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COVER ILLUSTRATION: Emma Goldman, c. 1924, in England. *Philadelphia Record Photograph Collection*. Goldman had been deported to Russia from the United States in 1919, and two years later she fled Russia, having lost any hope in the Bolsheviks. In this issue, Bill Lynskey examines Goldman's earlier confrontations with Philadelphia authorities over her right to free speech in his article, "'I shall speak in Philadelphia': Emma Goldman and the Free Speech League."

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In Memory

WHITFIELD JENKS BELL JR., executive officer of the American Philosophical Society from 1977 to 1983, died at Carlisle, Pennsylvania, on January 2, 2009. For more than half a century, as a scholar and administrator, he exerted a significant influence on historical scholarship in the United States.

Born on December 3, 1914, in Newburgh, New York, he spent his boyhood in New Jersey and the Philadelphia suburbs, graduating from Lower Merion High School in 1931. Bell was from the start a voracious reader and history enthusiast. Inspired by the boys' novels of Everett Tomlinson, at age thirteen he wrote a history of the American Revolution—and soon thereafter destroyed the manuscript. It was, he later observed with his characteristic self-deprecating wit, "the only example of critical good sense I ever showed."

Bell completed his undergraduate degree at Dickinson College, where he excelled in his studies, was active socially, and became a prolific writer for college publications. After a brief foray into the law, he turned to history, earning a PhD under Richard Shryock at the University of Pennsylvania. His dissertation, "Science and Humanity in Franklin's Philadelphia," was never published but was widely respected and often cited.

Only two years into his graduate studies Bell returned to Dickinson to teach part time. He remained there through 1953, save for service in Europe with the American Field Service during World War II. Rejected for bad eyesight, Bell was determined to play his part in the war. His experiences as a carrier of wounded soldiers in Italy and at the Bergen-

Belsen concentration camp would remain a vivid memory.

From the outset of his academic career, Bell wrote widely on historical topics, mostly, though not exclusively, on early American science, medicine, natural history, and the multifaceted Benjamin Franklin. He was a mainstay at scholarly conferences in his field, delivering numerous papers, after-dinner speeches, and formal addresses to a wide range of audiences. His productivity earned him rapid promotion at Dickinson and the Boyd Lee Spahr Chair, which he resigned as he grew increasingly frustrated with the authoritarian governance of Dickinson president William W. Edel. During the 1953–54 academic year, Bell served as visiting editor of the *William and Mary Quarterly*. While in Williamsburg, he accepted an invitation to join the nascent Franklin Papers project. In New Haven, Bell worked closely with editor Leonard Labaree and a small but gifted staff. Based first in Philadelphia, then at Yale, Bell combed archives and exploited personal contacts to retrieve important Franklin documents. As a mainstay of the so-called "Franklin Factory," he established a high standard in transcribing and interpreting those documents.

In 1960, the American Philosophical Society beckoned Bell back to Philadelphia as its assistant librarian. There he stayed for the rest of his professional career. Bell gradually moved up the ranks to become librarian and executive officer. At the APS Bell secured important collections, among them papers of the great scientist Charles Darwin, expanded the physical facilities, and oversaw first-class public programs and publications. Among his most cherished collaborations with colleagues at other Philadelphia institutions was the curatorship of a bicentennial exhibit in 1976, complemented by a handsome catalog, *A Rising People*.

Throughout his years as an administrator at APS, Bell continued to write and edit at an astonishing pace. His overall corpus features more than 250 scholarly articles, essays, introductions, encyclopedia entries, prefaces, afterwards, and several books, including a well-regarded biography of Dr. John Morgan. In retirement Bell produced a three-volume biographical compendium focused on the early membership of the APS. Two volumes of *Patriot-Improvers* have so far appeared.

A modest and highly independent person, Bell had a special gift of friendship. All who knew Whit Bell will miss his warm humanity. Those who never met him can nonetheless be grateful for his efforts to promote humanistic scholarship over a long and fruitful life.

Gettysburg College MICHAEL J. BIRKNER
Franklin & Marshall College DAVID SCHUYLER

Pennsylvania, the Militia, and the Second Amendment

THERE IS PERHAPS NO ICON more mythic in the lore of the American Revolution than the Minuteman, the republican defender of liberty and symbol of American independence. Of course, veneration of the armed militia man is not just the product of modern scholars bent on laying claim to the original meaning of the Second Amendment. As the only colony without an established militia tradition, many Pennsylvanians before the Revolution believed that a state-sanctioned militia was the solution to several of the province's problems. The frontier violence of the French and Indian War and Pontiac's Rebellion galvanized a coalition of men who sought to establish a militia law that would demand military participation from every male citizen. This vision of civil society, which placed a premium on contributing to the common defense, pushed Pennsylvania into the Revolution and shaped its 1776 constitution and Declaration of Rights.[1] By the Revolution, pacifism had become untenable, and the Quaker Party and its followers saw their power wane as the province joined in open rebellion against the British Crown. In 1777, the new assembly passed Pennsylvania's first militia law, mandating that all men contribute to the common defense either through actual service or fines. This story, familiar to anyone who has studied Pennsylvania history, has more than just local significance. In fact, it recently captured the interest of the United States Supreme Court.[2]

[1] John Paul Selsam's aptly named study, *The Pennsylvania Constitution of 1776* (Philadelphia, 1936), is the only monograph to deal exclusively with the 1776 Frame of Government. See also Charles Lincoln, *The Revolutionary Moment in Pennsylvania, 1760–1776* (Philadelphia, 1901). Lincoln is not particularly interested in analyzing the 1776 constitution, but his study was the first to offer the idea of a dual revolution in western Pennsylvania against both Quaker and British authority that galvanized the movement to revolution in Pennsylvania.

[2] Pennsylvania has recently enjoyed some popularity in several noteworthy studies seeking to link its history with larger national themes. For example, see: Terry Bouton, *Taming Democracy: "The People," the Founders, and the Troubled Ending of the American Revolution* (New York, 2007); Patrick Griffin, *American Leviathan: Empire, Nation, and Revolutionary Frontier* (New York,

Since the Philadelphia press regularly and exhaustively discussed arms and the militia, Pennsylvania provides an excellent case study of eighteenth-century attitudes about these subjects—a fact not lost on Second Amendment scholars.[3] Competing interpretations of the militia and the right to bear arms recently came to a head before the Supreme Court in *District of Columbia v. Heller*, with Pennsylvania's history playing a key role in the Court's interpretation of the case, which questioned the constitutionality of Washington, DC's ban on handguns.[4] Numerous petitioners filed briefs invoking the original meaning of the Second Amendment.[5] Joseph Scarnati, president pro tempore of the Pennsylvania senate, filed an amicus brief arguing that "Pennsylvania's history informs any inquiry into the meaning of the Second Amendment of the United States Constitution." Moreover, he asserted that "Pennsylvania's history supports a conclusion that the Second Amendment protects an individual right to keep and bear arms for private purposes."[6] Scarnati's basic line of reasoning was that since the Quaker government refused to pass a viable militia law before its dissolution, Pennsylvanians enshrined an individual right to self-defense in the 1776 constitution "after seeing firsthand the fatal consequence of relying solely on government to protect public safety."[7] Unfortunately, Scarnati's conclusion is utterly unsubstantiated by historical evidence and shaped more by modern misconceptions and mythologies than actual historical research.

2007); and Matthew C. Ward, *Breaking the Backcountry: The Seven Years' War in Virginia and Pennsylvania, 1754–1765* (Pittsburgh, 2004).

[3] The Pennsylvania Declaration of Rights has long been a favorite of Second Amendment legal scholars. It has been cited in more law review articles pertaining to the right to bear arms than any other eighteenth-century state constitution written before the Bill of Rights.

[4] *District of Columbia v. Heller*, 128 S.Ct. 2783 (2008) (No. 07-290), is an appeal of the decision in *Parker v. District of Columbia*, 478 F.3d 370, 373 (D.C. Cir. 2007), in which the court ruled that Washington, DC's ban on handguns violates the Second Amendment. Oral arguments were heard on March 18, 2008, and the Court made its ruling on June 26, 2008.

[5] Second Amendment scholarship remains deeply originalist, even though legal scholars have questioned originalism's usefulness as a method of jurisprudence. For an overview of the legal debate on originalism, see Daniel A. Farber, "The Originalism Debate: A Guide for the Perplexed," *Ohio State Law Journal* 49 (1989): 1085–106. One of the best historical approaches to originalism is Jack Rakove's, *Original Meanings: Politics and Ideas in the Making of the Constitution* (New York, 1996).

[6] Brief for Joseph B. Scarnati, III, the President Pro Tempore of the Senate of Pennsylvania, as *Amicus Curiae* Supporting Respondent at 2 *District of Columbia v. Heller*, 128 S.Ct. 2783 (2008) (No. 07-290), http://www.scotusblog.com/wp/wp-content/uploads/2008/02/07-290_amicus_scarnati.pdf.

[7] Ibid., 1.

Scholars have contested the meaning of the Second Amendment, and an argument over the collective or individual character of the right to bear arms continues to dominate the literature. Was the Second Amendment meant to protect a state right to preserve the militia (the Collective Rights Model), or did it refer to an individual right to possess and carry guns for self-defense (the so-called Standard Model)?[8] To substantiate their claims about the federal Bill of Rights, scholars on both sides of the debate have looked to the precedents established in the militia clauses of state constitutions. Since Pennsylvanians were the first to codify a right to bear arms, their recognition of the "right of the people to bear arms in defense of themselves and the state" has garnered particular attention.[9] Indeed, Heller's own brief cites the Pennsylvania constitution to argue that "eighteenth-century constitutional drafters used 'bearing arms' in the individual sense."[10] For Heller, "defense of themselves" means self-defense, and so the right to bear arms protected in clause 13 must be individual.

Heller's interpretation relies on a selective reading of the 1776 constitution, ignoring the fact that the eighth clause provided protection for those "conscientiously scrupulous of bearing arms"—clearly a militia exemption.[11] To read "bearing arms" in an "individual sense" in this case

[8] The parameters of the modern debate are ably charted in Stuart Banner, "The Second Amendment, So Far," *Harvard Law Review* 117 (2004): 898–917. For differing interpretations of the republican origins of the Second Amendment, see Robert E. Shalhope, "The Armed Citizen in the Early Republic" and Lawrence Delbert Cress, "A Well-Regulated Militia: The Origins and Meaning of the Second Amendment," in *Whose Right to Bear Arms Did the Second Amendment Protect?* ed. Saul Cornell (Boston, 2000), 27–62. For a summary of the modern individual rights model see Glenn Harlan Reynolds, "A Critical Guide to the Second Amendment," *Tennessee Law Review* 62 (1995): 461–512.

[9] Individual rights scholars have taken their cue from Stephen A. Halbrook, "The Right to Bear Arms in the First State Bills of Rights: Pennsylvania, North Carolina, Vermont, and Massachusetts," *Vermont Law Review* 10 (1985): 255–320. Halbrook's interpretation that "defense of themselves" is synonymous with "self-defense" has gone unchallenged until now. Saul Cornell argues that "the Pennsylvania Declaration of Rights . . . had little to do with public concern over an individual right to keep arms for self-protection." See Cornell, *A Well-Regulated Militia: The Founding Fathers and the Origins of Gun Control in America* (New York, 2006), 22. Cornell's assertion is based on my dissertation, "For the Security and Protection of the Community" (PhD diss., Ohio State, 2005).

[10] Brief for Respondent at 12, *District of Columbia v. Heller* 128 S.Ct. 2783 (2008) (No. 07-290), http://www.gurapossessky.com/news/parker/documents/07-0290bs.pdf.

[11] The eighth clause of the Declaration of Rights adopted in 1776 reads: "That every member of society hath a right to be protected in the enjoyment of life, liberty and property, and therefore is bound to contribute his proportion towards the expense of that protection, and yield his personal service when necessary, or an equivalent thereto: But no part of a man's property can be justly taken from him, or applied to public uses, without his own consent, or that of his legal representatives: Nor can any man who is conscientiously scrupulous of bearing arms, be justly compelled thereto, if he will

would mean that the clause protected those who did not want to be forced to purchase, own, or physically carry firearms. It also renders nonsensical the demand that objectors "pay [an] equivalent" for the personal service. The first mistake Heller makes is to assume that "defense of themselves" is synonymous with personal self-defense. The second is to remove the concept of self-defense from the community context established by the preamble and various clauses of the Declaration of Rights. The third is not to review Pennsylvania's own history. What emerged in Pennsylvania between the start of the French and Indian War and the Revolution was a perception of personal and community self-defense that was tied to military mobilization. This is not to say that someone would be expected to call out the militia if his house were being robbed, but rather that true individual and collective security lay in a militia. If Pennsylvanians were going to defend themselves, then the government needed to bring coherence to the state's volunteer defense associations and compel service from every man.

One of the problems plaguing Second Amendment scholarship is a failure to contextualize sources, and perhaps nowhere is this truer than in the appropriation of Pennsylvania's history in the modern gun debate. In the *Heller* case, both the majority and minority opinions used Pennsylvania to make their point, and both sides had their history wrong. Justice Antonin Scalia, author of the majority opinion, looked to Pennsylvania's 1776 and 1790 constitutions as precedents to the Second Amendment. Both of these constitutions allowed men to "bear arms for the defense of themselves and the state," which Scalia interpreted to be an "individual [right] unconnected to militia service."[12] Justice Stevens did not disagree in his minority opinion, but rather used the Pennsylvania constitution as a contrast to the wording of the Second Amendment. "Had the Framers wished to expand the meaning of the phrase 'bear arms' to encompass civilian possession as use," he wrote, "they could have done so by the addition of phrases such as 'for the defense of themselves.'"[13] Such interpretations, however, require the Court to divorce individual gun ownership from the very reason the constitution guaranteed the right to bear arms in the first place. Stevens clearly did not understand that, in Pennsylvania, self-defense was tied to military action. As for Scalia, his

pay such equivalent, nor are the people bound by any laws, but such as they have in like manner assented to, for their common good."

[12] Majority Opinion, *Heller*, 128 S.Ct. at 2802.

[13] Minority Opinion (Stevens), *Heller*, 128 S.Ct. at 2828.

quest to prove that the right to bear arms was not restricted to collective military action caused him to disregard the collective responsibilities that came with that right. Indeed, one cannot separate the eighteenth-century conception of rights from its collective implications.

What Scarnati, Scalia, and many others who adhere to the so-called Standard Model have failed to realize is that by 1776 Pennsylvania sought *more* state regulation, not less. In fact, the one thing many Pennsylvanians desired was for the government to bring coherence to militia organization throughout the province and coerce all men to contribute to the common defense. What Pennsylvania's example also makes clear is that both the Standard and Collective Models are inadequate in explaining the eighteenth-century conception of rights and responsibilities. While those who adhere to an individual right to bear arms downplay the militia in favor of evidence of individual gun ownership and a natural right to self-defense, collective rightists focus on the states' right to regulate their militias and talk little of guns outside of a militia muster. Pennsylvania's history shows that we need not be so dichotomous in our thinking about guns during the Revolution. The right to bear arms was not exercised solely by the state or by individuals, but rather by citizens in an attempt to ensure public safety. Early attempts to regulate the militia clearly show that individual rights and collective responsibilities were enmeshed. Indeed, the individual right to bear arms was essential if men were to perform their duty of militia service.[14]

The language of safety and defense that pervaded the 1776 constitution was in part the result of an ideology shaped during the French and Indian War as the province's disparate members battled over the passage of a militia law.[15] A comprehensive survey of surviving colonial newspa-

[14] Saul Cornell has called this the Civic Rights Model. See *Well-Regulated Militia*.

[15] Historians have debated the cause of Pennsylvania's inadequate defense, namely, whether it was Quaker pacifism or Proprietary obstinacy. See Robert L. Davidson, *War Comes to Quaker Pennsylvania, 1682–1756* (New York, 1957) and Ralph L. Ketcham, "Conscience, War, and Politics in Pennsylvania, 1755–1757," *William and Mary Quarterly*, 3rd ser., 20 (1963): 416–39. I do not wish to discount the impact of religion, ethnicity, class, and race on Pennsylvania's colonial history, but rather wish to shift the focus to constitutional concerns. Westerners did not oppose the Quakers because of doctrinal differences per se, but because those differences compromised their constitutional guarantee of safety. See Owen S. Ireland, *Religion, Ethnicity, and Politics: Ratifying the Constitution in Pennsylvania* (University Park, PA, 1995) for an ethnoreligious interpretation of the ratification of the federal Constitution in Pennsylvania. Steven Rosswurm argues that the evidence for ethnoreligious studies consist "almost entirely of an analysis of the assembly's membership roll-call divisions and random quotes from the 1750s to the 1790s, [and] is so weak that one hesitates to call the ethnic-religious argument an interpretation." See Rosswurm, *Arms, Country, and Class: The*

pers, pamphlets, and legislative debates reveals that Pennsylvanians were less concerned with an individual right to bear arms than they were with the responsibility of the provincial government to enable them to protect themselves on the frontier.[16] Moreover, they were not simply interested in protecting the state. The impulse driving Pennsylvanians was strongly tied to a community-based understanding of self-defense that was galvanized by the lack of a state militia and forged in the frontier violence of the 1750s and 1760s. If we are to understand arms-bearing and the militia in revolutionary Pennsylvania, we must first understand the years prior to 1776.

Two interrelated concerns dominated colonial Pennsylvania politics: how to negotiate successfully with local native tribes and how best to secure the frontier when negotiations broke down. Central to these debates was a call for a militia law, particularly from those in the West but also from sympathetic easterners who saw a coherent militia as essential to the peoples' security. As British subjects, frontiersmen insisted that the assembly meet its basic constitutional obligation to provide for their safety.[17] The assembly's failure to prevent Indian incursions on the frontier between 1754 and 1758 led many to question the legitimacy of Quaker rule.[18] Of course, the debate over a militia had begun long before the 1750s, but the escalating violence of the French and Indian War fostered a reactive constitutional ideology that valued physical protection and community safety.[19] To provide that safety, many earlier governors had struggled with the Quaker-dominated assembly to provide a militia, particularly when relations with France soured. For example, in response to the growing

Philadelphia Militia and "Lower Sort" during the American Revolution, 1775–1783 (New Brunswick, NJ, 1987), 4.

[16] Pennsylvania's legislative records are now available online at http://www.footnote.org. Pennsylvania's newspapers are also available in hard copy at the Library Company of Philadelphia and the Historical Society of Pennsylvania and online through Readex's Archive of Americana database, http://www.readex.com, subscription required.

[17] For more on Scotch Irish appeals to the right to life and property as British subjects, see Patrick Griffin, *The People with No Name: Ireland's Ulster Scots, America's Scots Irish, and the Creation of a British Atlantic World, 1689–1764* (Princeton, NJ, 2001), 157–73.

[18] According to John Phillip Reid, colonists believed that they were protected under the second original contract, which guaranteed that if they remained loyal to the king, they would receive protection and enjoy all the rights and privileges of freeborn Englishmen. See John Phillip Reid, *Constitutional History of the American Revolution*, abridged ed. (Madison, WI, 1995), 18. Reid also offers a persuasive argument that the Revolution was primarily a crisis in constitutionalism.

[19] By "reactive" I don't mean to imply that it was new, but rather that it was a reaction to Quaker policies. The constitutional guarantee of safety and protection was well established in English law by the time of the Revolution.

hostilities between natives and white settlers, Governor Patrick Gordon (1726–36) issued a proclamation in 1728 requiring all British subjects in Pennsylvania to "be at all times duly furnish'd with suitable Arms & Ammunition for their Defence, to be used in case of real Necessity by the order & Direction of proper Officers, who shall be duly appointed for that Purpose." For Gordon, self-defense was associated with regulated communal defense, and he further instructed Pennsylvanians to "fail not to appear with [arms] in proper Time & Place, if there should be Occasion to use them, in Defense of themselves, their Families & Country."[20]

With the start of King George's War in 1744, Governor George Thomas (1738–47) considered it "absolutely necessary, that a Militia should be formed . . . for the Defense of this Province." Asserting his executive authority, he offered Justice of the Peace William Moore a commission as colonel of the Chester militia and asked him to recommend other qualified men to act as militia officers. Together, Thomas expected these men to make a list of "all the Inhabitants capable to bear Arms," organize them into companies, and then "Exercise both Officers and Soldiers" no more than six times a year.[21] Moore thanked the governor for his consideration, but warned him that his plan for a coherent militia would be greatly frustrated since "the Inhabitants very well know we have no Militia Law and that they are in no manner obliged to obey the Command of the Officers."[22] Moore believed that all men should contribute to the common defense, a position he maintained even more vigorously a decade later with the outbreak of the French and Indian War. In a 1755 petition to the assembly, he argued that if certain men would not defend their fellow citizens because of religious conscience, then they should relinquish their seats to men who would do their duty as elected officials. Conscious of the rift between the governor and assembly, Moore asked that the house "not keep up unnecessary Disputes with the Governor, nor, by Reason of their religious Scruples, longer neglect the Defence of the Province."[23]

Moore was not alone in his quest for an effective militia law, nor were

[20] "A Proclamation," May 16, 1728, in *Colonial Records of Pennsylvania*, ed. Samuel Hazard, 16 vols. (Philadelphia, 1838–53), 3:308.

[21] George Thomas to William Moore, Oct. 5, 1744, Cadwalader Collection, Phineas Bond Papers, ser. V, box 24, Historical Society of Pennsylvania.

