⁵¹

When Boswell meets the subject of his biography *The Life of Johnson* (1791), he creates a scene in which the book trade, national identity, and authorship collide. The setting for this encounter is Tom Davies's bookshop, which served as both a functional workspace and a literary salon. Boswell writes:

At last, on Monday the 16th of May, when I was sitting in Mr. Davies's back-parlour, after having drunk tea with him and Mrs. Davies, Johnson

²⁵⁰ Samuel Johnson, "No. 2 Saturday, 24 March 1750," in *The Rambler*, ed. W.J. Bate and Albrecht B. Strauss, *The Yale Edition of the Works of Samuel Johnson* (New Haven and London: Yale University Press, 1969), 12.

²⁵¹ As quoted in James Boswell, *Life of Johnson*, Edited by R.W. Chapman (Oxford: Oxford University Press, 1791, reprint 2008), 731.

unexpectedly came into the shop; and Mr. Davies having perceived him through the glass-door, in the room in which we were sitting, advanced towards us,—he announced his awful approach to me, somewhat in the manner of an actor in the part of Horatio, when he addresses Hamlet on the appearance of his father's ghost, 'Look, my Lord, it comes.'²⁵²

In describing Johnson's entrance, Boswell compares himself to Hamlet, Davies to Horatio, and Johnson to the ghost of King Hamlet. These designations can be read in a number of ways—as showing that Boswell is setting up a drama of sorts; as his hoping that Johnson will satisfy his desire for a steadfast paternal relationship (Boswell had a notoriously difficult relationship with his own father); and as suggesting that Boswell will be “haunted” by Johnson for the remainder of his days. Boswell creates Johnson as a sort of literary specter. Taking his cues from the material around him at their first meeting, Boswell “embodies” Johnson's haunting presence in the form of a book, his *Life of Johnson*, and in so doing (re)creates Samuel Johnson.

The relationship between Boswell and Johnson will be fraught for a number of reasons, but in this scene, Boswell highlights his national identity as its foremost obstacle. Boswell asks Davies not to tell Johnson where he is from, but Davies ignores this request as he “cries roguishly” that Boswell is in fact from Scotland. Boswell quickly rejoins, “Mr. Johnson, I do indeed come from Scotland, but I cannot help it.” Johnson replies, “with that quickness of wit for which he was so remarkable . . .” That, Sir, I find is

²⁵² Ibid., 276-77.

what a very great many of your countrymen cannot help.”²⁵³ These “countrymen” in fact include Johnson’s own publisher, William Strahan, who was part of the first wave of Scottish emigrants to London who worked hard to Anglicize. By the early 1760s, the work of assimilation was no longer in vogue, though Boswell still seems eager to attempt some version of it, or at least to conceal his Scottish identity, asking Davies not to reveal where he is from.²⁵⁴ These lines from Johnson are ambiguous on the question of assimilation—should Boswell try to “help” or hide that he is from Scotland? Does being from Scotland render one of another country? Are Johnson and Boswell not “countrymen,”²⁵⁵ for the two kingdoms have been united as Great Britain since the 1707 Treaty of Union? Boswell’s choice of a bookstore as the setting in which these “ungovernable differences,” to return to Deutsch’s phrase, first come to the fore highlights that the legal struggle over booksellers’ rights has much to do with efforts to

²⁵³ Ibid., 277.

²⁵⁴ James J. Caudle describes Boswell’s take on assimilation. He “was angrily condemnatory of those first-generation London Scots such as David Mallet (born David Malloch) whom he felt had attempted to transform themselves into fake Englishmen: mutton dressed as lamb. He noted that Alexandre Wedderburne, by contrast, had obtained the golden mean for which cultured North Britons headed southwards should strive, gaining the smoothness and polish of English accent and manners without rejecting or concealing his innate Scottishness” (“James Boswell (*H. Scoticus Londoniensis*),” *Scots in London in the Eighteenth Century*, edited by Stana Nenadic (Lewisburg: Bucknell University Press, 2010), 110-111). Richard Sher’s account of the first wave of Edinburgh booksellers’ efforts to assimilate versus their predecessors in the 1760s reinforces Caudle’s description here. I will be discussing details of Sher’s account later in this chapter.

²⁵⁵ One’s national affiliation is not yet synonymous with one’s country at this time. In his *Dictionary*, Johnson defines “country” as a location “1. A tract of land; a region; 2. The parts of a region distant from cities or courts; rural parts; 3. The place which any man inhabits; 4. The place of one’s birth” (Samuel Johnson, “Country,” in *A Dictionary of the English Language* (London: Printed by W. Strahan, For J. and P. Knapton; T. and T. Longman; C. Hitch and L. Hawes; A. Millar; and R. and J. Dodsley, 1755). In contrast, a “nation” is an indication not of place, but of people in a place: “A people distinguished from another people; generally by their language, original, or government” (———, “Nation,” in *A Dictionary of the English Language* (London: Printed by W. Strahan, For J. and P. Knapton; T. and T. Longman; C. Hitch and L. Hawes; A. Millar; and R. and J. Dodsley, 1755).

define “Englishness” versus “Britishness” after the 1707 Treaty of Union between England and Scotland. Booksellers carried on their own version of these political struggles, and their debates over literary property enact the political and economic battles of their day. Johnson responded to these struggles in his personal and published writings.

Johnson’s view of the success and failure of an author depended on the individual, rather than the literary marketplace he or she inhabited. If Johnson is the harbinger of the modern author he is heralded to be,²⁵⁶ if he haunts us as Boswell foretold, then his understanding of how the literary marketplace does and should function seems worth investigating. If we consider “booksellers themselves are the creative protagonists of print,”²⁵⁷ then with the “rise of the author” in the copyright debates of the period as I discussed in my first chapter, booksellers paradoxically make themselves disappear. Maruca summarizes the effects of the Stationers’ lobby at the beginning of the century: “it took the rise of the author, and the discursive removal of published writing from the realm of labor and economics, to eclipse this role.”²⁵⁸ In the case of Johnson, then, if we understand him as an “author-function” rather than a solitary genius creating great works

²⁵⁶ Kernan best articulates this generally accepted perception: “Samuel Johnson stands out as perhaps the only writer of stature who fully understood, acknowledged, and consciously acted upon an awareness that print was now inescapably the primary fact of letters. He knew that his living as a man and his reputation as a writer had to be made in print terms, and he consequently accepted openly, rather than trying to conceal, the conditions of writing in print circumstances, such as his status as a paid professional writer, his need to develop a distinctive style that allowed him to write swiftly and effectively on any topic under deadline pressures, the powers of the booksellers to dictate his subjects, and the necessity of pleasing those whom he was the first to call ‘common readers’” (Kernan, *Samuel Johnson and the Impact of Print* Princeton, N.J.: Princeton University Press, 1989), 17.)

²⁵⁷ Maruca, *The Work of Print*, 8.

²⁵⁸ *Ibid.*, 67.

of literature in a vacuum, we begin to better understand both his literary creations and the creation of him as the paragon of modern English authorship.

Johnson's letter to Chesterfield has been read as the final nail in the coffin of the patronage system in England and as the heralding of modern authors, who must negotiate market forces in the propagation of their art. In 1832, Thomas Carlyle describes the letter as a "Blast of Doom, proclaiming into the ear of Lord Chesterfield, and through him, of the listening world that patronage should be no more!"²⁵⁹ With the signing of the letter, Carlyle proclaims that the "rebellious Sam. Johnson" turned to the "Bookselling guild, and the wondrous chaos of 'Author by trade.'"²⁶⁰ A century and a half later, Kernan depicts Johnson's supposed about face from patronage to the literary market as more sanguine, but no less grave. Kernan writes that the letter to Chesterfield "still stands as the Magna Carta of the modern author."²⁶¹ These claims can be immediately troubled by the fact that Johnson accepted a pension from George III, conferred on him by Lord Bute. For accepting the pension, Johnson was heavily criticized by John Wilkes and Charles Churchill in their newspaper, the *North Briton*, in the summer of 1762. Johnson reportedly sloughed off such censure with the remark, "I wish my pension were twice as large, that they might make twice as much noise."²⁶² As more contemporary scholarship has shown, Johnson's renunciation of the patronage system has been dramatized and

²⁵⁹ Thomas Carlyle, "Boswell's *Life of Johnson* from *Fraser's Magazine* 1832," in *Carlyle's Miscellaneous Writings*, ed. R.W. Emerson (New York: Appleton, 1832), 330.

²⁶⁰ *Ibid.*, 331.

²⁶¹ Kernan, *Samuel Johnson and the Impact of Print*, 105.

²⁶² As quoted in James Lowry Clifford, *Dictionary Johnson: Samuel Johnson's Middle Years* (New York: McGraw-Hill, 1979), 275.

glorified so as to distort Johnson into the hero who put the last dagger into this dying, aristocratic system.²⁶³

Among such contemporary voices is Griffin, who accuses scholars such as Carlyle and Kernan of misrepresenting Johnson's take on the patronage system. Through a close reading of *The Rambler* and *The Lives of the Poets*, Griffin tempers their hyperbolic claims, arguing that Johnson was in fact more sympathetic to patronage than is suggested by some scholars. Griffin concludes that Johnson favored neither the literary marketplace nor the patronage system, which Griffin shows existed in concurrence in the eighteenth century. Instead, Johnson "seems to apportion more blame to the poet than to the age or to the poet's various paymasters—king, patrons, and booksellers."²⁶⁴ By blame, Griffin in effect means responsibility for success or failure. In this age of a burgeoning free market, Johnson looks to the author to be both creator and propagator of his work, as my reading of the *Lives of the Poets* at the end of this chapter will show.

Johnson's *Preface to A Dictionary of the English Language* (1755) can be read as a manifesto of authorial command as Johnson, despite his printer's and his amanuenses' contributions, takes full responsibility for both the virtues and the mistakes of his project. He portrays himself as the solitary mind behind a work that required a fair bit of collaboration, both with his printer and with the sources of his citations. Johnson took a

²⁶³ As I discuss here, I find Griffin's work on this matter most useful, but scholars who take a similar stance on the Letter to Chesterfield include James Lowry Clifford's *Dictionary Johnson*, Lawrence Lipking's *Samuel Johnson: The Life of an Author* (Cambridge, Mass.: Harvard University Press, 1998) and Kathryn Temple's *Scandal Nation: Law and Authorship in Britain, 1750-1832* (Ithaca: Cornell University Press, 2003).

²⁶⁴ Dustin H. Griffin, *Literary Patronage in England, 1650-1800* (Cambridge: Cambridge University Press, 1996), 236.

number of suggestions from his printer William Strahan, whose “liberality, judgment, and success”²⁶⁵ he valued, and he calls upon a number of others to illustrate his definitions. And yet, in a metaphor that is reminiscent of Defoe’s language I analyzed in the first chapter, Johnson describes his labor as full of “parental fondness,” implying that he has raised the language up on his own. He writes, “A large work is difficult because it is large, even though all its parts might singly be performed with facility; where there are many things to be done, each must be allowed its share of time and labor in the proportion only which it bears to the whole.”²⁶⁶ Surely he intends his description of his drudgery in part as a critique of Lord Chesterfield, as Johnson makes explicit that he created this masterpiece without the full financial assistance of a patron. In his dispute with Chesterfield, Johnson reflects the anxiety around the waning of the patronage system in the eighteenth century; he increasingly embraces the open market for authors who come to the literary marketplace with goods for sale. These new authors would have to go it alone, as Johnson here also describes his process in constructing the *Dictionary*.

Griffin’s correction of the Chesterfield episode, a correction I find wholly convincing, reinforces my understanding of Johnson. Johnson places the onus of making a living from the labors of the mind on the individual author, as his correspondence with booksellers of the day and his *Lives of the Poets* reflect. When Kernan describes the Lord Chesterfield letter “as the Magna Carta of the modern author,” he presumably means that

²⁶⁵ Boswell, *Life of Johnson*, 206.

²⁶⁶ Samuel Johnson, “Preface to a Dictionary of the English Language,” in *Samuel Johnson: Selected Poetry and Prose*, ed. Frank Brady and W.K. Wimsatt (Berkeley: University of California, 1755; reprint, 1977), 293.

Johnson's letter declares the rights of the author as independent of any owner. Scholarship such as Griffin's has shown, however, that Johnson understands the relationship between the creator of a work of art and the supporter of that creator—whether it be a patron or a bookseller—as far more imbricated, that a complete separation between the two would be impossible. Part of what Johnson traces in the *Lives* and part of what his own legacy speaks to are the legal enfranchisement of authors' rights. This enfranchisement, though it took nearly a century to be recognized, meant that authors, in owning their literary property, were not as subject to the whims of a handful of aristocratic patrons, but instead increasingly to the demands of the reading public. This new relationship was no less mediated, and it made the metonymic possibilities—for Johnson to stand for England, to return to Deutsch—for authorship far more complicated. Because booksellers were part of the production process, one with a variety of protagonists, it becomes more difficult to force authors into the narrow construction of meaning that comes when a part is substituted for a whole, a whole that upon further investigation, we find to be full of “ungovernable differences.”

Scottish Booksellers and the London Trade

*"We frighten one another with seventy thousand Scots to come hither with the dukes of Gordon and Argile, and eat us, and hang us, or drown us, but we are all at quiet."*²⁶⁷

The path that shaped a British identity from separate English and Scottish identities

²⁶⁷ Samuel Johnson, "Letter to Hester Thrale, 12 June 1780," in *The Letters of Samuel Johnson*, ed. Bruce Redford (Princeton, N.J.: Princeton University Press, 1992), 274. Johnson writes this letter mocking the frenzy in London after the Gordon Riots.

after the Treaty of Union in 1707 was a tumultuous one. After the treaty, England joined Scotland in the United Kingdom of Great Britain with a common legislature, a single crown, and, most notably for the book trade, access to the commerce of an empire now British rather than English. David Armitage notes, however, that “since the crown was to pass in a line of succession originally chosen by the English, the Parliament of Great Britain was to be held in Westminster, and the emporium based in London, it became clear that this was to be a British Empire founded on English terms, if not exclusively to England’s advantage.”²⁶⁸ And some of the Scottish did not settle easily into this subordinate position; 1715 and 1745, hostile Jacobite armies marched into England from Scotland, keeping cross-border hostilities alive. There were other Jacobite invasion scares in 1717, 1719, 1720-21, 1743-34 and even as late as 1759 that Colley describes as “unsettling” because a successful Stuart restoration would have meant the replacement of a Protestant monarchy with a devout Roman Catholic dynasty.²⁶⁹ Adam Rounce sums up the basic reasoning behind the anti-Scots sentiment that resulted from this tumult: “The English erred in giving Scotland a Union it did not deserve, and it is only natural for Scotland to exploit such weakness. The Scottish are animalistic in their determinism (economic or otherwise); their intrinsic weakness and poverty make them scavenge and forage for any advantage.”²⁷⁰ The skepticism at best and discrimination at worst against the Scottish in London was unevenly held and applied throughout the century.

²⁶⁸ David Armitage, *The Ideological Origins of the British Empire* (Cambridge: Cambridge University Press, 2000), 161.

²⁶⁹ Colley, *Britons*, 24.

²⁷⁰ Adam Rounce, ““Stuarts without End”: Wilkes, Churchill, and Anti-Scottishness,” *Eighteenth-Century Life* 29, no. 3 (2005): 25.

Some imagined a Scottish threat more than others; in England, John Wilkes led the xenophobic reaction to the Scottish incorporation into the Union. Teaming up with the satirical poet Charles Churchill, they attacked Scotsman Lord Bute when George III named him prime minister in 1762, the same Lord Bute who awarded Johnson a pension, which Wilkes and Churchill also criticized Johnson for accepting. Rumors circulated that Lord Bute was bedding George III's mother, the Princess Dowager. Colley reads these rumors as symptomatic of other fears: "The accusation that one Scottish minister was penetrating the mother of the King of England was symbolic shorthand for the real anxiety: namely, that large numbers of Scots were penetrating England itself, compromising its identity, winning access to its riches and cutting out English men."²⁷¹ The assuaging of these fears, and the end to both vicious and petty attacks, did more or less come, however. Colley attributes the reconciliation to the advances in road and postal communications, to the operation of free trade throughout the island, and to the proliferation of print. Though she herself does little to examine this last explanation, she argues that "the importance of print in unifying Great Britain and in shaping its inhabitants' view of themselves as peculiarly privileged has been much less understood."²⁷² I would argue, however, that this was in fact an area of English-Scottish tensions that remained to be settled until the end of the century because of the rivalry between London and Edinburgh booksellers.

After the initial Treaty of Union, a wave of Scots booksellers sought their fortunes

²⁷¹ Colley, *Britons*, 122.

²⁷² *Ibid.*, 40.

in London, and most of them found it. One of the most successful publishing alliances in mid-eighteenth-century London was between printer William Strahan and publisher Andrew Millar, both from Edinburgh. These two were a part of the first wave of Scottish émigrés to London, a group that met less resistance than those who came later. And Strahan and Millar in turn assimilated fairly rapidly. For example, Strahan omitted the letter *c* from “Strachan.” Stana Nenadic explains the motivation for such a change: “The Scottish accent and the use of ‘Scotticism’ in language were clear indications of distinct identity in London, evoking ideas of ‘rudeness’ and provincialism for the English majority.”²⁷³ Eager to cast off or at least to downplay this “distinct identity” in his new home, Strahan reportedly boasted to friends that he and Millar were the first outsiders to penetrate the Stationers’ Company, by being made members of its Court of Assistants in 1764. And yet, neither man forgot his homeland. They were, of course, complex people, and while their careers can be read as successful “exercises in Anglicization,” their assimilation should not be mistaken as an abandonment of Scottish interests. They were also responsible, almost single-handedly, for bringing the Scottish Enlightenment to London.²⁷⁴ Richard Sher reads Strahan’s and Millar’s embrace of London coupled with their desire to stay connected at home as their attempt “to resolve [their] complex feelings about national and personal identity.”²⁷⁵ Sher also points out the distinct advantage

²⁷³ Stana Nenadic, “Introduction,” in *Scots in London in the Eighteenth Century*, ed. Stana Nenadic (Lewisburg, Pa.: Bucknell University Press, 2010), 21.

²⁷⁴ Richard Sher, *The Enlightenment and the Book: Scottish Authors and Their Publishers in Eighteenth-Century Britain, Ireland, and America* (Chicago: University of Chicago Press, 2006), 299.

²⁷⁵ Sher, *The Enlightenment and the Book*, 305-06.

Strahan's and Millar's Scottish connections gave them in the market.

Specifically, this London syndicate collaborated extensively with the Edinburgh firm founded by Alexander Kinkaid and continued by William Creech, creating a model of intercity commercial relations. Sher describes this connection: "All of them knew each other from their childhood or youth, and friendships they established in that period of their lives sometimes blunted the effects of individual and regional competition and smoothed the way for collaboration."²⁷⁶ These networks, based in friendships and mutual support, were also incredibly lucrative for all involved, eliminating a potential intercity competition. Instead, London became the distribution center for Scottish books in England, just as Edinburgh did for English books in Scotland.²⁷⁷ For two reasons these halcyon days did not last, however. One is the slow, but steady implementation of the Statute of Anne as the century wore on and the other is the breakdown of what were perceived at the time as "clannish" ties.²⁷⁸

The London Stationers' Company was incorporated by royal charter in 1557 and authorized to issue all printing privileges or patents until the lapse of the Licensing Act in 1695. As I discussed in my first chapter, in the years between the lapsing of the Licensing Act and the Statute of Anne, no legal regime was in place to regulate claims to literary property. The Statute of Anne of 1710 included two major innovations: it limited the term of copyright protection to fourteen years, and it legally recognized authors as proprietors

²⁷⁶ Ibid., 273-74.

²⁷⁷ Ibid., 271.