[22] William Moore to George Thomas, Oct. 25, 1744, Cadwalader Collection, Phineas Bond Papers, ser. V, box 24.

[23] "A Petition of William Moore, and Thirty-five others," Nov. 5, 1755, in *Pennsylvania Archives*, 9 ser., 120 vols. (Philadelphia and Harrisburg, 1852–1935), 8th ser., 5:4099.

those who petitioned the assembly strictly from the western reaches of the province. The issue of safety forged East-West alliances between those who supported a militia bill and those who did not. Often, these alliances were not conscious or part of an organized plan to push the assembly to action, but rather were ad hoc reactions to Quaker policies. And so, on the heels of Moore's petition came a message from William Plumsted, mayor of Philadelphia, and 133 men from the city asking the assembly for "Compassion for our bleeding and suffering Fellow-Subjects" and offering to "publicly join our Names to the Number of those who are requesting you to pass a [militia] Law." Plumsted's petition underscored the government's responsibility to help organize a militia for the common defense. "It is highly unjust to think that the Burden of Defence should fall upon individuals," the petitioners argued, "when the Design of Government is, to obtain general Security by a general Union of the Force of individuals."[24] Individuals needed arms and a coherent militia structure, but they should not be expected to undertake their own defense without any help from the government. Indeed, Plumsted considered it a "Subversion of the very End of Government to deny that *legal* Protection to the Governed." In a second petition, Plumsted asserted that "a well-regulated Militia has always been found the Surest & least expensive Method of defence," and he again begged the assembly to give "that legal protection to your Bleeding Country."[25]

For many Pennsylvanians, the "defense of themselves" lay in a coherent militia. As Governor James Hamilton (1748–54) told the assembly, a great number of men in Lancaster County had "in the most earnest manner petitioned [him] to provide for their Protection," assuring him that "a great Number would be warm and Active in Defence of themselves and their Country were they enabled so to be by being supplied with Arms and Ammunition, which many of them are unable to purchase at their own private Expence." Hamilton pressed the house to "provide such Means for the Security of the Whole" province.[26] With the lack of an

[24] "A Representation to the General Assembly of the Province of Pennsylvania, by several of the principal Inhabitants of the City of Philadelphia," Nov. 12, 1755, in *Pennsylvania Archives*, 8th ser., 5:4116.

[25] "A Remonstrance by the Mayor, Aldermen and Common-Council of the City of Philadelphia," Nov. 24, 1755, in *Pennsylvania Archives*, 8th ser., 5:4152.

[26] "Speech to the Assembly Concerning the Affairs of the Province," in *Pennsylvania Archives*, 4th ser., 2:290. Sensible to the dangers of being on the frontier, the petitioners asked the government to "put Us in a Condition that We may be able to defend Ourselves," guaranteeing in return that they would do their part to "join with all that We can do for the Safety of the Province." See "Petition of

organized militia, Pennsylvania residents banded together for their own protection. As the *New York Mercury* reported, "the people on the west side of the Susquehanna . . . are gathering together to defend themselves."[27] Citizens in Carlisle entered into an association on July 12, 1755, for their "mutual Defense," promising to keep "Night Watch or Guard, within the limits of Carlisle" and to "Continue so long as it seemeth necessary to the majority of Us."[28] A precedent for such voluntary military associations had been set as early as 1747 during King George's War, when Benjamin Franklin drafted a charter for a militia association so that Pennsylvanians could "undertake their own defense"; many counties followed Lancaster's example.[29] Yet, many considered such voluntary associations unsatisfactory because they placed the burden of defense on the few for the benefit of the many, and scattered local response was often no match for the invading French and Indians.

Although the people on the frontier formed local militia units and defense associations in response to Indian incursions, they looked to the provincial government for supplies and leadership. For example, a 1755 petition from Bucks County asked the assembly for "a Supply of Arms and Ammunition, and that some Method may be fallen upon to enable the Inhabitants to distinguish our friendly Indians from others."[30] When Robert Hunter Morris replaced James Hamilton as governor in October 1755, he struggled with the assembly to supply people in the West with the arms they desired. In his first address to the house, Morris pleaded with the members to help the inhabitants of the back counties. While the assembly and governor argued, a petition from York County arrived claiming that there were many in that county willing to enlist in a militia and "bear Arms for the Defence of the Frontiers . . . if they had any Assurance of Arms, Ammunition, and reasonable Pay."[31] The petitioners

the Inhabitants of Donegal, in Lancaster County, to the Governor," in *Colonial Records of Pennsylvania*, 6:131.

[27] *New York Mercury*, Aug. 4, 1755.

[28] "For Our Mutual Defense," in *Two Hundred Years in Cumberland County: A Collection of Documents and Pictures Illustrating Two Centuries of Life in Pennsylvania*, ed. D. W. Thompson et al. (Carlisle, PA, 1951), 24–25.

[29] As quoted in Gordon S. Wood, *The Americanization of Benjamin Franklin* (New York, 2004), 55.

[30] "A Petition from divers Inhabitants of the Townships of Tinnecom, Nocamixon, and Springfield in the County of Bucks," Nov. 6, 1755, in *Pennsylvania Archives*, 8th ser., 5:4101.

[31] "A Petition from sundry Inhabitants of the Town and County of York," Nov. 3, 1755, in *Pennsylvania Archives*, 8th ser., 5:4096.

explained that three-quarters of them had no guns or ammunition and lacked any cohesive military leadership. In other words, the people wanted a well-supplied and well-regulated militia.

The violence of the French and Indian War was unlike anything many Pennsylvanians had ever seen, and it strengthened the impulse for a government-regulated militia that would provide for the common defense. Reports from the Moravians in Bethlehem told of "six hundred men, women, and children" seeking "relief in their wants and nakedness; many of them having had their houses, barns, cattle, and all burnt and destroyed by the savages and just having saved their life."[32] Likewise, nearby Nazareth saw an influx of over three hundred refugees by late 1755. The town's chroniclers wrote that "Columns of rising smoke at different points along the horizon, mark the course of the savages who roamed within four miles of our settlements. We got news that the savages had devistated not only on the other side, but also on this side of the mountains,—burning and murdering."[33]

The question of how to provide adequate defense dominated public debate throughout the 1750s. "Our Accounts, in general, from the Frontiers, are most dismal," lamented the *Pennsylvania Gazette*, "all agreeing that some of the Inhabitants . . . are [not] able to defend themselves."[34] One anonymous writer railed against the assembly for not protecting the frontier settlers, observing that the French were "daily plundering our back inhabitants, and spoiling and laying waste to our borders." Indeed, the author argued, it was "high Time to look 'round us, and unite as with one Voice to elect such Men as are able and willing to defend themselves and Country from so violent an Enemy."[35] A like-minded essayist joined the critique of the assembly's inadequacy to arm the frontier: "I may venture to say, without the Gift of Prophecy," he argued, "that those among us, who are desirous to choose such Members, as would be willing to pay a proper Regard to the Orders of His Majesty in this critical Conjuncture, would be willing to vote Money to supply the

[32] "Joseph Powell's Account of the Benefactions Received and His Distribution Thereof amongst the Poor Distressed Back Inhabitants," June 10, 1757, Historical Society of Pennsylvania.

[33] "Six Months on the Frontier of Northampton County, Penna., during the Indian War, October 1755–June 1756," *Pennsylvania Magazine of History and Biography* 39 (1915): 351.

[34] *Pennsylvania Gazette*, Sept. 8, 1757.

[35] *Pennsylvania Gazette*, Sept. 19, 1754. This is one of the first formulations of collective self-defense in terms similar to those eventually incorporated into the Pennsylvania Declaration of Rights.

Back inhabitants with Arms."[36]

It becomes clear in these exchanges between petitioners, the governor, and the assembly that many Pennsylvanians felt they could best defend themselves with arms and leadership provided by the government. The demand for the assembly to supply arms for those who had none pervades these frontier petitions, complicating the image of a well-armed America and utterly undermining the notion that Pennsylvanians shunned government regulation of arms.[37] Petitioners from Lancaster complained that while they were "being invaded by a cruel and formidable Enemy," the people were "neither provided with Arms or Ammunition, nor under any Kind of Discipline." In a sentiment that would later pervade the provisions of the 1776 constitution, the petitioners asked that the government put those "who are willing to defend themselves and Country into a proper Condition for Defence, and oblige such who are principled against appearing in Arms to contribute towards enabling those to do it who are not so principled."[38] As Timothy Horsfield wrote to Governor Morris from Bethlehem, "Men are enough to be had, who appear willing to go in Defence of themselves & country, but being under no Command, & not having Persons of Skill & Judgment to Order & Dispose them, I Expect little or no Service to be done by them."[39] Governor Morris in turn lamented that "I have no arms or I should willingly supply those that want, and are willing to use 'em in defence of themselves and their country."[40] Eventually, Morris was able to secure fifty barrels of gun powder from General William Shirley, who gave him permission to distribute it as necessary to those "employ'd in Defence of the King's lands."[41]

With a pacifist assembly and a proprietor unwilling to tax his own estate to raise money for a militia, governors were left with very little room to maneuver. Often, they granted commissions to voluntary defense associations, a gesture that gave such associations legitimacy, but one that

[36] *Pennsylvania Gazette*, Sept. 26, 1754.

[37] This is not to say that Pennsylvanians had few guns in general, but that they lacked the firearms prescribed for militia duty.

[38] "A Petition from the Inhabitants of Donnegall, in Lancaster County," in *Pennsylvania Archives*, 8th ser., 5:3724.

[39] Timothy Horsfield to Gov. Morris, Nov. 26, 1755, in *Pennsylvania Archives,* 1st ser., 2:523.

[40] Gov. Morris to Mr. Samuel Robinson, Nov. 11, 1755, in *Pennsylvania Archives*, 1st ser., 2:480.

[41] Gen. Shirley to Gov. Morris, Nov. 19, 1755, in *Pennsylvania Archives*, 1st ser ., 2:502. Morris had written to Shirley claiming that men on the frontier were "in want of Ammunition requisite for defending themselves," but that he did not expect the assembly to "provide the necessary supplies for them in time."

did not commit any public funds to their cause. Under a governor's commission, men in Bethlehem established a five-person night watch in 1757 "for the Defence of themselves and neighbours," but they raised all arms at private cost.[42] Indeed, pressure from the frontier and from officials in London to establish and regulate a militia caused no small amount of bad blood between Pennsylvania's governors and assembly in the years preceding the Revolution. "I am clear of opinion," wrote Governor Morris, "that this Province cannot be properly defended till measures are taken to exclude from the Legislature a set of men who Either are, or pretend to be, principled against defending themselves and their Country."[43] Indeed, it was this very sentiment, that pacifism was antithetical to the ends of government, that shaped one of Pennsylvania's most explosive events—the Paxton Riots.

Frontier discontent in Pennsylvania reached its boiling point late in 1763 when the so-called Paxton Boys massacred the Indians at Conestoga Manor and then marched fully armed to Philadelphia in early 1764 to air their grievances before the governor. More than just an attack of the West on the East, or the Presbyterians on the Quakers, the actions of the Paxton Boys brought the province's legal and civil structure into question. Indeed, the primary root of the Paxton Boys' discontent was constitutional—namely that the government had failed to protect the natural rights of its citizens and had instead given protection to "enemy" Indians. The riots, which ended without bloodshed, produced two important documents, a "Declaration" and "Remonstrance," that reveal the frontier perception of legitimate political authority in civil society. The Paxtonians were frustrated with the inherent unfairness of the system of determining representation in the assembly because it favored the eastern counties and Philadelphia over the West. Those sympathetic to the Paxtonian cause and concerned about adequate defense felt that, if the West could elect more representatives, the Quaker party would be outnumbered and a militia law would succeed. Since men in political society deferred their natural right to protect themselves and their property to their representatives, it was imperative that those representatives have an equal voice.[44] As the Paxton Boys remonstrated, they had "an indisputable

[42] "Alteration in the Returns of the United Brethren residing in Bethlehem," July 26, 1757, in *Pennsylvania Archives*, 1st ser., 3:243.

[43] Gov. Morris to Earl of Halifax, Nov. 28, 1755, in *Pennsylvania Archives*, 1st ser., 2:528.

[44] This is not to say that men had no natural right to self-defense, but that lethal responses to threats were regulated. The accepted standard came from Blackstone, i.e., that one's back had to be

Title to the same Privileges and Immunities with his Majesty's other subjects."[45] Seeking to assert their status as full citizens, the Paxtonians defined themselves against the savagery of the Indians. Surely, they reasoned, their own government would protect their liberties, not those of the Indians. If not, the very foundation of civil society was unstable. For the Quakers, who accepted a more pluralistic and permeable view of civil society based on negotiation and alliance, the Paxton Riots were a clear assault on the peace and order they had helped create in Pennsylvania since its inception. Such violence, however, was indicative of the white, militaristic, and increasingly exclusive vision of civil society growing in the backcountry.[46]

The barrage of pamphlets that circulated in Philadelphia following the riots prompted the Paxton Boys to issue an "Apology" that explained the constitutional reasons for their expedition. In language that would be echoed in the 1776 Declaration of Rights, the "Apology" noted that "the far greater part of our Assembly were Quakers, some of whom made light of our Sufferings & plead Conscience, so that they could neither take Arms in *Defense of themselves or their Country*."[47] Such actions stood in stark contrast to the few Quakers who actually bore arms during the Paxton Riots by joining the militia that had quickly mustered to protect the city. It seemed a fundamental hypocrisy that Quakers would deny the means of defense to the frontier but rush to arms when their own lives were in danger.

Although the assembly dismissed the Paxton Boys' *Remonstrance*, the battle to demand militia service from all male citizens was far from over. On March 23, 1764, a petition signed by over twelve hundred inhabitants of Cumberland County arrived at the State House. Complaining that a

against the wall before lethal force could be used. One of the complaints against the Paxton Boys was that they took the law into their own hands and killed the Indians in Conestoga Manor without due process of law. If the Indians were indeed guilty of murder on the frontier, as the Paxton Boys claimed, then punishment would be meted out by the court.

[45] Matthew Smith and James Gibson, *A Declaration and Remonstrance of the Distressed and Bleeding Frontier Inhabitants of the Province of Pennsylvania Presented by Them to the Honourable Governor and Assembly of the Province, Shewing the Causes of their Late Discontent and Uneasiness and the Grievances Under Which they have Laboured, and Which They Humbly Pray to have Redress'd*, in *The Paxton Papers*, ed. John Raine Dunbar (The Hague, 1957), 105–6.

[46] As John J. Smolenski argues, the vision of public order and citizenship that emerged in the backcountry by 1764 was "martial, white, masculine, [and] virulently anti-Quaker." See Smolenski, "Friends and Strangers: Religion, Diversity, and the Ordering of Public Life in Colonial Pennsylvania, 1681–1764" (PhD diss., University of Pennsylvania, 2001).

[47] "The Apology of the Paxton Volunteers," in *Paxton Papers*, 187. Emphasis added.

"barbarous and savage Enemy" had driven many frontier inhabitants from their homes, the petitioners asked the assembly to pass a militia law that would oblige "all his Majesty's Subjects, who have Life and Property at Stake, to appear in Defence thereof." For these petitioners, any suggestion that Quakers could be exempt from militia duty was repulsive, especially since the Quakers had "the greatest Share in Government." They claimed that what lay at "the Bottom of all their Grievances" and was "the Source of all their Sufferings" was the lack of fair representation for western counties in the assembly. In conclusion, they asked that the assembly "restore to the Frontier Counties their Rights, of which they have been so long deprived."[48] The very next day the assembly passed twenty-six resolves criticizing the proprietary government and asking that a royal governor be installed in its stead. The assembly placed the blame for poor defense on the proprietors who would not permit Pennsylvanians to "raise Money for their Defence, unless the Proprietary arbitrary Will and Pleasure [was] complied with." Indeed, if the "natural Course of human Affairs" was a reliable guide, proprietary power would soon become absolute and thus a danger "to the Liberties of the People."[49]

The attempt to unseat the proprietor ultimately failed, as did all petitions for a militia.[50] The Quaker Party's inability to resolve the militia issue would be its final undoing, as a growing and increasingly politicized Associator movement latched on to the independence movement to unseat the Quakers and establish a new government. Indeed, Pennsylvania Whigs justified their revolution with a natural rights ideology similar to one espoused on the frontier that demanded equal participation in civil society. Since the Quaker Party denied western counties equal power in the assembly, and because it did not enforce participation in the common defense through a militia law, Whigs challenged its legitimacy to rule. Likewise, radicals denounced Britain's revocation of the colonies' right to internal police, which Pennsylvanians felt essentially made them second-class and inherently unequal British citizens. The revolution against Britain was effected through the adoption of the Declaration of Independence, while the internal revolution was made possible through

[48] "A Petition from the County of Cumberland," Mar. 23, 1764, in *Pennsylvania Archives*, 8th ser., 7:5582–83.

[49] Resolves of the Assembly, Mar. 24, 1764, in *Pennsylvania Archives*, 8th ser., 7:5593–95.

[50] The assembly did pass a militia bill in 1755, only to have it vetoed by the Crown. The assembly passed another militia bill in 1757, but a protracted debate with the governor over amending that bill ensured that it was never signed into law.

extralegal committees and the drafting of a new state constitution. It was with this document that Pennsylvania radicals changed the configuration of authority within civil society, rejecting the Quaker paradigm of pacifism and elite rule and placing a premium on safety and equal civic obligation to the community.

Pennsylvanians understood civil society to consist of men bound together "according to the law of nature, for the safety of the whole; having a common established law and judicature to appeal to; with authority to settle controversies between them, and to punish offenders."[51] While legal code helped define the boundaries of civil society, there were also certain community obligations as stipulated by natural law. Presbyterian minister John Goodlet argued that every man was required "by the law of nature to preserve his own life, liberty, and property; but also that of others."[52] As Princeton president Samuel Davies cautioned, to fail in one's duty as a member of civil society was to place the entire system, with its "remote, as well as intimate Connections, References and mutual Dependencies," in jeopardy.[53] Indeed, the safety of the whole depended on the contributions and diligence of every individual, and participation in civil society came with certain responsibilities.[54] Such a definition of civil society, with its martial emphasis, posed a serious challenge to a traditional Quaker ideal that eschewed state sanctioned violence. Indeed, by 1776, bearing arms was the paramount obligation in the new state and became a defining attribute of male citizenship for Pennsylvanians.

By the Revolution, Pennsylvanians sympathetic to the patriot cause had committed themselves to establishing a government that would look after the common defense. The lesson they had learned from the previous decades was that individuals and voluntary associations could only do so much and that every man needed to contribute his share to protecting life, liberty, and property. If some people did not want to volunteer, then the government needed to coerce them. In a petition to the assembly, the

[51] John Goodlet, *A Vindication of the Associate Synod* (Philadelphia, 1767), 8.

[52] Ibid., 9.

[53] Samuel Davies, *A Sermon Delivered at Nassau Hall* (Philadelphia, 1761), 18.

[54] For a more detailed analysis of civil society in the early republic, see John L. Brooke, "Consent, Civil Society, and the Public Sphere in the Age of Revolution and the Early American Republic," in *Beyond the Founders: New Approaches to the Political History of the Early American Republic*, ed. Jeffery L. Pasley et al. (Chapel Hill, NC, 2004), 207–50. James H. Kettner argues in *The Development of American Citizenship, 1608–1870* (Chapel Hill, NC, 1978) that as the Revolution approached, Americans sought to define principles of membership in civil society that included concepts of individual liberty and community security. See p. 10.

Committee of Philadelphia argued that since "Self-preservation is the first Principle of Nature," all men in a state of political society "are obliged to unite in defending themselves and those of the Same Community." Indeed, the committee continued, "the Safety of the People is the supreme Law," and it declared that "the Doctrine of Passive Obedience and Non-resistance is Incompatible with our Freedom and Happiness."[55] It is important to note that the mechanism of self-defense lay in the uniting of men to defend the community, not in an individual right to bear arms.

Conservatives and moderates in the assembly were ultimately unable to stem the tide of public opinion and on November 8, 1775, adopted a set of resolutions that effectively turned the Associators into a regular militia. They asked all men aged sixteen to fifty to associate if they had not already done so, or to "contribute an Equivalent to the Time spent by the Associators in acquiring military Discipline."[56] These resolutions were the result of considerable debate and compromise between the assembly's radical and conservative elements and, as such, did not impose fines or sanctions for those who refused to comply. Still, the assembly had helped codify Pennsylvania's first state-sanctioned militia. It brought further form to the militia by passing "Rules and Regulations for the better Government of the Military Association in Pennsylvania" on November 25; the assembly encouraged all Associators to adopt a set of regulations "for establishing Rank or Precedence."[57] In November 1775, in its final act of acquiescence to the radicals before adjourning for the year, the assembly passed a tax on non-Associators;[58] its enforcement, however, was lax.

When the members of the assembly reconvened in February 1776, Philadelphia privates complained of the ease with which men could shirk their military duties.[59] Likewise, the Bucks County Committee asked that an additional tax, one that was proportionate to the Associators' expenses, be levied on non-Associators because Associators had to pay for

[55] "The Petition and Remonstrance of the Committee of the City and Liberties of Philadelphia," Oct. 30, 1775, in *Pennsylvania Archives*, 8th ser., 8:7336.

[56] Resolves of the Committee of the Whole House, Nov. 8, 1775, in *Pennsylvania Archives*, 8th ser., 8:7351.

[57] "Rules and Regulations for the better Government of the Military Association in Pennsylvania," Nov. 25, 1775, in *Pennsylvania Archives*, 8th ser., 8:7369.

[58] "Resolutions directing the Mode of Levying Taxes on Non-Associators in Pennsylvania," Nov. 25, 1775, in *Pennsylvania Archives*, 8th ser., 8:4380–84.

[59] "The Petition of the Privates of the Military Association of the City and Liberties of Philadelphia," in *Pennsylvania Archives*, 8th ser., 8:7402–7.

their own arms and were risking their lives.[60] March saw the assembly trying to calm Associator disaffection throughout the province. First, acting upon the recommendation of the Congress, the assembly ordered that all non-Associators' arms be collected and distributed to those who would bear them.[61] Secondly, to compensate poor Associators for their time away from their farms and families, many of whom had left their families to begin drilling for service and demanded that the public purse help them in their time of need, the assembly resolved that the Overseers of the Poor and a county justice of the peace aid any families in need and bill the province for all expenses incurred.[62]

Political legitimacy in Pennsylvania began to hinge on who could best provide for the common defense, and, as such, the assembly began to lose ground to the extralegal bodies established to push the Whig agenda forward. One such body, the Conference of Committees, began to assume the powers of a legitimate legislature when the assembly went into recess from June until August of 1776. Despite the steps the assembly had taken to regulate the militia, it had failed to raise the six thousand men the Continental Congress requested to aid George Washington. Claiming to be the "only representative body of this colony that can . . . accomplish the desires of the congress," the conference resolved unanimously to raise forty-five hundred Associators to join the fifteen hundred men already mustered.[63] On June 25, the final day of its session, the conference issued a final declaration, this time to the Associators of Pennsylvania: "You are about to contend for *permanent* freedom, to be supported by a government which will be derived from yourselves, and which will have for its object not the emolument of one man, or class of men only, but the safety, liberty, and happiness of every individual in the community."[64] This was not a guarantee of safety for every individual, but for every individual in the community. And it became increasingly clear that membership hinged on the willingness to take arms and defend that community.

The desire to create a viable militia was confounded by Pennsylvanians' lack of proper military accoutrements. In Philadelphia,

[60] *Pennsylvania Gazette*, Mar. 6, 1776.

[61] Resolutions, Mar. 14, 1776, in *Pennsylvania Archives*, 8th ser., 8:7447–48.

[62] "Rules and Regulations for the better Government of the Military Associations in Pennsylvania," Apr. 5, 1776, in *Pennsylvania Archives*, 8th ser., 8:7479.

[63] Proceedings of the Provincial Conference of Committees, June 23, 1776, in *Journals of the House of Representatives of the Commonwealth of Pennsylvania* (Philadelphia, 1782), 42.

[64] Ibid., 45.

one broadside asked that the Associators adopt "the cheapest uniform, such as that of a HUNTING SHIRT," lest poorer men be unable to furnish the requisite clothes for duty.[65] Demands by the Continental Congress and the Philadelphia Committees strained relations between affluent officers and the poorer men who filled the ranks of the soldiery. In a letter to John Hancock, William Irvine wrote from Carlisle that his men were upset with being charged for their militia muskets. "[W]hen the Men are equipped (if Arms are included)," he wrote, "they will be on an average from ten to twelve pounds in debt." The men were particularly disgruntled because of rumors that men serving in Boston and Canada were paid more and could return their muskets when their service was finished. The obligations of militia duty were too much to bear, and the debt incurred by the musket was far too onerous. "They Complain farther," Irvine wrote, "that they will in all probability not only be naked at the end of the year but in debt too—& that as soon as the War is at an end the Arms will be useless to them."[66] Irvine reported to James Wilson that militia companies in York came close to mutiny over the price of arms and military clothing and warned him that discontent would spread "unless something is done or provision made about Arms."[67]

On May 9, 1776, John Adams introduced a resolution to the Continental Congress recommending that the colonies adopt governments "as shall . . . best conduce to the happiness and safety" of the people.[68] To counteract moderates like John Dickinson, who firmly believed that Pennsylvania's existing institutions were sufficient for Congress's demands, John Adams, Edward Biddle, and Richard Henry Lee drafted a resolution that called for an end to all oaths of allegiance to the Crown and for governments to operate only under the authority of the people. Tories and moderates knew such constitutional thinking would bring an end to Pennsylvania's established government. "A Convention chosen by the people, will consist of the most fiery Independents," lamented James Allen. "They will have the whole Executive & legislative authority in

[65] "To the Associators of the City of Philadelphia," Philadelphia, May 18, 1775.

[66] William Irvine to John Hancock, Mar. 23, 1776, Gratz Collection, Generals of the Revolution, case 4, box 12, Historical Society of Pennsylvania.

[67] William Irvine to James Wilson, Mar. 23, 1776, in Gratz Collection, Generals of the Revolution, case 4, box 12.

[68] See John Adams, *The Works of John Adams*, ed. Charles Francis Adams (Boston, 1850), 2:489.

their hands."[69] Now, radical Whigs had Congress's blessing to continue their extralegal committees and push for a new provincial government.

Elections for the Constitutional Convention were held on July 8, 1776, the same day the Declaration of Independence was read at the State House. Non-Associators bore the brunt of the convention's hostility to the now-defunct assembly's policies. Associators, they argued, "have freely and bravely gone into the field for the defense of the common liberties of America" while non-Associators remained "at home in peace and security." The committee, therefore, resolved to "render the burthen and expense" equally among all the citizens of Pennsylvania, arguing that "the safety and security of the state should at all times call the attention of its members for its preservation."[70] After much debate and consideration, the convention passed an Associator ordinance. According to the convention, Associators had given their time, money, and bodies to the defense of the country while non-Associators had "pursued their [personal] business to advantage." Thus, it was ordained that every non-Associator from age sixteen to fifty pay twenty shillings for each month he was not in physical military service. Even those above fifty years of age were not exempt. Although they were unable to "bear the fatigue of military duty," the convention considered it "just and reasonable that they should contribute towards the security of their property."[71]

The Revolution gave military men access to the political and public spheres to an extent they had never before experienced.[72] Associators became essential Whig allies, and the Whigs catered to their concerns about a militia and the common defense. In September 1776, Pennsylvania finally established a new constitution "for the security and protection of the community . . . and to enable the individuals who compose it, to enjoy their natural rights."[73] To that end, the first clause of the Declaration of Rights established that all men had inalienable natural rights, which included "enjoying and defending life and liberty, acquiring,

[69] James Allen, "Diary of James Allen," May 15, 1776, reprinted in *Pennsylvania Magazine of History and Biography* 9 (1885): 187.

[70] Minutes of the Proceedings of the Convention of the State of Pennsylvania, July 23, 1776, *Journals of the House*, 54.

[71] "An Ordinance for Rendering the Burden of Associators and Non-Associators in the Defence of this State as Nearly Equal as May Be," Sept. 14, 1776, in *Journals of the House*, 82, 84.

[72] See Gregory T. Knouff, *The Soldiers' Revolution: Pennsylvanians in Arms and the Forging of Early American Identity* (University Park, PA, 2004).

[73] 1776 Pennsylvania Constitution, preamble, in *Pennsylvania Archives*, 4th ser., 3:627.

possessing and protecting property, and pursuing and obtaining happiness and safety."[74] Government was not antithetical to the people; the government was the people. Thus, the people of Pennsylvania had the "sole, exclusive and inherent right of governing and regulating the internal police" of the state. Since government was instituted "for the common benefit, protection and security of the people" and not "any single man," the community had the right to abolish any government that did not look after the "public weal."[75] The right to vote was also bound up in communal obligation, and the Declaration stated that all voters and men elected to office were to have "sufficient evident common interest with and attachment to the community."[76]

It is no surprise, then, that the individual and communal were bound together when it came to bearing arms and defense. Since "every member of society [had] a right to be protected in the enjoyment of life, liberty and property," every person was thereby "bound to contribute his proportion towards the expense of that protection, and yield his personal service when necessary, or an equivalent thereto."[77] As the Declaration explicitly guaranteed "the right of conscience in the free exercise of religious worship," it could not compel "any man who is conscientiously scrupulous of bearing arms" as long as such men "pay such equivalent." In this formulation, the mechanism for protecting life and property lay in the obligation of men in the community to contribute to its defense. Thus, the Declaration guaranteed "that the people have a right to bear arms for the defence of themselves and the state."[78]

The new constitution was hotly debated in the press because it vested "supreme legislative power" in a unicameral House of Representatives open to all free men who paid taxes.[79] Benjamin Rush, writing as "Ludlow," complained that the Declaration of Rights "confounded *natural* and *civil* rights in such a manner as to produce endless confusion in society."[80] Bryan, writing as "Whitlocke," fired back that "some of the

[74] 1776 Pennsylvania Constitution, Declaration of Rights, clause 1, in *Pennsylvania Archives*, 4th ser., 3:629.

[75] Ibid., clause 3 and 5, in *Pennsylvania Archives*, 4th ser., 3:629–30.

[76] Ibid., clause 7, in *Pennsylvania Archives*, 4th ser., 3:630.

[77] Ibid., clause 8, in *Pennsylvania Archives*, 4th ser., 3:630.

[78] Ibid., clause 2 and 8, in *Pennsylvania Archives*, 4th ser., 3:629–30.

[79] 1776 Pennsylvania Constitution, sec. 2, in *Pennsylvania Archives*, 4th ser., 3:632.

[80] "Letter I," *Pennsylvania Journal*, May 21, 1777. Rush's Ludlow letters were quickly published as *Observations upon the Present State of the Government of Pennsylvania* (Philadelphia, 1777).

first men in opposition have publicly acknowledged [the Declaration of Rights] to be the best on the continent" and asked for "[p]roof of the dangerous confusion."[81] Rush's main critique lay in the republican concern that the new legislature was unchecked and could "trample the sacred bulwarks" of the constitution and infringe on the people's liberty. Rush turned to John Adams in support of his opposition to the unicameral legislature. "I think a people cannot be *long free*, not *ever* happy," Adams wrote, "whose government is in one Assembly."[82] Bryan and the proconstitutionalists were suspicious of executive checks and balances, lest popular sovereignty be impeded and the unequal representation of the colonial legislature be duplicated. Every county was now "admitted to a proper share in the legislature," Bryan explained, and the president was denied the ability to veto laws passed by the assembly. "The power of forbidding any thing to be law, but what [the president] pleases," Bryan wrote, undoubtedly recalling the proprietary veto that had stymied many militia laws, ". . . is a power which an angel might be tempted to abuse."[83]

Another cause for concern was the establishment of a test oath for office that demanded that each member swear his belief in "one God, the creator and governor of the universe."[84] Although one essayist, writing as "Demophilus," agreed that a ruler should "declare his belief in the retributive justice of the Supreme Governor of the universe," he argued that the oath should not be included in the new Frame of Government. "[W]e have no evidence," he wrote, "that the time is yet come when the Saints alone . . . shall rule the world."[85] Others disagreed, arguing that "from the nature of civil society in a Christian country, it would be well for the community if every member was . . . encouraged to make some profession of religion in general."[86] Still others decried the oath as being more liberal than William Penn's demand that assemblymen profess belief in Jesus Christ, thus opening the doors of government to "Deists, Jews, Mahomedans, and other enemies of Christ."[87] Opponents of the new Frame of Government met in the State House yard on October 23 and drew up a list of thirty-one resolutions against the constitution, among

[81] "Letter I. To Ludlow," *Pennsylvania Evening Post*, May 24, 1777.
[82] "Letter II," *Pennsylvania Journal*, May 28, 1777.
[83] "Letter I. To Ludlow," *Pennsylvania Evening Post*, May 24, 1777.
[84] 1776 Pennsylvania Constitution, sec. 10, in *Pennsylvania Archives*, 4th ser., 3:634.
[85] "To the Printers of the Pennsylvania Packet," *Pennsylvania Packet*, Sept. 17, 1776.
[86] "Mr. Towne," *Pennsylvania Evening Post*, Sept. 24, 1776.
[87] "Mr. Towne," *Pennsylvania Evening Post*, Sept. 26, 1776.

which was the complaint that "in the Constitution . . . the CHRISTIAN religion is not treated with proper respect."[88] While the different elements in this debate disagreed over why the oath was flawed, all recognized that the individual was linked to the larger community. Those who supported the oath did so for the safety of that community, as did those who wanted a more explicitly Christian oath to keep "enemies" out of office.

Turnout for the 1776 election was poor, as many boycotted it in protest or were kept away from the polls by the Associators who dominated the election proceedings. The pro-constitutionalists swept most of the western counties, dominating seats in the assembly except those from Philadelphia city and county. For the first time in Pennsylvania history, the representatives from the East were a minority in the assembly. The eastern moderates were, however, a powerful minority led by John Dickinson and could theoretically prevent a quorum and stymie the radical agenda. When the assembly refused to call a new constitutional convention, Dickinson, George Gray, and John Potts vacated their seats. The men elected to the first government under the new constitution took their seats on November 28, 1776. The house quickly passed a resolution to "take immediate measures . . . respecting the collection of fines imposed . . . on all *non-associators*." It then unanimously resolved to "enact a *militia-law*, and take such further measures as will put the defence of this State on a just and equitable footing, so as to encourage those worthy *associators*."[89] Perhaps most telling of how the Associator movement had pushed the Revolution forward in Pennsylvania, and had helped establish the new constitution, was the fact that the house essentially shut down from December 14, 1776, to January 13, 1777; a quorum could not be reached due to many members "being officers in the militia" who had returned home to "bring out the militia of their respective counties."[90]

With Washington's victories at Trenton and Princeton, the assembly reconvened in the new year, though Dickinson and his friends still refused to take their seats. By February, an election was held to fill their seats.[91] When the assembly received a draft of the militia bill on the morning of February 14, 1777, the members debated it "for some time," with objec-

[88] "Philadelphia, October 22," *Pennsylvania Evening Post*, Oct. 22, 1776.
[89] *Journals of the House*, Nov. 29, 1776, 98.
[90] *Journals of the House*, Dec. 14, 1776, 102.
[91] *Journals of the House*, Feb. 8, 1776, 10.

tions being raised "concerning the persons excepted therein from personal service."[92] Over the next month, the members debated several of the bill's clauses concerning terms of office and oaths of allegiance for officers and exemption from duty for assemblymen. Not surprisingly, elected members of the legislature were not exempted from duty. The militia bill, titled "An Act to Regulate the Militia of the Commonwealth of Pennsylvania," was enacted into law on March 17. "A militia law upon just and equitable principles hath ever been regarded as the best security of liberty," the preamble stated, and thus it was the "indispensable duty of the freemen of this commonwealth to be at all time prepared to resist the hostile attempts of its enemies." Under the law's provision, no one could shirk his militia duty, and given the exclusive nature of civil society espoused by the Paxton Boys, it is no surprise that the militia law restricted its demands to the state's "white male inhabitants." Those unwilling to serve personally had to find a substitute to serve in their stead or pay a fine.[93] The law levied a system of penalties against deserters, non-Associators, and those who sold state-owned arms without the proper permission. It provided a pension for those who lost a limb in battle and money to the families of those killed on the field. The main purpose of the militia law was to ensure that every man contributed to the common defense, but the end result was an inefficient bureaucracy. The government kept a master list of all men eligible to serve, which it further subdivided into local battalions and eight classes chosen by lottery. An active-duty roster was also kept to ensure that every man served equitably. As Stephen Rosswurm argues, it was a complicated and unruly system, "but it was a well-intentioned effort to regularize active duty and therefore equalize burdens."[94]

Critiques of the militia law focused not on compulsory service, but on its egalitarian election of officers. Bryan celebrated the fact that "the assembly have not even exempted themselves from military duty" as the Quakers of the past had done.[95] But Rush objected to the constitution's provision that all officers under the rank of brigadier general be chosen by the people since "most of the irregularities committed by the militia . . . were occasioned by that laxity of discipline" allowed by officers elected by

[92] *Journals of the House*, Feb. 14, 1777, 111.

[93] "An Act to Regulate the Militia of the Commonwealth of Pennsylvania," in *The Statutes at Large of Pennsylvania*, ed. James T. Mitchell and Henry Flanders, 18 vols. (Harrisburg, 1896), 9:75–77, 82.

[94] Rosswurm, *Arms, Country, and Class*, 136.

[95] "Letter II. To Ludlow," *Pennsylvania Gazette*, June 4, 1777.

the people. Secondly, more executive discipline was needed since "above one half of the state have refused or neglected to choose officers, agreeably to the recommendation of the Assembly."[96] Indeed, a poorly disciplined militia and a flawed system of government would spell certain doom for Pennsylvania. "A *good government* is an engine not less necessary to ensure us success . . . than ammunition and *fire-arms*," Rush argued.[97] Aware of the militia's widespread support for the constitution, a critic of the new constitution submitted an essay signed "An Associator," warning his countrymen of "the dangers that now threaten them, from the attempt to establish the government formed by the late Convention."[98] The essay caused "a good deal of noise" in Philadelphia, and the author called on all "True Whigs" to meet at Philosophical Hall to debate amending the militia law.[99] Bryan chastised his opponents for trying to prevent the execution of the militia law when Washington was "ordering our Militia to hold themselves in readiness" and was saddened to see "some respectable characters countenance such proceedings."[100]

The rhetoric of bearing arms did not end with the passage of the 1777 militia law, and Pennsylvania's place in the scholarship on the Second Amendment has been further secured by Pennsylvania's debates over the federal Constitution. Much has been made of the 1787 "Dissent of the Minority," drafted by Robert Whitehill and the Anti-Federalists in Pennsylvania's ratification convention. Echoing in part the words of the state constitution, the "Dissent" declared that "the people have a right to bear arms for the defence of themselves and their own state . . . or for the purposes of killing game" and demanded that the "power of organizing, arming, and disciplining the militia . . . remain with the individual states."[101] To be sure, the phrasing of the "Dissent" is odd, linking the right to bear arms with the particularly nonmilitary action of killing game. More importantly, Whitehill's language was at odds with Pennsylvania's own game laws, which explicitly regulated "persons [presuming] . . . to carry any gun or hunt on the improved or inclosed lands

[96] "Letter III," *Pennsylvania Journal*, June 4, 1777.

[97] "Letter IV," in *Observations upon the Present State of the Government of Pennsylvania*, by Benjamin Rush (Philadelphiia, 1777), 21.

[98] *Pennsylvania Journal*, May 21, 1777.

[99] "For the Pennsylvania Evening Post," *Pennsylvania Evening Post*, May 24, 1777.

[100] "Letter III. To Ludlow," *Pennsylvania Packet*, June 10, 1777.

[101] "The Address and Reasons of the Dissent of the Minority of the Convention of the State of Pennsylvania to their Constituents," *Pennsylvania Packet*, Dec. 18, 1787.

of any plantation."[102] It is curious that individual rights scholars base their interpretation on the rhetoric of the losing faction of the debates, as if the minority dissent from one state solely dictated the wording the Federalists used in the Second Amendment. This is not to say that Anti-Federalist ideas in general did not shape the Bill of Rights, but rather one must note that Whitehill and his supporters were so politically weak that the ratifying convention refused to send their "Dissent" on to Congress. And, in the final analysis, the Second Amendment addressed only concerns about the militia (a concern from many states), not the right to hunt, suggesting that Whitehill's "Dissent" had very limited currency.

Nevertheless, the employment in the "Dissent" of "defense of themselves" continues to hold a sacred place in individual rights scholarship, perhaps because James Wilson, Pennsylvania Supreme Court justice and influential Federalist, wrote that the 1790 Pennsylvania Constitution and its provision of a right to bear arms supported "the great natural law of self preservation."[103] As a Federalist, Wilson opposed the Bill of Rights, considering it to be "superfluous and absurd," and advocated a strong army that could effectively protect the United States. "[N]o man, who regards the dignity and safety of his country," Wilson declared to a crowd in Philadelphia in 1787, "can deny the necessity of a military force, under the controul, and with the restrictions which the new Constitution provides."[104]

In late 1789, Wilson chaired a convention to rewrite the 1776 Pennsylvania Constitution, which many considered to have formed an unruly, ineffective, and expensive government. In its initial redrafting of the Declaration of Rights, the convention placed the right to bear arms with other militia-related clauses. The right of citizens to "bear arms in defence of themselves and the state" was linked together with the rights of assembly and petition (both collective actions); the following clause granted an exemption from military service for those who "scruple to bear arms."[105] The next two clauses prohibited a standing army and forbade

[102] "An Act to Prevent the Killing of Deer Out of Season, and Against Carrying of Guns or Hunting by Persons Not Qualified," *Statutes at Large of Pennsylvania* (1721), 3:255.

[103] Bird Wilson, ed., *The Works of the Honourable James Wilson*, L.L.D. (Philadelphia, 1804), 3:84.

[104] *Daily Advertiser*, Oct. 13, 1787.