²⁷⁸ Stana Nenadic explains that "one of the characteristics of Scots in London that was commonly described and resented by contemporaries was their so-called clannishness" ("Introduction," *Scots in London in the Eighteenth Century*, 27).

of their works. Previously, the Stationers' copyrights were perpetual; moreover, only members of the Company could hold copyrights. The language of the Statute reflects the recent union between England and Scotland, repeating throughout that when it refers to Great Britain, it refers to both places. For example, complaints against booksellers for selling books at a rate "conceived by any Person or Persons to be High and Unreasonable" can be brought to "the Vice-Chancellors of the Two Universities for the time being, in that part of Great Britain called England" or to "the Rector of the College of Edinburgh for the time being, in that part of Great Britain called Scotland." The Statute explicitly mentions that the state also protects the booksellers of Scotland: "Provided always, and be it further Enacted, That if any Person or Persons incur the Penalties contained in this Act, in that part of Great Britain called Scotland, they shall be recoverable by any Action before the Court of Session there."²⁷⁹ Despite the Statute of Anne, London booksellers continued business as usual and accused Scottish and Irish booksellers who were not like Strahan and Millar and who refused to play by their rules of literary "piracy." Essentially, the Statute of Anne could not do the sociocultural work needed to unite English and Scottish booksellers when they competed in the same markets. Adrian Johns explains: "Piracy therefore became entangled with the peculiar politics of a composite nation. For authorial property to become secure would require coherent answers to questions about metropolis and province, and about kingdom and

²⁷⁹ *An Act for the Encouragement of Learning, by Vesting the Copies of Printed Books in the Authors or Purchasers of Such Copies, During the Times Therein Mentioned.*

colony."²⁸⁰ This would slowly change over the course of the century, but it was not until the House of Lords' ruling in *Donaldson v. Becket* (1774) that the English legal system would fully protect the rights outlined in the Statute of Anne, and in effect, would reinforce its efforts to make Scottish and English booksellers equal under the laws of Great Britain.

The harmonious networks established by Strahan and Millar between London and Edinburgh in the first half of the century became more acrimonious as Edinburgh booksellers refused to play by London's customary practices. John Bell of Edinburgh and Thomas Cadell, who took over Millar's business in London, had a number of fallings out from 1764 to 1771. Their disputes epitomized a new attitude among Edinburgh booksellers, who did not want to be at the mercy of their London associates.²⁸¹ Perhaps the most uncooperative of the second generation of the Edinburgh-London connection was Alexander Donaldson, who both in practice and in pamphlet actively resisted what he perceived as a London monopoly. Instead of adhering to the customs of his previous Edinburgh booksellers and promoting Scottish authors in London and vice versa, Donaldson chose to reprint his books at 30 to 50 percent under the usual London prices. His career as a reprinter of English classics began with his 1753 venture, an eight-volume duodecimo edition of the *Works of Shakespeare*. Within about a decade of this beginning, Donaldson realized he had a marketing problem, as Sher explains: "How could he find enough buyers to justify the kind of high-volume, low-margin publishing that he wished

²⁸⁰ Adrian Johns. *Piracy: The Intellectual Property Wars from Gutenberg to Gates* (Chicago: University of Chicago Press, 2009), 115.

²⁸¹ Sher, *The Enlightenment and the Book*, 324-25.

to pursue?"²⁸² In other words, Donaldson lacked a London contact who would sell his books there. To answer this problem, Donaldson sent his brother to London to open up a bookshop "two doors east from *Norfolk-Street*, in the *Strand*," a shop that severely undercut the London booksellers and that greatly enraged them. Johns describes it as "a deliberately provocative gesture: the commercial equivalent of throwing down the gauntlet."²⁸³ Donaldson advertises for the newly opened shop at the end of his pamphlet *Some Thoughts on the State of Literary Property* (1764): "The *London* booksellers, by the aforementioned combination, having prevented their brethren from dealing with him, have forced him, in self-defence, to establish this shop."²⁸⁴ By ironically describing himself as the "brethren" of these *London* booksellers, Donaldson points out what, in his mind, *should* be the relationship between London and Edinburgh booksellers; they should be brothers, "closely united" in the trade.²⁸⁵ He implicitly argues that a bookseller in Edinburgh is subject to the same restrictions and has access to the same rights as a bookseller in London.

In the polemics of the pamphlet preceding this advertisement, Donaldson spells out the practices of his fellow British citizens who have treated him unfairly, inveighing against the monopoly of London booksellers who were particularly hostile to him as he moved his bookstore from Edinburgh to London. In his tract, he responds to the

²⁸² Ibid., 314.

²⁸³ Johns, *Piracy*, 124.

²⁸⁴ Alexander Donaldson, "Some Thoughts on the State of Literary Property," in *The Literary Property Debate: Six Tracts, 1764-1774*, ed. Stephen Parks (New York: Garland, 1975), 7-8.

²⁸⁵ Johnson, Samuel. "Brethren" and "Brother" in *A Dictionary of the English Language* (London: Printed by W. Strahan, For J. and P. Knapton; T. and T. Longman; C. Hitch and L. Hawes; A. Millar; and R. and J. Dodsley), 1755.

arguments made about copyright, that the rights of the author can be protected without the blatant monopoly of the London booksellers. Donaldson describes the author's rights:

While he retains that discovery to himself, the property may be said to rest in him, because none other can interfere in the use or practice of what is known to none but him; but when the secret is once discovered and published, or made known to the world, every person is at liberty to take benefit or advantage there from, where no lawful impediment or restraint to the contrary occurs.²⁸⁶

Donaldson challenges the Stationers' understanding of literary property, like all forms of property under English common law, as perpetual and residing with them. He reiterates the ruling of the Statute of Anne from over fifty years before: literary property belongs first and foremost to authors, not to booksellers. He effectively asserts the figure of proprietary author, the one whose work belongs not to a patron or a publisher, but to him/herself. Donaldson then moves from an assertion of authors' rights, to those of the booksellers, insisting that the Stationers must, at some point, relinquish copyright to a given work. He uses the language of freedom to make this argument: "every person is at liberty to take benefit or advantage there from." Donaldson rebuts the common law property argument that copyright was the purview of a select few. The Stationers' claim to perpetual copyright, that once a bookseller owned it, it was his exclusive right, to be passed down to his heirs, just like any other type of property, is, Donaldson argues, an impediment on his "brethren's" "liberty."

²⁸⁶ Alexander Donaldson, *Some Thoughts on the State of Literary Property*, 7-8.

The figure of proprietary author, Donaldson point out, secures this liberty. The Statute of Anne initiated this right of ownership for authors; previously only members of the Stationers' Guild could hold copyrights. However, the courts did not secure this right until almost seventy years later. In *Donaldson v. Becket*, Donaldson argued for his right to reprint James Thomson's *The Seasons* (1730) because, according to the Statute of Anne, copyright was limited in term. Thomas Becket, representing the interests of the London booksellers, argued that under common law, once an author gave copyright to a bookseller, it belonged to the bookseller perpetually, much like common-law property rights. Though Becket won the case in the lower courts, Donaldson appealed to the High Court, and in 1774, the House of Lords ruled in his favor.

In the case, Donaldson refines his line of argument from a decade before, acquiescing to the idea of intellectual property, but he maintains that the author, not the publisher, was the only one who ever possessed and had a right to that property. Even if the property could fully belong to a publisher, Donaldson argues, common law could not be invoked to keep that property perpetually in the hands of the publishers. In response to the Stationers' arguments, Donaldson explains, "the Statute of Queen Anne was not *Declaratory* of the Common Law, but *Introductive* of a New Law, to give Learned Men a Property which they *had not before*."²⁸⁷ The point here is that these "Learned Men" are not booksellers, but authors. Like the Stationers arguing against him, Donaldson presents

²⁸⁷ *Alexander Donaldson, and --- John Donaldson, Booksellers, --- Appellants. Thomas Becket, Peter Abraham De Hondt, John Rivington, William Johnson, William Strahan, Thomas Longman, William Richardson, John Richardson, Thomas Lowndes, Thomas Caslon, George Kearsley, Henry Baldwin, William Owen, Thomas Davies, and Thomas Cadell, Printers and Booksellers, Respondents. Case of the Appellants.*, Signed: E. Thurlow. J. Dalrymple. Ar. Murphy, 7 (1774).

his own interests as those of the authors. Printing, Donaldson argues, was not addressed in the common law and has therefore not “changed the Principles of Right or Wrong or innovate[d] the law.”²⁸⁸

The House of Lords ultimately sided with Donaldson, agreeing that the establishment of perpetual copyright “would be fatal to the *Interest of Letters* and the *Fame* of every valuable Author.”²⁸⁹ Henry Home, later Lord Kames, understood the monopoly that the Stationers were looking to protect. Home accused Millar of wanting to “‘crush this Manufacture in the Bud’ before it could develop an export market in the colonies.” Johns explains that Home “proceeded to use the case to question the political economy of the British Empire itself. If the Londoners won their case for literary property, Home insinuated, then Scotland’s book trade would be relegated to a colonial status. The real English plan was to ‘enslave’ Scottish booksellers.”²⁹⁰ By opening a shop in London, Donaldson had emancipated himself from the restrictions that the London booksellers were trying to impose and was now “at liberty.” Donaldson’s rights as a British citizen were effectively confirmed here; he had the same access to the courts to protect his rights as his London “brethren.”

The Stationers’ efforts to have the courts uphold their interests did not abate, however. After the High Court’s ruling, in February of 1774, the House of Commons debated a petition from the London booksellers, who were attempting to protect themselves against the losses potentially resulting from the decision of *Donaldson v.*

²⁸⁸ Ibid., 4.

²⁸⁹ Ibid., 9.

²⁹⁰ Johns, *Piracy*, 118.

Becket. These debates made the underlying question of rights of the Scottish versus English booksellers most transparent. Returning to their previous defense against the implications of the Statute of Anne, the London Stationers argued that they had operated as if common law protected their investments in literary property. The booksellers claimed that they deserved some compensation if copyright were no longer perpetual.²⁹¹ The case of William Johnston was offered as an example. As a bookseller, Johnston spent a great deal of money on copyrights, never imagining

the Act of Queen Anne interfered with the common law right and it was most undoubtedly the general idea of the trade before the late judgment in the House of Peers, that the booksellers had a perpetual right in the copies they had purchased of authors, and their assigns, but the common law; and, if any doubts had been entertained before the later determination of the court of King's-bench, that judgment would certainly have removed them.²⁹²

Cases like Johnston's failed to evoke the sympathies of all the MPs, however. Attorney General Thurlow argued against the booksellers, calling them "impudent monopolizing

²⁹¹ At about the same time, the following paragraph appeared in a number of London papers including the *Morning Chronicle*: "By the above decision of the important question respecting copy-right in books, near 200,000 l. worth of what was honestly purchased at public sale, and which was yesterday thought property is now reduced to nothing. The Booksellers of London and Westminster, many of whom sold estates and houses to purchase Copy-rights, are in a manner ruined, and those who after many years industry thought they had acquired a competency to provide for their families now find themselves without a shilling to devise to their successors" (quoted in Mark Rose, *Authors and Owners: The Invention of Copyright* (Cambridge, Mass.: Harvard University Press, 1993), 97).

²⁹² Parliament Great Britain, *Cobbett's Parliamentary History of England from 1771-1774*, vol. 17 (London: R. Bagshaw, 1806), 1079.

men"²⁹³ and later argued that "they came and asked a favor of the House, under a pretence that authors would be benefited, which he denied; for it was meant entirely for the benefit of a few individual booksellers, who ruled the whole trade."²⁹⁴ Thurlow revealed the booksellers' tactics here: their concern for the author was a "pretence," one put on to protect their own interests. Thurlow's comments serve as an example of the erasure Maruca describes, of the printers and publishers effectively eclipsing their own central role in literary production. Another Member for Parliament, Mr. Greaves, was as critical of the Stationers as Thurlow, but not for the same reason. Greaves also questioned the Stationers' monopoly, but he identified the reason for their wanting a monopoly as more tied to their prejudices against Scotland. He called their fear of being undersold by the booksellers of Edinburgh "idle, for no person would purchase any Edinburgh book when he could get an English one, for the Scotch editions were generally incorrect, and not fit for a gentleman's library."²⁹⁵ Greaves here reinforced the sentiments of the booksellers, while negating them. Greaves acknowledged that English books are superior, but he pointed out the fallacy in this assertion: if these books are so superior, then why do they need protection in the courts?

Sir John Dalrymple, a Member of Parliament from North Berwick in Scotland, also made the implicit arguments about Englishness explicit, but he did so to mock the booksellers' position. Sir Dalrymple compared Donaldson's threat to the London monopoly to the Jacobites' threat to the crown. In so doing, Sir Dalrymple placed the

²⁹³ Ibid., 1086.

²⁹⁴ Ibid., 1103.

²⁹⁵ Ibid., 1087.

argument against Donaldson and other Scottish booksellers into a larger political context. Tying the case of Donaldson to other perceived national threats, Sir Dalrymple ironically remarked:

. . . that it was ever the fashion to ascribe the ill of the times to some particular country. In the reign of James the 1st all the ill came from Scotland; in the reign of Charles the 1st all the ill was supposed to come from Spain; in the reign of Charles 2, all the ill came from France; in that of William all the ill came from Holland; in the reign of George the 2nd all the ill came from Hanover; and now the circle seemed to have come round, and all the ill came from Scotland again.²⁹⁶

Darlymple exposed and mocked the Stationers' claim—that a threat to English books is a threat to the nation. In so doing, he revealed their xenophobic arguments that they constructed to protect their monopoly of the book trade. These booksellers' used the authors' interests as a façade to promote their own interests. The booksellers attempted to tie that “pretense” of authorship to nationality: protecting the English author's property under their care, they argued, was tantamount to protecting the English nation. As I began this chapter discussing, their *Lives of the English Poets* was an attempt to reassert their claim to this literary property that the courts no longer recognized as exclusively theirs. And Johnson objected to their further conflation of his name with this claim, that the poets were *English* and then, as the spine on the original bindings reads, that they were

²⁹⁶ Ibid., 1092.

Johnson's Poets. Johnson ultimately supported Alexander Donaldson, sympathizing with the cause of the Scottish booksellers.

Johnson's Stance

*"[Donaldson] is no better than Robin Hood, who robbed the rich in order to give it to the poor"*²⁹⁷

Johnson's stance on the *Donaldson v. Becket*, vacillated, but, despite his own personal and professional ties to the London Stationers, he ultimately came down on the side of Donaldson. In contrast, twenty years before, he had sided with Samuel Richardson, who became a Master Stationer in 1750, in his accusations against Irish booksellers for pirating *Sir Charles Grandison* (1753). Johnson wrote: "I am not cool about this piracy." He offered to help Richardson print the final volumes "secretly and speedily": "I will correct a volume and every body will do what they can."²⁹⁸ A decade later, Johnson seems to acquiesce to the other side, at first insulting Donaldson and then coming to his defense. Boswell records in both his *Journal* and the *Life* Scottish Member for Parliament George Dempster's swaying of Johnson:

Mr. Johnson then abused Donaldson as a rogue who took advantage of the law to cheat his brethren. "For, notwithstanding of the statute [of Anne], which allows only fourteen years, it has always been understood by the

²⁹⁷ Frederick Pottle, ed. *Boswell's London Journal 1762-1763*, 2nd ed. (New Haven, Conn.: Yale University Press, 2004), 312.

²⁹⁸ Samuel Johnson, "Letter to Samuel Richardson 26 September 1753," in *The Letters of Samuel Johnson*, ed. Bruce Redford (Princeton, N.J.: Princeton University Press, 1992), 75-76.

trade [emphasis in the original] that he who buys a book from the author obtains a perpetual property; and upon that belief numberless bargains are made to transfer property after the expiration of the legal term. Now, Donaldson takes advantage here of people who have really an equitable right from usage; and if we consider how few books which they buy the property of succeed so well as to bring profit, we should be of opinion that fourteen years is too short a term. It should be sixty years.” “But,” said Dempster, “Mr. Donaldson is anxious for the encouragement of literature. He brings books so cheap that poor students may buy them.” “Well,” said Johnson, “allowing that to be his motive, he is no better than Robin Hood, who robbed the rich in order to give to the poor.”²⁹⁹

Johnson first decries Donaldson’s practice, but he seems quickly convinced by Dempster’s rebuttal to his criticism of him. Johnson’s depiction of Donaldson as a Robin Hood figure ultimately makes him a sympathetic character, though of course by aligning Donaldson with Robin Hood, Johnson first and foremost marks him as a thief. But, the figure of Robin Hood is full of class valences, and it also registers a nationalist dimension. The earliest writers of the Robin Hood legend were all Scottish.³⁰⁰ Johnson’s

²⁹⁹ Pottle, ed. *Boswell's London Journal 1762-1763*, 312-13. In the *Life*, Boswell immediately adds to this exchange the commentary: “It is remarkable, that when the great question concerning Literary Property came to be ultimately tried before the supreme tribunal of this country, in consequence of the very spirited exertions of Mr. Donaldson, Dr. Johnson was zealous against perpetuity” (310). Boswell jumps ahead about a decade here, and he does so because, throughout the *Life*, he works to portray Johnson as a friend of booksellers, even though these booksellers are still perceived by many as Scottish interlopers.

³⁰⁰ According to the *Oxford Dictionary of National Biography*, “Andrew Wyntoun, who by 1420 had completed a rhyming chronicle of Scotland up to 1408, referred to Robin Hood and Little

comparison here works on two levels: he compares Donaldson to a charitable thief who works for the larger good, but also to a legendary hero who has a particularly Scottish, rather than English, origin. As his letter to Strahan will show, Johnson comes to accept Dempster's argument that what Donaldson does benefits society. Dempster refers here to the legal title of what is commonly referred to as the Statute of Anne, but is technically titled "An Act for the Encouragement of Learning," and the general good it attempts to do for society. The belief that the ubiquity of print culture could improve a public, however defined, ultimately wins the day for Johnson.

The son of a bookseller, as he refers to in his later to Nichols, Johnson generally held booksellers in high regard. Later, speaking of the small profit he made on the *Dictionary* after he paid for the amanuenses and the paper, Johnson said, "I am sorry, too. But it was very well. The booksellers are generous, liberal-minded men." Boswell then remarked: "He, upon all occasions, did ample justice to their character in this respect. He considered them as the patrons of literature."³⁰¹ Johnson's own printer, Strahan, then Master of the Stationers Company, and his friend Davies, the owner of the bookshop where he met Boswell, were in fact members of the conger suing Donaldson. Though Johnson initially sided with these "generous, liberal-minded" London booksellers

John under the years 1283–5. In the 1440s Walter Bower inserted a notice of Robin Hood and Little John into his continuation of Fordun's *Scotichronicon* under the year 1266. Then in 1521, in his *Historia majoris Britanniae*, John Mair assigned Robin and Little John to the years of Richard I's captivity in Germany, 1193–4. All three writers were Scots" (J.C. Holt, "Hood, Robin (supp. fl. late 12th–13th cent.)," in *Oxford Dictionary of National Biography*, ed. H.C.G. Matthew and Brian Harrison Oxford: Oxford University Press, 2004; online ed., ed. Lawrence Goldman, January 2007, <http://www.oxforddnb.com.ezproxy.lib.utexas.edu/view/article/13676> accessed April 22, 2009).

³⁰¹ Boswell, *Life of Johnson*, 296.

in the case, by the time the House of Lords heard Arthur Murphy's appeal for Donaldson, Johnson told Boswell he "would not have the right perpetual."³⁰² Johnson best articulated this position in his letter to Strahan, my candidate for the "Magna Carta of the modern author."

In his letter, Johnson defends the right of authors, but in a far more earnest way than the London booksellers had. Unlike the Stationers, Johnson does not pretend to speak for the authors; rather, as an author himself, one who struggled early in his career to earn a living as an author in the literary marketplace, he has earned more of a right than most to represent their interests. He writes:

The Author has a natural and peculiar right to the profit of his own work. But as every Man who claims the protection of Society, must purchase it by resigning some part of his natural right, the author must recede from so much of his claim, as shall be deemed injurious or inconvenient to Society. It is inconvenient to Society that an useful book should become perpetual and exclusive property. The Judgement of the Lords was therefore legally and politically right. But the Authours' enjoyment of his natural right might without any inconvenience be protracted beyond the term settled by the Statute.

Johnson does not defend perpetual rights for either the booksellers or the authors, arguing that society's interests should be considered first and foremost. However, Johnson does

³⁰² Samuel Johnson, "Letter to James Boswell 7 February 1774," in *The Letters of Samuel Johnson*, ed. Bruce Redford (Princeton, N.J.: Princeton University Press, 1992), 125.

most closely align the author's and society's interests; he enumerates the rights of literary property in relation to the author, not in relation to the booksellers. The "natural right" is the author's first and foremost, and then the author can and should relinquish that right for the good of society, who will benefit from that property once it is given up (hence the right is rather "peculiar"). The author has a "natural right," and that natural right to property is and should be protected; the work of the law is to protect the individuals' rights while securing the interests of the whole. Johnson adopts the Robin Hood sentiment again, thinking of what will best benefit society as a whole, rather than what will exclusively benefit an elite group—in this case, the London booksellers.