[105] See article 9, sec. 19, *The Proceedings Relative to Calling the Convention of 1776 and 1790* (Harrisburg, 1825), 163. It reads: "That the right of the citizens to bear arms in defence of themselves and the state, and to assemble peaceably together, and apply in a decent manner, to those invested with the powers of government, for redress of grievances or other proper purposes, shall not be questioned."

the quartering of soldiers in times of peace, making it clear that these men considered the right to bear arms as similar to other collective or military actions.[106]

This version of the constitution did not last, however, and a new one was proposed to the committee in February 1790. Again, the right to bear arms was paired with other matters relating to the militia. This time, the rights of assembly and petition were parsed into a separate clause, while the right to bear arms and the exemption from service for conscientious objectors were unified in section 20.[107] The prohibitions against standing armies and the quartering of soldiers followed. Upon consideration of the revised clause, the convention entertained a motion to strike out the conscientious objector clause, but it was defeated forty-two to nine with Wilson's support.[108] On February 26, 1790, the convention agreed to print copies of the constitution "for the consideration of the good people of Pennsylvania"; the convention then adjourned until August. Upon reconvening, the convention discussed the bearing of arms clause again, agreeing to add a colon between the right to bear and the objector exemption.[109] By September, the constitution had changed once more. The convention moved the conscientious objector clause to article 6, section 2, which mandated that "[t]he freemen of this commonwealth . . . be armed and disciplined for its defence."[110] The right to bear arms was now its own clause, followed as before by the prohibitions on standing armies and the quartering of soldiers. There is nothing to suggest that the convention's perception of the right to bear arms resembles the individual right to self-defense that modern Standard Model scholars purport.

This context casts light on Wilson's link between bearing arms and self-preservation. Although Wilson had restructured Pennsylvania's government by abolishing the unicameral legislature, the 1790 constitution by no means rejected the commitment to the common defense established by its precedent. The new frame of government still demanded that all freemen be armed for the province's defense and considered the government's central responsibility to be the provision of "peace, safety and

[106] See article 9, secs. 21 and 22, in ibid.

[107] See article 7, secs. 19 and 20, in ibid., 175.

[108] Ibid., 225.

[109] Ibid., 263–64. The clause now read: "That the right of the citizens to bear arms in defence of themselves and the state shall not be questioned: But those who conscientiously scruple to bear arms shall not be compelled to do so, but shall pay an equivalent for personal service."

[110] Ibid., 302.

happiness."[111] While Wilson unquestionably believed in a natural right to self-defense, he also saw the necessity of regulating arms for the "personal safety of the citizens." Indeed, Wilson considered it to be a crime for a man to arm himself "with dangerous and unusual weapons" that would "diffuse a terrour among the people."[112] Homicide was not a crime in the protection of one's life or home since self-defense was part of natural law. This law, he argued, was recognized in the Pennsylvania Constitution's acceptance of the right to bear arms. Wilson, however, saw the necessity of community mobilization to promote personal safety. With regard to defending one's house, he quoted Lord Coke: "Every man's house is his castle . . . and he ought to keep and defend it at his peril; and if any one be robbed in it, it shall be esteemed his own default and negligence." Therefore, Wilson argued, "one may assemble people together in order to protect and defend his house."[113]

Even if Wilson did subscribe to a wholly individual rights understanding of "bear arms," such an interpretation did not seem to have any currency in the Pennsylvania courts. In 1799, Dr. James Reynolds stood trial for assault with intent to murder after he had tried to fend off a Federalist mob, angry about his opposition to the Alien and Sedition Acts, by brandishing a pistol. What is illustrative about this case is that neither the prosecution nor the defense considered Reynolds's possession or use of his gun to be a matter of constitutional law. If the individual right to bear arms was protected under the 1790 Pennsylvania Constitution, then why didn't his lawyer justify his client's actions under article 6 or section 21? It is also important to note that Reynolds was never considered to have borne arms, since that term never appears in the trial transcripts. His lawyer argued that "there did exist a conspiracy to assassinate Dr. Reynolds" and that since there was "no law in Pennsylvania to prevent it; every man has a right to carry arms who apprehends himself to be in danger."[114] That right came not from the state constitution but from "the law of nature and the law of reason," which allowed deadly force "if necassary to [one's] own safety."[115] The prosecution disagreed, taking its cue from Blackstone and arguing, "The law says, if a man attack

[111] Article 9, sec. 2, in ibid., 303.

[112] Wilson, *Works of the Honourable James Wilson*, 3:79.

[113] Ibid, 85

[114] William Duane, *A Report of the Extraordinary Transactions which Took Place at Philadelphia, in February 1799* (Philadelphia, 1799), 33.

[115] Ibid., 32.

you by a sword, you have no right to kill him, till you have made every attempt to escape."[116] In the end, the jury sided with the defense and acquitted Reynolds. The case clearly demonstrates that using a gun in self-defense was legally different from bearing arms in "defense of themselves and the state."

Other Pennsylvanians clearly saw their state's constitutional right to bear arms as being tied to collective duty. In 1798, with tensions heightening between the United States, France, and Britain, Congress attended to the issue of raising a provisional army to protect the United States and quell seditious activity. The proposed bill gave President Adams the power over a volunteer military corps that was neither militia nor regular army. The constitutional grey area was a cause of much concern and debate. Why was a special force needed, some members wondered, since state militias had effectively quelled the Whiskey Rebellion? Others were wary, in light of the alien and sedition bills, of the Federalists' attempt to create "military associations of one part of the people, in order suppress a supposed disaffection of the rest of the community." Pennsylvanian Albert Gallatin opposed the bill, in part because wealthy Federalists would join the ranks of the volunteer corps and undermine the constitutional rights of poorer Republicans to participate in the militia. "Whether a man be rich or poor," Gallatin argued, "provided he has a common interest in the welfare of the community, he had an equal reliance upon him. And this is a Constitutional idea; for the Constitution says, 'the rights of the people to bear arms shall not be questioned.'"[117] In other words, the proposed corps would subvert citizens' constitutional right to bear arms in a militia.

Gallatin and many other Pennsylvanians would be mystified by our modern propensity to separate the right to bear arms into either an individual or a collective right. No doubt this is because we have lost sight of our "common interest in the welfare of the community," a concept that very much motivated Pennsylvanians of the founding era. To be sure, we live in a much different world than the peoples we study. Pennsylvania's history reveals an abiding concern for a well-regulated militia, and the men who drafted the 1776 constitution were products of that very concern. With the coming of the Revolution, Pennsylvanians began to regulate firearms more than ever before and demanded that all men fulfill

[116] Ibid., 45.
[117] *Claypoole's American Daily Advertiser*, June 4, 1798.

their obligation to the common defense. To ensure that men could meet their obligations, the constitution protected a right to bear arms so that the people could defend themselves and fulfill the very purpose of government as stated in the preamble: "the security and protection of the community."

Nipissing University NATHAN R. KOZUSKANICH

Federalist Decline and Despair on the Pennsylvanian Frontier: Hugh Henry Brackenridge's Modern Chivalry

BRACKENRIDGE'S *MODERN CHIVALRY*[1] (1792–1815), an eight-hundred-page picaresque novel that lacks romantic interest but features extended discussions on animal suffrage, has long been one of the unclassifiable oddities of American literature. Published in seven volumes between 1792 and 1815, *Modern Chivalry* describes the adventures of Captain Farrago and his servant, Teague O'Regan, on the Pennsylvania frontier. Teague seeks advancement of any sort, while Farrago acts to moderate Teague's ambition and quest for political truths. The flexible picaresque structure of *Modern Chivalry* allows Brackenridge to guide readers through much that is unfamiliar and often forgotten about the early years of United States nationhood.

In particular, *Modern Chivalry* traces the path of the Federalist elite in early national America, from desperate struggle in the 1790s to gradual decline into irrelevance. Americans typically remember the Federalist configuration, if at all, through marmoreal distortions. In *Modern Chivalry*, the statue comes to life on the Pennsylvania frontier, only to discover that without a proper pedestal, he sinks into the fresh mud of an unpaved, burgeoning America. *Modern Chivalry* remains the only sustained record of the encounter between the Federalist, republican

This article has benefited from the thoughtful critique of many readers. Robert Ferguson first brought *Modern Chivalry* to my attention and read many versions. Jeff Steinbrink would not be dissuaded from the validity of the project. Franco Moretti, Judith Mueller, Amelia Rauser, Whitney Trump, Tessa Barber, David Shields, and Emily Battistini also provided essential commentary.

[1] References to *Modern Chivalry* cite Claude Newlin's 1962 edition (New York, 1962). First the part (I or II) is given, followed by volume (1, 2, 3, 4), book (1–7), chapter (1–20), and, after a semicolon, the page number (1–808).

America that led the nation in framing and founding and the unruly, inclusive, democratic vision that eventually prevailed.

In order to illuminate the ways in which *Modern Chivalry* depicts this vanished, crucial moment, this article begins with a discussion of Brackenridge's biography and politics. Living along the border between civilization and wilderness in the 1790s, Brackenridge glimpsed the populist future of America before his coastal peers. Formal analysis of the book reveals an author reaching for expressive effects associated with the later history of the novel, and *Modern Chivalry* is an early attempt to represent the heterogeneous polyphony that America already was in 1790. Though the contentiousness of early America has been well established, few other early American authors struggled so long and inventively to represent this discord.[2] The article concludes with an examination of Brackenridge's personal despair and its reflection in *Modern Chivalry*.

The Political Prescience of a Pittsburgher: Signs of Federalist Decline

Despite being an immigrant himself, Brackenridge never learned to like rough-hewn strivers like his Irish servant character, Teague O'Regan. Brackenridge wanted to live in an idealized republican realm of clear social hierarchies, superior education for the elite, and quietly submissive wives. Brackenridge's East Coast peers could cling to this myth a bit longer, but by 1795, he knew America would never resemble his vision. The difference was, at least in part, Brackenridge's unique biography. An appreciation of his strange book thus begins with the historical and geographical contexts that nurtured it.

Brackenridge was not America's greatest late-eighteenth-century prose stylist. But more than any other writer, he considered the implications of the unruly frontier for the political theory discussed by bewigged urbanites. Brackenridge grew up in rural, central Pennsylvania (York County), spent his young adulthood in the relative sophistication of the

[2] An excellent recent account of political acrimony at the end of the eighteenth century is Robert A. Ferguson's "The Earliness of the Early Republic," in his *Reading the Early Republic* (Cambridge, MA, 2004), 9–50. See also: Lewis P. Simpson, "Federalism and the Crisis of Literary Order," *American Literature* 32 (1960): 253–66; John R. Howe Jr., "Republican Thought and the Political Violence of the 1790s," *American Quarterly* 19 (1967): 147–65; and Linda Kerber, *Federalists in Dissent: Imagery and Ideology in Jeffersonian America* (Ithaca, NY, 1970). Edward Watts, *Writing and Postcolonialism in the Early Republic* (Charlottesville, VA, 1998) and Grantland Rice, *The Transformation of Authorship in America* (Chicago, 1997) specifically explore this diversity in *Modern Chivalry*.

eastern seaboard, moved in 1781 to the distant frontier of Pittsburgh for twenty years, and eventually settled in midstate Carlisle, Pennsylvania. During his twelve years on the East Coast, Brackenridge embraced its multifaceted cultural milieu. Following his graduation from Princeton, he taught at an academy, wrote patriotic plays for his students, became an army chaplain during the Revolutionary War, wrote and published revolutionary sermons, edited a literary magazine, studied law under Federalist judge Samuel Chase, and was admitted to the Philadelphia bar in 1780. He became, in short, a lesser member of the eastern establishment.[3] An exploding colonial population and the rise of international markets for American products enabled a wealthy elite to emerge in seaboard cities, especially Boston, Newport, New York, Philadelphia, and Charleston. By the late eighteenth century, these urban centers of the East Coast were linked by a thriving cultural nexus of college, church, and court.

Even so, Brackenridge left for the wilds of Pittsburgh. A western outpost like Pittsburgh boasted few cultural resources or accomplishments; when Brackenridge arrived in 1781, no newspaper or printing press existed. Brackenridge himself explained the move in pragmatic terms. Philadelphia, in 1781, had no shortage of competent lawyers. He observed, "When I left Philadelphia . . . I saw no chance of being anything in that city, where there were such great men before me, Chew, Dickinson, Wilson, &c. I pushed my way to these woods where I thought I might emerge one day, and get forward myself in a congress or some other public body."[4]

Intellectual courage and even stubbornness also inspired this drastic relocation. By 1780, Brackenridge was one of the lawyer-writers whose collective work and assumptions created what Robert Ferguson terms the "configuration of law and letters." For these lawyer-writers, the law inspired a religious and aesthetic level of faith; it provided "the prospect of form and definition within the densest American wilderness."[5] Brackenridge certainly put his faith to the test. The wilderness he found at the confluence of the Allegheny and Monongahela rivers could not have been less receptive to him or his ideas.

[3] The best biographical treatment of Brackenridge remains Claude Newlin's *The Life and Writings of Hugh Henry Brackenridge* (Princeton, NJ, 1932). See chaps. 1–7 for details of Brackenridge's early years.

[4] Newlin, *Life and Writings*, 57.

[5] Robert A. Ferguson, *Law and Letters in American Culture* (Cambridge, MA, 1984), 32.

Brackenridge dramatized the political milieu of the frontier through his protagonists' political careers. Captain Farrago resembles Brackenridge: an educated, middle-aged man with a penchant for pretension. Federalists like George Washington, Alexander Hamilton, and Fisher Ames believed that the liberty of the masses consisted of their right to choose which educated white men would represent and govern them. Thus, by these principles of classical republican theory, the uneducated frontierspeople should look to Farrago as a leader and elect him to Congress. Instead, in a direct echo of Brackenridge's own political career, *Modern Chivalry* begins with the people choosing "Traddle," an illiterate weaver, for public office. Farrago delivers a long lecture against this decision, but convinces no one. Instead, he is told, "It is a very strange thing that after having conquered Burgoyne and Cornwallis, and got a government of our own, that we cannot put in whomever we please."[6] Farrago is never elected to any post, but Teague O'Regan, an illiterate Irish immigrant, is invited to join the American Philosophical Society, solicited by the Presbytery to become a minister, and appointed to the office of excise collector by the president of the United States. O'Regan appears to have limitless opportunities, while Farrago's only role is to fuss and pontificate. Brackenridge sees clearly that the gentleman of letters will be no match for an authentic man of the people.

Yet, why was Brackenridge the only member of this lawyer-writer group to understand the "densest American wilderness" so literally? Brackenridge arrived at his ideological commitments differently than most members of the eastern elite of the 1770s. He went to Princeton with James Madison, but he never would have been mistaken for Virginia gentry. His roots were humble, and he had the scrappy aggression of an immigrant's son and a self-made man. Brackenridge's political allegiances were based less on familial, class, or geographical loyalties than on his principled commitment to classical republican values. To these principles were added the insights of his frontier experiences.

Unlike his Pittsburgh neighbors, Brackenridge favored centralized control of the new nation under the Constitution. His reasons were the same as those of Hamilton, Madison, and Jay in the *Federalist Papers*: desire for a strong defense, standardization of law, and cultural unity.[7] But

[6] Brackenridge, *Modern Chivalry*, I.1.1.3; 16.

[7] John Jay, "Federalist No. 4"; Alexander Hamilton, "Federalist No. 16"; John Jay, "Federalist No. 2," in *The Federalist Papers*, by Alexander Hamilton, John Jay, and James Madison (1788; New York, 1987).

Brackenridge's classicism extended to a Whiggish mistrust of economic ambition: virtuous wealth was in land, not international commerce. So, unlike the New England Federalists, Brackenridge resisted the Walpolean aspects of Hamiltonian centralization, namely the establishment of a national bank and the assumption of state debts. Brackenridge's aversion to this economic model derived from both the purity of his classicism and his regional sympathies.[8] He was blessed (or perhaps cursed) by his ability to read Plutarch as easily as the newspaper and to discover the political virtues of his yeoman neighbors.

In seeing the plight of the western farmer from a Philadelphia lawyer's perspective, Brackenridge comprised a political class of one. Living in Pittsburgh, he glimpsed the political future of the United States before the more celebrated Americans of his day did. Though the political interests of frontiersman were still marginal in 1790, the rough-and-tumble westerners, not classically trained lawyers, were the future of American politics.[9] Educated Americans saw their country within a context of classical models based on two centuries of European political philosophy. For better or worse, whiskey distillers in western Pennsylvania lacked this frame of reference. They were not trying to set an example for the world; their interests were unashamedly quotidian.

Brackenridge never gained the eastern audience he sought for so many years, and he was also repeatedly rejected by his rustic neighbors. He earned nothing but enmity for his insights.[10] His remarkable engagement with ambiguity and contradiction in the first few volumes of *Modern*

[8] See Michael T. Gilmore, "Eighteenth-Century Oppositional Ideology and Hugh Henry Brackenridge's *Modern Chivalry*," *Early American Literature* 13 (1978): 181–92.

[9] The easterners of 1790 could afford their cavalier disdain for another generation—in presidential politics, Washington would serve another term, and 1796 was the first of eight elections won by a representative of either the Boston Federalists or the Virginia gentry Republicans. Brackenridge saw what was coming because he lived in the West, and change would come from that region. American voters in 1828 swept both the Federalists and the Jeffersonian Democrats from the American stage just as surely as they shouted Andrew Jackson onto it.

[10] Newlin (*Life and Writings*) provides many illustrative examples. In his term in the state assembly, Brackenridge was a tireless advocate for the West. William Findley, a weaver and the other representative from Westmoreland County, was ignorant of the issues and provided no legislative aid to his neighbors. Nevertheless, Findley was much more popular than Brackenridge because he was a "common man." No matter how much good Brackenridge did, he was suspect because of his learning: "I had thought to defend myself by writing, but only made the matter worse, for the people thought it impossible that a plain simple man could be wrong, and a profane lawyer right." (Hugh Henry Brackenridge, *Incidents at an Insurrection*, 3 vols. [Pittsburgh, 1795], 3:13). Findley was not even the worst of Brackenridge's trials. Before Brackenridge left Pittsburgh, his public efforts led to his being interrogated by Alexander Hamilton after the Whiskey Rebellion under suspicion of treason.

Chivalry was, then, a response to these political frustrations. Had he remained a Philadelphia lawyer, Brackenridge never would have doubted the Enlightenment intellectual tradition he so revered. *Modern Chivalry* brought Brackenridge scant comfort. The reader experiences his gradual realization that neither his book nor America itself could accommodate both the classical republican past (represented by Captain Farrago) and the burgeoning democratic upwelling of men like Teague O'Regan.

Form and Modern Chivalry

In *Modern Chivalry*, Brackenridge records his ambivalent engagement with a rising, populist America. By attending to Brackenridge's formal decisions, the reader most vividly experiences this historically crucial encounter. Eventually, Brackenridge's form collapses under the weight of his own alienation, but early in the book he remains sanguine, despite his frustration. Before settling for splenetic harangues, this Federalist strove mightily to imagine an America that could reconcile both a Farrago and a Teague. He would have preferred to mimic his revered literary models, observing that "In the English language, that of Hume, Swift, and Fielding, is the only stile that I have coveted to possess."[11] Yet, he found inadequate the very literary conventions he so admired. Brackenridge's literary ingenuity may be inadvertent, but its emotional and historical immediacy lends it poignancy. In particular, he attempts to represent the clamor of the frontier through repetition and juxtaposition—mechanisms of a rudimentary literary polyphony. Brackenridge's strongest sections might be described as "interactive clusters." Instead of narrative arguments with clear introductions, theses, and conclusions, he arranges his scenes into a complex matrix of competing claims about government and society in early America.

Brackenridge gave Pittsburgh's burgeoning democracy dramatic form in the early sections of *Modern Chivalry*. He repeats many times an untrained man's striving for position and status. In volume 1, Teague O'Regan aspires to become an elected official, a member of a scientific society, a minister, a bogus Indian chief, a suitor of means, and a lawyer. He fails in each case. After the first one or two repetitions, there is no narrative reason to repeat the sequence. We understand that Teague will try

[11] Brackenridge, *Modern Chivalry*, II.4.1.2; 643.

anything and that Farrago has definite ideas about what Teague is qualified to do (be his servant). But by repetition Brackenridge can consider the problem of immigrant "Teagues" in this variety of contexts.

The initial cycle of repetitions leads to another. Brackenridge finds the idea of Teague as suitor, government official, and lawyer especially intriguing; he wants a longer look at these situations. Brackenridge thus reconsiders Teague as suitor; he becomes an Irish Lothario in the "Teagueomania" chapters, books 3 and 4 of the third volume. Next, Brackenridge lingers on Teague as public official, specifically an excise officer (volume 4). Finally, instead of returning to the law, Teague takes up another position for the educated, that of a newspaper editor (first book of part 2).

The repetitions are not limited to imagining reckless ambition. Brackenridge also considers the repressive prejudices to be working, unfairly, against a striving immigrant like Teague. The final image of part 1 is one of Brackenridge's most poignant: Teague in a cage, feathers hanging from splotches of tar, his every action being misinterpreted by the "experts" of the American Philosophical Society as proof of his animal nature. As Teague's humanity is about to be tried, one of the "philosophers," Counsellor Catch, introduces the seemingly conclusive evidence that "the thing had a human voice and speech, that of a west country Irishman; no instance of which was to be found in any natural historian." But speaking with an accent is no guarantee of humanity in Brackenridge's America. "It was no uncommon thing . . . for beasts to speak some language; such as Latin, Greek; for which he might refer the gentleman to the Æsopi Fabulæ." The jury is convinced, and the American Philosophical Society keeps its Irish-accented beast for "a year or two" before selling him to a French philosophical society.[12]

Brackenridge often uses repetition of actions, but in one memorable scene he layers characters' perceptions instead. This prescient analysis of multiplicity centers on the interpretations that different men make of a mysterious sign, the badge of the Order of Cincinnatus. The order's badge was gold colored and in the shape of an eagle.[13] Brackenridge sets his scene at an inn with Farrago, Teague, "an ecclesiastic," and the wearer of

[12] Ibid., I.4.1.16; 324.

[13] Anxieties about the order were typical in early America. Was a new aristocracy being built on the fame of the very revolution that freed us from a king? The badge that members wore was especially galling; it smacked too much of an instantly recognizable hierarchy.

the badge ("the Cincinnat"). The Cincinnat enters, and Teague, hungry for fowl, imagines that the eagle badge is a dinner order for goose. Farrago is "greatly irritated" by Teague's shenanigans, but the Cincinnat appreciates this misunderstanding. "He was not dissatisfied at the mistake, in as much as it had brought a couple of good ducks to the table."

After the arrival of the ducks, the badge inspires three contradictory readings. For the Cincinnat, the badge signifies an allegiance to nation, and his nationalistic devotion acts as a substitute for religion. "[H]e worshipped any god, true or false very little," yet the eagle badge "designates the cause for which her [American] soldiery had fought; in the same manner as the eagle was the standard of the Roman legion." The ecclesiastic opposes a civic religion replacing a theological one, and "[he] grew the more enraged, and insisted that it was an idol." For him, the badge is a violation of a venerable juridical code, the Decalogue. Finally, Farrago makes his reading. He dismisses the religious objections, but reverses the Cincinnat's own reading. Instead of devotion to nation, he sees devotion to faction: "My principal objection . . . lies against all partial institutions, whatsoever; they cut men from the common mass, and alienate their affections from the whole, concentering their attachments to a particular point and interest."[14]

In the episode, four men disagree on the meaning of a symbol. Brackenridge challenges the possibility of meaningful communication, of reliable signs, and of comprehension by listeners. In this moment, he is skeptical about insisting on particular meanings for American history. It is surely no accident that the only worthwhile product of the badge in this scene is the cooked duck it helped summon—and only after a misreading of the badge's intended purpose and image. A democracy cannot function without a common language of adjudication and negotiation. Thus, Brackenridge imagines American diversity as leading irrevocably to a latter-day Tower of Babel. While Herman Melville would later celebrate this heterogeneity in the "Doubloon" chapter of *Moby-Dick*, Brackenridge is deeply pessimistic about the diversity that he, nonetheless, records in a creative fashion.

Brackenridge's inventive juxtapositions are more powerful for their metonymic significance. Obviously, there are Farrago and Teague; "Farrago is the decent, gentlemanly, republican past; Teague is the ill-

[14] Brackenridge, *Modern Chivalry*, I.1.7.1; 69–75.

mannered, popular, democratic future."[15] Neither character dies and neither emerges triumphant at the conclusion of *Modern Chivalry*. Even at this simplistic level of analysis, Brackenridge seems unable to dismiss what Teague represents and declare Farrago's America the victor. But Brackenridge's most effective use of juxtaposition may be his meditation on opportunity on the ostensibly democratic frontier.

Two immigrants claim to be ministers: one man has a ministerial certification, and the other claims to have been robbed of it. Captain Farrago asks each would-be minister to preach, declaring "let the best sermon take the purse." Farrago need not make a choice, as in frontier America "certification" can be real or imagined. Though the imposter initially despairs of preaching, Farrago himself coaches the man. He says, "there [are] few bodies, ecclesiastical or civil, in which there [are] more than one or two men of sense." Farrago's cynicism builds the imposter's confidence; he spews a Sunday school summary of the Bible, and "the lay people present were most pleased with the . . . discourse." Farrago can "see no harm in letting them both preach. There is work enough for them in this new country." Authenticity is sacrificed to ingenuity, even if it is the result of conniving. This may be a cynical presentation of opportunity, but both men will preach.[16]

In contrast to the case of ministers, America holds no prospects for a ruined woman. Immediately following the ministers' episode, Farrago suspects that Teague is at a brothel. But, instead Farrago discovers a beautiful young woman on the verge of tears, the victim of a heartless rake. The fallen women would have been familiar to readers of sentimental fiction, but, modern or not, Farrago's chivalry fails him. Cervantes's Don Quixote would have galloped off to vanquish the miscreant, but Brackenridge's chevalier lectures the woman and inquires of charitable Quakers on her behalf. This modern Dulcinea will have none of it. Rather than be subjected to more Enlightenment theory about "goodness," "judgment," and "merit," the young woman hangs herself.[17] By pairing these two episodes, Brackenridge insists that the reader consider them as a thematic unit: opportunity may exist in America for some people some of the time (shown formally by the repetition of the ministers' claims), but

[15] Joseph J. Ellis, *After the Revolution: Profiles of Early American Culture* (New York, 1979), 100.

[16] Brackenridge, *Modern Chivalry*, I.2.3.1–2; 99–104.

[17] Ibid., I.2.4.2; 107–13.

this Enlightenment is severely curtailed for others. Through repetition and juxtaposition, Brackenridge explores such early American constitutive contradictions.

Brackenridge's formal structures are not only a means of more sophisticated thematic development. They are also a literal embodiment of the very political processes at issue. In order to consider democratic multiplicity, Brackenridge attempts to represent it as closely as possible. In the early volumes of *Modern Chivalry*, the book *becomes* a discursive democracy. Many eighteenth-century novels and picaresques involved a variety of characters, but Brackenridge was unique in his consideration of so many perspectives and in his deployment of formal devices to articulate them. Indeed, Brackenridge demonstrates the courage to imagine realities he finds discomfiting. Though he never had affection for Teague and his ilk, he refused to hate or dismiss them either. By juxtaposing the inevitable process of Teague-risings with reflections on the limits of the Enlightenment, Brackenridge not only appears to realize that America will soon become unrecognizable to him, but also faces this prospect with resignation (though not equanimity).

He discovers no *jouissance* through *Modern Chivalry*; writing was a civic duty he undertook (or at least imagined for himself), and he is quite explicit about how painful a process this was. But the author cannot ignore the robustness of Teague's claims to play a role in the democratic government that Brackenridge supports with his writing. Teague is an unfortunate concomitant of the government in which he has such theoretical investment; alas, there is no state where every man is a Latin scholar and all women can best be seen "at the spinning wheel."[18] Brackenridge knows he must reconcile the theoretical attractions of republican theory with the presence of Teagues and Traddles.

These formal techniques both recall and reimagine Brackenridge's earlier work as editor of the *United States Magazine*. Brackenridge and publisher Francis Bailey produced twelve monthly issues in 1779. The *United States Magazine* (*USM*) was the only magazine published in British America between the Declaration of Independence and the official end of the Revolutionary War in 1783. This era was part of what Frank Luther Mott called the "lean years" for magazines, yet he praised Brackenridge for "probably the most brilliant performance of the whole

[18] Ibid., II.4.2.15; 797.

period."[19] A bound copy of the complete *USM* would bear a striking resemblance to *Modern Chivalry* itself.[20] Brackenridge wrote for serial publications throughout his life, and *Modern Chivalry* can be understood as a private, occasional serial. *Modern Chivalry,* however, is unlike *USM* and other serials in the ways that Brackenridge creates cumulative intellectual narratives among its episodes, at least in the early volumes. Comparing the *United States Magazine* to *Modern Chivalry* both demonstrates Brackenridge's creativity in the latter work and suggests a crucial link between periodicals and the early American novel.

Political Decline and Personal Despair

Brackenridge wrote with deep anxiety for his nation. He signals this thematically and formally, for Brackenridge both depicts and enacts his failure as an author. Authorial success for him would have been paid in political coin: enrichment of the political discourse of his fellow Americans. The sheer heft of *Modern Chivalry* demonstrates its author's determination.

Yet, Brackenridge's writing rarely had the ameliorative effects he sought, and he became increasingly aware of this. Though the historical reality of Brackenridge's production was unfortunate for him, the reader may come to appreciate his difficulties. His writing is most vivid and moving when he imagines his irrelevance. In these moments, *Modern Chivalry* abruptly shifts from the stolid annals of eighteenth-century political philosophy and enters a nightmarish realm where the boundaries of identity and time dissolve in scenes of memorable emotional torment.

Near the beginning of part 2, Farrago visits a mental institute ("hospital") where he sees his former and present selves happily gesticulating in

[19] Frank Luther Mott, *A History of American Magazines*, 5 vols. (Cambridge, MA, 1938), 1:11, 27.

[20] Each is a lengthy (250,000 words for *USM*; 325,000 for *Modern Chivalry*) compendium of reflections on the politics and public affairs of early America. For instance, a chapter-by-chapter description of the first fifty pages of *Modern Chivalry* shows a similar diversity of interest. *USM* and *Modern Chivalry* are alike both in length and range of interests. They are thus significantly *dissimilar* from the novel that emerged in nineteenth-century Europe. None of Brackenridge's characters in either work experiences growth, no narrative trajectory lasts more than a few chapters or articles, many chapters are purely expository, interpersonal relationships are rarely addressed, and descriptive details are virtually absent—neither text provides descriptive details of landscape or characters' appearance. Above all, the books do not tell a story. In both *USM* and *Modern Chivalry*, the unit of meaning is the political abstraction, and both texts work through a series of episodes with meager narrative links among them.

their cells. "A man who imagined himself a moral philosopher, delivering lectures," "an insane person, who styled himself the Lay Preacher," and a mad poet who "was overjoyed to see the Captain, who was the hero of his Poem." Brackenridge thus imagines the various roles he has played—lay preacher to Revolutionary War troops, moral philosopher in writings like *Six Political Discourses* (1778), and finally, a "mad poet." (The prototype for *Modern Chivalry* was a verse Hudibrastic featuring Farrago and O'Regan.) For Brackenridge, then, the mental institute is a hall of mirrors. Having such a vision is not the same as interrogating one's ideas; this is the desperation of a man who fears he has lost his audience forever.[21]

What, for Brackenridge, are the consequences of such a loss? He grieves for more than his own failure: the future of writing in the American Republic is at stake. The lengthy introduction to volume 3 comprises his longest and most revealing meditation on this subject. As it begins, "Author" seeks the imaginary poet "M'Comas" and learns that M'Comas has not only died but still owes his landlady. She makes no allowance for genius, dead or alive. "Lousy writers . . . keep writing night and day, and biting their nails, and mumbling to themselves, like witches or warlocks."[22] Brackenridge's double pays M'Comas's back rent for the privilege of rummaging through his papers. He uncovers "Cincinnatus: A Poem."

Given the satiric portrait of M'Comas, the reader expects the poem to be a parody of the drivel that a romantic poetaster like M'Comas might write. Yet, the poem continues over twenty-two pages—more than a thousand lines of rhymed couplets. "Cincinnatus" is no joke.[23] Brackenridge is never again so frank and personal with *Modern Chivalry*'s readers. Perhaps he intends the comic frame and numbing repetition of his couplets to distract readers from the emotional nakedness in this section.

The poem details the travails of a member of the Order of Cincinnatus (the well-known society of Revolutionary War officers). The Cincinnat knows he ought to prefer his civilized "modern times" to the barbaric days

[21] Brackenridge, *Modern Chivalry*, II.1.1.12; 384–87. Two recurrent blind characters, a lawyer and a fiddler, are similarly the products of Farrago's feverish self-apprehension: Brackenridge is the lawyer who "fiddles" a tune of *Modern Chivalry*—blindly, he fears. The lawyer occasionally argues a case by which he "made a penny," and the two wait for hand-outs as the fiddler plays (II.1.1.7; 361).

[22] Ibid., I.3.Intro.; 172.

[23] Ibid., I.3.Intro.; 173–94. Brackenridge thought well enough of the poem to reprint it in his 1806 *Gazette Publications*.

of "cudgelling an adversary." Though he is ambivalent about the progress of modernity, an elder knight steps forth and commissions the Cincinnat to pursue *modern* chivalry. Instead of "dragons of the air / Or fiery vultures," the modern "valorous knight" combats "false notions of the right" with weapons of "free born thought and speech." The comparison between chivalry and republicanism is not surprising in this book. Chivalry is ostensibly a code of honor to guide the elites who were entrusted with the care of the unfortunate or weak—not unlike the classical republicanism that Brackenridge supported. Less expected is the comparison of modern chivalry / *Modern Chivalry* to *Don Quixote*. Trying to bring about mass education may be just as misguided as Quixote's attacks on windmills.

Surely many Federalist writers shared Brackenridge's frustration. But Brackenridge expresses more than petty annoyance here—perhaps gentlemen of letters like him are literary fools. There is nothing of the buffoon in arch-Federalists like Massachusetts senator Fisher Ames; that Brackenridge could compare his work to Quixote's suggests a unique—and perhaps remarkable—self-awareness. Quixote was not stupid or malicious; rather, he was a man whose reading prevented him from distinguishing fantasy from reality. He was, as Brackenridge's Cincinnat says, "somewhat unstable in his brain." Brackenridge unambiguously suggests that the same might be true for an American trying to write the nation to enlightenment.[24]

The sentimental suicide discussed before is relevant in this context. Suicides are conventional in sentimental tales, but rarely do they follow a stranger's earnest lecture on "merit." Brackenridge has refashioned the sentimental tale to express his deepest anxiety as a writer, for the relationship between Farrago and the young woman stands as exaggerated metonym for the one between Brackenridge and his audience. In *Modern Chivalry*, Brackenridge writes hundreds of pages entreating his readers to consider the fine points of representation, hierarchy, and democracy. These readers may not be quite as desperate as his fallen woman, but like her they are apparently in need of being rescued from their misapprehensions. How extraordinary for an author to imagine readers preferring death to his words!

[24] In the end, Brackenridge turns to fantasy. In volume 2 of part 2, Farrago, Teague, and a handful of minor characters leave their settlement and set out for the wilderness. Brackenridge then reimagines the development of a republic—the establishment of courts, press, and government. Only in this newly settled, imaginary republic can Farrago (or Brackenridge) be a republican leader.

The structure of *Modern Chivalry* confirms the despair suggested by these scenes. The gradual disappearance of discrete and contrasting text sections in the book provides empirical evidence of Brackenridge's initial struggle and eventual resignation. The early volumes (1792–93) courageously work at the limits of eighteenth-century narrative to imagine ambiguity and contradiction, but by the last few volumes (1805, 1815), Brackenridge has given up on courage and innovation. *Modern Chivalry* suffers entropy: initial complexity and polyphony are succeeded by a tedious monologism.

The first volume (1792) is both the shortest and the most carefully subdivided of the seven. In volume 1, Brackenridge wrote seven books, ranging from six to seventeen pages, and these books are in turn divided into chapters, none longer than five pages. But by the last volume, Brackenridge made far fewer distinctions among his sections. Though the new material in the 1815 edition (what Newlin publishes as volume 7) is twice as long as the first, this seventh volume contains only two (instead of seven) books, one of eighty-four and the other of eighty-nine pages. These books are then divided into twenty and eighteen chapters, many longer than the longest chapter from volume one. Most significant is the shift in the way Brackenridge used these chapter divisions. In the earlier volumes, he used them to create discrete units he could manipulate to contrast with or support another section. By the second half of *Modern Chivalry*, these subdivisions seem to indicate nothing more than the author's loss of interest. These book and chapter breaks suggest an apt metaphor—the book has flattened over the years. In 1792 the book rose and fell with frequent, precise, and hierarchical breaks. By the end, the reader finds only long, undifferentiated plateaus. Few books provide such an elegant demonstration of their own narratological decline.

Brackenridge's eventual frustration is hardly surprising. He had set an impossible task for himself, and he cannot comprehend the answers to his own questions. Brackenridge began *Modern Chivalry* because of a nagging sense that his perception of American political life was flawed; he turned to an unconventional discursive format because the older forms were no longer providing satisfactory answers to his concerns. But Brackenridge's intuition and literary creativity forced him to glimpse a political future similar to the very bumptious multiplicity that he warned against. The early sections of *Modern Chivalry* imply that America can exist only as a place of democratic enthusiasm and unresolved ideological

polyphony. Such an America is not at all what Brackenridge intended to discover. This vision terrifies and confuses him, and all he sees is anarchy. Not surprisingly, he retreats from these insights. Imagine Brackenridge creating a virtual and very diverse Congress in the early sections of *Modern Chivalry*. He dismisses it after 1797 with the publication of volume 4.

Yet, its sprawling difficulty has made *Modern Chivalry* attractive to contemporary critics who value ambiguity and paradox in texts. Brackenridge can now be appreciated as a protodeconstructionist, a prescient literary *saboteur*. Literary critic Christopher Looby asserts that the protagonist represents "an outmoded pretense of rationality and reactionary attachment to a deferential social protocol" and that Brackenridge's "deepest investment is in the subversive, transgressive, energizing agency of the rogue, the knave, and the fool." Edward Watts reads *Modern Chivalry* as an act of postcolonial resistance to the literary forms of a hegemonic imperial culture, while Grantland Rice celebrates Brackenridge for indicting "the truth claims of all texts by revealing their fictionality and homogenizing conventionality."[25] These valuable claims make visible much that is fascinating about *Modern Chivalry*. I want to complicate Brackenridge even further by claiming that he is, finally, a deeply conservative writer, a far cry from the gleeful subversion of a Stephen Burroughs. Though Brackenridge shows a keen awareness of the ferocious ideological struggles of 1790s America, he takes no pleasure in it; his appreciation of contradiction was reluctant, partial, and brief.

And yet, in spite of Brackenridge's distress, his biography is ultimately a story of perseverance, even hope. Even though Brackenridge is remembered, if at all, for *Modern Chivalry*, there was much more to the man.

[25] Christopher Looby, *Voicing America: Language, Literary Form, and the Origins of the United States* (Chicago, 1996), 243; Watts, *Writing and Postcolonialism*, 38; Rice, *Transformation of Authorship in America*, 135. For classic discussions of *Modern Chivalry*, see: Michael Gilmore's deft delineation of Brackenridge's political allegiances in "Eighteenth-Century Oppositional Ideology"; Joseph Ellis's demonstration of Brackenridge's appreciation for "alienation, contradiction, and disorder" in *After the Revolution: Profiles of Early American Culture* (New York, 1979), 73–110; Louis P. Simpson's analysis of "literary vocation" in *Modern Chivalry* in *The Brazen Face of History: Studies in the Literary Consciousness in America* (Baton Rogue, LA, 1980), 31–37; Robert A. Ferguson's exploration of legal frames of reference in *Law and Letters in American Culture* (Cambridge, MA, 1984), 119–28; Emory Elliot's demonstration of a "balance of competing perspectives" in the novel in *Revolutionary Writers: Literature and Authority in the New Republic, 1725–1810* (New York, 1982), 182–217; and Cathy Davidson's illumination of Brackenridge's use of the picaresque form in *Revolution and the Word: The Rise of the Novel in America* (New York, 1986), 151–78.

Though some twenty-six years passed between "The Modern Chevalier" and the final volume of *Modern Chivalry*, Brackenridge was not writing it continuously. He wrote most of the book in bursts, in response to the traumatic events of his professional life. Meanwhile, he never stopped writing newspaper articles and remained a powerful figure in Pennsylvania politics (though never what he had imagined for himself). *Modern Chivalry* must be seen as merely one of many expressive options for Brackenridge. He turned to *Modern Chivalry* to work beyond the limits imposed by a newspaper editor and the decorum expected of traditional eighteenth-century forms; it was his refuge from crisis. I calculate, for instance, that he wrote at least a quarter of it (over two hundred pages) in less than a year (1804–5) in response to a Pennsylvania judicial crisis. Clearly then, if read in isolation, the book gives an exaggerated view of Brackenridge's distress.[26]

Judged by *Modern Chivalry* alone, Brackenridge's final decade must have been the nadir of his despair; he writes hundreds of scolding pages that become repetitive and even dull. Had he become the forlorn man he imagined in the asylum? Perhaps in his darker moments the older Brackenridge saw himself in these tragic terms, but it would have been impossible for this man to waste much time moping. From December 1799 until his death in 1816, Brackenridge was a justice on the Pennsylvania Supreme Court. In his later years, he spent less time with *Modern Chivalry* and more with his six hundred–page legal treatise, the stolid *Law Miscellanies*.[27] *Modern Chivalry* shows us that the middle-aged Brackenridge was a mourning eighteenth-century Federalist, but *Law Miscellanies* demonstrates that Brackenridge was simultaneously typical of many nineteenth-century Americans in his obsession with work. Surely his interminable trips on the legal circuit had a different motivation than the ocean voyages of Manhattan merchants did. Yet,

[26] The 1792 and 1793 volumes follow Brackenridge's rejection as a congressional representative in favor of William Findley, the 1797 volume responds to the Whiskey Insurrection, the early sections of the 1805 volumes consider the newspaper wars of 1800–1801 in the *Pittsburgh Gazette*, and the rest of the 1805 section takes up the 1802–4 attack on the state judiciary. Only the final sections (1815) seem unconnected to a specific personal trauma, though the War of 1812 and Brackenridge's growing sense of mortality motivate many of these chapters.

[27] Full citation: *Law Miscellanies: Containing an Introduction to the Study of the Law; Notes on Blackstone's Commentaries, Shewing the Variations of the Law of Pennsylvania from the Law of England, and What Acts of Assembly Might Require to be Repealed or Modified; Observations on Smith's Edition of the Laws of Pennsylvania; Strictures on Decisions of the Supreme Court of the United States, and on Certain Acts of Congress, with Some Law Cases, and a Variety of Other Matters, Chiefly Original* (Philadelphia, 1814).

without *Modern Chivalry* on a corner of his desk, the older Brackenridge could be considered a conventional, successful graduate of the Princeton class of '71. He was simply working too hard to be truly despondent, or, in the language of today's psychology, "depressed."