Johnson's understanding of society is here ecumenical; he does not privilege one group's interests over another, but instead defines society as belonging to "every Man who claims the protection" of it. Presumably, therefore, society no more belongs to the English or the Scottish; instead, Johnson implies an understanding of a "British" society here, one that understands the nation as "forged," as Colley would have it. Johnson concludes his letter:

By these regulations a book may continue the property of the authour or of those who claim from him about fifty years, a term sufficient to reward the writer without any loss to the publick. In fifty years far the greater number of books are forgotten and annihilated, and it is for the advantage of learning that those which fifty years have not destroyed should become

bona communia, to be used by every scholar as he shall think best.³⁰³

Following Dempster's lead, Johnson alludes to the Statute of Anne itself as he considers the possibility of the rights of the author butting up against the "*bona communia*." He ultimately sees the matter as one of degrees: the author's rights should be protected until it is no longer in the public's interest for them to be protected; he determines that amount of time to be fifty years. And though the time limits he suggests do not exactly match up with what the Statute stipulated, his sentiments are the same. The relationship between the author and the public, one that really eclipses the book's production, is what should be considered in making this law. Johnson understands literary property as belonging to the author first and foremost in part because he thing that authors are more likely to share the products of their pens than booksellers to share the products of their presses for the "*bona communia*."

Three years after this letter to Strahan, Johnson agreed to be involved in Strahan and his conger's *Lives of the Poets*, a fact that seemingly complicates his letter to Strahan. We are left to speculate what exactly Johnson's motives were when he became involved in this project. Boswell includes a letter that Edward Dilly, publisher and member of the powerful conger that collaborated to publish the fifty-four-volume set of English poems, wrote to him on September 26, 1777, in which he explains the motives behind the endeavor:

The first cause that gave rise to this undertaking, I believe, was owing to

³⁰³ Samuel Johnson, "Letter to William Strahan 7 March 1774," in *The Letters of Samuel Johnson*, ed. Bruce Redford (Princeton, N.J.: Princeton University Press, 1992), 130-31.

the little trifling edition of the Poets, printing by the Martins, at Edinburgh, and to be sold by Bell, in London. Upon examining the volumes which were printed, the type was found so extremely small, that many persons could not read them; not only this inconvenience attended it, but the inaccuracy of the press was very conspicuous. These reasons, as well as the idea of an invasion of what we call our Literary Property, induced the London Booksellers to print an elegant and accurate edition of all the English Poets of reputation, from Chaucer to the present time. . . . [T]he Poets we mean to give, many of which are within the Act of Queen Anne, which Martin and Bell cannot give, as they have no property in them; the proprietors are almost all the booksellers in London, of consequence.³⁰⁴

Through his careful examination of Bell's edition, Thomas Bonnell has shown that Dilly mischaracterizes them. This letter's importance then lies not in its accuracy, but in what it reveals about the London booksellers' motives. Dilly reflects the rhetoric the London conger circulated around the Bell edition, rather than the reality of the edition. Bonnell's bibliographical examination of it shows it to be not at all a "trifling edition," but in fact "an enterprise important in its own right and competently executed."³⁰⁵

The London booksellers worked hard to block the sale of Bell's edition, and from the start, Bell prophesied a "collusion" among the other London booksellers to diminish

³⁰⁴ Boswell, *Life of Johnson*, 802-03.

³⁰⁵ Thomas F. Bonnell, "John Bell's 'Poets of Great Britain': The 'Little Trifling Edition' Revisited," *Modern Philology* 85, no. 2 (1987): 129.

his profits. According to Bell's open appeal in 1777, "To the Country Booksellers," the proprietors quickly blocked the promotion and sale of his series first by prohibiting the insertion of his volumes in the London papers, "over most of which they command the most pernicious influence." He also accuses the London booksellers of refusing to sell his books in their shops and "absolutely" refusing to send them "into the country on any conditions."³⁰⁶ He would expand on the London booksellers' "collusion" five years later, explaining the effects that their unwillingness to sell his books had on him. The London booksellers essentially made it impossible for Bell to use the "usual credit" to do business. Instead, he had to "discharge all their accounts, as well as of obliging [him] to pay ready money for every article in business." Moreover, he could not get any money for his books, but had to send his "articles all over the world on precarious credit, instead of receiving ready money on delivery, as is usual in publications of a periodical plan."³⁰⁷ The Stationers' tactics here are reminiscent of their actions to prevent the import of Irish reprints in the 1730s. Their actions can no longer be so obvious in that they no longer have the law behind them; the High Court's ruling in *Donaldson v. Becket* has made it clear that the law will no longer defend their monopolies. They therefore employ extra-legal means to disadvantage Bell in order "to gain a competitive advantage." Bonnell reflects that their action here "also helps to explain the lengths they went when, once in possession of Johnson's prized name." They effectively "deceived the buying public—and risked alienating Johnson—by lettering the spines of their volumes to read 'Johnson's

³⁰⁶ As quoted in *ibid.*, 141.

³⁰⁷ As quoted in *ibid.*, 142.

Poets.”³⁰⁸ The booksellers wanted Johnson’s name to be synonymous with *their* English poets, but he did not seek out such an association; in fact, as I noted in the introduction to this chapter, he considered the use of his name an act of “impudence” on the part of the booksellers.³⁰⁹ What did it mean to be one of Johnson’s poets, then? Through a scalable sampling of the *Lives*, I want to show the ways in which Johnson portrays the literary marketplace through these poets’ struggles with it.

Lives in the Literary Marketplace

*"Nothing has so much degraded literature from its natural rank, as the practice of indecent and promiscuous dedication."*³¹⁰

Johnson’s *Lives of the Poets* can be read as an assessment of his predecessors’ and peers’ successes and failures in the literary marketplace. The fifty-two separate lives contain 378,000 words—the equivalent of five modern novels—with the theme, according to Paul Fussell, of “ironic disappointment: its focus is necessarily on the comic and touching distances between human schemes and human accomplishments.”³¹¹ These disappointments and accomplishments are inseparable from these writers’ experiences with the literary marketplace; Griffin describes the *Lives* as Johnson’s “most sustained discussion of the topic of literary patronage.” Borrowing from Griffin’s methodology, in

³⁰⁸ Ibid., 152.

³⁰⁹ Johnson, "Letter to John Nichols, C. April 1780," 226.

³¹⁰ Samuel Johnson, "No. 136 Saturday, 6 July 1751," in *The Rambler*, ed. W.J. Bate and Albrecht B. Strauss, The Yale Edition of the Works of Samuel Johnson (New Haven and London: Yale University Press, 1969), 356.

³¹¹ Paul Fussell, *Samuel Johnson and the Life of Writing* (New York: Harcourt Brace Jovanich, 1971), 256.

my reading of the *Lives*, I will shift the focus from patrons to the poets' other source of support in the period.³¹² It is after all the forces of the literary marketplace—competition between London and Edinburgh—that sparked the project in the first place. I will therefore look at the poets' dealings with publishers and printers.

Johnson was one of the first to understand the commercial savvy this new marketplace demanded; failure to meet such demands meant that either authors starved or became “prostitute scribbler[s],” hocking their wares on Grub Street.³¹³ When he found out what Robert Dodsley paid Paul Whitbread for his poems, Johnson refused to accept anything less than ten guineas for his *London*. Johnson told Boswell, “I might, perhaps, have accepted less; but that Paul Whitbread had a little before got ten guineas for a poem and I would not take less than Paul Whitbread.”³¹⁴ This is not to suggest that Johnson did not profoundly slog in the literary marketplace; the first half of his career was marked by considerable financial hardship. As his reputation as Dictionary Johnson grew, however, he no longer had to struggle quite as mightily to eke out a living. For example, with the help of his printer, William Strahan, he quickly sold *Rasselas* to Dodsley and another prominent bookseller, William Johnston: £100 for the first edition and £25 for the second. Though this amount was enough to cover his immediate expenses at the time, including those of his mother's funeral, his friend Giuseppe Baretti criticized him for

³¹² Dustin Griffin, “Johnson's *Lives of the Poets* and the Patronage System,” *The Age of Johnson: A Scholarly Annual* 5 (1992): 5.

³¹³ Samuel Johnson, “Savage,” in *The Lives of the Poets*, ed. James Gray, *Works of Samuel Johnson* (New Haven and London: Yale University Press, 1779; reprint, 2010), 883.

³¹⁴ Boswell, *Life of Johnson*, 91. In his recent biography of Johnson, Peter Martin confirms that Dodsley did in fact pay Johnson ten pounds for *London* (*Samuel Johnson*, 155).

selling it far too cheaply given his standing. Baretto wrote: “Any other person with the degrees of reputation he then possessed would have got £400 for that work, but he never understood the art of making the most of his productions.” Whether Baretto’s assessment is warranted or not, especially given the fact that Johnson was in somewhat of a hurry to sell *Rasselas*, the fact remains that Johnson certainly was aware of how other writers of his time did and did not understand “the art of making the most of [their] productions.”

Richard Savage epitomized for Johnson an author who could never succeed, not because of a lack of talent, but because of an inability to protect his own interests. Savage’s poor business choices triumph over his ability as a writer in Johnson’s account of him. Johnson described Savage’s sale of his poem *The Wanderer*:

That he sold so valuable a performance for so small a price was not to be imputed either to necessity, by which the learned and ingenious are often obliged to submit to very hard conditions; or to avarice, by which the booksellers are frequently incited to oppress that genius by which they are supported; but to that intemperate desire of pleasure, and habitual slavery to his passions, which involved him in many perplexities; he happened at that time to be engaged in the pursuit of some trifling gratification, and, being without money for the present occasion, sold his poem to the first bidder, and perhaps for the first price that was proposed, and would probably have been content with less, if less had been offered him.³¹⁵

³¹⁵ Johnson, "Savage," 895.

Johnson chastised Savage for not having the self-control of an effective salesperson, for giving in to a “trifling gratification” rather than negotiating with booksellers in the market. Savage is in “habitual slavery” not to booksellers or to a patron, but instead to his own “passions.” Throughout the *Life of Savage*, Johnson provided copious examples of Savage’s careless behavior, but it was Savage’s want of savvy in the marketplace, the result of his addiction to pleasure, for which Johnson ultimately condemned him. Just in case his readers had not understood what caused Savage’s downfall, Johnson tacked on an ending in the second edition. He wrote:

If those, who languish under any part of his sufferings, shall be enabled to fortify their patience, by reflecting that they feel only those afflictions from which the abilities of Savage did not exempt him; or those, who, in confidence of superior capacities or attainments, disregard the common maxims of life, shall be reminded, that nothing will supply the want of prudence; and that negligence and irregularity, long continued, will make knowledge useless, wit ridiculous, and genius contemptible.³¹⁶

Johnson made explicit for the reader Savage’s tragic flaw here—the fault that all others result from. Throughout his telling of Savage’s life, Johnson clearly lauded Savage for his “superior capacities and attainments,” but he ultimately criticized Savage for neglecting to profit from these abilities because of his “negligence and irregularity,” attributes that earned Savage neither patronage nor profit.

Other contemporaries of Johnson’s were not as dependent on the literary

³¹⁶ Ibid., 968.

marketplace for their survival, and yet Johnson still focused on their symbiotic relationships with it in the *Lives*. As a religious, Jonathan Swift had a secure income throughout his life, especially once he became dean of St. Patrick's Cathedral in Dublin, and in many ways functioned outside of the literary marketplace. Johnson attributed Swift's career less to Swift's talent or ability, than to his timeliness. For example, with *The Conduct of the Allies* (1712), Swift reached the "zenith of his political importance." Johnson wrote:

The power of a political treatise depends much upon the disposition of the people; the nation was then combustible, and a spark set it on fire. It is boasted, that between November and January eleven thousand were sold; a great number at that time, when we were not yet a nation of readers. To its propagation certainly no agency of power or influence was wanting. It furnished arguments for conversation, speeches for debate, and materials for parliamentary resolutions. Yet, surely, whoever surveys this wonder-working pamphlet with cool perusal will confess that its efficacy was supplied by the passions of its readers; that it operates by the mere weight of facts, with very little assistance from the hand that produced them.³¹⁷

Swift succeeded, then, because he compensated for his inability to produce great works with his ability to understand what the reading public wanted. According to Johnson, Swift's greatest virtue was in predicting the disposition of a burgeoning reading public

³¹⁷ Ibid., "Swift," in *The Lives of the Poets*, ed. John H. Middelndorf (New Haven and London: Yale University Press, 1779, Reprint 2010), 986-87.

that was “not yet a nation of readers.” And yet, this public, the very society that Johnson refers to in his letter to Strahan, is set on fire as Swift’s pamphlets furnished arguments for conversation, speeches for debate, and materials for parliamentary resolutions. For Johnson, this advancement of learning is, as we saw in his letter to Strahan, the goal of printed materials.

Swift’s work, according to Johnson, entered the public conversation not only because he chose such timely matters to address. As I discussed in my previous chapter, Swift’s play with anonymity, sometimes publishing under his own name and sometimes not, also increased his popularity as his pamphlets became scandalous and therefore desirable. For example, the scandal that came with the essay on Irish manufacturing (1720) considerably benefited Swift. Johnson explained:

For a man to use the productions of his own labor is surely a natural right, and to like best what he makes himself is a natural passion. But to excite this passion, and enforce this right, appeared so criminal to those who had an interest in the English trade that the printer was imprisoned . . . the attention of the publick being by this outrageous resentment turned upon the proposal, the author was by consequence made popular.³¹⁸

Swift went from this pamphlet to publish *The Drapier’s Letters*, the polemic against English exploitation of its first colony. Swift became, in many ways, then, the hero of the Irish cause, though Johnson considerably inflated his influence on the Irish people when

³¹⁸ Ibid., 995.

he described it.³¹⁹ Johnson wrote: “He taught them first to know their own interest, their weight, and their strength, and gave them spirit to assert that equality. . . . They revered him as a guardian and obeyed him as a dictator.”³²⁰ Despite Johnson’s hyperbole, his message was clear: Swift created his reading public by striking while the iron was hot. Unlike Savage, Swift was not a great poet, in Johnson’s estimation; through an examination of Swift’s marketing savvy, Johnson explained how he had far more success in the literary marketplace.

Like Swift, Alexander Pope did not rely on the literary marketplace for his sustenance, and yet he too succeeded mightily. Johnson says that, unlike Swift, however, Pope’s success was due not to good timing, but rather to another kind of market savvy—eternal vigilance. Never desperate for money, but never in a position to ignore it completely, Pope played the market, pleasing patrons whom he chose to, and not courting those whom he did not want to. The most striking example of Pope’s prudence was his dealings with poet and patron Lord Halifax. Their arrangement ended abruptly when Pope refused to dedicate his translation of the *Iliad* to Halifax unless Halifax guaranteed him a pension. Johnson elegantly described their difference: “Their commerce had its beginning in hope of praise on one side, and of money on the other, and ended because

³¹⁹ In my previous chapter, I read Swift’s role in the creation of this Irish public through the literary avatars he chooses, and I look at how George Faulkner thrust Swift into such a role. Robert Mahoney offers a particularly helpful discussion of how Faulkner created Swift’s identity in Dublin, beyond the textual evidence I examine. Mahoney traces how George Faulkner “cultivated Irish Memory” through a reading of the bust that Faulkner erected; the bust sits next to Swift’s grave at St. Patrick’s Cathedral in Dublin. Mahoney writes: “The history of the bust . . . betokens the guardianship that this Dublin printer . . . exercised over his reputation and implicates also the particularly Irish patriotism for which Faulkner wanted Swift to be memorialized” (*Jonathan Swift: The Irish Identity* (New Haven: Yale University Press 1995), 1).

³²⁰ Johnson, “Swift,” 1011.

Pope was less eager of money than Halifax of praise."³²¹ In other words, Pope would only become a commodity on his own terms, a fact that Johnson clearly valued. Decades before, he wrote in *Rambler 136*: "Nothing has so much degraded literature from its natural rank, as the practice of indecent and promiscuous dedication."³²² Johnson praised Pope for this market savvy, but also for his prudence in his own writing, lauding Pope for his mastery of self-awareness. Johnson wrote:

He is said to have sent nothing to the press till it had lain two years under his inspection: it is at least certain, that he ventured nothing without nice examination. He suffered the tumult of imagination to subside, and the novelties of invention to grow familiar. He knew that the mind is always enamored of its own productions, and did not trust his first fondness.³²³

An incredibly patient man, according to Johnson, Pope never tried to publish hastily; he had a scrupulous attention to detail. Johnson in large part attributed his success on the literary marketplace to this characteristic.

James Thomson, a contemporary and friend of Savage's, came to London from Edinburgh seeking "patronage and fame."³²⁴ From the start, Thomson worked to avoid dealings with the fickle literary marketplace, and instead sought out wealthy patrons for whom he could write. In his first effort, Thomson failed to attract the attention of a patron

³²¹ Ibid., "Pope," in *The Lives of the Poets*, ed. John H. Middelndorf (New Haven and London: Yale University Press, 1779, reprint 2010), 1090.

³²² Ibid., *The Rambler*, 4 vols. vol. 3 (London: P. Dodsley, R. Owen, and other booksellers, 1794), 174.

³²³ Johnson, "Pope," 1187.

³²⁴ Ibid., "Thomson" in *The Lives of the Poets*, ed. John H. Middelndorf (New Haven and London: Yale University Press, 1779, reprint 2010), 1278.

and instead was rescued by fellow poet Aaron Hill. Johnson wrote: “*Winter* was dedicated to Sir Spencer Compton, but attracted no regard from him to the author; till Aaron Hill awakened his attention by some verses addressed to Thomson, and published in one of the newspapers, which censured the great for their neglect of the ingenious men. Thomson then received a present of twenty guineas.”³²⁵ Hill’s recognition of Thomson’s talent landed him to a new level of professional security; afterwards, Thomson’s patrons came to include Mr. Charles Talbot, who took him on a European tour, and the Prince of Wales. After Thomson had secured the necessary patronage, he still sold the bulk of his poems to Millan in 1730. Eight years later, Millan sold to Andrew Millar “the Copies of the last-mentioned Poems, and the Right and *Property* of Printing, Publishing, and Vending the same.”³²⁶ When Millar died, the executor of his will sold the right to publish Thomson’s poetry to a conger of London booksellers, organized by Thomas Becket. In perhaps the greatest irony of Thomson’s career, a career that relied heavily on the patronage system, his rights as an independent author would be invoked constantly some thirty years after his death in the case of *Donaldson v. Becket*, for it was his poems that Donaldson reprinted, much to the anger of Becket and his conger of Stationers. Johnson never explicitly acknowledged this irony, though he must have been aware of it. Perhaps the London booksellers who were funding his endeavor would not have appreciated the

³²⁵ Ibid., 1279-80.

³²⁶ *Alexander Donaldson, and --- John Donaldson, Booksellers, --- Appellants. Thomas Becket, Peter Abraham De Hondt, John Rivington, William Johnson, William Strahan, Thomas Longman, William Richardson, John Richardson, Thomas Lowndes, Thomas Caslon, George Kearsley, Henry Baldwin, William Owen, Thomas Davies, and Thomas Cadell, Printers and Booksellers, Respondents. Case of the Appellants*, 1.

acknowledgment of such a connection; a discussion of *Donaldson v. Becket* in the *Lives* would only have added fuel to their rival John Bell's fire. In a more practical way, too, the details of the legal dispute case occur after Thomson's death in 1748; they are not a part of his life, but of his authorial legacy.

Johnson's own legacy as the first modern English author must be understood in light of the legal disputes concerning Thomson's case. In a legal sense, through Donaldson's publication of him and then his battle to defend that publication in court, Thomson has a more substantial claim to being the first modern English author, for he is the first one legally produced outside of the customary claims of the Stationers' Company. And yet, such an argument would be hard to make, as Thomson was, of course, Scottish. My point here is not to make a claim for such an origins as such a task leads one to a forever receding horizon of possibilities, but instead to say that as an examination of his dealings with his Edinburgh and London booksellers has shown, Johnson's own legacy is equally wrought with contradictions and confusions over what it means to be English and what it means to be British at various times in the eighteenth century, over who was "brethren" and who was not, about who were "countrymen" and who were not. In other words, Johnson's allegiances to a singular, exclusive notion of *Englishness* were complicated, and as I have shown, these allegiances were, in large part, thrust upon him through booksellers, the other "protagonists of print."