Conclusion: Brackenridge's Literary Achievement

Written by a man with deep knowledge of American politics, *Modern Chivalry* provides an extensive vision of the idiosyncratic literary creativity and political turmoil of the American Enlightenment. *Modern Chivalry*, however, has alienated most subsequent readers. Brackenridge borrows, repeats, and includes where later authors would claim originality, write lean narratives, develop characters, and focus on the individual. Reading *Modern Chivalry* immerses the reader in an alien and sometimes incomprehensible place—the eighteenth-century mind.[28]

Yet, Brackenridge has good company in the sprawling, encyclopedic scope of his imagination. Like Herman Melville in *Moby-Dick*, Walt Whitman in *Leaves of Grass*, Gertrude Stein in *Making of Americans*, and Thomas Pynchon in *Gravity's Rainbow*, Brackenridge tries to capture his vision of the impossibly diverse American people and experience. I consider such books a uniquely American version of the Menippean satire—the democratic compendium. All writers of such books find the expressive tools available to them inadequate, and they create innovative literary devices that enable a more capacious representation. But these innovations always doom such books to incomprehension by at least some of the reading public. Melville was long dead before his book achieved acclaim, and *Making of Americans* remains one of the great unread books of American literature.

Writers who attempt such an ambitious project are necessarily idealistic; they dare to imagine that they are capable of inventing a new language

[28] *Modern Chivalry* ought to be read as a modern Menippean satire. The Menippean satire can be grouped with the picaresque and the encyclopedic compendium as literary modes that eschew narrative as an organizational imperative. Writers in these genres allow knowledge and opinion to dictate their form of expression; the "story" can reside in whatever space is left between the digressions. All three forms were dominant (and interrelated) in the eighteenth century. But, in a significant parallel to the political shifts already discussed, by the mid-nineteenth century these forms were obsolete. A way of imagining the world had been discarded, and from now on readers would expect narrative to be the primary organizational strategy in literature. Thanks are due to David Shields for first pointing out this link to me. See Northrop Frye, *Anatomy of Criticism: Four Essays* (Princeton, NJ, 1957) for further description of the Menippean satire.

to encompass the teeming diversity around them within a coherent intellectual system. But such idealism is usually disappointed. Already at the limits of their formal and conceptual vocabularies, these authors are eventually overwhelmed by the sheer immensity of the vision that initially inspired them. Their frustration may take the form of eventual despair: Brackenridge's form collapsed, Melville gave up writing prose narrative for thirty years, and Stein never broke her self-imposed exile in France or attempted another project nearly so ambitious. The tortuous prose of *Billy Budd* reveals the majestic cynicism of Melville before his death, and the conventionality of *The Autobiography of Alice B. Toklas* shows an author no longer capable of such formal defiance. Linking Brackenridge to these later authors suggests that he may have been less isolated than he feared. *Modern Chivalry* demonstrates that Brackenridge grasped a profound and ubiquitous characteristic of the American imagination. He was part of a still-emerging community of Americans that felt both awe and terror before American immensities: geographical, demographic, political, and metaphysical. In this, Brackenridge commands our attention as an early avatar of an essential, though often hidden, America.

Franklin & Marshall College ROBERT BATTISTINI

"I shall speak in Philadelphia": Emma Goldman and the Free Speech League

When Emma Goldman, the famous anarchist, came to Philadelphia in 1909 to deliver a speech at the Odd Fellows' Temple, she was met by a hostile police establishment. Anticipating her September 28 arrival on the noon train, assistant police superintendent Tim O'Leary threatened to turn a fire hose on her if she dared to speak a single word about anarchism. "She had better put on a rubber suit if she undertakes to make a speech there, because she certainly will get a ducking," O'Leary told the press. "There is nothing more distasteful to anarchists than a stream from a fire engine." He vowed that Emma Goldman would never speak in Philadelphia.[1]

Goldman's less-than-cordial reception in the City of Brotherly Love was similar to her reception in many other cities where she had also recently attempted to hold lectures. The sharp economic downturn of 1907 and 1908 sparked anarchist demonstrations in Philadelphia and many other cities, leading to police crackdowns on anarchist speakers. In 1907, police prevented Goldman meetings planned for Columbus, Toledo, and Detroit. In March 1908, police repeatedly barred Goldman from speaking in Chicago. In December 1908, she was arrested in Seattle and Bellingham, Washington, and in January 1909, she spent four days in a San Francisco jail. During the month of May alone, police stopped eleven of her lectures. In New York City, the police anarchist squad broke up her Sunday morning lecture on Victorian playwright Henrik Ibsen, outraging her middle-class and socially connected audience.[2]

When Goldman brought her anarchist road show to Philadelphia, she was already a national celebrity—"the high priestess of anarchism,"

[1] "The Police May Turn Hose on Anarchists," *Public Ledger*, Sept. 28, 1909, in *The Emma Goldman Papers: A Microfilm Edition*, ed. Candace Falk, Ronald J. Zbory, and Daniel Cornfort (Alexandria, VA, 1990), reel 47.

[2] Emma Goldman, *Living My Life* (New York, 1970), 451–52; Marian J. Morton, *Emma Goldman and the American Left: "Nowhere at Home"* (New York, 1992), 52.

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according to the Philadelphia *Public Ledger*.[3] The mainstream press's portrayal of Goldman and misconceptions about anarchism made this diminutive, slightly stout and now middle-aged, chain-smoking Russian immigrant appear to be a threat to the social order. To many of her detractors, "Red Emma" was synonymous with bomb throwing, political assassination, and free love. Many Americans, in fact, still believed she had something to do with the 1901 assassination of President William McKinley, even though investigators could find no evidence linking her to the crime. As she arrived in Philadelphia in 1909, determined to deliver her scheduled lecture, she would take on still another label—champion of free speech. With the help of the Free Speech League, the first organization dedicated to defending civil liberties, she would argue in a Pennsylvania court that the Philadelphia police had prevented her from speaking at a public forum and thus violated the Pennsylvania Constitution and the First Amendment of the U.S. Constitution. Hers was a most unlikely strategy indeed for an anarchist who philosophically opposed organized government. In her attempt to defend herself, Goldman would take on police, an old nemesis, and the Republican political machine that ruled Philadelphia.

During the two decades prior to World War I, Goldman was just one of many who challenged police for infringing on the rights of free speech, freedom of the press, and freedom to assemble in private halls or public places. Labor agitators connected with the Industrial Workers of the World (IWW or the Wobblies), sex radicals, freethinkers, and anarchists were among the most outspoken advocates of unfettered speech. Not surprisingly, these groups were often official targets of government repression. During the decades preceding World War I, the oppressed challenged this breach of their basic liberties in a vocal libertarian press, on the streets, and in the courts. Meanwhile, legal scholars, public officials at all levels of government, intellectuals, social commentators, and the public debated free-speech issues throughout the Progressive period. Yet, the judicial establishment generally remained hostile to litigants who used free-speech defenses to challenge censorship or police harassment.[4]

According to legal scholar David M. Rabban, legal battles over and the ongoing debate about free speech during the Progressive Era seemingly challenge much of the existing scholarship about First Amendment

[3] "Police May Turn Hose on Anarchists."

[4] David M. Rabban, *Free Speech in Its Forgotten Years* (New York, 1997), 15–16.

jurisprudence. The prevailing historiography divides the history of free speech into three periods. First, there is the era extending from the framing of the Constitution in 1787 to the time of the notorious Alien and Sedition Acts of 1798, when critics of the John Adams administration were prosecuted for seditious libel. It was during this period that intense debate ensued over the true meaning of the First Amendment. This was followed, according to the traditional scholarship, by a long period of negligible judicial activity extending from about 1800 to World War I. The third period began with the passage of the Espionage Act of 1917, which the federal government used to suppress war critics as the country prepared to enter World War I.[5] In Philadelphia, for instance, the city prosecuted members of the local Socialist Party under the act for distributing antidraft literature to soldiers. After being tried and convicted in U.S. District Court, the defendants ultimately appealed their convictions to the Supreme Court in the case of *Schenck v. United States*, the first Espionage Act case to reach the Court.

Rabban argues that traditional accounts of free-speech history continue to reinforce several erroneous assumptions. First, the landmark *Schenck* case began the judicial debate about the meaning of free speech and the creation of the modern First Amendment. Second, *Schenck* and the other espionage cases prompted Professor Zechariah Chafee Jr., who became a leading twentieth-century champion of free speech, to write the first major law review article on this topic, "Freedom of Speech in Wartime." Finally, in 1920, the Espionage Act cases inspired progressives, such as Roger Baldwin and Albert DeSilver, to found the first important organization dedicated to defending freedom of expression—the American Civil Liberties Union.[6]

Rabban observes that this highly suspect version of First Amendment history begins to unravel when one critically examines the events of the years 1870 to 1920. These turbulent decades produced legal decisions that impacted freedom of expression well before *Schenck*. Lawmakers enacted legislation concerning speech before the Espionage Act, legal scholars debated speech before Chafee, and an organization, called the Free Speech League, was founded to defend freedom of expression before the ACLU.[7]

[5] Ibid., 1.

[6] Ibid.

[7] Rabban, *Free Speech in Its Forgotten Years*, 2; Rabban began to challenge the standard historiography in law review articles. See "The First Amendment in Its Forgotten Years," *Yale Law*

Almost forgotten today and long ignored in historical scholarship, the Free Speech League was involved with virtually every major free-speech controversy of the Progressive Era. Founded in May 1902 by lawyers, journalists, and radical libertarians, and incorporated in 1911, the league became the first organization in American history to defend freedom of expression regardless of political viewpoint. League members defended clients in court, published pamphlets, organized protest meetings and demonstrations, communicated with public officials in speech disputes, appeared before governmental committees, and held public lectures on speech. Some of the league's clients included members of the nation's radical fringe, such as free-love reformers, freethinkers, birth-control advocates, Wobblies, and anarchists. The league defended free speech related to advertising (which could include information about impotence, venereal disease, and menstrual problems), anarchism, blasphemy, obscenity, profanity, scandal, and treason.[8]

Two prominent founding members of the league, lawyer Edward Chamberlain and physician Edward Bond Foote Jr., were veterans of free-speech battles as members of the National Defense Association, formed in 1878 as a radical splinter group of the National Liberal League. The league was organized in 1876 to oppose the Comstock Act of 1873, which made it illegal to use the mail to distribute what the government deemed to be obscene materials, including information about abortion and contraception.[9] (In May 1908, Congress amended the act to encompass materials that advocated arson, murder, or assassination. This new legislation clearly aimed to halt the circulation of anarchist publications such as *Mother Earth*, a journal Emma Goldman founded in 1906.[10]) When

Journal 90 (1981): 514–95; "The Free Speech League, the ACLU, and Changing Conceptions of Free Speech in American History," *Stanford Law Review* 45 (1992): 47–114; "The IWW Free Speech Fights and Popular Conceptions of Free Expression before World War I," *Virginia Law Review* 80 (1994): 1055–158. In his journal articles and in his book, Rabban challenges legal scholars who assume that courts did not seriously address free-speech issues until Congress passed the Espionage Act of 1917, citing specifically: Walter F. Berns, *The First Amendment and the Future of American Democracy* (New York, 1976); Lawrence M. Friedman, *A History of American Law*, 2nd ed. (New York, 1985); David M. Kennedy, *Over Here: The First World War and American Society* (New York, 1980); Paul L. Murphy, *The Meaning of Freedom of Speech: First Amendment Freedoms from Wilson to FDR* (Westport, CT, 1972); and other works.

[8] R*abban, Free Speech in Its Forgotten Years*, 2, 63, 68, 71–72; Rabban, "The Free-Speech League," 98–99.

[9] Paul Starr, *The Creation of the Media: Political Origins of Modern Communications* (New York, 2004), 235–36, 243–44.

[10] "Chronology," in *Emma Goldman, A Documentary History of the American Years*, ed. Candace Falk (Berkeley, CA, 2003–), 2:493.

the National Liberal League's campaign to repeal the Comstock Act failed, the National Defense Association sought to aid defendants in cases involving obscenity and birth control; it anticipated the role of the later Free Speech League.[11]

The government's next assault on free speech followed the September 1901 assassination of President McKinley when the federal government adopted antianarchist legislation while also using the Comstock Act to suppress the literature of anarchists and sex reformers. This renewed government harassment of the radical libertarian fringe prompted members of the Manhattan Liberal Club, a New York freethought group, to form the Free Speech League on May 1, 1902; Chamberlain and Foote became president and treasurer respectively.[12] Some of the most active members of the new organization included high-profile Progressive Era journalists, such as Lincoln Steffens and Hutchins Hapgood, attorney Gilbert E. Roe, an associate of Senator Robert M. LaFollette who handled many of the league's free-speech cases, and journalist Leonard Abbott, who after 1907 served for many years as league president. By far the league's best-known member was Theodore Schroeder, an attorney whose legal writings concerning free speech would influence contemporary and future legal scholars.[13] It was around 1905 that Schroeder became the league's secretary and driving force.

During the next two decades, the league would be involved in many free-speech battles involving both prominent and obscure clients. Among the league's most notable clients were birth-control advocate Margaret Sanger, indicted for distributing material judged obscene under the Comstock Act, journalist Max Eastman, indicted for criminal libel, and writer and socialist Upton Sinclair, arrested for his involvement in a demonstration against Standard Oil Company after the Ludlow massacre.[14] One of the league's most publicized fights occurred in San Diego, where, in 1912, it battled to strike down a city ordinance restricting outdoor speaking. The city clearly directed the measure at the IWW, whose members mounted soap boxes on street corners to agitate on labor issues.

[11] Starr, *Creation of the Media*, 244.

[12] "Free Speech League," in *Emma Goldman, A Documentary History*, 2:557.

[13] Rabban, "First Amendment in Its Forgotten Years," 520n.

[14] Rabban, *Free Speech in Its Forgotten Years*, 67–72. The Ludlow massacre occurred on April 20, 1914, when the Colorado National Guard attacked twelve hundred striking coal miners residing in a tent colony. The massacre left twenty people dead, including eleven children. The largest mining companies involved, like Standard Oil, were owned by the Rockefeller family.

The Free Speech League and Emma Goldman began their long association in 1903 when they formed an alliance to defend British anarchist John Turner, the first person to be charged with violating the new immigration act, known as the Anarchist Exclusion Act, which Congress had enacted earlier that year. The act targeted anarchists and others who advocated the overthrow of the government by force or violence or who called for the assassination of public officials. In the hysteria following the McKinley assassination, the federal government specifically cracked down on anarchists, since the president's assassin, Leon Czolgosz, was a self-proclaimed anarchist. The 1903 immigration act marked a significant turning point; for the first time since 1798, the federal government adopted restrictive legislation that singled out immigrants for their beliefs or for being associated with a group that espoused subversive opinions. The legislation presaged future restrictive measures, such as state syndicalism laws, the Espionage Act of 1917, and the Smith Act of 1940, which the federal government would later use to repress Wobblies, Socialists, and Communists.

Arrested during an American lecture tour and convicted of violating the new immigration act, Turner appealed his conviction to the Supreme Court with the help of the Free Speech League. To help with Turner's defense, the league appointed Goldman as its agent to organize meetings and collect money.[15] Despite the league's best efforts, the high court upheld Turner's conviction, and the 1903 law, in April 1904.[16] Undeterred, Emma Goldman continued her collaboration with the league over the next decade as both an advocate and client. In 1909 and in 1914, the Free Speech League mounted serious legal challenges on Goldman's behalf concerning free speech in Philadelphia. Because police barred Goldman from speaking so many times in 1909 alone, the league, together with Goldman's supporters, formed a Free Speech Committee that year to defend her rights.

That Emma Goldman would play such a pivotal role in early twentieth-century free-speech battles hardly comes as a surprise. During her twenty-five years as a public speaker, she was arrested more than forty times on various charges, though most stemmed from her public speeches. "Some

[15] Memo by E. B. Foote Jr., Mar. 24, 1904, in *Emma Goldman, A Documentary History*, 2:139–40.

[16] Rabban, *Free Speech in Its Forgotten Years*, 64–65; *Turner v. Williams*, 194 U.S. 279 (1904); Robert Justin Goldstein, *Political Repression in Modern America, 1870 to the Present* (New York, 1978), 68–69.

of these arrests," wrote Theodore Schroeder, "were for speeches actually made, more of them were for merely threatening to make a speech, and sometimes when neither of these facts existed she was arrested simply because she was Emma Goldman and had an undeserved newspaper reputation."[17] For her many detractors, the force of her words made her the most dangerous woman in America.

In her many run-ins with American police, Goldman and her followers often spoke of the "Russian methods" U.S. authorities used to censor her. The analogy would ring true for Goldman and millions of Russian Jews who had emigrated to America beginning in the 1880s to flee the anti-Semitism and pogroms of eastern Europe. Goldman, herself a Russian Jew, was born on June 27, 1869, in Kovno, Lithuania, then a province of the Russian Empire. In 1885, she emigrated to America with her older sister Helena to escape the czarist Russia of her youth and to flee a contentious relationship with her father. After settling in Rochester, New York, with her sister Lena, who had emigrated earlier, Goldman supported herself as a garment worker, much like many other Russian Jews entering the country at the time. In 1887 she married Jacob Kershner, a Russian Jewish immigrant living in Rochester who had attained U.S. citizenship. Through her marriage to Kershner, Goldman became a U.S. citizen, even though she left him after only two years without officially divorcing him.[18] Her union with Kershner would take on a new relevance during her legal battles in Philadelphia.

Shortly after arriving in Rochester, Goldman began following the news about the 1886 Haymarket incident in Chicago and the antianarchist hysteria that followed. On May 3, Chicago police fired into a crowd of striking workers at the McCormick harvester plant, killing and wounding several men. The next night, during a protest rally organized by leaders of the city's anarchist movement and attended by some two thousand people (including police) in Haymarket Square, an unidentified person tossed a bomb into the crowd. Police then fired into the crowd. In the end, seven police officers and several workers were killed and dozens of others were injured. Ultimately, eight men—all anarchists—were arrested

[17] Quoted in Rabban, *Free Speech in Its Forgotten Years*, 66.

[18] At the time of Goldman's marriage, a woman's citizenship in the United States was determined by the citizenship status of her husband. Goldman did divorce Kershner in 1888 but remarried him that same year before leaving him for good. Nancy Cott, "Marriage and Women's Citizenship in the United States, 1830–1934," *American Historical Review* 103 (1998): 1456–61; *Emma Goldman, A Documentary History*, 1:6, 537; 2:530.

in connection with the bombing and accused of being accessories to a murder and participating in a conspiracy to murder. Authorities were never able to identify or apprehend the actual bomb thrower. During what amounted to a sham trial, prosecutors found it difficult to prove that the eight men had anything to do with the bombing. The crux of the government's case rested on the allegation that the bomb thrower, whoever he was, was persuaded to unleash his deadly weapon by the incendiary writings and speeches of the defendants. Free speech and its limits became part of the subtext of the trial. The jury ultimately found the defendants guilty for their words, if not their deeds.[19] Despite the protests of many who believed the men were not given a fair trial, four of the eight defendants were hanged on November 11, 1887, a date anarchists would commemorate as Black Friday. For Goldman, the death of the four anarchists marked her spiritual awakening. "As to myself," Goldman wrote many years later, "I wish to say that the trial and death of the Chicago Anarchists decided my life and activities. In fact, the Chicago tragedy was the awakening of my social consciousness."[20]

Embracing anarchism, Goldman began to read the anarchist newspaper *Die Freiheit,* and in August 1889, she set out for New York City to seek out the paper's editor, Johann Most, the country's leading anarchist spokesman. Most, a German immigrant who could electrify audiences with his fiery oratory, became Goldman's idol and mentor. Most quickly recognized Goldman's value to the movement and turned her into an effective platform speaker. With a flair for the dramatic, Goldman adopted an aggressive, combative speaking style spiced with ridicule and sarcasm. New York City police soon recognized her gifts of oratory and ability to move an audience when she spoke to more than three thousand people gathered in Union Square on August 21 during the depths of the 1893 depression. After ridiculing labor leaders' and politicians' efforts to bring relief to thousands of unemployed workers, she urged the jobless and destitute to take direct action. "Workmen, you must demand what belongs to you," she said. "Go forth into the streets where the rich dwell, before the palaces of your dominators . . . and make them tremble. Ask for work. If they do not give you work, ask for bread. If they do not give you work or bread, then take bread."

[19] Paul Avrich, *The Haymarket Tragedy* (Princeton, NJ, 1984), 206–8, 272, 275.

[20] Emma Goldman to Samuel Klaus, Feb. 7, 1930, quoted in Avrich, *Haymarket Tragedy*, 433–34.

Shortly after her Union Square speech, Goldman made her first trip to Philadelphia to help organize a union. On August 31, she was to address a rally of the unemployed at Buffalo Hall on Eighth and Callowhill streets in a largely immigrant neighborhood just north of the city's downtown. But just as she was about to speak, police arrested her on a New York warrant on charges stemming from her August 21 Union Square speech. Escorted back to New York, she was tried for telling unemployed workers to take bread from the wealthy. For this, the court convicted her of inciting to riot and sentenced her to a year in Blackwell's Island Penitentiary.[21]

Goldman's prison sentence only enhanced her celebrity. After her release, and for the next twenty-five years, she would earn a living as a popular speaker on the national lecture circuit and as the editor of *Mother Earth*. The journal not only became a leading forum for anarchist thought, but it was also a platform for contributors like Goldman, Theodore Schroeder, and Leonard Abbot to write about the latest outrages committed against free speech.