Conclusion

In a Dublin reprinting of Alexander Donaldson's *Some Thoughts on the State of Literary Property*, printer Robert Bell, originally of Edinburgh, adds an advertisement for Donaldson's pamphlet that unequivocally portrays the London monopoly as part of a larger English control of the British Isles.³²⁷ The short piece justifies the reprinting of Donaldson's pamphlet because, like those Scottish printers who claimed to be threatened in Edinburgh, "some booksellers in the city of Dublin assert they are injured in their property: this pretended injury is nothing more than that other booksellers claim the right they have to print as many books as they judge proper." The pamphlet is then directed at all booksellers who "have contrary to common sense, equity, even law" joined together to distress or destroy all other booksellers that will not submit to be the slaves of their USURPED AUTHORITATIVE DETERMINATIONS concerning the printing and selling of BOOKS, which they endeavor to monopolize, not only in the city of Dublin but in the whole kingdom, to the prejudice and injury of all the people of Ireland.³²⁸

Robert Bell equates these unscrupulous booksellers to colonial authority that treated its subjects as slaves. In his advertisement, Robert Bell reiterates Donaldson's claim that such a monopoly is the real crime against society, "to the prejudice and injury of all the people of Ireland," and effectively unites the plight of Irish and Scottish booksellers. He

³²⁷ Garland's modern edition of *The Literary Property Debate: Six Tracts, 1764-1774* (1975) omits Robert Bell's addition. The Boston College Library holds this version of the pamphlet with the advertisement; I would like to thank James Green of the Library Company of Philadelphia for bringing it to my attention.

³²⁸ Robert Bell, "Advertisement, in Ireland," in *Some Thoughts on the State of Literary Property, Humbly Submitted to the Consideration of the Public* (Dublin: Robert Bell, 1767).

also expands on the claims that Jonathan Swift made in his letter to Benjamin Motte some sixty years prior. What Swift identified as “cruel” and “absolute oppression” has developed, in the mind of Robert Bell, to rendering Irish booksellers “slaves of [London booksellers’] USURPED AUTHORITATIVE DETERMINATIONS.” And Robert Bell also makes direct the ill-effects this has on the Irish public; they are no longer merely “*Shuddering in their Limbs*” as in the *Drapier’s Letters*, but “all the people of Ireland” are now, also like slaves, suffering “prejudice and injury.” Bell’s rhetoric reaches for the extremes, comparing the plight of the Irish booksellers and the people of Ireland with the ultimate over-determined figure of oppression in the capitalist economy of the British Empire, the slave. Robert Bell’s rhetoric here is evidence that he is fed up, but also that the English liberty exclusively for denizens of England will not stand much longer.

Soon after reprinting Donaldson’s pamphlet, Robert Bell decided that he could no longer remain in Dublin without becoming a “slave” to London’s monopoly, and he left for Philadelphia. There he became famous for printing Thomas Paine’s *Common Sense* (1776) on the press that a young Irish émigré named Mathew Carey would purchase after Bell’s death. Bell is part of the tissue that connects these alternative models of print capitalism. Carey’s own grappling’s with liberty and literary product in the Atlantic world are the subject of my next and final chapter.

Chapter 4: The Patriot and the Philadelphia Pandemic: Mathew Carey and Copyright in the Early United States

In my project thus far, I have traced two examples of how authority and property were negotiated in settings outside of London as a reaction to the London-based model of literary property. In both Dublin and Edinburgh, booksellers had to deal directly with the imperial center, either playing by its rules or rebelling against them. In the newly formed United States, London no longer was the center of power, dictating how life in the colonies would be ordered. Therefore, the booksellers in the new nation, many of whom were recent arrivals from Scotland and Ireland, could establish their own rules. They did not, of course, utterly abandon the models that they had learned at home; they imported and initially clung to the English model of loose associations governing the norms of the trade. Eventually, however, a distinctly American understanding of copyright arose, one that was protectionist in intent. Writers and booksellers like Mathew Carey grappled with this new system, struggling to make it their own. And yet, as my study of Carey will show, for as eager as they were to cast off British influence both in Philadelphia but also in the cities from which they emigrated, they never entirely abandoned English understandings of property and ownership that I have been tracing in the English colonial copyright struggles earlier in the century.

In Philadelphia in the 1790s, the conger model reigned past the U.S. Copyright Act of 1790. On July 14, 1791, a group of nineteen booksellers gathered in Philadelphia to

unite their collective interests in the hopes of securing greater profit for all of them.³²⁹

The constitution of the Philadelphia Company of Printers and Booksellers resulted from their discussion. In this brief, enumerated list of articles, the newly formed company made provisions for how to avoid copy-right³³⁰ disputes and how to work together to secure the greatest number of copy-rights for the greatest shared profit. For example, Article X reads: “The copy-rights of any books which have been printed by any of the members of the company, before the adoption of this constitution, shall be vested in the printers of them, their heirs, or assigns, respectively.” And Article XI continues to define copy-right: “The earliest claimant of any book, not already printed by the company, nor by any member thereof, shall be invested with the copy-right, which right shall descend to the heirs, or assigns, of the holder. The claim shall be made by entering the title thereof in the secretary's book, and the claimant shall immediately send notice to the different members of the company.”³³¹ This group was essentially operating like the English congers I discussed in my last chapter, and it too flouted national copyright law newly in place in the United States. This constitution totally ignored the Federal Copyright Act that Congress had passed a year prior. The Copyright Act would trump both Articles X

³²⁹ The group is listed as: W. Young, Thomas Dobson, Thomas Lang, Benj. Franklin Bache, Mathew Carey, Francis Bailey, Jos. Crukshank, John Fenno, Charles Cist, Henry & Patrick Rice, D. Humphreys, Parry Hall, Benja. Johnson, Andrw. Brown, William Spotswood, Johnston & Justice, John Parker. *The Constitution, Proceedings, &C. Of the Philadelphia Company of Printers & Booksellers*, (Philadelphia: Daniel Humphreys, 1791), 6. Just as the writers of the 1791 Constitution of the Philadelphia Company of Printers & Booksellers did, in this chapter, I will hyphenate the word copyright to refer to the customary practice, and I will use the compound, modern version of the word when referring to legal copyright.

³³⁰ Just as the writers of the 1791 Constitution of the Philadelphia Company of Printers & Booksellers did, I will hyphenate the word copyright to refer to the customary practice, and I will use the compound, modern version of the word when referring to legal copyright

³³¹ *Ibid.*, 5-6.

and XI were they ever contested in a court of law. Both articles in the Company's constitution assumed that copy-rights could be secured in perpetuity—that they can be passed down, to “heirs” and “assigns” of the holder—and that the practitioners of the trade determined the scope of such agreements, that they are in control of their practice. In theory, the Federal Copyright Act limited the duration of copyright to fourteen years, but as we can see from the constitution of the Philadelphia Company of Printers and Booksellers, this new law was initially largely ignored.

By 1796, this group had become defunct. Mathew Carey, one of its founders and the subject of my chapter, explained his reasons for withdrawing from the association in a broadside. He writes that one of the two objectives of the association was “to secure the copy-rights of the members against invasion by printers at a distance, or by the associators [*sic*] individually,” and that the Company had failed to meet this goal.³³² Carey and his cohort did not give up, however. In 1802, they met again to form the Philadelphia Company of Booksellers.³³³ In this new association's constitution, they made no mention of copy-right. The customary rights that the previous constitution looked to solidify were no longer relevant; for reasons that I will trace in this chapter, federal copyright had more or less taken hold, and the booksellers of 1802 could look to the law, rather than accepted custom, to settle disputes and secure interests. The 1802

³³² Mathew Carey, *Sir Having, on Mature Deliberation, Resolved to Withdraw from the Company of Booksellers* (Philadelphia: Printed by Mathew Carey?, 1796).

³³³ Rosalind Remer explains the loss of the printers from this latter association by the separation that occurred between printers and booksellers at the time (*Printers and Men of Capital: Philadelphia Book Publishers in the New Republic* (Philadelphia: University of Pennsylvania Press, 1996), 61).

Philadelphia Company of Booksellers constitution instead focused on how booksellers were a crucial part of American manufacturing and therefore of the nation's success. In fact, the new constitution ostensibly shared the same sentiments as the Copyright Act. For it looked "to increase with the progress of refinement in morals and taste—with the growth of wealth and the advancement of science—with the prosperity of commerce—with the facility of obtaining works of utility and genius in every city and every town."³³⁴ Like the Federal Copyright Act and like England's Statute of Anne, this constitution stipulated that the "encouragement of learning" would increase the country's wealth, in material and nonmaterial ways. Also like the Federal Copyright Act, but unlike the Statute of Anne, the 1802 constitution had explicitly protectionist aims: "Resolved, That it be recommended to the importers of Books, to discontinue the importation of all Books, of which good and correct editions are printed in this country, and on which a liberal discount is made by the publishers."³³⁵ This constitution would in effect fortify the goals enshrined as law by the Federal Copyright Act over a decade after it went into effect.

The Booksellers and Printers Company's constitution is just one of many pieces of evidence suggesting that booksellers did not immediately see how the Federal Copyright Act of 1790 could be used to protect them and their interests. It would take another decade for booksellers to understand how they could manipulate federally mandated provisions on copyright to their own ends. Much like their English, Scottish, and Irish

³³⁴ *Constitution of the Philadelphia Company of Booksellers* (Philadelphia?, 1802), 3.

³³⁵ *Ibid.*, 5-6.

counterparts, the booksellers in the United States (who were often from England, Scotland, and Ireland) relied on customary practices to regulate their trade practices in the 1790s.

The negotiation between custom and law that went on in the United States in the 1790s is a microcosm of the wrangling that I have been tracing in the previous three chapters in England and its colonies. Carey, who emigrated from Dublin in 1784, came to Philadelphia with an understanding of copy-right that he learned in Dublin, and it is this understanding that he and his cohorts enshrined in their 1791 constitution. Custom dictated that courtesy to one's colleagues in the trade was more effective than written law in protecting one's interests. Carey's wrangling over copy-rights with other booksellers in the period reflect the move from a customary to a legalistic understanding of how the practice worked. As Carey developed as a bookseller and an American author, his attitude toward the efficacy of federal copyright to protect his and his colleagues' interests shifted. During this shift, Carey experimented with different modes of authorship: he was the anonymous author and editor of the politically charged *Volunteer's Journal* (1783-84) in Dublin and *The American Museum* (1787-92) in Philadelphia; he fashioned himself a sole authority in his yellow fever pamphlets (1793-94); and finally, he negotiated with Jedidiah Morse in the collaborative publication of Guthrie's *Geography* (1794-95). In these publications, Carey tried out different modes of authorship—anonymous, exclusive, and collaborative—in his capacity as a maker and seller of texts, and in so doing, reflects and refracts shifting models of civic virtue in his shifting locations. Ultimately, Carey's authoring and publishing practices in this decade

offers an example of how imperial authorship has rotated from the center to the periphery, creating a new center of publishing power in Philadelphia, a center in which Carey became a major player in the 1790s.

Carey was both a powerful publisher and rhetorician in his day; as a writer and a printer, he produced texts from their inception to their completion. For this reason, I regard him as analogous to Samuel Richardson of some fifty years prior.³³⁶ Though Carey's writings were more polemical than Richardson's novels, they offer similar insight because as author and bookseller, Carey too straddled two positions. Like Richardson, he was deeply invested in his community of booksellers and of his city; both understood their work as writers and printers as reflecting the imbricated nature of politics and print in their respective locales. And as literary critics have shown to be the case in Richardson's novels, Carey's works—those he wrote and those he printed—bear the traces of the negotiations and struggles he underwent in conceiving of a public sphere of letters. In my efforts to magnify these traces, I will consider in three different cases how Carey understood textual authority and ownership of property in a changing

³³⁶ Scholars such as Kathryn Temple and Lisa Maruca have distinguished Richardson for the particular insight he brings to the relationship between literature and textual production in the eighteenth century. Both Temple and Maruca understand Richardson's duality as author and printer as positioning him at the forefront of nation making through print. Temple charges Richardson with turning the "commercial" dispute with Faulkner that I mentioned in chapter 2 into a "highly politicized dispute involving crimes against the nation" ("Printing Like a Post-Colonialist: The Irish Piracy Of "Sir Charles Grandison,"" *Novel: A Forum on Fiction* 33, no. 2 (2000): 157). Temple offers a "resistant reading of *Sir Charles Grandison* (1753) that interprets the piracy as a challenge to the novel's construction of a version of English authorship suitable for international export" (158). Similarly, Maruca examines Richardson's *Pamela* (1741) as "text work . . . marking a merger between concrete print and discursive construction, simultaneously commodities and ideological tools" (*The Work of Print: Authorship and the English Text Trades, 1660-1760* (Seattle: University of Washington Press, 2007), 129).

copyright regime.

Anonymity and Editing

Born to middle-class Catholics in 1760, Carey had the privileges of a good education, though, as a Catholic, he could not attend Trinity College. His father objected to apprenticing him with a printer, but by 1775, Carey was working for Thomas McDonnell, one of the most radical Irish printers of the period. In 1777, Carey first wrote an antidueling piece that received little attention, but, as James Green remarks, "it was a fitting debut—all his life he believed the proper response to injustice was an appeal to the public."³³⁷ In 1781, Carey wrote *The Urgent Necessity*, a pamphlet that in and of itself was not all that radical, but the advertisement he wrote for it was considered inflammatory. He begins his advertisement "To the Roman Catholics of Ireland" with a prescient comparison, "At a Time when America by a desperate Effort, has nearly emancipated herself from Slavery," and ends it with utter vitriol:

To gain, for this Country, a REAL, durable Peace, unattainable between TYRANTS and SLAVES, has been his [the author's] sole inducement to this undertaking; how far the Mode he has adopted, can facilitate this grand Object, he submits to the Candour of an indulgent Public.³³⁸

³³⁷ James N. Green, *Mathew Carey, Publisher and Patriot* (Philadelphia: Library Company of Philadelphia, 1985), 3.

³³⁸ Mathew Carey, *The Urgent Necessity of an Immediate Repeal of the Whole Penal Code* (Dublin: A. Johnson, 1779), Advertisement. Emphases are in the original. I would like to thank James Green of the Library Company for supplying me with a copy of this Advertisement.

When he compares the Irish Catholics to slaves, Carey sounds a lot like Robert Bell in his advertisement for Alexander Donaldson's pamphlet on literary property from just a few years before. The pamphlet, Bell tells his readers, is directed at all booksellers who "have contrary to common sense, equity, even law" joined together "to distress or destroy all other booksellers that will not submit to be the slaves of their USURPED AUTHORITATIVE DETERMINATIONS concerning the printing and selling of BOOKS, which they endeavor to monopolize, not only in the city of Dublin but in the whole kingdom, to the prejudice and injury of all the people of Ireland."³³⁹ Bell equates these unscrupulous booksellers to colonial authority that treated its subjects as slaves. Carey refers to the Catholics of Ireland, rather than the booksellers, whose plight Bell highlights, but he still uses the language of enslavement to characterize England's presence on the island. Carey and Bell's fates would also be tied when Carey bought his press in Philadelphia. In Ireland, they share a penchant for firebrand advertisements, utilizing their roles as printers in the paratexts of their publications. And like Swift in the *Drapier's Letters*, Carey imagines who might receive his pamphlet and how they might receive it as "he submits to the Candour of an indulgent Public."

Surely some of Carey's reading public were "indulgent": others were not even tolerant of his incitements. The most influential Catholics of the day, including the Archbishop of Dublin and Lord Kenmore, wanted "to make fair weather with the government, and to clear themselves of any participation in the seditious publication,"

³³⁹ Bell, "Advertisement, in Ireland."

and they therefore “denounced the obnoxious advertisement in strong terms,”³⁴⁰ offering a reward of 40 pounds for the discovery of its author and engaging lawyers to carry out the prosecution when the culprit was found. To avoid capture, Carey was sent to Paris by his father, and it was there that Carey met Benjamin Franklin. He worked for Franklin’s press at Passy and then for the famous Parisian printing house Didot.

In about 1782, Carey returned to Dublin, where he became “conductor” of *The Freeman’s Journal*, the most radical newspaper of the day until, three years later, Carey started his own newspaper, *The Volunteer’s Journal*, an equally radical newspaper.³⁴¹ Carey’s message to the “volunteers” became increasingly less coded as his newspaper developed. On April 5, 1784, Carey published a cartoon of John Foster, the Speaker of the House of Commons, provoking a charge of libel. Foster was responsible for a Corn Law, a protective measure that induced the more substantial farmers to convert their pasturage to tillage. The premiums placed on corn production altered Ireland’s rural economy and raised the rent on land for poorer farmers.³⁴² Also, the grain supply to Dublin suffered as a result of the Corn Law.³⁴³ Carey’s attack on Foster not only

³⁴⁰ ———, *Mathew Carey: An Autobiography* (Brooklyn, N.Y.: Eugene L. Schwaab, 1942), 5.

³⁴¹ The term “volunteers” refers to a part-time military force that the Irish initially raised during 1778-9 to guard against invasion and to preserve law and order while regular troops went to fight in the American Revolution. Membership in the group rose steadily in the early 1780s, and the group took on an increasingly radical political dimension (S.J. Connolly, “Volunteers,” In *The Oxford Companion To Irish History*, edited by S.J. Connolly (Oxford and New York: Oxford University Press, 1998), 581).

³⁴² W.E.H. Lecky, *A History of Ireland in the Eighteenth Century* (Chicago: University of Chicago Press, 1972), 206-7.

³⁴³ Neal Garnham, “Foster’s Corn Law,” in *The Encyclopedia of Ireland*, ed. Brian Lalor (New Haven and London: Yale University Press, 2003), 413.

identified him as a traitor, but it also included a cartoon of Foster being hanged.³⁴⁴

Both from this and his pamphlet on the penal laws, we can see that Carey's first experiences with authorship are emblems of the Foucauldian model of authorship in a way similar to the argument Jody Greene makes for Daniel Defoe.³⁴⁵ In the cases of both Defoe and Carey, "The author is . . . the ideological figure by which one marks the manner in which we fear the proliferation of meaning."³⁴⁶ In some sense, the incendiary nature of what Carey is saying is in fact a clarification of meaning, not a proliferation of meaning at all. Carey gets to the heart of the local resistance to English domination, and in so doing, he identifies what the Irish should be fighting against. In the paper, though, by never "authoring" any texts, Carey eludes the responsibilities of authorship, so that from the standpoint of society it looks as if anyone could be writing this and that there is no constraint on who says what. This is the kind of proliferation that authorship as ownership circumscribes. This circumscription serves the authorities insofar as it keeps the public sphere from being an arbitrary, unidentifiable space. When authors fail to name themselves, the censors force ownership upon them, as in the case of Carey.

For the first year and a half of the run of *The Volunteer's Journal*, Carey's name does not appear. The closest that someone outside of Carey's circle could come to knowing that it was his publication was an advertisement for his brother's school:

³⁴⁴ Mathew Carey, "Traitor's Calendar Number I," *The Volunteer's Journal* 76 (1784).

³⁴⁵ See the second chapter of Jody Greene, *The Trouble with Ownership: Literary Property and Authorial Liability in England, 1660-1730* (Philadelphia: University of Pennsylvania Press, 2007).

³⁴⁶ Foucault, Michel. "What Is an Author?" In *Modern Criticism and Theory*, edited by David Lodge (London: Longman, 1988), 209.

“CAREY’S CLASSICAL SCHOOL, No. 9, Dorset Street, Young Gentlemen are instructed in the Greek, Latin, French, and English Languages, with History and Geography, at a Guinea per Quarter, and a Guinea Entrance”³⁴⁷ A year later, after the incendiary piece on Foster appeared, *The Volunteer’s Journal* chronicled the hunt for Carey and his cohort. The editors wrote:

Public attention has been so much attracted to the perfection now on foot against every person supposed to be concerned in the printing and publishing of the Volunteer’s Journal, that we shall gratify our numerous friends, and the public, (who have so liberally encouraged our preserving spirit, in the cause of the nation) with a brief recital of the various occurrences respecting the sources or which we shall confine ourselves to simple narratives, without offering a single observation, or reflecting on any of the characters, who have acted therein—convinced, that a sensible and liberal people, will make such reflections for themselves, as must occur upon the recital of such extraordinary proceedings.