Her annual lecture tours supported the journal and also helped energize local anarchist communities that anticipated her visits. Philadelphia's small but active anarchist circle was no exception. Perhaps the city's best-known anarchist was Voltairine de Cleyre, a native of rural Michigan who moved to Philadelphia in 1889. Before embracing anarchism, de Cleyre joined the free-thought movement, and in 1892 she founded the Ladies Liberal League, a Philadelphia free-thought group. Like Goldman, she was drawn to anarchism following the events of the Haymarket tragedy. She lectured and wrote extensively on anarchism and free thought while teaching music and English to the city's Jewish population to support herself.[22] In 1901, she founded the Social Science Club, a reading group that met every Sunday evening to discuss anarchist literature. The club also sponsored public lectures. After Goldman, de Cleyre was the most famous female anarchist in the country. Others prominent in the Philadelphia movement included George Brown, a Yorkshire shoemaker who emerged as one of the most popular orators in Philadelphia, and Chaim L. Weinberg, a charismatic Yiddish speaker who organized a Jewish Workers' Cooperative Association. The association founded a

[21] Goldman, *Living My Life*, 123; Alice Wexler, *Emma Goldman: An Intimate Life* (New York, 1984), 75–77; "Emma Goldman Arrested," *Public Ledger*, Sept. 1, 1893.

[22] Paul Avrich, *An American Anarchist: The Life of Voltairine de Cleyre* (Princeton, NJ, 1978), 36–37, 46–49, 70, 74, 83, 97, 129–30.

cooperative shoe store and bakery, distributed literature, and sponsored lectures.[23]

Beginning in the spring of 1901, de Cleyre, George Brown, and fellow anarchists launched a campaign to spread the anarchist message across the city and win new adherents to the movement by staging open-air meetings at various locations, including City Hall Plaza; they also distributed literature door to door.[24] During this period of activism, local anarchists enjoyed a visit from Emma Goldman, who arrived in the city on April 7 to speak in the afternoon to the Workingmen's Cooperative Association about labor organizing and in the evening to the Social Science Club at Industrial Hall on Broad and Vine streets. The afternoon lecture, held at Pennsylvania Hall on Eighth and Christian streets, took place without incident. Agents from the city's Department of Public Safety, who monitored the afternoon lecture, recommended that the evening lecture be suppressed; they complained that Goldman had spiced her earlier lecture with violent sentiments. When Goldman arrived to deliver the evening lecture at Industrial Hall, a police lieutenant, supported by thirty policemen, barred her from speaking. Undeterred and unmoved, Goldman told the officer the day would come when "I shall speak in this city, if not tonight, within the next few days. I do not defy you; I despise you." This short confrontation began Goldman's first major free-speech fight with the city's political establishment fully one year before the founding of the Free Speech League.[25]

In 1901, Philadelphia was gaining a reputation as the most politically corrupt city in the nation. It was a time when the city's Republican organization, controlled by contractor/bosses, ruled absolutely and grew rich by skimming the profits from huge public-works projects. Entrenched city bosses exercised control over figurehead mayors, such as Samuel H. Ashbridge, and had a say in the appointment of public officials, such as Abraham Lincoln English, the head of the Department of Public Safety, a megadepartment that controlled the city's police, firefighters, and all the building inspectors. In 1903, journalist Lincoln Steffens famously described Philadelphia as "corrupt and contented" after investigating the

[23] Ibid., 99, 133.

[24] Ibid., 131.

[25] "Police Bar Emma Goldman's Speech," *North American*, Apr. 8, 1901. The Jewish Workers' Cooperative Association and the Workingmen's Cooperative Association were likely the same organization.

city's contractor/boss rule.[26] Of the city's dozen or so daily newspapers, the *North American* stood out as an outspoken crusader against machine rule. Thomas B. Wanamaker, son of the city's department store tycoon, John Wanamaker, had recently purchased the broadsheet.

Goldman's fight with the city over free speech gave the *North American* another reason to take on Abraham English, the police, and the machine. For days, the newspaper ran front-page articles detailing Goldman's free-speech battles with English, who vowed that Goldman would not speak in Philadelphia. In one front-page spread, the paper featured a political cartoon showing English in a keystone cop costume confronting a statue of Patrick Henry standing on a pedestal bearing the inscription: "Give me liberty or give me death." While holding a billy club, English tells the statue: "It's lucky for you that you don't live in my time!" The cartoon appeared after English stated publicly that not only would he forbid Goldman from speaking, but that he would also forbid anyone else from publicly discussing anarchist doctrines—even for the purpose of refuting them. "No matter what your reason I will not have anarchy publicly discussed in Philadelphia. I will close your meeting the instant you attempt it," English told G. Frank Stephens of the Philadelphia Single Tax Society and founder of the single-tax colony in Arden, Delaware.[27] In a lead editorial, the *North American* stated that it was "perfectly plain that if Director English has the power to suppress free speech he can suppress newspapers. This editorial is as much a violation of English-made law as the discussion of anarchism by the single taxers would be, and neither is a violation of any law other than that evolved from the will of Director English. Director English is a fool."

Despite the public outcry, English remained unmoved. On April 9, a squad of police forcibly prevented Goldman from entering a hall at Fourth and South streets, where she was to address the Shirt Makers'

[26] Lincoln Steffens, "Philadelphia: Corrupt and Contented," in *The Shame of the Cities* (1904; New York, 1957), 134.

[27] "Tyranny of Police Publicly Denounced," *North American*, Apr. 12, 1901, in *Emma Goldman, A Documentary History*, 1:446–48. G. Frank Stephens, a leader of the single-tax movement in the Philadelphia region, was one of a number of single taxers who linked single-tax theory with anarchism. Followers of single-tax doctrine believed private land ownership created social and economic inequities and permitted landlords to accrue most of the wealth at the expense of the productive classes, consisting of workers and capitalists. Single taxers favored a "single tax" on land to end land speculation, and also favored common land ownership. Many single taxers were inspired by the writings of Henry George, a Philadelphia-born newspaper editor and a leading proponent of single-tax doctrine until his death in 1897.

Union. The unfolding Goldman saga seemed to delight the editors of the *North American*, who had her pose for a photograph to accompany a long, sympathetic interview that appeared in the paper's April 11 edition. "I shall speak in Philadelphia," the anarchist told writer Miriam Michelson. "I may have to suffer the consequences, but speak I will."[28] Making good on her prediction, Goldman outwitted police the same day the article appeared and spoke to the Single Tax Society at the Mercantile Library Hall on Tenth Street above Chestnut. The evening meeting concluded before the police even learned it had taken place. In a show of support, the Single Tax Society, the Henry George Club, and labor organizations all adopted resolutions condemning the police and upholding free speech. The labor unions, in particular, feared that if English could arbitrarily decide to silence anarchism, he could also use the police to shut down their meetings on a whim. Then, on the night of April 14, labor union members and single taxers all gathered in Industrial Hall to protest the police and to hear Emma Goldman. They were not disappointed. Perhaps bowing to public pressure, English permitted the meeting to take place without police interference, although plainclothes detectives were present in the hall. The next morning, in a front-page story, the *North American* could proclaim another victory against machine rule, running a story under the headline: "Right of Free Speech Upheld in This City: Director English Backs Down from His Impudently Tyrannical Position."[29]

But the victory for free speech in Philadelphia proved to be fleeting. When President McKinley was assassinated in September 1901, police nationwide arrested prominent anarchists and raided their homes and meeting places searching for incriminating evidence. In Philadelphia, police raided anarchist clubs and broke up meetings. For several years following the assassination, many Americans vilified and persecuted anarchists.[30] This was especially true for Goldman, who was forced off the lecture circuit and into a self-imposed exile even after she was cleared of any involvement in the late president's murder.

[28] "Director English's Powers," *North American*, Apr. 13, 1901; Miriam Michelson, "A Character Study of Emma Goldman," *North American*, Apr. 11, 1901, in E*mma Goldman, A Documentary History*, 1:440. Michelson (1870–1942) went on to become a novelist and playwright.

[29] "Police, By Force, Break up Emma Goldman's Meeting," *North American*, Apr. 10, 1901; "Tyranny of Police Publicly Denounced"; "Right of Free Speech Upheld in This City," *North American*, Apr. 15, 1901.

[30] Avrich, *American Anarchist*, 133–34.

Relations between police and local anarchists in Philadelphia would remain tense for the remainder of the decade. In April 1904, just as Goldman was reemerging from exile, she once again attempted to speak in Philadelphia, only to be met by renewed police harassment. On April 10, 1904, police stopped another Goldman meeting from taking place at the Odd Fellows' Temple. After citizens protested police action, Goldman was permitted to speak at the temple two weeks later.[31]

Local anarchists again clashed with Philadelphia police four years later in a free-speech standoff that came to be known as the "Broad Street Riot." By 1907, another severe depression gripped the country, throwing millions out of work and sparking unemployment demonstrations in the city and nationwide. At one such Philadelphia demonstration, on February 20, 1908, Italian and Jewish immigrant workers and anarchists filled the New Auditorium Hall at Third and Fitzwater streets and demanded jobs for the unemployed. As they listened to the fiery rhetoric of English-, Yiddish-, Italian-, and Russian-speaking radicals, including Voltairine de Cleyre, Chaim L. Weinberg, and George Brown, the crowd grew more volatile. Finally someone yelled, "Let us march on the City Hall." Despite the speakers' pleas to remain seated, demonstrators left the hall and marched along Catherine Street to Broad Street and then north on Broad, the city's main north-south thoroughfare, to City Hall. As they reached Broad and Locust streets, police on horseback began clubbing and arresting them. Police later arrested de Cleyre and Weinberg for inciting to riot. Four Italians were also charged with inciting to riot and assault and battery with intent to kill.[32]

As Emma Goldman was about to arrive in Philadelphia on September 28, 1909, to deliver her scheduled lecture titled "Anarchism: What It Really Means," memories of the Broad Street Riot and its aftermath were still fresh. Several days before Goldman was to appear in the city, Dr. Ben Reitman came to town to assess matters. Reitman, a roguish figure from Chicago with a medical degree, became Goldman's resourceful road manager and lover after 1908. Meeting with the city's radical element a few

[31] "Mayor Denounced by Free Speech Lovers," *Public Ledger*, Apr. 18, 1904; "Emma Goldman Is Allowed to Speak," *Public Ledger*, Apr. 25, 1904.

[32] "Voltairine Denies She Started Riot," *Evening Bulletin*, Feb. 21, 1908; Avrich, *American Anarchist*, 200–3. De Cleyre and Weinberg were tried on June 18, 1908, and found not guilty when a key government witness failed to appear and when the prosecution could produce no other evidence. Meanwhile, a defense committee continued to fight for the release of the four Italians who were tried separately, convicted, and given long prison terms. See Avrich, *American Anarchist*, chap. 8.

days before, Reitman was warned "that all radical gatherings had of late been suppressed in the City of Brotherly Love" in the wake of the Broad Street Riot.[33] Ben Reitman's stormy meeting with Henry Clay only confirmed this. Clay was the city's director of public safety in 1909 and a product of the same corrupt political machine that Goldman first confronted in 1901. As a representative of the Free Speech Committee, Reitman wanted assurances that Goldman would "not be molested by the police" as she attempted to speak in the city. Director Clay responded by pulling a rogues' gallery photograph of Goldman from his desk that confirmed she had a criminal record.[34] Clay told Reitman that Emma Goldman would never be permitted to speak in *his* city.

Despite the rebuff, Goldman came to Philadelphia as scheduled. As it happened, Goldman rode over in the same train from New York City as Philadelphia's Mayor John E. Reyburn, who observed her during the train ride but at first failed to recognize the famous anarchist. Judging from her entourage, he thought she might be a suffragette or possibly a woman of unsavory character. If the mayor seemed less than impressed, the *Public Ledger* appeared fascinated just by her physical presence, which belied a ferocious reputation. "She is a very little woman to have created such a stir," the paper observed, "and her face suggests peace and a well ordered life, rather than anarchy and its teachings." She wore a light yellow skirt, a white shirtwaist, and little jewelry. "This high priestess of the anarchists is almost good-looking. She has light brown hair, which would be very pretty if there were more of it, and a complexion certain women would go far to get. It is a pink, flesh complexion."[35]

Fully expecting problems with the city's police as she stepped off the train that day, Goldman told the press that if she were barred from speaking at the Odd Fellows' Temple that evening, she would consider legal options to defend her right to make a living. Since founding *Mother Earth* in 1906, Goldman embarked on national speaking tours each year to raise funds to support the anarchist journal. She typically sold *Mother Earth* and other anarchist literature at her speaking events. In defense of her right to earn a living as a public speaker, she could ask a judge to issue a warrant for the arrest of the assistant superintendent of police, Tim O'Leary, and also begin an injunction proceeding against Mayor Reyburn

[33] Goldman, *Living My Life*, 456.
[34] "Emma Goldman to Try to Speak Here," *Public Ledger*, Sept. 25, 1909.
[35] "Police May Turn Hose on Anarchists."

and Henry Clay. Anticipating a legal fight, Goldman conferred with Henry John Nelson, a Philadelphia lawyer and socialist who represented the city's Free Speech League. That afternoon Clay told Nelson and Reitman that if Goldman submitted a copy of her planned speech to him for prior censorship he would consider letting her speak that evening. "On the day of the meeting hallucinations set in at City Hall. The Director of Public Safety imagined himself the Russian Tsar," Goldman reported in *Mother Earth*. "He despatched [sic] two Cossacks to my hotel, demanding that I submit my manuscript for the consideration and approval of His Majesty. That I refuse to do, of course." When Goldman refused to submit to censorship, Clay barred her from speaking.[36]

The meeting at the Odd Fellows' Temple was scheduled to begin by 8 p.m. By that time, the hall itself was already packed to capacity with anarchists, socialists, and defenders of free speech, and about ten thousand people were massed in front of the building situated at Broad and Cherry streets. To prevent Goldman from entering the building, Director Clay deployed more than two hundred policemen on Broad Street from Arch Street to Cherry Street. A guard detail watched the nearby Little Hotel Wilmot, where Goldman was staying, to track her movements. At about ten minutes past eight, Tim O'Leary learned that Goldman, escorted by her attorney, was on her way to the hall. O'Leary, the assistant police superintendent and Clay's right-hand man, quickly massed twenty-five policemen to block her path. "You can't talk here," O'Leary told her. "Go back to your hotel." As Nelson began to protest the order, he was pushed to the curb. At this point a crowd began to swarm around the policemen, prompting O'Leary to order the police to disperse them. Meanwhile, Nelson and Goldman pushed their way through the melee to get to Nelson's nearby law office as police continued to shadow them. When Reitman learned that Goldman was stopped, he rushed onto the stage of the Odd Fellows' Temple and told the assembled that "the greatest crime of the century has taken place. Miss Goldman has been insulted and held up by a ruffian who rules this city. This meeting is now resolved into a protest meeting and tomorrow we shall seek justice." The meeting then proceeded as planned, but without Emma Goldman.[37]

[36] Emma Goldman, "Adventures in the Desert of American Liberty," *Mother Earth*, Nov. 1909, in *Emma Goldman Papers*, reel 47; "Emma Goldman Not Allowed to Speak," *Public Ledger*, Sept. 29, 1909.

[37] Goldman, *Living My Life*, 457; "Emma Goldman Not Allowed to Speak"; "Emma Goldman

The next day, single taxers and freethinkers showered Goldman with moral and financial support as the anarchist considered her legal options. "Strangely and possibly inconsistent as it may seem to my comrades," Goldman wrote, "I finally consented to appeal to the courts. Not because I believed that justice could possibly prevail; but because I wanted the court itself to substantiate the anarchist contention so powerfully set forth by Ralph Waldo Emerson: 'All governments, in essence, stand for tyranny.'"[38]

On September 29, Goldman's attorney, Henry John Nelson, drafted an injunction to restrain Mayor Reyburn, Director Clay, and Assistant Superintendent O'Leary from interfering with Goldman's right to speak.[39] On September 30, while Nelson awaited a response from the courts, about twelve hundred people once again came to the Odd Fellows' Temple hoping to see Goldman. Instead, they only heard from Reitman, who informed the gathering that Goldman would not attempt to speak in public until she received word about her injunction petition.[40]

On Friday, October 1, Emma Goldman got her day in court. At a hearing before Judges Robert N. Willson and Charles Y. Audenried, Goldman sat just a few feet away from Mayor Reyburn and Director Clay, who were named as defendants in her suit. Called as the first witness, Goldman talked about the meaning of anarchism, a political philosophy widely misunderstood at the time by the general public.[41] In some respects, anarchism itself was on trial. The September 1901 assassination of President McKinley, slain by self-styled anarchist Leon Czolgosz, was still a recent memory. Czolgosz, an American born to Polish immigrant parents, murdered McKinley shortly after attending one of Goldman's lectures in Cleveland. In the aftermath of the assassination, the Chicago police held Goldman for a time on suspicion of complicity in the murder, but they later released her when they determined that Czolgosz had acted alone. After a hurried trial, authorities executed Czolgosz on October 29. While Goldman was absolved of any role in the crime, the McKinley assassination would forever couple anarchism with violence in the public mind. Some days after the hearing, in fact, a *Public Ledger* letter writer

Is Kept from Hall by Police; 200 on Guard," *North American*, Sept. 29, 1909; Voltairine de Cleyre, "The Free Speech Fight in Philadelphia," *Mother Earth*, Oct. 1909, in *Emma Goldman Papers*, reel 47; Goldman, "Adventures in the Desert of American Liberty."

[38] Goldman, "Adventures in the Desert of American Liberty."

[39] "Emma Goldman Keeps up Battle," *Public Ledger*, Sept. 30, 1909.

[40] "No Speech by Miss Goldman," *Public Ledger*, Oct. 1, 1909.

[41] "Emma Goldman Talks Anarchy before Judges," *Public Ledger*, Oct. 2, 1909, in *Emma Goldman Papers*, reel 47.

assumed Czolgosz swore under oath that he killed the president after hearing the utterances of Emma Goldman. This was reason enough to prevent Goldman from speaking in Philadelphia. In her caustic denunciation of the letter writer, who only signed his name as T. T. H., Goldman wrote, "the 'assassin' made no statements, nor could there be found even circumstantial evidence to connect me in any way."[42]

Goldman's own views about violence could be confusing. In a January 1901 interview with the *New York Sun*, she insisted that she never advocated violence and would think any man an "utter fool" who disclosed to her that he was planning an assassination. Goldman admitted, however, that she would never condemn those who resorted to violence as a spontaneous response to horrendous conditions. Her conflicting views on the subject were no doubt based on her unyielding loyalty to Alexander Berkman, her old anarchist comrade and onetime lover who, in his youth, had attempted to assassinate industrialist Henry Clay Frick during the 1892 Homestead strike. For this crime, Berkman was incarcerated for fourteen years in Western State Penitentiary near Pittsburgh.[43]

The real core of Goldman's anarchist politics was opposition to the state and what the state stood for—central authority, interference in the lives of individuals, coercion, and censorship. Even liberal parliamentary democracies imposed the tyrannical will of the majority over powerless minorities. Voting and campaigning for political candidates seemed pointless. Instead of political action, anarchists like Goldman advocated "direct action," such as militant trade unionism and street demonstrations, to bring equity to the workplace and to oppose an authoritarian state. Like her Marxist and socialist contemporaries, she also opposed capitalism. Yet, unlike socialists, who called for the nationalization of the means of production through a highly centralized state, Goldman advocated that property should be transferred, not to a state, but to individuals.[44]

At the hearing, Judge Willson asked Goldman whether she believed that there should be no government and if all government ought to be destroyed. Goldman replied "that the people, if properly educated and developed, can take care of themselves. They need no government at such a stage of education and development. The government could then be destroyed and—." "Even by force?" the judge interrupted. "In some future

[42] Emma Goldman, "Emma Goldman and McKinley's Death," *Public Ledger*, Oct. 8, 1909, in *Emma Goldman Papers*, reel 47, and *Emma Goldman, A Documentary History*, 2:457–58.

[43] Wexler, *Emma Goldman*, 101.

[44] Ibid., 90–91.

time, yes," Goldman said, "when the people are able to take care of themselves, government should be destroyed."[45]

On cross examination, assistant city solicitors James L. Alcorn and Andrew Wright Crawford, who represented the police, quizzed Goldman about her 1893 New York arrest and conviction for inciting to riot. They then read passages from anarchist literature to provide the court with some understanding of anarchism and the potential content of Goldman's proposed lectures. Finally, Alcorn attempted to revisit the McKinley assassination. He wanted to ask Goldman about Czolgosz's supposed claim that he murdered the president at Goldman's suggestion, but Judge Willson barred this line of questioning.[46]

After Goldman's testimony, the court heard from the two defendants, Mayor Reyburn and Director Clay. Both testified that in light of Goldman's past police record and the recent anarchist-inspired demonstration in South Philadelphia that ended in a riot on Broad Street, they feared the Goldman lecture could result in another breach of the peace. Attorney Nelson argued that if the police prevailed in this case, the court would be granting the majority in power the right to suppress a minority from speaking. City attorney Alcorn countered that judicial interference with the state's legally constituted policing powers would be unwise. After taking testimony from both sides, the court adjourned. A decision as to whether to give Goldman injunctive relief was expected in a day or so.[47]

While awaiting the court's decision, Goldman remained at her 1502 Arch Street headquarters, a boardinghouse situated in the heart of the city's downtown. Here she received visitors from the city's radical libertarian element, the free thinkers and single taxers, and from young worshiping admirers, such as university students and several delegations of factory workers. One of the factory delegations included "a dozen pretty girls," who, according to the *Public Ledger*, "were excellent samples of the factory hands who have almost reverenced the apostle of anarchy." The *Ledger* was amazed to hear "these factory girls, who probably never spent two consecutive years in a school room," quoting from Maeterlink, Ibsen, Thoreau, and Tolstoy.[48]

[45] "Emma Goldman Talks Anarchy before Judges."