Their reading public are called upon and encouraged to use their rational facilities to pass judgment on those in pursuit of the producers of this paper. The writer goes on to tell how Mr. Toole of Mary’s Lane, the said publisher, was arrested, but then they realized that he was a schoolmaster, so they let him go. The next day, they came looking for Carey, "who Mr. Foster, assured the house, was the real proprietor," but Carey escaped out the window. A week later, Mr. Justice Graham and his affiliates did catch Carey, and Carey's

³⁴⁷ Unknown, "Advertisement," *The Volunteers Journal* 2 (1783).

advocates demanded to see the warrant that was issued for his arrest. After much delay, the warrant was produced, and the editors reproduced it in the paper. Carey was confined in the Castle and then taken to the Sergeant's house in Abbey Street, not permitted to correspond or see anyone, except his brother with a guard present.³⁴⁸ The writers here never identify Carey as the printer or the primary writer of the paper. His name appears in the paper for the first time, but not as an identified author or producer of the paper, as prey for the British officers hunting him.

Carey's inflammatory rhetoric meant that, according to the British officials, he had to be quite literally contained. Carey therefore had reason to fear for his safety. After hiding out at various friends' houses, Carey, with the help of his family, snuck onto a boat to the United States, disguised "in female dress." He remarks in his *Autobiography* that he "must have cut a very gawkey [sic] figure."³⁴⁹ Perhaps Carey was remembering a tactic of one of his possible Jacobite heroes, Bonnie Prince Charlie, who dressed as an Irish maid to evade the British off the Isle of Skye. We do know is that the boat Carey rode, the *America*, landed in Philadelphia after a three weeks journey across the Atlantic on November 1, 1784.

Carey's first order of business was to find a printing press for sale in his new town. The thought of importing a press from England was outlandish—too expensive and, in Dublin, he had prided himself on printing with materials manufactured by Irish

³⁴⁸ _____, "To the People of Ireland," *The Volunteers Journal* 81 (1784).

³⁴⁹ Carey, *Mathew Carey: An Autobiography*, 9.

hands.³⁵⁰ He would like to do the same in his new country, America, but American-made presses were still a rarity.³⁵¹ He would have to settle for a press used by an American printer, one that he was not responsible for importing. Carey received a pleasant surprise in the form of a check for \$400 from his French friend General Lafayette; through his introduction by Dr. Franklin, he had impressed Lafayette as a young radical who knew how to manipulate the power of the pen, and moreover, the press.³⁵²

Carey bought the press of the recently deceased Robert Bell, printer on Third Street and Willing's Alley, and established himself as one of the most influential printers and polemicists in the newly formed United States. His purchase of Bell's equipment speaks to the legacy that Carey would in part bring with him and in part inherit in his new nation. Bell had come to Philadelphia almost twenty years earlier from Edinburgh, by way of Dublin. Bell eventually found the Dublin market too inhospitable and set out for the incubating United States. Once established there, M. Pollard writes he became "notable for re-stating in America the Dublin principle that copyright of English

³⁵⁰ About a month into the publication of the *Volunteer's Journal*, there is a gleeful note "To the Public" about the upcoming change to Irish-made type: "Several gentlemen who were pleased to express their kind approbation of the plan of the paper, having represented to them, that objections had been raised thereto by many, on account, of its diminutive size, they have for the public gratification, made a voluntary sacrifice of the expense of the former type and have provided themselves with a complete set of NEW IRISH TYPE, of a larger size" (Mathew Carey, "To the Public." *The Volunteer's Journal* 4, (1783): 1).

³⁵¹ Though the English censorship of printing in America was virtually nonexistent, English efforts to keep American colonies from developing commensurate means of printing were substantial. Bidwell makes this point through the study of paper. Not only did colonial printers suffer from interrupted paper supplies, but they suffered from a chronic shortage of other printing materials (John Bidwell, "Printers' Supplies and Capitalization." In *A History of the Book in America: The Colonial Book in the Atlantic World*, edited by Hugh Amory and David Hall. Chapel Hill: The University of North Carolina Press, 2007), 170.

³⁵² Carey, *Mathew Carey*, 10

booksellers did not hold in other jurisdictions, and practicing this with cheap reprints," and as a plaque where his shop stood testifies, Bell has been memorialized in American history as the first to print Thomas Paine's *Common Sense* (1776).³⁵³ Given his own penchant for transgressive polemics, Carey would make quite a splash on both the American publishing and political scenes.

By 1787, Carey was publishing his *American Museum, or Repository of Ancient and Modern Fugitive Pieces, Prose and Poetical*; Carey's mission was to collect, reprint, and redistribute the ephemera that were circulating in and around Philadelphia. Though endeavors like this had been around since the time of Samuel Pepys in London, Carey was on the cutting edge of bringing together commerce and nationhood in the United States as he tried to profit from texts in the public domain. Samuel Johnson lightly satirizes such efforts in the *Rambler* as the hobby of men with too much time on their hands: "CANTILENUS turned all his thoughts upon old ballads, for he considered them as the genuine record of the national taste."³⁵⁴ Carey imported this English nation-making tradition into the United States, and he looks to turn what was a hobby in Johnson into a profit. He explains his mission in the preface to his first issue, "I conceived that a publication designed to preserve the most valuable of the pieces above alluded to, could not fail to be highly useful, and, consequently, amongst an enlightened people, to meet

³⁵³ M. Pollard, "Bell, Robert " in *A Dictionary of the Dublin Book Trade, 1550-1800* (London: Bibliographical Society, 2000), 29.

³⁵⁴ Samuel Johnson, "No. 177 November 26, 1751," *The Rambler* 6(1752).

with encouragement.”³⁵⁵ Carey understands his work here as both political and cultural; as a bookseller, he can execute President Washington’s wishes to have “an enlightened people,”³⁵⁶ for he portrays his enterprise as nothing less than a fulfillment of the president’s wishes when he writes: “The respectable character who now fills the presidential chair of the commonwealth . . . expressed the same sentiment.”³⁵⁷ Carey dedicates the first year of *The American Museum* “To the Patrons of LIBERTY, VIRTUE, ART, AND SCIENCE, throughout the United States of America,” positioning himself and his *American Museum* as instrumental in the formation of a distinctly American public culture.³⁵⁸ Here he is the next step in the cultivation of republican virtue that Michael Warner first locates with Benjamin Franklin.³⁵⁹

Though *The American Museum* was intended to help solidify a national character, parts of it would have been considered radical for the time. Not only does Carey include a number of antislavery pieces, but through his “radical editorial move[s],”³⁶⁰ as Carol Smith-Rosenberg shows, Carey represents African Americans as “empowered

³⁵⁵ Mathew Carey, “To the Reader,” *The American Museum, or Repository of Ancient and Modern Fugitive Pieces, Prose and Poetical* 1, no. 1 (1787): 1.

³⁵⁶ Mathew Carey, “Dedication,” *The American Museum, or Repository of Ancient and Modern Fugitive Pieces, Prose and Poetical* 1, no. 1 (1787).

³⁵⁷ Carey, “To the Reader,” 1. Carey extols Washington’s virtues throughout his letters to his family in Ireland. In one letter, he even taunts his father with Washington’s greatness: “Compared with this exalted character, how do your poultry Irish patriots sink into insignificance!” (“Letter to Christopher Carey” (May 23, 1789), In *Lea and Febiger Records Collection 227B*).

³⁵⁸ Carey, “Dedication.”

³⁵⁹ Michael Warner, *The Letters of the Republic: Publication and the Public Sphere in Eighteenth-Century America* (Cambridge, Mass.: Harvard University Press, 1992). For Warner’s discussion of “republican virtue,” see page 43. For his discussion of that virtue in relation to Franklin, see page 81.

³⁶⁰ Carroll Smith-Rosenberg, *This Violent Empire: The Birth of American National Identity* (Chapel Hill: University of North Carolina Press, 2010), 395.

subjects.”³⁶¹ In the first issue, Carey includes a piece entitled “The Slave,” which, in the lineage of the grateful slave trope George Boulukos traces in his work,³⁶² explains the advantages of freeing a slave as material and self-serving. In a moment reminiscent of Mouchat offering to be hanged in place of Colonel Jack,³⁶³ the slave whom the master frees later, out of sheer gratitude, saves the master’s children from a fire. The narrator moralizes: “Ye proudly rich! let your hearts for once be softened—let compassion sit on your brow, and have mercy on your debtors. The God of benevolence will reward you—and thrones, dominions, principalities and powers will sound your praise.”³⁶⁴ Carey was not the only one circulating such anti-slavery rhetoric at the time, but he clearly displays some of the radicalism of *The Volunteer’s Journal* in calling for a more equitable society in *The American Museum*.³⁶⁵ In fact, halfway through his publication of *The American Museum*, he wrote to his brother William in Ireland: “There is one part of my life, on which I shall ever look back with pride and pleasure; and that is, my being the first

³⁶¹ Ibid., 397.

³⁶² George Boulukos, *The Grateful Slave: The Emergence of Race in Eighteenth-Century British and American Culture* (Cambridge: Cambridge University Press, 2008).

³⁶³ Daniel Defoe, *The History and Remarkable Life of the Truly Honorable Col. Jacque* (London: Oxford University Press, 1722. Reprint, 1965), 142.

³⁶⁴ Anonymous, “The Slave,” *The American Museum, or Repository of Ancient and Modern Fugitive Pieces, Prose and Poetical* 1, no. 1 (1787): 59.

³⁶⁵ Just as Ireland was not yet ready for the radicalism of *The Volunteers Journal*, the United States was not ready for *The American Museum*. Unlike in Ireland, however, it was not the radical politics of Carey’s magazine that rendered it unsustainable; instead, it was the lack of a sound distribution network for printed materials. In contrast to the much more manageable size of Ireland, the new nation’s vast terrain did not yet have the infrastructure to support enterprises like Carey’s. Before the railroads began to be built in 1830, booksellers depended on river transportation to distribute their goods, and these rivers were frozen from December to March (William Charvat, *Literary Publishing in America 1790-1850* (Amherst: University of Massachusetts Press, 1993), 18). Carey had subscribers all down the eastern seaboard, but they were not as diligent about sending in their payments as Carey would have hoped, and he lacked an efficient means of collecting from them. By 1792, Carey had to forsake this venture, and focus on publishing and selling books (Carey, *Mathew Carey*, 23).

printer in Ireland, who dared in a newspaper openly and unequivocally espouse the cause of the unfortunate and persecuted Catholics.”³⁶⁶ Carey presumably in part refers here to his pamphlet on the Penal Laws, and one wonders if he remembers his metaphor of choice in his advertisement for that tract—the Irish Catholics are slaves, and the English are tyrants. In his next major undertaking, however, Carey would not be the champion of African American empowerment that he comes off as in *The American Museum*, but instead he would be figured an anathema to that very cause.

Copyright in the United States

As I detailed in my second chapter, the implementation of English copyright law and custom in Ireland was uneven and, at times, even contentious. Some found the situation so frustrating in Dublin that they left. Robert Bell was one such émigré, who went from Edinburgh to Dublin and finally to Philadelphia in the hopes of finding success as a printer, a success that he understood as contingent on flouting English copyright law and custom. And the incubating nation where he arrived in 1767 would have been hospitable to his rogue, reprinting ways.

If the implementation of English copyright and custom was uneven in Ireland, it was downright disregarded in colonial America. The London booksellers were far less bothered by these colonialists’ disregard for essentially three reasons. First, the American colonies were not yet printing at a competitive rate; as I mentioned earlier, type was not

³⁶⁶ Ibid., "Letter to William Carey, 22 May 1789," In *Lea and Febiger Records Collection 227B*. Philadelphia: Historical Society of Philadelphia.

even manufactured in the United States until 1796. Rosalind Remer writes that American printers and booksellers engaged in neither the “high-risk” nor “intensive” publishing ventures of their counterparts in London, or even of those in Dublin and Edinburgh. Remer explains that this is because “colonial markets were not highly developed or diverse, and importing a few copies of a book cost less than producing a whole edition locally.”³⁶⁷ Second, in the American colonies, audience was still minimal and, to some extent, particular. For example, Henry Louis Gates Jr. explains that Phillis Wheatley’s first book of poems had to first be published in London because not enough subscribers—perhaps three hundred—could be found to underwrite the cost of publication. Gates surmises: “The necessary number of subscribers could not be found because not enough Bostonians could believe that an African slave possessed the requisite degree of reason and wit to write a poem by herself.” In England, Wheatley’s work met with no such skepticism, as James Gronniosaw’s slave narrative had been published there as early as 1722.³⁶⁸ Third, and perhaps most importantly, the American colonies were that much farther away from the English metropole than was Ireland. There was no way for Americans to make books cheap enough to sell in another market, and the long Atlantic journey made the chance of importing reprinted books so slim as to be virtually nonexistent.

And so, the story of the first one hundred years of printing in Boston and Philadelphia, the hubs of such production, is rather lawless with respect to copyright. M.

³⁶⁷ Remer, *Printers and Men of Capital*, 12.

³⁶⁸ Henry Louis Gates, *The Trials of Phillis Wheatley: American's First Black Poet and Her Encounters with the Founding Fathers* (New York: Basic Civitas Books, 2003), 22.

Pollard is absolutely right to say that Robert Bell became noteworthy for importing into America the Dublin principle that copyright of English booksellers did not hold in other places, and practicing this with cheap reprints.³⁶⁹ But it should be added that Bell thrived in Philadelphia and not in Dublin because this “Dublin principle” met with far less objection in Philadelphia than it did in Dublin—at least, in the years leading up to the American Revolution and until the Copyright Act of 1790, which Bell would not live to see.

One of the first acts of the newly formed nation, the copyright legislation coincided with shifts in the American reading public. The printing business was becoming a lucrative one. Intellectual property was increasingly seen as something worth protecting, as a part of the country’s natural resources, as Jonathan Swift and George Faulkner understood them to be in Ireland some fifty years earlier. Additionally, a federal copyright law was one of many steps to gain respect from other nations. An anonymous editorial that appeared in Hartford’s *Connecticut Courant* in 1783 worries over this perception problem: “Foreign nations form their opinions of the character of a people in a great measure from the merit of their literary productions, and ever brand those countries as stupid and illiterate, in which the work of genius are not cultivated and encouraged.”³⁷⁰ As the Statute of Anne did in England, the United States needed an act to “encourage learning” through the protection of authors. The American Copyright Act was passed in

³⁶⁹ Pollard, “Robert Bell,” 29.

³⁷⁰ Anonymous, “For the Connecticut Courant,” *The Connecticut Courant*, January 7 1783, 1.

New York in 1790 to protect the textual production of the United States. As secretary of state, Thomas Jefferson signed it, and it went into law in May of that year.

The American Copyright Act reads much like England's Statute of Anne from nearly a century before. Just as the editorial in the *Connecticut Courant* had presumably done, the Federal Copyright Act borrows its language from the English law. Like the Statute of Anne, its real title is "An Act for the Encouragement of Learning," and it too stipulates fourteen years as the length of time a copyright lasts.³⁷¹ As I trace in my first chapter, the Statute of Anne had unintended protectionist and even expansionist consequences.³⁷² The American Copyright Act, in contrast, is deliberate in its protectionist intentions as it repeatedly states that it is offering a right to American "citizens," a word used eight times in its first paragraph. In the second paragraph, it explicitly protects citizens' rights against "any foreign Kingdom or State":

That if any other person or persons . . . shall print, reprint, publish, or import, or cause to be printed, reprinted, published, or imported from any foreign Kingdom or State, any copy . . . without the consent of the author or proprietor thereof . . . or knowing the same to be so printed, reprinted, or imported, shall publish, sell, or expose to sale, or cause to be published, sold or exposed to sale, any copy . . . without such consent first had and

³⁷¹ "An Act for the Encouragement of Learning, by Securing the Copies of Maps, Charts and Books, to the Authors and Proprietors of Such Copies, During the Times Therein Mentioned Laws, Etc.," ed. Congress of the United States (New York: Francis Childs and John Swaine, 1790), 1.

³⁷² For an extended discussion of the differences in the theoretical origins of British and American copyright as articulated in American nineteenth-century debates over copyright, see Meredith L. McGill, *American Literature and the Culture of Reprinting, 1834-1853* (Philadelphia: University of Pennsylvania Press, 2003), chapter 1.

obtained in writing as aforesaid, then such offender or offenders shall forfeit all and every sheet and sheets, being part of the same, or either of them, to the author or proprietor of such . . . And every such offender and offenders shall also forfeit and pay the sum of fifty cents for every sheet which shall be found in his or their possession, either printed or printing, published, imported or exposed to sale, contrary to the true intent and meaning of this act.³⁷³

Just as Swift had hoped for Ireland, the United States would protect its textual production from outsiders. And like the Statute of Anne, the “true intent and meaning of this act” is clearly to protect “the author or proprietor,” the two entities this act empowers to register and hold literary property. These legislators adopt the model of literary property as a reified commodity that the law must protect in order for the owner of that commodity to possess it securely and fully. But, unlike the Statute of Anne, the US law considers that the threats to that exclusion possession might be domestic *or* foreign, “imported from any foreign Kingdom or State.” As I recounted in my second chapter, it is not until the 1739 Importation Act that the London booksellers get the protection they seek from imported reprints, particularly those from Ireland. The US lawmakers, in their early efforts to establish their new nation as a unique cultural and legal entity on the international scene, include this protectionist element into their federal copyright legislation from its inception.

³⁷³ "An Act for the Encouragement of Learning, by Securing the Copies of Maps, Charts and Books, to the Authors and Proprietors of Such Copies, During the Times Therein Mentioned Laws, Etc. ," 1.

Unlike London, where publishers pushed for copyright protection, in the United States it was authors who led the charge for a federal copyright act. The American Copyright Act was also part of early efforts to unify the colonies. By 1786, all states except Delaware had passed a copyright law, but they varied widely.³⁷⁴ Prior to the federal act, Noah Webster, who had the most lucrative printing endeavor yet in the American colonies, went from state to state, urging each local legislature to pass its own copyright bill. Until the end of the 1780s, Webster was one of the few authors who had enough at stake to care. His speller, *The First Part of the Grammatical Institute of the English Language* (1783), was selling fast throughout the United States, and he did not want to see it reproduced without his permission and profit.³⁷⁵ From 1785 to 1786, Webster traveled from Boston to Charleston and back again selling his book and lobbying for copyright laws.³⁷⁶ Webster saw his work on language as a vital part of the national project. Jill Lepore describes Webster's belief in the importance of a single language, void of variations in spelling and pronunciation. Webster and his contemporaries wanted citizens to participate in a particularly American "republic of letters," so his "business wasn't to teach Americans English, it was to reform the language of those who already spoke it."³⁷⁷ And Webster wanted his nation-making efforts to be protected by law. Surely profit was part of his motive, but as an ardent Federalist,

³⁷⁴ Cathy Davidson, *Revolution and the Word: The Rise of the Novel in America* (New York: Oxford University Press, 1986), 96.

³⁷⁵ Between 1783 and 1801, Webster's spelling book was printed fifty times, for a total of a half million copies (Jill Lepore, *A Is for American: Letters and Other Characters in the Newly United States* (New York: Alfred A. Knopf, 2002), 6).

³⁷⁶ *Ibid.*, 30.

³⁷⁷ *Ibid.*

Webster would have been horrified by the idea that multiple standards for American English would be printed and would undermine the ideological underpinnings of his project: there could be only one authority in the establishment of America's national language, and copyright would help to secure that authority by vesting the right to reprint exclusively with the copyright holder.³⁷⁸ The other types of authority that copyright would secure would be seen in the years after the act was passed. According to the new law, one could register a work as its author, proprietor, or both. Of the 263 copyrights registered in the state of Pennsylvania, about half were for authors and half were for proprietors; only seven entries were for claimants who identified themselves as both authors and proprietors. The types of work that authors and booksellers secured copyright for tended to be polemical pieces, pedagogical books, religious tracts, and geographical books.³⁷⁹

Carey's use of federal copyright protection in the period more or less followed the trends of other booksellers—his use of it increased as the decade progressed, but for the vast majority of the works he published in the 1790s, he claimed no copyright at all. Some of these works he could not claim copyright for; because the United States did not recognize other countries' copyright laws, works first published in England, Scotland, or Ireland were considered in the public domain in the United States. Carey did secure a

³⁷⁸ Anecdotal evidence of the success of Webster's *Grammar* can be found in what many consider the first American novel, William Hill Brown's *The Power of Sympathy* (1789). Mrs. Holmes writes to the young Myra, "I hope you will recommend the study of Mr. *Webster's* Grammatical Institute, as the best work in our language to facilitate the knowledge of Grammar" (York: Penguin Books, 1996), 57).

³⁷⁹ James Gilreath, ed. *Federal Copyright Records, 1790-1800* (Washington, D.C.: Library of Congress, 1987), 1-73.

total of seventeen copyrights in this decade, five of these as an author. In fact, the only piece that we know he authored in the period that he did not secure a copyright for was his *Address of M. Carey to the Public* (1794), his response to the accusations hurled at him in the wake of the yellow fever epidemic.³⁸⁰ Authorship for Carey in this period moved from the collective voices of *The Volunteer's Journal* and *The American Museum* to something more singular. When authors refuse to name themselves, the censors force that ownership upon them, as in the case with Carey. Copyright, which Carey eagerly claimed in his yellow fever pamphlets, works in the opposite way: authors assert their ownership of texts so as to claim the intellectual labor that they exerted to produce these texts. Carey no longer feared the attribution that comes with authorship; in fact, as he advanced personally and professionally in his new home, he sought that attribution. One way that he sought it, I will show, is through the securing of copyright.

Copyright and Authority

Carey negotiates questions of authority and property most explicitly in his debates on the yellow fever epidemic that struck Philadelphia in the summer of 1793. In his pamphlets, Carey contradicts much of what one might expect from someone with such a counterhegemonic past—he not only positions himself as an authority on the events that occurred, but he looks to secure that authority through the legal recognition of his words—copyright. The author who had concealed himself from authorities by escaping to

³⁸⁰ William Clarkin, *Mathew Carey, a Bibliography of His Publications, 1785-1824* (New York: Garland, 1984).

Paris, who had often hid out in his friends' bookshops in Dublin, and who dressed as a woman to board a ship for Philadelphia undetected, now uses the law to secure his authorial status. And this is not the only change that this pamphlet marks. In addition, Carey portrays the African American community in Philadelphia in complicated, yet clearly racialist terms, reminding his readers that his clarion call for the liberty and equality of the Irish Catholics, the "SLAVES," against the English, the "TYRANTS," back in Ireland was for "America [to be] emancipated from Slavery," but did not necessarily black Americans. The various abolitionist tracts that he published in his *American Museum* certainly complicate this picture, and we can only speculate how dedicated to abolition Carey really was. Carey's contradictory understanding of race is of course not unique in the eighteenth century,³⁸¹ but what makes this instance of it particularly interesting is that the African American responders, Absalom Jones and Richard Allen, two prominent religious leaders in Philadelphia's black community, adopt Carey's tactics. That is to say, they write to refute Carey's claim, and they secure their rebuttal through copyright of their *A Narrative of the Proceedings of the Black People, During the Late Awful Calamity in Philadelphia, in the Year 1793: And a Refutation of Some Censures, Thrown Upon Them in Some Late Publications*. This pamphlet war

³⁸¹ Samuel Otter makes an interesting connection between Carey's depiction of the African American community's response to the yellow fever epidemic and Herman Melville's Captain Delano in *Benito Cereno* (1855), which takes place in 1799: "For both, their partiality is more complicated than the words that have been used to label it: 'racism' or 'liberalism,' Melville examines how his character, his readers, and, uncannily, his modern critics manage not to see what is before them, how they look through jaundiced eyes and are tempted to incomplete judgments" (*Philadelphia Stories: America's Literature of Race and Freedom* (Oxford and New York: Oxford University Press, 2010), 38).

between Carey and Jones and Allen in the wake of the yellow fever epidemic read through their strategic uses of copyright show that battles tied to authorship, in both legal and cultural landscapes, refract those fought over the virtues associated with citizenship and with establishing oneself as a viable force in a marketplace newly regulated by national laws. The yellow fever epidemic of 1793 was the worst that the city or any northern city had seen, and in an urban center trying out its role as a harbinger of liberty in the new Republic, it would test the city's political and religious leaders in a number of ways.

By the time the yellow fever epidemic hit Philadelphia in the summer of 1793, Carey was becoming a prominent member of the community. In addition to running his own book publishing and distribution business, he was a man about town, engaged in the political and social debates of the day. Carey's appointment to the civic relief committee would have been something of an honor for him, for he had been in Philadelphia for less than a decade. Unlike the other members of the committee, however, Carey did not remain in the city for the duration of the epidemic. Like many wealthy whites, he abandoned the city for a safer place, but unlike many, he returned before the epidemic hit its peak, between October 10 and 20.³⁸² Carey was gone from the city for a briefer time than many who left, but for longer than others on the committee—from September 16 to October 8. He also contributed far less to the relief funds. Carey's primary contribution

³⁸² J. Worth Estes, "Introduction: The Yellow Fever and Its Treatment in Philadelphia, 1793," in *A Melancholy Scene of Devastation: The Public Response to the 1793 Philadelphia Yellow Fever Epidemic*, ed. J. Worth Estes and Billy G. Smith (Philadelphia: Science History Publications, 1997), 4.

would instead be a literary one; he compiled details of what had occurred from committee minutes, popular stories, and newspaper accounts.³⁸³ The pamphlet he wrote and published as a result was a surprise to the other members of the committee, for one of their primary tasks was to author jointly such a report.

When Carey returned to his urban dwelling, he took it upon himself to tell the world what had happened and to try and lift himself out of financial dire straits while doing so. He began with a short, ten-page pamphlet, *A Desultory Account of the Yellow Fever, Prevalent in Philadelphia, and of the Present State of the City*, in October. By the end of November, he had expanded that account to over one-hundred pages and ultimately published three separate editions of this extended version. Though he did not secure copyright for his first edition, he secured his second edition. This was only the second time that he had ever done so, and it was the first time that he claimed the copyright as an author, rather than as a proprietor. The distinction between author and proprietor is somewhat unclear, but Carey may have wanted to keep his business out of any trouble the pamphlet might cause him. He did want Mathew Carey, citizen of the United States and resident of Philadelphia, not Mathew Carey, bookseller and entrepreneur, to be financially and legally accountable for any fallout from the pamphlet.

Carey's conceit throughout his *Short Account of the Malignant Fever* is that he will separate fact from fiction, true account from rumor. This, he explains in his preface to third edition, is part of the reason that he must keep republishing—he wants to get it

³⁸³ Joanna Brooks, *American Lazarus: Religion and the Rise of African-American and Native American Literatures* (Oxford: Oxford University Press, 2003), 163.

right. He does not state it, but presumably the other reason he must keep issuing new editions is to update the lists of the dead, included in the back of the second, third, and fourth editions. Carey adopts the early novelistic trope of avowing adherence to truth, of promising that his work is no mere fiction. Just as the credibility of the editor of *Robinson Crusoe* (1719) is constrained by the truthfulness of the diary he finds, something he surely expects his reader to pardon him for because of the edifying content found therein, Carey blames time for any mistakes he has made.³⁸⁴ He writes in the preface to his third edition:

This pamphlet comes before the public a third time, and, in some measure, in a new form. I have reduced it to as methodical a state, as in my power, not as much so I could wish, not, I fear, as the reader may expect. To one merit only do I lay claim in the compilation; that is, of having meant well. . . . I know that the shortness of the time employed is no justification of a bad performance; but it may somewhat extenuate the defects of a middling one.³⁸⁵

Carey's good intentions should, in his estimation, excuse him from any misinformation contained in his *Accounts* because they were compiled as a public service. This public

³⁸⁴ The persona of the editor writes: "The Editor believes the thing to be a just History of Fact; neither is there any Appearance of Fiction in it: And however thinks, because all such are dispatch'd, that the Improvement of it, as well to the Diversions, as to the Instruction of the Reader, will be the same; and as such, he thinks, without farther Compliment to the World, he does them great Service in the Publication" (Daniel Defoe, *The Life and Strange Surprising Adventures of Robinson Crusoe* (Oxford: Oxford University Press, 1719, Reprint, 1998), preface).

³⁸⁵ Mathew Carey, *A Short Account of the Malignant Fever, Lately Prevalent in Philadelphia: With a Statement of the Proceedings That Took Place on the Subject in Different Parts of the United States*, 3rd edition, improved ed. (Philadelphia: Printed by the author, 1793), vi-vii.

service was to have been the work of the whole relief committee, but Carey has preempted them, publishing his accounts as the sole author of them.

Carey does borrow from the relief committee in his report, however. The Copyright Act did not include newspapers or correspondence, so Carey did not have to worry about copyright for any of the “scraps” he included, but it is remarkable that as author of the pamphlets, he positions himself as the source of information that came from the collaborative work of the committee, relying heavily on the public minutes of their meetings. Joanna Brooks astutely observes, “During the epidemic, he used the technology of copyright to privatize public information about the fever.”³⁸⁶ As I mentioned, part of what he privatized were also lists of the dead. The relief committee reacted to Carey’s pamphlets with general disdain, for Carey published his account, singularly authored and copyrighted, before the committee had a chance to compile and publish its reports. In a moment of considerable bravado, Carey assumed that his colleagues were simply jealous of the profit he had made. He wrote to his friend John Connelly:

The subject on which I write you this letter is perhaps too trifling to merit notice and ought to be passed over with the silence and contempt it deserves. However, having been unnecessarily and unjustly hurt it will ease my feelings to give them vent. Among the most extraordinary events of my life has been the reception my pamphlet has experienced from that [undecipherable] at whose particular instance and [undecipherable] gratify whom it was originally undertaken, for expecting any circumstances of

³⁸⁶ Brooks, *American Lazarus*, 173.

this kind, I entertained in hope, that if the voice of the public had been against it, I should have the [undecipherable] for defenders. But strange to tell in public, as far as I can learn, it passed with approbation whereas in the Committee, it appeared to excite almost universal disapprobation. I have endeavored to discover the reason of this unexpected issue, but as it could not have occurred without a cause, it is possible that to one and all or of the following motives it may have owed its origin. The extraordinary and almost unprecedented sale of my pamphlet produced a profit, which might have the pitiful and disgraceful passion of envy. Some persons may have conceived themselves not highly enough praised for their sacrifices and services those who told every one they met in the streets that “we” were going to publish the history of the fever, found that their ridiculous intrusion on the labours of another was revealed when publication appeared. If these reasons do not account for the affair I am still to seek.³⁸⁷

Through his pamphlets, Carey has preempted the work of the committee with his own work, so that the “we” of a public record has become the “I” of Carey’s single-authored pamphlet. This letter serves as a reminder that though Carey had secured his pamphlets legally, he was still under customary obligations to the other members of the committee; Carey uses the federal distinctions, but he was still subject to the trade agreements. There were multiple domains of law operating, and it is no surprise that the committee punished

³⁸⁷ Mathew Carey, “Letter to John Connelly, 7 March 1794,” in *Lea and Febiger Records Collection 227B*, Philadelphia: Historical Society of Pennsylvania.

Carey for his digression: as he mentions to Connelly, when the committee publicized its report concerning the fever, Carey's bookshop was not included in the places where the report could be bought.³⁸⁸ Presumably he saw this as a missed business opportunity, for as he reveals in this letter, in the public his pamphlet "passed with much approbation." Carey's possible attempt to separate his endeavor as an "author," rather than a "proprietor" here, to separate his private self from his business, failed. But Carey does still rhetorically separate this approving public from the members of the committee. He also separates this public along racial lines, for the African American community in Philadelphia was largely outraged by his pamphlet.³⁸⁹

The relief committee are not the only ones whom Carey angered in his pamphlet. For other rumors Carey included in the report, he does not cite sources. Instead, he reported them with authority and certainty, as if he had witnessed them. Carey largely praises the work of the people of Philadelphia, both the members of the committee and the common citizens, for their efforts to help others in harrowing times. While Carey lauds the work of many, he criticizes a minority:

When the yellow fever prevailed in South Carolina, the negroes, according to that accurate observer, dr. Lining, were wholly free from it. "There is something very singular in the constitution of the negroes," says he, which renders "them not liable to this fever; for though many of them were much exposed as the nurses to this infection; yet I never knew one instance of

³⁸⁸ "Advertisement," *The Philadelphia Gazette and Universal Daily Advertiser*, March 21 1794.

³⁸⁹ Richard S. Newman, *Freedom's Prophet: Bishop Richard Allen, the AME Church, and the Black Founding Fathers* (New York and London: New York University Press, 2008), 97.

this fever among them, though they are equally subject with the white people to the bilious fever.” The same idea prevailed for a considerable time in Philadelphia; but it was erroneous. They did not escape the disorder; however, the number of them that were seized, was not great; and, as I am informed by an eminent doctor, “it yielded to the power of medicine in them more easily than in whites.” The error that prevailed on this subject had a very salutary effect; for at an early period in the disorder, hardly any white nurses could be procured; and had the negroes been equally terrified, the sufferings of the sick, great as they actually were, would have been exceedingly aggravated. At the period alluded to, the elders of the African church met, and offered their services to the mayor, to procure nurses for the sick, and to assist in burying the dead. The great demand for nurses afforded an opportunity for imposition, which was eagerly seized by some of the vilest of the blacks. They extorted two, three, four, and even five dollars a night for attendance, which would have been well paid by a single dollar. Some of them were detected in plundering the houses of the sick. But it is wrong to cast a censure on the whole for this sort of conduct, as many people have done. The service of Jones, Allen, and Gray, and others of their colour, have been very great, and demand public gratitude.³⁹⁰

Carey’s words here contradict themselves. Carey starts by dispelling the racialized myth,

³⁹⁰ Carey, *A Short Account of the Malignant Fever*, 78-79.

disseminated by Dr. Benjamin Rush and others, that blacks are immune to yellow fever. Carey implies that the blacks had been misinformed: though the idea is known to be “erroneous,” the blacks do not know this, for if they had they would have been “equally terrified.” This misinformation among the black community led to many more people getting their help; Carey describes it as “a very salutary effect,” implying that it saved many white lives and ignoring the fact that it put many more black lives at risk. Carey then quickly mentions the extortion “seized by some of the vilest blacks.” If he does not want people “to cast a censure,” then why include this anecdote that will of course have that effect? These stark allegations certainly drown out the few words of praise he offers the black community. They reflect the social crisis that the epidemic has caused insofar as it blurred racial lines. Carroll Smith-Rosenberg has argued that the epidemic showed that “Black Philadelphians would not stay reassuringly Other; boldly, they asserted their claims to republican virtue and hence their centrality to the new Republic and its national identity.”³⁹¹ Part of this claiming would be in the form of copyright.

Absalom Jones and Richard Allen refute Carey’s characterization of them and other blacks in their twenty-four page response to him, a pamphlet published two months later, *A Narrative of the Proceedings of the Black People, During the Late Awful Calamity in Philadelphia, in the Year 1793: And a Refutation of Some Censures, Thrown Upon Them in Some Late Publications*. They respond to their dismay at being called out as examples by Carey. As Phillip Lapsansky explains: “They found his work essentially insulting to Philadelphia blacks and dismissive of the efforts of the mass of anonymous black

³⁹¹ Smith-Rosenberg, *This Violent Empire*, 435.

workers Jones and Allen represented.”³⁹² Claiming authority as witnesses who were present in Philadelphia for the whole of the epidemic, Jones and Allen offer firsthand accounts of what did and did not happen, and they, like Carey, offer a model of public behavior in Philadelphia.

By the time of the epidemic, Philadelphia was home to the largest urban concentration of free blacks of any place where slavery had been established in the English-speaking parts of the Western Hemisphere.³⁹³ As the first city in the newly formed nation with a dedicated abolition society, Philadelphia was a destination for blacks escaping slavery. In 1780, Philadelphia passed a gradual abolition act that meant that any slave brought into Philadelphia after March 1, 1780, was legally free after six months. From 1781 to 1790, Philadelphian owners manumitted at least 269 slaves.³⁹⁴ In the summer of 1793, abolitionist and medical doctor Benjamin Rush implored Richard Allen to lead his people to the aid of the public—serving as nurses, gravediggers, and drivers of the death carts. By early September, Jones and Allen offered their services and urged other blacks to come to the assistance of the ailing city. Jones and Allen objected to Carey’s mixed characterization of the humanitarian efforts of the black community. By January of 1724, Jones and Allen responded.

In their pamphlet, they enumerate exactly how much cash was received and how

³⁹² Phillip Lapsansky, "'Abigail, a Negress': The Role and the Legacy of African Americans in the Yellow Fever Epidemic," in *A Melancholy Scene of Devastation: The Public Response to the 1793 Philadelphia Yellow Fever Epidemic*, ed. J. Worth Estes and Billy G. Smith (Philadelphia: Science History Publications, 1997), 64.

³⁹³ Gary B. Nash, *Forging Freedom: The Formation of Philadelphia's Black Community, 1720-1840* (Cambridge, Mass.: Harvard University Press, 1988), 3.

³⁹⁴ *Ibid.*, 72.

much spent for “coffins purchased and procured,” refuting Carey’s claims of unfair price manipulation and plundering.³⁹⁵ In addition to attacking Carey directly as the most ineffective member of the committee established to save the city in its time of need, Jones and Allen address his unfounded characterization of the black community. They retort:

That there were some few black people guilty of plundering the distressed, we acknowledge; but in that they only are pointed out, and made mention of, we esteem partial and injurious; we know many whites who were guilty of it; but this is looked over and the blacks are held up to censure.—
Is it a greater crime for a black to pilfer, than for a white to privateer?³⁹⁶

A reader cannot help but wonder if Carey cringed at this last line in particular. For in his accusations, he has in fact enacted the same double standard that beset his bookseller friends in Dublin, those who broke English custom and were branded “pirates” for doing so, as I discussed at length in my second chapter. This remark shows that, as Adrian Johns has argued in his recent study on the subject, “piracy was a property not of objects alone, but of objects in space.”³⁹⁷ In the context of a new national ideology of “republican virtue,” the blacks are the pilferers, comparable to pirates, while the whites, and more specifically in Carey’s case, the Irish, are the “privateers,” those sanctioned to skirt the law. The profit Carey made off the pamphlets is sanctioned in a way in which any black

³⁹⁵ Absalom Jones and Richard Allen, *A Narrative of the Proceedings of the Black People, During the Late Awful Calamity in Philadelphia, in the Year 1793: And a Refutation of Some Censures, Thrown Upon Them in Some Late Publications. By A.J. And R.A* (Philadelphia: Printed for the authors, by William W. Woodward, at Franklin's Head, no. 41, Chesnut-Street, 1794), 6.

³⁹⁶ *Ibid.*, 8.

³⁹⁷ Adrian Johns, *Piracy: The Intellectual Property Wars from Gutenberg to Gates* (Chicago: University of Chicago Press, 2009), 13.

person who allegedly “pilfered” from the epidemic is not. Because of his privileged position as a bookseller and leader in the community, Carey can print what he wants and copyright will protect his right to do so. But, as citizens, Jones and Allen also have a right to copyright, and they use it. Jones and Allen are not privy to the rights secured by the customary practices utilized by the band of Philadelphia booksellers I began this chapter by describing. But, federal copyright is a form of protection they can and do seek.

Carey is less bothered by Jones and Allen’s critique of him than by the critique of the relief committee. Jones and Allen published their pamphlet between Carey’s third and fourth editions. Carey notes their objections in his fourth edition, but does so only in a footnote, despite the fact that he evidently reset the type for this fourth edition. The portion of Carey’s account that Jones and Allen take exception to remains unchanged from the third edition. But after the sentence: “The great demands for nurses, afforded an opportunity for imposition, which was eagerly seized, by some of the vilest of the blacks,” Carey adds an asterisk. The footnote that corresponds reads: “The extortion here mentioned, was very far from being confined to the negroes: many of the white nurses behaved with equal rapacity.”³⁹⁸ Given how many other changes Carey made from the third to the fourth edition, there is no ostensible reason why this correction must remain in the paratext in a footnote, except that Carey did not find Jones and Allen’s objections worth seriously engaging.

The pamphlet that Carey wrote a few months later, in which he responds to

³⁹⁸ Mathew Carey, *A Short Account of the Malignant Fever, Lately Prevalent in Philadelphia: With a Statement of the Proceedings That Took Place on the Subject in Different Parts of the United States*, 4th edition, improved ed. (Philadelphia: Printed by the Author, 1794), 63.

criticism from an anonymous source, further substantiates what Carey's typographical methods in the fourth edition suggest. In a response to a broadside distributed by "Argus" to the public (there is no extant copy of this broadside; it may have never been printed), Carey published the *Address of M. Carey to the Public* in the spring of 1794. Carey spends the bulk of this short pamphlet responding to Argus's accusations that Carey acted with irresponsibility and cruelty during the epidemic. In his last page, Carey acknowledges Jones and Allen's attack on him as well, but he implies that they are beneath his reproach. He writes:

Since I have taken up the pen, it may not be amiss, to offer a few observations respecting a publication, ushered to the world by Absalom Jones and Richard Allen, two free Africans, in which abuse is liberally bestowed on me. At the time of its appearance, I judged it unworthy of notice—and was determined, in silence, to let the public decide on the justice of their appeal; from this determination, I should not have departed, had I not engaged in the present reply to Argus, and thought it might be advisable to touch on the other attack.³⁹⁹

Carey's response to Jones and Allen in this pamphlet is, then, another side note, much like his footnote in his fourth edition. Carey does not find them worthy opponents, it would seem, or he does not find their criticism worth engaging. By tacking mention of them at the end of his *Address*, he has literally and figuratively marginalized them once again. But, he is not done. He includes Jones and Allen in an endnote on the last page of

³⁹⁹ Ibid., *Address of M. Carey to the Public* (Philadelphia: Mathew Carey, 1794), 5.

his *Address* as well, or rather he excerpts considerable sections from their *Narrative of the Proceedings of the Black People*. Copyright law would not necessarily prevent such a lengthy extraction, but Carey's scruples might have. What he effectively does is prevent the public from needing to purchase Jones and Allen's pamphlets to read their critique of Carey. Instead, he has made it available to the public for the fee of his short pamphlet. In so doing, Carey undermines Jones and Allen not as legal subjects or as civic-minded community leaders, but as competitors in the print market.

In what is the first instance of African Americans invoking the federal protection of copyright, Jones and Allen secure their rights to their *Narrative* just as Carey did his. Presumably, Jones and Allen did not do so to ensure to profits made from their pamphlet; as Remer has shown, pamphleteering was not a lucrative endeavor, and it would take a sale the likes of that of Carey's *Accounts* to see a profit worth protecting.⁴⁰⁰ Nonetheless, they paid the 60 cents fee for copyright, and the prescribed lines that ensure their right appear on the opening page of their pamphlet, just as Carey's does on his *Accounts*. Jones and Allen offer a different model of civic-minded behavior in the face of a social crisis, and yet they, like Carey, rhetorically amplify the situation at hand. Their claims against Carey are accurate, but they, like Carey, overstate their case a bit. They must do this as a means to get their community, and its work, represented in the public, and, moreover, to show that profit motive is not in and of itself nefarious, or at odds with civic duty. Rather, profit is a legitimate public sphere function. In this way, their argument uncannily aligns with Carey's defense of his pamphlets against the criticism of the committee. By securing

⁴⁰⁰ Remer, *Printers and Men of Capital*, 16.

their own copyright and attempting to profit from their pamphlet, Jones and Allen are showing that blacks are viable businesspeople within the same market space as white writers like Carey. Their pamphlet, like Carey's then, cannot be read with racial specificity alone. As Richard Newman has described the incident: "what Allen and Jones did not explain to the public was that their own business had been crippled by the yellow fever. Not only did the fever scare away business, but it also took away start-up funds from Allen and Jones. In short, they had no money to pump into their fledgling nail factory." Explaining the personal and social stigma of debt, Newman goes on to explain that "Allen and Jones could feel twice burned: the yellow fever brought a generic rebuke on Philadelphia blacks, and the failed business brought the payment of their own loan into doubt, threatening two rising black men's reputations."⁴⁰¹ As members of a marginalized community, Jones and Allen are here taking advantage of the protection as owners and legitimation as authors that the federal government offers them. As former slaves with an uncertain status as citizens in Philadelphia, Jones and Allen may in fact have been in need of the legitimation that federal copyright offered. They show, through their use of copyright, that though African Americans can still be socially marginalized, they have recently acquired and will tactically use, agency established in the law and potentially secured in the economy.

Born in a plantation in Delaware, Absalom Jones was brought to Philadelphia by his master in 1762; twenty-two years later, Jones's master permitted him to purchase his freedom. Less is known of Richard Allen's early years, but he too was born into slavery,

⁴⁰¹ Newman, *Freedom's Prophet*, 98-99.

the property of conservative Philadelphia lawyer Benjamin Chew, who owned a plantation in Delaware. In 1777, at the age of 17, Allen had his religious awakening and dedicated his life to the Methodist religion. His master allowed him to buy his freedom three years later, and he became an active preacher along the east coast. Philadelphia became the center of his religious activity, and in 1787, along with others including Absalom Jones, Allen launched the Free African Society, “possibly the first black organization of its kind in America.”⁴⁰² Opportunities for ownership were somewhat scarce for blacks in the 1790s in Philadelphia; Jones and Allen found an unprecedented way to assert their authority and their sovereignty—through the law of copyright.

Former enslaved persons asserting their right to literary property is different in important ways to their becoming literate or even becoming a part of the English-speaking literary tradition.⁴⁰³ In his reading of what it means for Olaudah Equiano to become literate, Srinivas Aravamudan argues that through literacy, Equiano gains a “catechrestical sense of 'owning’”⁴⁰⁴ that is ultimately an “ideologically dubious process

⁴⁰²Gary B. Nash, *Forging Freedom: The Formation of Philadelphia's Black Community, 1720-1840* (Cambridge, Mass.: Harvard University Press, 1988), 98.

⁴⁰³ I do not mean to suggest that enslaved Africans did not bring with them a strong literature tradition. In her article “African Signs and Spirit Writing,” Harryette Mullen shows that “While the institutionalized illiteracy of African-American slaves born in the U.S. was enforced by laws forbidding anyone to teach them to read or write, the illiteracy of Africans cannot be accepted as given” (671) She insists that we expand the definition of literacy beyond the traditional boundaries defined by Walter J Ong in *Orality and Literacy* (1982), so that “one might ask how writing and text functioned in a folk milieu that valued a script for its cryptographic incomprehensibility and uniqueness, rather than its legibility or reproducibility” (*Callaloo* 19, no. 3 (Summer 1996): 672).

⁴⁰⁴ Srinivas Aravamudan, *Tropicopolitans: Colonialism and Agency, 1688-1804* (Durham, N.C.: Duke University Press, 1999), 281.

of subjective investiture."⁴⁰⁵ Copyright moves out of that realm of language, the “catachrestical,” to the realm of the legal, and therefore offers a different, and potentially more potent, form of agency than mere “subjective investiture.” It is worth noting that in England, Equiano used copyright to secure his fame and fortune there, and even after his success, he did not relinquish that copyright. James Green explains that after the first edition of his *Interesting Narrative* succeeded, Equiano “did something not so typical.” Unlike many successful subscription authors, who were able to sell the copyright for subsequent editions for a handsome price, since the commercial worth of the book had been proven, Equiano retained his copyright for the subsequent edition printed in England during his lifetime. Green speculates he may have chosen to hold onto his copyright “simply because he had been cheated by white businessmen all his life.”⁴⁰⁶ There is no way to know if Jones and Allen knew of Equiano’s use of copyright, but as former slaves, it is a right that they all assert. And yet, as not only new, but also as racialized faces on the print market in Philadelphia, Jones and Allen presumably did not have access to the paralegal arrangements Carey and his fellow booksellers make.

Carey too experiments with copyright as a means to assert himself as the single authority rather than collaborating with others on the public report. According to his *Autobiography*, he sent most of the second edition abroad,⁴⁰⁷ and his letters reveal that he tried to get himself out of debt with those from whom he imported books. In a letter to a

⁴⁰⁵ Ibid., 21-22.

⁴⁰⁶ James N. Green, "The Publishing History of Olaudah Equiano's *Interesting Narrative*," *Slavery and Abolition* 16, no. 13 (1995): 365.

⁴⁰⁷ Carey, *Mathew Carey*, 25.

prominent radical bookseller on Grafton Street, Patrick Byrne, Carey sends the pamphlet and bestows on Byrne the right to its copy in Ireland. Carey complains of the “stagnation of business, during the months of September and October,” that have left him without the funds to pay Byrne and therefore unable to get more stock from Byrne. Until he can remit him, Carey sends him a number of his yellow fever pamphlets. He tells Byrne, “I invest you with the copyright of it for the whole kingdom of Ireland, if that be in my power. The printing of it may compensate you for the delay of remittance.”⁴⁰⁸ This is ultimately a meaningless gesture, and yet, it bears testament to Carey’s eagerness to experiment with the types of “power” that might come with a claim to copyright.

If U.S. copyright laws were still in flux at this time, Irish copy-right practices were even more uncertain. Carey must know this from his time there in the printing trade just a decade earlier, and so his gesture to Byrne must be read as slightly disingenuous. What would it mean if Byrne did have the exclusive copyright to Carey’s pamphlet in the Kingdom of Ireland? Given the fact that the Irish hardly recognized English copyright law (as I detailed in my second chapter) and they are England’s colony at the time, it is unlikely that a newly formed U.S. copyright law would be recognized. In other words, anyone in Ireland who wanted to reprint Carey’s pamphlet could have, and Byrne would not have a way to claim an exclusive right to the copyright. These practical considerations aside, however, it is important to note that Carey at least in part understood copyright to be of value. He secured copyright for the pamphlets because he

⁴⁰⁸ Mathew Carey, “Letter to Patrick Byrne, 23 December 1793,” in *Lea and Febiger Records Collection* (Philadelphia: Historical Society of Pennsylvania).

knew that they would sell, but without knowing how that right might translate to other contexts. He wonders to Byrne what “power” copyright gives him and whether that “power” is transferrable across the Atlantic, from this new publishing center of Philadelphia, a city where Carey is becoming a major player. A new center-periphery paradigm is thus created here in which Philadelphia, rather than London, is the metropole.

Carey probably made about \$2,000 from the pamphlet, and though this was not an enormous sum of money at the time, he was fortunate to make any profit at all in those lean times in Philadelphia.⁴⁰⁹ Because Carey also offers a model of civic virtue in his own account, Jones and Allen’s claim to copyright is more meaningful in relation to Carey’s. The dispute between them is a struggle over race, a struggle over definitions of disease, but also a struggle over copyright. Jones and Allen protect their words, their position, through legal “investiture,” to return to the terms of Aravamudan, because that is a form of civic protection they have access to. Others who dealt with Carey had other means of protecting their interests. Before he is able to print the 10,500 he ultimately would, in his letter to Byrne, Carey creates a sort of prototype for the extralegal arrangement that he and Morse would work out a year later when he would use the profit from the pamphlet to begin printing his most lucrative project yet—*A New System of Geography*.⁴¹⁰

⁴⁰⁹ Thanks to James Green of The Library Company of Philadelphia for helping me to calculate Carey’s earnings from the pamphlet.

⁴¹⁰ Carey writes to his brother after the fourth edition that he has printed 10,500 pamphlets all told (“Letter to James Carey, 6 April 1794” in *Lea and Febiger Records Collection 227B* (Philadelphia: Historical Society of Pennsylvania)).

Custom and Collaboration

While he was printing and publishing books, Carey was also a voracious trader. Much of his stock came from abroad; he used his connections in Ireland to sell cheap imports to his customers from his bookshop in Philadelphia and to trade with his colleagues along the eastern seaboard.⁴¹¹ Some of his most active trading was with Reverend Jedidiah Morse of Charlestown, Massachusetts. Morse's goods were in high demand, for he was one of the first American booksellers to offer a comprehensive geography. He reprinted the English book, William Guthrie's *Geography*, in multiple sizes and iterations. Morse eventually added much of his own text to it, so that Guthrie's *Geography* became a catch-all author and title for a number of different versions of the same book. In his detailed study of the various contributors to Guthrie's *Geography*, Richard Sher concludes, "From the first edition in 1770, the use of Guthrie's name as the author had been a fabrication, or at least a gross exaggeration."⁴¹² Carey would continue the trend started by John Knox and continued by Jedidiah Morse in publishing his geography as Guthrie's because the market, Carey guessed, would support such a venture. But, by the time Carey wanted to publish his own version of the *Geography*, he had to get permission from Morse, for Morse had secured its copyright as soon as he could in 1790.

⁴¹¹ After 1800, Carey expanded his distribution networks west. For a detailed account of early American book distribution, see James N. Green, "The Rise of Book Publishing," in *An Extensive Republic: Print, Culture, and Society in the New Nation, 1790-1840* ed. Robert A. Gross and Mary Kelley, *A History of the Book in America* (Chapel Hill: University of North Carolina Press, 2010).

⁴¹² Richard Sher, *The Enlightenment and the Book: Scottish Authors and Their Publishers in Eighteenth-Century Britain, Ireland, and America* (Chicago: University of Chicago Press, 2006), 579.

When exactly Carey started exchanging books with Morse is hard to know, but it is clear from their correspondence that they were regularly trading by the late 1780s. In October of 1789, Carey wrote to Charlestown, complaining that Morse could not supply him with *Geographies* fast enough. Carey grumbles: “The demand for your Geography is considerable. I think you suffer much by not having a proper supply of them with the booksellers in this city. I am satisfied I could dispose of two hundred copies before next Spring.”⁴¹³ And Carey was clearly not alone in recognizing this lack. Two months later, an anonymous advertisement appeared in Philadelphia’s *Independent Gazetteer*, a “Proposal for Printing by Subscription a Compendium of American Geography” by subscription. This duodecimo of about four hundred pages would be “well adopted to the capacities of Youth” and would “facilitate the improvement of youth.”⁴¹⁴ In other words, it would be a textbook, one presumably much like the abridged *Geography* that Morse was about to print. Morse heard of this book, and in the first weeks of 1790 wrote to Carey, greatly concerned about this potential threat to the success of his own endeavor. Morse was more than concerned, however; he knew he has potential legal recourse in the matter. Morse frets to Carey:

This intended publication, and my abridgement—as both are designed for the same use, and executed upon the same plan, must interfere with each other—if one or the other must be superfluous—and as mine was nearly

⁴¹³ Mathew Carey, “Letter to Reverend Jedidiah Morse, 12 October 1789” in *Lea and Febiger Records Collection 227B* (Philadelphia: Historical Society of Pennsylvania).

⁴¹⁴ Anonymous, “Proposal for Printing by Subscription a Compendium of American Geography,” *Independent Gazetteer*, December 10, 1789.

out of Press before the proposals for the others were issued, I should suppose it would be no more than generous in the Gentleman, (I know not who he is or I would write to him on the subject) to delay publication 'till the public should determine that mine is not suitable for Schools—or that a better one is wanted—If the Gentleman is about to publish an original work, it is one thing —I have not a word to object—but if he is about to select a small volume for schools, principally from my large Geography as I have reason to suspect, it would be very unfair, and ungenerous—and he might very probably subject himself to the penalty of the Act of Congress, which will shortly be passed into Law, securing to Authors the Copyright of their Works—⁴¹⁵

Morse considers both customary practice and the burgeoning copyright laws relevant to his defense against this potential threat. He expects this anonymous “Gentleman” to be “generous” and delay his publication until Morse’s has hit the market. The implication here is that Morse will succeed and then the “Gentleman” will have no reason to want to publish a rival text, for Morse’s will already have cornered the market. Of course, Morse’s *Geography* is not an entirely “original work,” borrowing large sections of Guthrie’s *Geography*. But Morse nonetheless planned to secure his copyright as the proprietor of the work because he has added and abridged significantly.

⁴¹⁵ Jedidiah Morse, “Letter to Mathew Carey, 14 January 1790” in *Lea and Febiger Records Collection 227B* (Philadelphia: Historical Society of Pennsylvania).

But if this “Gentleman” proves to be “unfair and ungenerous,” and does go ahead and publish his rival *Geography*, which Morse assumes will likely borrow heavily from his large *Geography*, then Morse is ready to bring a case against him in the federal courts. Morse anticipates the “the Act of Congress, which will shortly be passed into Law” as a way to secure the work as his own. Morse knows that for the first time, copyright exists on a federal level, and so a bookseller in Massachusetts can sue a bookseller in Pennsylvania if he copies and reprints his work without permission. Morse’s threat here seems to deter the anonymous printer’s plan,⁴¹⁶ for no new textbook geographies were published in Pennsylvania in the 1790s. And Morse is the first to claim copyright for his works in the state of Massachusetts. Just after the Federal Copyright Act became law in May of 1790, Morse secures the copyrights for both *American Geography* and *Geography Made Easy* on June 10, 1790.⁴¹⁷ Morse seems aware of the ways in which he can use the federal copyright law to his advantage, and before it is even passed by Congress, he invokes its protection.

Though we know from Morse’s letter to Carey that he must have been aware of the new laws, Carey clearly thinks about them differently. Remember the 1791 Philadelphia Company of Printers and Booksellers Constitution, which set out to preserve the conventions of perpetual copyright. Carey makes a similar extralegal arrangement

⁴¹⁶ Reading Morse’s letter, one could easily imagine that Carey is in fact the mastermind behind this rival plot; Morse sounds almost accusatory in his letter to Carey. But, because the advertisement for the subscriptions appeared in Eleazer Oswald’s paper, the *Independent Gazetteer*, it is unlikely that Carey had anything to do with it. Oswald and Carey had a longstanding feud that resulted in a duel; Oswald shot Carey in the leg. For details, see Carey, *Mathew Carey*, 11-15.

⁴¹⁷ Gilreath, ed. *Federal Copyright Records, 1790-1800*, 74.

with Morse in 1794 when he embarks on his biggest publishing venture yet—a quarto edition of *A New System of Geography*, which would rely heavily on Morse’s works already under his copyright protection. Given Morse’s willingness to invoke the new copyright act in 1790, Carey must have known that he had to be in direct negotiation with Morse, so as not to find himself in a legal battle with Morse.⁴¹⁸ At the start of their negotiations, Morse makes it clear to Carey what sort of competition he will and will not tolerate. He writes: “Provided you 'agree to give up' entirely 'your plan' of publishing your octave Edition—I will engage that you will not either directly or indirectly, publish or use to be published the Geography you have now in the press, or Guthrie's Geographical Grammar in any other than the present form.”⁴¹⁹ As long as Carey stays out of the octavo business, the niche that Morse wants to secure, Morse is happy to work with him. After much back and forth, Carey outlines the following terms with Morse:

But to bring the business to a final issue, I shall state in the most explicit manner the idea I entertain of it. I shall shall [*sic*] not for six years from the completion of the Geography, print nor be concerned in printing any system of Geography, except Gibson’s pocket atlas and quarto editions of my present work. . . . Of the American part I shall print a quarto edition separate for sale in Europe only. I shall never sell nor give away, nor exchange a single copy in America, under the penalty you have expressed.

⁴¹⁸ Jedidiah Morse, “Letter to Mathew Carey, 14 April 1790” in *Lea and Febiger Records Collection 227B* (Philadelphia: Historical Society of Pennsylvania).

⁴¹⁹ Jedidiah Morse, “Letter to Mathew Carey, 8 May 1794” in *Lea and Febiger Records Collection 227B* (Philadelphia: Historical Society of Pennsylvania).

This will little if at all interfere with our book. But be that as it may it is a sine qua non of my agreement.⁴²⁰

Carey promises not to compete with Morse in the octavo business; he will only print quarto editions. Morse writes back to say that Carey can in fact reprint his present quarto edition as long as it is an *improved* edition, but that he cannot reprint separately the American portion of it, which comprises most of volume 2.⁴²¹ The term of six years is a negotiation between the two and has no precedent or standing in the law. In his letters, Morse seems tentative about this extralegal arrangement, realizing that he is risking more than Carey in operating in this extralegal manner. Morse writes to Carey:

I have added a clause, that if any dispute should arrive, it shall be decided by 3 impartial men agreed on by us—to avoid the law—neither the style of the instrument, nor the mode of execution (without witness) is legal. There is no condition, on which the instrument—is predicated, and therefore it is, according to our laws nugatory. But I have committed the business to Mr. Adams, a Lawyer, Son of the Vice President of the United States, who in person, through Mr. Hazard will transact the business, in

⁴²⁰ Mathew Carey, “Letter to Jedidiah Morse, 14 July 1794” in *Lea and Febiger Records Collection 227B* (Philadelphia: Historical Society of Pennsylvania).

⁴²¹ Jedidiah Morse, “Letter to Mathew Carey, 21 July 1794” in *Lea and Febiger Records Collection 227B* (Philadelphia: Historical Society of Pennsylvania). Morse was likely also trying to protect his negotiations with his London publisher, J.J. Stockdale, who had just printed an octavo edition of his *American Geography*. ———, *The American Geography; or, a View of the Present Situation of the United States of America*, 2nd ed. (London: Printed for John Stockdale, 1794).

one form for me. I wish to have our agreement clearly understood and expressed.⁴²²

The agreement between Carey and Morse is not wholly based on customary practice, for they go to great pains to negotiate a written contract. But it is also not based on the law; Morse does not want Carey to secure the copyright for this venture, presumably because fourteen years is longer than Morse has in mind. Six years is the time they agree on, but this six years is nowhere mentioned in law: “neither the style of the instrument, nor the mode of execution is legal.” In contrast, then, to Jones and Allen, Morse can work with Carey outside of the realm of the law when it suits them both best; as “gentlemen,” they negotiate beyond the confines of the law because their “subjective investiture” expands far beyond their legal status. By August 27, 1794, Carey confirmed that they have reached an agreement. He began work immediately, contracting Morse to write many of the descriptions of the New England states; Carey published it in two volumes—the first in the winter of 1794 and the second in the spring of 1795. The article on the United States was expanded from 39 to 357 pages, and it occupied more than half of the second volume.⁴²³

Carey’s changes to the work would be significant, and he details these changes in his lengthy introduction. In *The Geographic Revolution in America*, Martin Brückner has shown that

⁴²² Jedidiah Morse, “Letter to Mathew Carey, 6 June 1794” in *Lea and Febiger Records Collection 227B* (Philadelphia: Historical Society of Pennsylvania).

⁴²³ Sher, *The Enlightenment and the Book*, 576.

geography books naturalized the idea of national character precisely by their strategic merger of graphic symbols (national map), verbal representation (encyclopedic delineation of the nation-state), and geographical personification (types). These books modeled character types for a generation of readers that was unsure about the relationship between local and national identities.⁴²⁴

Carey's edition of Guthrie epitomizes what Brückner describes; as an ardent Federalist and zealous patriot, Carey makes his nationalist aims explicitly clear. But unlike the rhetoric he used in his introduction to *The American Museum*, Carey explains the project not so much in nationalistic terms as in anti-English terms, because "no country in the world ever laboured under a more complete aristocracy, than that which is exerted by the principal booksellers of London. When they have determined to force sale of a publication, they can employ a variety of artifices which make its success almost infallible." According to Carey, the London booksellers have bastardized Guthrie's work, duping their minions, the English reading public, in order to turn a profit. In his edition, Carey will expose these artifices and correct the distortions that have been published under the title of Guthrie's *Geography*. Carey's book will retain the author's title, but his content will differ greatly. Carey continues:

An American edition of this work had long been wanted; and the publisher was of the opinion, that he could not give a more useful or acceptable

⁴²⁴ Martin Brückner, *The Geographic Revolution in America: Maps, Literacy, and National Identity* (Chapel Hill: University of North Carolina Press, 2006), 172.

present to the citizens of the united states [*sic*]. But upon close examination, he very soon discovered, that the grammar, which had been so long, and so loudly celebrated, united, in many passages, almost every fault, that can disgrace a literary composition. The book was exactly calculated to flatter the grossest prejudices of the English nation, at the expense of every other part of the human species.⁴²⁵

Carey spends the bulk of his introduction then enumerating many of these “calculations.” He considers the authors and editors equally responsible for these deceptions. He writes:

When a story flatly contradicts the very first principles of common sense and possibility, it is of no consequence upon what authority it is related. The transcriber and the inventor stand exactly on a level. Whether the editors of this book have themselves fabricated the following stupendous fiction, or whether they have copied it, from some former fabulist, cannot be worth an enquiry.⁴²⁶

He equates editor and author here, for they are equally culpable in the errors he enumerates. And yet he acknowledges that Guthrie, who died in 1770, can hardly be at fault anymore, for it is the London booksellers against whom he began his rant. Carey retains the author name of “William Guthrie,” for that is the name that appears on the title page. Guthrie has become a catch-all for highly collaborative work and a brand that first Morse and then Carey have used to sell these expensive books.

⁴²⁵ William Guthrie, *A New System of Modern Geography*, 2 vols., vol. 1 (Philadelphia: Printed by Mathew Carey, 1794-95), 3.

⁴²⁶ *Ibid.*, 7.

Conclusion

As the pamphlet war surrounding what Carey wrote and did during the yellow fever epidemic died down and as he negotiated the logistics of his first major undertaking as a publisher, Carey also had a smaller project underway. Carey began to publish what would become his first big-selling novel, Susanna Rowson's *Charlotte Temple*. Because the novel had been printed in 1791 in England, it would not have been eligible for copyright protection in the United States; until the International Copyright Act of 1891, American printers did not recognize foreign copyright. This, plus the fact that it was comparatively short and was set in America, made it an ideal publishing venture.⁴²⁷ By May 1, 1794, Carey had placed an advertisement in Philadelphia's *General Advertiser* for a new novel, published on this day, "to the ladies of Philadelphia." The advertisement left the question of the veracity of the tale undetermined: "We should feel for Charlotte if such a person ever existed, who for one error scarcely, perhaps deserved so severe a punishment. If it is a fiction, poetic justice is not, we think, properly distributed."⁴²⁸ With this advertisement, Carey set off the public sensation that *Charlotte Temple* would become—the biggest blockbuster until Harriet Beecher Stowe's *Uncle Tom's Cabin*.⁴²⁹

Carey would reprint the novel six times, but he could never secure its copyright. In

⁴²⁷ Green, "The Rise of Book Publishing," 103.

⁴²⁸ Mathew Carey, "A New Novel to the Ladies of Philadelphia," *General Advertiser*, May 1, 1794. Carey is excerpting from the review of the novel that appeared in London's *Critical Review* in April 1791 (468). In his subsequent editions of *Charlotte*, he would include a more complete excerpt with the citation to the *Critical Review*.

⁴²⁹ Michael Winship, "Two Early American Bestsellers: Rowson's *Charlotte Temple*, and Stowe's *Uncle Tom's Cabin*," *Common-Place* 9, no. 3 (April 2009), <http://www.common-place.org/vol-09/no-03/winship/>.

a letter recently found at the Historical Society of Pennsylvania, Carey does offer some acknowledgment and remuneration to Rowson, who, along with her husband, William, were friends of Carey's.⁴³⁰ Carey writes to Rowson a few weeks after he places the advertisement for *Charlotte Temple* in the newspaper: "I enclose a blank check for 20 dollars, as a small acknowledgement for the copyright of Charlotte. I also send you ten copies of the book bound."⁴³¹ Here we do then see Carey being Jedidiah Morse's "generous gentleman"; given the fortune he would make off *Charlotte Temple*, twenty dollars and ten books seem paltry, but Carey did not have to send Rowson anything.⁴³² Though he had no formal copyright to it, Carey maintained a monopoly on *Charlotte Temple* until it was republished in Hartford in 1801.

This was, of course, a work that Carey had only the most informal rights to, and yet he asserted that right with some booksellers. In 1802, Carey lambasts William Morse, a printer in Charlestown who had done some work for him. Carey writes to him:

I have been told, and with no small degree of chagrin, that you have printed an Edition of Charlotte Temple. This is so contrary to the custom of the Trade that I did not suspect you would fall into the error. In place of

⁴³⁰ I would like to thank James Green for calling this letter to my attention. He credits Camryn Hansen for calling it to his.

⁴³¹ Mathew Carey, "Letter to Mathew Carey, 19 May 1794" in *Lea and Febiger Records Collection 227B* (Philadelphia: Historical Society of Pennsylvania).

⁴³² And Rowson seemed to understand rather quickly the benefits of securing copyright. After *Charlotte Temple*, she secured the copyright for her subsequent literary productions—*Slaves in Algiers or a Struggle for Freedom a Play* (1794), *Trials of the Human Heart A Novel in Four Parts* (1795), and *The Little Sailor Boy* (1798) (Gilreath, ed. *Federal Copyright Records, 1790-1800*, 22, 27, 55.).

Pilgrims Progress or any thing else you have, I should wish to take the whole Edition of Charlotte.⁴³³

When Carey does not hear back from William Morse immediately, he writes again: “I feel extremely desirous of an answer to that part of my last letter that respects Charlotte Temple. I had proposed for another Edition previous to the information that you had printed one; and have suspended all proceeding till I hear from you on the subject.”⁴³⁴

Full of contrition, William Morse responds a few weeks later:

In printing the edition of Charlotte Temple, if I have committed any trespass upon the rules of the Trade, I must excuse myself as being ignorant of the game. It was a Book I had been much enquired of for and having a copy in the House I sat it in the press and printed 1,000 copies of it; the whole remains of which I have forwarded to you, except some imperfections, from which I might possibly complete 40 copies. . . . I hope to be in your City about four weeks from this time, at which time you may expect the Geography.⁴³⁵

By asking William Morse to send all of his editions of the reprint, Carey is struggling to keep a hold on his waning monopoly on the book. John Babcock had already reprinted it in 1801 in Hartford, but there are no known extant letters between Carey and Babcock.

⁴³³ Mathew Carey, “Letter to William Morse, 3 February 1802” in *Lea and Febiger Records Collection 227B* (Philadelphia: Historical Society of Pennsylvania).

⁴³⁴ Ibid., “Letter to William Morse, 25 February 1802” in *Lea and Febiger Records Collection 227B* (Philadelphia: Historical Society of Pennsylvania).

⁴³⁵ William Morse, “Letter to Mathew Carey, 26 March 1802” in *Lea and Febiger Records Collection 227B* (Philadelphia: Historical Society of Pennsylvania).

Presumably, Carey does not berate him in the way he does William Morse simply because he does not know him. Soon *Charlotte Temple* would be reprinted all along the eastern seaboard, and Carey could no longer to make any claim to it as he did in his letters to William Morse.

Morse's reaction to Carey speaks to Carey's position as a rising powerhouse in the early American book trade; William Morse did not want to offend a man who could potentially send so much work his way in the years ahead. As an author and bookseller, Carey rose to this position in the 1790s through his careful negotiations and, at times, rather shrewd dealings, with fellow booksellers and authors. In the decades ahead, booksellers would increasingly work with and through federal copyright law as they competed for positions as America's most important and most lucrative booksellers.

The gentlemen's agreements that Carey had with both Morses did not fade from practice, however. And the Jones and Allen incident brings into stark relief the importance of these arrangements. The federal copyright law would, in many ways, level the playing field—any U.S. “resident,” as the law stipulates, could claim copyright. As Carey's dealings with the Morses illustrate, however, claiming copy-right depended on one's social and professional stature; it was still a “gentlemen's agreement,” and even in Philadelphia, black men and women were not yet considered of such social stature. Jones and Allen are looking for more than the recognition that legal equality would offer them. And they exercised their right collectively, two voices that, as religious leaders, were also speaking on behalf of their community. They offer another model of sovereignty, then—

one that is not subject based, but that is instead based in collectivity, in their community. Carey abandons this mode of authorship in his yellow fever pamphlets. In so doing, he leaves behind the collective spirit so valued by the “republican virtue” he espoused as a young man in Dublin, for an entrepreneurial, capitalist model of citizenship that rewards individualistic claims to property and profit.

Conclusion

In 1787, Mathew Carey published an appeal of manumitted Bostonian Belinda, “Petition of an African Slave, to the Legislature of Massachusetts,” in his *American Museum, or Repository of Ancient and Modern Fugitive Pieces, Prose and Poetical*. In her plea for reparation for her years of labor under slavery, Belinda tells her story in the third person, briefly describing her captivity in Africa, her Middle Passage experience, and her fifty years of service to Isaac Royall of Medford, Massachusetts.⁴³⁶ During her years of enslavement, “never had she a moment at her own disposal,” and yet, despite her service to Royall, Belinda had been cast off his estate with nothing. A loyalist, Royall abandoned his property when the Revolution began: “the cause of freedom compelled her master to fly” to England, “a land where lawless dominion sits enthroned.” Eventually, the new Republic seized his estate. Belinda moved to Boston, but as she was now too old to seek gainful employment, she had no way to support herself or her infirmed daughter, Prine. Despite her years of service on the Royall estate and the fact that she was now “a free moral agent,” the laws “rendered her incapable of receiving property.” In this appeal, she asks the legislators to recognize her status as a free subject by granting her an allowance from Royall’s accumulated wealth.

⁴³⁶ Roy Finkenbine concludes: “The document must have been drafted with the assistance of an amanuensis who likely crafted the lion's share of its specific language. Two reasons prompt this conclusion. First, Belinda was almost certainly illiterate. In the 1783 petition and two later ones that bear her name, her authorship is merely indicated by her mark, an X. Second, the style of language used in the document suggests that it was penned by a person familiar with other petitions that had gone to the Massachusetts legislature. The likely party is Prince Hall, the most prominent African American activist in Revolution-era Boston”(Roy E. Finkenbine, "Belinda's Petition: Reparations for Slavery in Revolutionary Massachusetts," *The William and Mary Quarterly* 64, no. 1 (2007): 101).

Belinda's appeal is rhetorically effective not only because of its descriptions of Edenic Africa, of the horrors of the Middle Passage, and of the hardships of slavery, but also because she employs the language members of the new nation had recently mobilized against the English in demanding their own freedom. She writes: "Fifty years her faithful hands have been compelled to ignoble servitude for the benefit of an Isaac Royall, until, as if nations must be agitated, and the world convulsed, for the preservation of that freedom, which the Almighty Father intended for all the human race, the present war commenced." Once the Revolution began, Royall left for England, "where lawless dominion sits enthroned, pouring blood and vengeance on all who dare to be free."⁴³⁷ Belinda compares her plight to the one that had recently plagued the very legislators to whom she appeals. She tells her republican audience that she too is a subject in need of liberation, a subject whose primary obstacle to that emancipation is the right to own and protect the property—that is, a retirement fund—she earned through years of hard labor. Belinda toiled for fifty years under Royall, and yet as a slave, she did not own that labor. Royall was the first to deprive her of this right to the fruits of her labor, but now by restricting her right to own property, these legislators are figured as equally culpable, risking making Massachusetts (and by extension the United States) a land like England, "where lawless dominion sits enthroned." Belinda's petition asks: Are you, the Massachusetts legislator, going to do to me what you just fought a bloody revolution to get the English to stop doing to you?

⁴³⁷ Belinda, "Petition of an African Slave, to the Legislature of Massachusetts," *The American Museum, or Repository of Ancient and Modern Fugitive Pieces, Prose and Poetical* 1, no. 6 (1787).

Belinda's case foregrounds the question of what the relationship between recently emancipated slaves and property would be in the new nation. By reprinting Belinda's petition, Carey clearly supported Belinda's cause in the courts, and yet, as we have seen in his dealings with Jones and Allen, he was not entirely comfortable with African Americans competing in the social and economic grounds of early America. This inconsistency in Carey's character reminds us of the different types of equality on which the rights of citizenship depend. And it is also worth remembering how often booksellers, including Carey, invoke the rhetoric of slavery in their pleas for equal property rights under the law. We saw such rhetoric first in Swift's "cruel" and "absolute Oppressions,"⁴³⁸ and then much more explicitly in Robert Bell's advertisement attached to Alexander Donaldson's pamphlet, in Carey's advertisement attached to his pamphlet on the Penal Laws, and in Henry Home's speech in the House of Lords in *Donaldson v. Becket*. And, yet, the comparison between unjust laws limiting booksellers and slaves is clearly limited. Belinda strives to survive; these booksellers strive to prosper. Beyond the fact that these white men are far better off than Belinda, who finds herself utterly destitute after 50 years of labor, the property that they seek is less tangible, less definable than the right to a retirement fund that Belinda seeks. And, yet, they both look to own and therefore benefit from the fruits of their labor, the commodities produced through their toil.

⁴³⁸ Jonathan Swift, "Letter to Benjamin Motte 25 May 1736," in *Correspondence*, ed. Harold Williams (Oxford: Clarendon Press, 1963), 493.

What the author toils to produce is the most abstract of entities; the sheets of paper that contain his or her ideas are, in a sense, stand-ins for the intellectual labor that produced those sheets. They are also, of course, the result of the physical labor of typesetters, printers, and binders. In other words, literary property is an abstraction, but it exists insofar as it is able to be reified into type, ink, and ultimately paper. If books are more than “certain sheets of paper, bound in leather,”⁴³⁹ if they do in fact “preserve as in a vial the purest extraction of that living intellect that bred them,”⁴⁴⁰ then they are a technology that has a value beyond its immediate materiality. They are commodities that both manifest and represent value, and that value has a peculiar spirit, for in the period that spirit became increasingly individualized, and yet, all those involved in the production of the book still strove to prosper in the trade of books.

Ultimately, however, my point is not to show the cultural value of books, but to show how considering that value as it has been constructed in the legal and literary landscapes might help us to reposition the work of book history. The history of copyright negotiations in the eighteenth-century transatlantic world is a space in which identity and materialism productively collide. The cases I have examined show that battles tied to authorship, in both legal and cultural landscapes, refract those fought over the “moral [agency]” that comes with citizenship and with establishing oneself as a viable force in the international marketplace created by empire. In my first three chapters, I traced this

⁴³⁹ Jonathan Swift, *A Tale of a Tub*, ed. A.C. Guthkelch and D. Nichol Smith (Oxford: Clarendon Press, 1704; reprint, 1920), 214.

⁴⁴⁰ John Milton, *Areopagitica; a Speech of Mr. John Milton for the Liberty of Unlicenc'd Printing, to the Parliament of England* (London 1644).

force emerging in the work of canonically-recognized authors of the period, showing that they were deeply engaged and invested in the booksellers' constructions of authorship in their given locales. In the fourth chapter, my pairing of a literary figure and a bookseller fused into the study of Mathew Carey. Carey has long been studied as a stalwart of early printing in the United States, but I hope that by placing his works as a pamphleteer next to these canonical authors, I have found one way to demonstrate that the work of the author and the bookseller in the period were not nearly as separate as they have been imagined to be. Carey offers final testimony to one of my central contentions throughout this dissertation—that is, the identities we should associate with a given literary production in the period are in fact unstable and full of “ungovernable differences.”⁴⁴¹

Historians of writing technology such as Adrian Johns and Lisa Maruca argue that authors and booksellers' co-dependence was foundational to print production. Jody Greene contends that, in the spirit of Foucault, authorship was a cultural fantasy legally manifested to control print production; the romanticized notion of authorship grew out of the switch from state to market regulation of the press. From the eighteenth century onward then, the agency that comes with authorship is essentially a form of interpellation, and the romantic notion of authorship that grows out of this legal apparatus downplays, but can never completely erase the co-dependence of individuals, institutions, and writing technology in the creation of print media. Book historians of the last few decades have done a lot of archival mining to uncover that co-dependence, and, I would

⁴⁴¹ Helen Deutsch, *Loving Dr. Johnson* (Chicago: University of Chicago Press, 2005), 45.

argue, digital media compliments our work because it offers us a chance to re-see and to re-cognize this co-dependence that has been there all along. A sociohistorical understanding of authorship, one which understands the “protagonists of print” as not limited to authors, allows us to see the multiple players who make authorship possible. This perspective on book production will invariably lead to a kind of book history that considers those “protagonists of print” to be far more varied than the canonical authors whom we might associate with a given period, and I hope that future work in the field will continue to mine the liminal figures such as George Faulkner, Alexander Donaldson, Robert Bell, Absalom Jones, and Richard Allen whom I have highlighted here.

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