[46] Ibid.

[47] Ibid.

[48] "Emma Goldman Expects to Speak," *Public Ledger*, Oct. 3, 1909, and "Woman Anarchist Ready for a Test," *Public Ledger*, Oct. 4, 1909, both in *Emma Goldman Papers*, reel 47.

In addition to the admiring visitors, Goldman also received support from several readers of the *Public Ledger*. "If it were not for the small minded men who are in temporary control of our civic affairs," noted Ryerson W. Jennings in a letter to the editor, "Emma Goldman, an insignificant, foolish woman, would have come to Philadelphia, stated her views and departed hence and only a mere handful of men and women would have been cognizant of it. It is not the Emma Goldmans that provoke the people to riotous thoughts one fraction as much as the misgovernment of a community, a disregard of people's rights, a sneering attitude towards those who will not aid in municipal debauchery or condone the pollution of the ballot."[49] The *Ledger* even published a letter from Goldman herself, who used this seemingly unexpected forum to speak directly to the city's middle-class newspaper readers. With her letter, she attempted to change the popular perception of anarchism that associated it with bomb throwing and violence, a view that city attorneys played on during the court injunction hearing against Goldman. Instead she equated anarchism with human justice and liberty. The true anarchists in American history, Henry David Thoreau and Ralph Waldo Emerson and abolitionists Wendell Phillips, William Lloyd Garrison, and John Brown, were men who championed justice and liberty. The true villains in this conflict were the police, who consistently abridged freedom of speech and assembly. "I have been in the lecture field for 18 years; have spoken in innumerable cities, including Philadelphia, and have never had a single disturbance," wrote Goldman. "The only disturbers were the police, when they attempted to stop meetings and suppress free speech." In closing, Goldman told readers: "the club may be a mighty weapon, but it sinks into insignificance before human reason and human integrity. Therefore I shall speak in Philadelphia."[50]

At the behest of the Free Speech Committee, various supporters met with Goldman at her Arch Street boardinghouse to map out plans and set up speaking dates, assuming that the court would grant Goldman's injunction. Should the court rule against Goldman and not grant the injunction, her supporters also developed strategies to force free speech in defiance of the police and Mayor Reyburn. Goldman told the press that

[49] Ryerson W. Jennings, "Seeds of Insurrection Sown Not by Emma Goldmans, but by Friends of Corrupt Government," *Public Ledger*, Sept. 30, 1909.

[50] Emma Goldman, "Emma Goldman Expects to Speak: The Anarchist's Letter," *Public Ledger*, Oct. 3, 1909, in *Emma Goldman Papers*, reel 47, and *Emma Goldman, A Documentary History*, 2:454–56.

she was ready to test the limits of the "authority of the police officials in this city to misinterpret the law." To step up her campaign, she flooded Philadelphia with anarchist literature and had her supporters canvass the city appealing for financial aid. In the midst of all this planning, her supporters' greatest difficulty was in securing a place for Goldman to speak. The Odd Fellows' Temple was no longer available, and police were pressuring owners of other meeting halls not to rent to anarchists.[51] Finally, on Friday, October 8, a week after the injunction hearing, the Free Speech Committee staged a protest meeting at the Labor Lyceum at Sixth and Brown streets. Leonard Abbott, president of the Free Speech League and chairman of the meeting, extended an invitation to Mayor Reyburn to attend and explain why Goldman or anyone else should be prohibited from speaking in the city.[52] Declining the invitation, Mayor Reyburn instead sent Captain Callahan, along with four lieutenants and fifty policemen who took positions at the rear of the meeting hall. Speakers in attendance, including Chairman Abbott, ridiculed the police presence, criticized Henry Clay, and adopted a resolution demanding constitutional rights for Goldman.[53]

Just hours before the scheduled protest meeting, Judges Willson and Audenried called a special supplementary hearing. Goldman had hoped that an injunction would finally be granted, allowing her to speak at the Labor Lyceum that evening. But that was not to be. Instead, the court wanted Goldman to clarify her citizenship status. Was Goldman a naturalized U.S. citizen or not? If Goldman was, in fact, an unnaturalized alien, she might not be entitled to all the rights of U.S. citizenship under state and federal constitutions—including the right to unqualified free speech. The question of Goldman's U.S. citizenship would dog her for the next decade. Goldman claimed U.S. citizenship through her 1887 marriage to Jacob Kershner. In 1906, however, Congress passed a law that made it possible to cancel one's American citizenship if it could be shown that it was obtained fraudulently or illegally. On April 8, 1909, federal officials used this law to nullify Goldman's citizenship. To accomplish this, they harassed Kershner's friends and family to extract information that would purportedly show that he had not met the five-year residency

[51] Goldman, "Emma Goldman Expects to Speak"; "Woman Anarchist Ready for a Test."

[52] "Anarchists Plan Rally," *Evening Bulletin*, Oct. 6, 1909; "Anarchists Invite Mayor," *Evening Bulletin*, Oct. 7, 1909; Goldman, "Emma Goldman and McKinley's Death."

[53] "Goldman Meeting without Goldman," *Public Ledger*, Oct. 9, 1909, in *Emma Goldman Papers*, reel 47.

requirement when he was granted U.S. citizenship back in 1884. Investigators obtained second- and third-hand information without Kershner's or Goldman's knowledge. Authorities never informed Goldman of their investigation, giving her no opportunity to contest their conclusions. With Goldman's citizenship status now at issue, Henry John Nelson, attorney for the Free Speech League, conceded in an amended petition that Goldman was not a U.S. citizen. Nevertheless, he argued that past legal precedents and relevant clauses in the state and national constitutions granted Goldman the rights of citizenship in regards to speech. After hearing arguments, the court continued the case without rendering a verdict.[54]

The decision on whether to grant the injunction was finally announced on October 15, and the news was not good for Goldman. In the matter of *Goldman v. Reyburn*, Judge Willson ruled that Goldman, as an avowed anarchist and alien, could not claim legal protection for speech that called for the ultimate destruction of government. When confronting advocates of such doctrine, police had ample legal justification for interfering with meetings and lectures that were likely to provoke public disturbances and a breach of the peace.[55]

Although the court found reason enough to reject the petition based on a technical question concerning its wording, the court also rejected it based on larger constitutional arguments. Goldman's attorney maintained in the petition that the plaintiff had a right to deliver public lectures under Pennsylvania's constitution, which states that "every citizen may freely speak, write and print on any subject, being responsible for the abuse of that liberty." Secondly, under the Fourteenth Amendment to the U.S. Constitution, no state can "deny to any person within its jurisdiction the equal protection of the laws." In dismissing these constitutional arguments, Judge Willson ruled that Goldman was not protected under Pennsylvania's constitution in this specific matter since she was not a citizen of Pennsylvania. She also could not be considered a citizen of the United States since federal officials had rescinded her citizenship under the 1906 immigration act. The court's ruling noted that, "As to the second ground . . . we may say at the outset that it does not appear that the state of Pennsylvania has attempted to discriminate against the plaintiff

[54] "Emma Goldman an Alien," *Evening Bulletin*, Oct. 8, 1909; Wexler, *Emma Goldman*, 178.

[55] *Goldman v. Reyburn et al.*, 36 Pa. C. 581 (Phila. County, 1909); "Court Decides against Anarchist," *Public Ledger*, Oct. 16, 1909.

personally, or as one of a class of persons, and thereby to deny to her or to such class 'the equal protection of the laws.'"[56]

As an additional argument against the petitioner, the court cited the Immigration Act of 1903, which excluded known anarchists from the country who believed in or advocated the overthrow of government by force or who promoted the assassination of public officials. Since Goldman was an admitted anarchist and now an unnaturalized alien, the court ruled that she could also be deported under the act.[57]

The court's outright rejection of Goldman's petition was consistent with other free-speech cases that had been tested in the preceding decades. Courts during these years tended to view the rights of free speech in a rather limited way. The First Amendment to the U.S. Constitution states that Congress shall make no law abridging the freedom of speech, press, and right to peaceably assemble. Courts generally took this to mean that written speech could not be subjected to prior censorship. However, speech could be limited after publication if it was found to have a "bad tendency." Words that caused listeners or readers to commit illegal acts, incite riots, or cause disturbances, for instance, could fall under the bad-tendency rule. Fearing that Goldman's lecture, if permitted to proceed, would cause a disturbance, Judge Willson denied Goldman's injunction by using what appears to be another application of the bad-tendency test.

Courts used similar reasoning to reject the free-speech claims of other radicals and anarchists, such as Goldman's early mentor, Johann Most. In an 1891 case involving Most, New York's highest court affirmed the conviction of the anarchist editor under a statute that prohibited assembling with others and threatening to commit acts causing a breach of the peace. In a speech delivered a day after authorities hanged the Haymarket defendants in Chicago, Most urged his audience to "arm yourself, as the day of revolution is not far off; and when it comes, see that you are ready to resist and kill those hirelings of capitalists," who, in Most's opinion, were responsible for the executions. Eleven years later, the court convicted Most again for republishing a fifty-year-old article the day of McKinley's assassination that argued that all government is founded on murder and that revolutionary forces sometimes have a duty to kill "a professional murderer." In an introductory comment, Most said the article was "true

[56] *Goldman v. Reyburn.*
[57] Ibid.

even today," which the court took to be an endorsement of the sentiments it contained. The court concluded that the article went well beyond legitimate criticism of public affairs and could incite a breach of the peace and encourage others to commit murder.[58]

Interestingly, when Emma Goldman came to Philadelphia in 1909 to deliver a lecture, police never charged her with any crime. Unlike Most and others who were convicted after writing or speaking words that could incite others to commit illegal acts, Goldman was never given the chance to speak. Yet, based on her past reputation, the police and the court had decided that her lecture could potentially cause a public disturbance and barred her from speaking. Philadelphia public safety director Henry Clay told Goldman that he would consider allowing her to speak if she submitted the text of her lecture to him for prior censorship. He would thus deny Goldman the most fundamental protection of speech under the First Amendment as it was understood at the turn of the twentieth century: the prohibition against prior restraint.

Nevertheless, the courts, historically, had assumed that the First Amendment did not apply to the states, and Goldman's petition, after all, was filed in a state court to redress a grievance with the Philadelphia police. To bring the U.S. Constitution and the First Amendment to bear in this instance, attorney Henry John Nelson cited the equal protection clause of the Fourteenth Amendment, which states that no state can "deny any person within its jurisdiction the equal protection of the laws." Nelson asserted that free speech, one of the basic liberties guaranteed under the federal Constitution, was protected from state infringement by the Fourteenth Amendment.

Nelson was hardly the first to attempt this strategy. Shortly after the passage of the Fourteenth Amendment in 1868, litigants asserted a possible relationship between the First and Fourteenth Amendments in such cases as *United States v. Hall*, *Spies v. Illinois*, *Cruikshank v. United States*, and *Patterson v. Colorado* with little success.[59] In *Patterson* (1907), the U.S. Supreme Court upheld the contempt conviction of a newspaper publisher who had printed articles and cartoons critical of the Colorado Supreme Court. Using a traditional common-law interpretation of free speech, the high court ruled that if the First Amendment even

[58] Rabban, *Free Speech in Its Forgotten Years*, 132, 143–44.

[59] Rabban, *Free Speech in Its Forgotten Years*, 147–49; *United States v. Hall*, 26 F. Cas. 79 (C.C.S.D. Ala. 1871) (No. 15,282); *United States v. Cruikshank*, 92 U.S. 542 (1875); *Spies v. Illinois*, 123 U.S. 131 (1887).

applied in this case, it only protected the press from prior restraint. Despite a dissenting opinion from Justice John Marshall Harlan that held that the Fourteenth Amendment and its "privileges or immunities" clause applied the First Amendment to the states, the court's majority left no doubt that states could punish citizens for speech deemed harmful to the public interest.[60]

While the courts of law continued to take a narrow view of speech, the court of public opinion seemed prepared to embrace a more expansive view of speech. For the *Public Ledger*, it became a question of striking the right balance between protecting the public peace and protecting the people's right to speak. During the days leading up to the injunction petition, the *Ledger* believed that the city's police force, and not anarchism, was the biggest threat to speech and public order. In a *Ledger* editorial published two days after the decision, the newspaper condemned the police for their "ill-advised attempt to impose a censorship upon public speaking." "Emma Goldman might have come and gone in Philadelphia without attracting attention beyond a little circle of ill-balanced minds," the editorial read. "The attempt to suppress her has given her a fictitious notoriety and an artificial association with the idea of 'free speech' to which she is neither legally or ethically entitled." Police should have discretionary authority to act without undue court interference, the editorial continued, but they had to respond sensibly. In this regard, the police misread the seriousness of the threat and overreacted. "Philadelphia is not a breeding place nor a hospitable soil for anarchy, and the Goldmans and their kind 'may freely speak' without endangering the structure of society. Very few will listen to them. It is only the attempt to choke them off that directs attention to them. If they do make a disturbance, the police can easily take care of them, but the best way to minimize their effect is to let them alone."[61]

The police ignored the *Public Ledger*'s advice. Rather than adopt a hands-off policy towards radicals, the police became more aggressive. The recent court decision, which seemingly identified anarchists as a dangerous class, only emboldened the police. It wasn't just Emma Goldman who posed a threat to the public safety. Anarchists and libertarian thinkers of all stripes were equally dangerous. But the denial of an injunction to stop

[60] Rabban, *Free Speech in Its Forgotten Years*, 132–34 , 148–49; *Patterson v. Colorado*, 205 U.S. 454 (1907).

[61] "Anarchy and Free Speech," *Public Ledger*, Oct. 17, 1909.

police from gagging Goldman did not end the free-speech drama that had dragged out in Philadelphia for several weeks simply because Goldman and her supporters refused to leave the stage. The free-speech advocates had enough fight left to mount a second act. The impetus for the renewed speech campaign in Philadelphia came from an unlikely place a half a world away. As it played out, it would provide anarchism with its newest martyr and create a new cause célèbre.

During the summer of 1909, the Spanish government began drafting soldiers from the general population to maintain its control of Morocco, in North Africa. This move triggered a revolt among workers, who struck in Barcelona factories, and among leftist groups, who opposed the Roman Catholic Church's domination of the government. Opponents torched churches, blew up railroads, and attacked military barracks. The government ultimately put down the revolt in Barcelona, killing more than six hundred workers. Though he unlikely had any involvement in the insurrection, in October 1909 Spainish authorities arrested Francisco Ferrer, an anarchist, libertarian educator, and long-time irritant to the country's entrenched Roman Catholic establishment. After a sham trial, the court found him guilty and sentenced him to death. On October 13, he was executed by firing squad. The execution sparked leftist demonstrations and political unrest throughout much of Europe.[62]

In Philadelphia, meanwhile, leaders of the erstwhile free-speech fight now announced that they would hold a memorial meeting for Ferrer on Sunday evening, October 17, in Industrial Hall at Broad and Wood streets. Organizers had been distributing red cards with a heavy black border to advertise the meeting. According to the announcement, Emma Goldman's sketch of Ferrer's life and work would be read. Speakers were to include Voltairine de Cleyre, single taxer Frank Stephens, and Dr. Ben Reitman. One of the advertising cards fell into the hands of public safety director Henry Clay, who promptly declared that the list of speakers provided clear evidence that the meeting was anarchistic in nature. He ordered that the meeting be canceled. A detail of detectives and patrolmen were to surround the building to carry out the order. Clay said he was empowered to shut down the meeting based on Judge Willson's recent ruling "that anarchists have no standing in this community."[63]

[62] Paul Avrich, *The Modern School Movement: Anarchism and Education in the United States* (1980; Oakland, CA, 2006), 18–19, 24–26, 30, 38.

[63] "Anarchists Not Allowed to Meet," *Public Ledger*, Oct. 17, 1909, in *Emma Goldman Papers*, reel 47.

Goldman was not surprised when she learned of this latest police action. "Judge Willson has now made the police omnipotent," she said. "I shall not now be surprised to see them stop every meeting advertised, whether it concerns astronomy, the drama or the North Pole, if only they can find an anarchistic looking name among the speakers." Goldman then announced that rather than attempt to speak in Philadelphia she would instead go to New York that evening to address a Ferrer memorial meeting there. Reitman, meanwhile, vowed to hold the Philadelphia memorial to Ferrer at Industrial Hall in defiance of the police.[64] To make good on his promise to read Goldman's memorial to Professor Ferrer that evening, Reitman staged a high-stakes game of hide-and-seek with the police. As police remained preoccupied watching Industrial Hall, Reitman, de Cleyre, and followers outwitted Director Clay and held their memorial meeting ahead of schedule at New Royal Hall at Seventh and Morris streets in South Philadelphia. As it happened, the Young Working People's Educational Society was holding an afternoon lecture there on American womanhood. After a bit of arm twisting, Reitman persuaded the group to let him read Goldman's memorial statement to Ferrer and also to permit de Cleyre to speak. When word spread of a clandestine meeting, about three hundred people, many of whom were anarchists, came to the hall at about 5 p.m. De Cleyre spoke first. She began by eulogizing Ferrer and finished with an impassioned defense of free speech. "Europe, monarchical Europe, has the right to despise us, to hold us in scorn," de Cleyre said. "We, whose fathers died for liberty, but for whose shameful indifference liberty is likely to die with us. In Philadelphia American liberty was born. In Philadelphia it has been buried and lies underneath the 'Clay,'" de Cleyre said in a punning reference to public safety director Henry Clay. "When it is reborn it will no longer be as American, but as human liberty."

De Cleyre's words electrified the audience and set the stage for the evening's dramatic climax. Ben Reitman rose to deliver the text of Emma Goldman's memorial to Francisco Ferrer. As Reitman introduced the speech, the owner of the hall grew noticeably nervous. He began whispering to others in the hall. At some point the whispering turned to shouting, attendees overturned benches, and people stood up in alarm. Determined to get through the speech, Reitman spoke over the noisy commotion in the hall until he reached the end of the prepared text.

[64] Ibid.

"Then, as anarchy had held its promised meeting, and Professor Ferrer's martyrdom had been duly celebrated, and also as the owner of the hall was growing exceedingly noisy, Dr. Reitman and his friends withdrew," the *Public Ledger* reported.[65]

Flushed with success after holding a Ferrer memorial in defiance of police, Reitman and company next decided to march as a body to Industrial Hall at Broad and Wood streets to provoke a direct confrontation with police, who were waiting for them. "Then the hearts of the anarchists leaped high at the thought of martyrdom, imprisonment, and other discomforts," the *Ledger* reported. When the Reitman entourage arrived on the scene in front of Industrial Hall, they found about three hundred people holding pleasant conversations about free speech with Captain Hearn and a squad of policemen, who were refusing to allow the assembled gathering to conduct a meeting in the hall. With Reitman now among them, the police dispersed those gathered, pushing them down Broad Street. Undeterred and "highly pleased at this taste of martyrdom," the crowd made its way to the Radical Library at 424 Pine Street.

Founded by anarchists and situated in the heart of the city's Jewish quarter, the Radical Library represented anarchism's safe haven from police, or so the anarchists thought. Anarchists and sympathizers filled the hall to listen to speeches while the ever-present police milled about doorways to monitor the gathering. Despite the provocative police presence, it now appeared the evening would pass without incident. So much for martyrdom. Then the unexpected happened during a routine intermission when Ben Reitman innocently rubbed his right leg with his left foot. The gesture led Sergeant Hogan of the Third and Delancey streets police station to think that Reitman was about to get up to speak. Grabbing Reitman by the shoulders, the sergeant shouted: "You don't speak tonight." Finally, "Dr. Reitman's moment of martyrdom had come," the *Ledger* reported. "You cannot deny me the right to speak," he responded. With that Sergeant Hogan began to shake Reitman violently, which, in turn, triggered the disturbance anarchists had been expecting all evening. With their clubs now drawn, police began beating anarchists, ejecting them from the hall and throwing them to the pavement outside. The brutal thrashing delighted the anarchists and their supporters. The incident was bound to elicit more sympathy to the cause of free speech,

[65] "Police Eject Anarchists and Shake Reitman," *Public Ledger*, Oct. 18, 1909.

Emma Goldman, and anarchism.[66]

A *Ledger* article summed it up: "Now that they felt that they had suffered the indignities of the police they were perfectly happy and went home like ladies and gentlemen. Dr. Reitman, Voltairine de Cleyre and the other leaders of anarchy retired to Miss Goldman's rooms and refreshments were served and the newspapermen entertained with plans of anarchy for the future." As they wrapped up a successful evening, the anarchists expressed only one regret: no one had been arrested.[67]

It would not be long, however, before anarchists and supporters were once again facing down police, who now seemed even more determined to rid the city of Emma Goldman. The anarchist had returned to the city from New York, moving back into her Arch Street boardinghouse. It was here on the evening of October 20 that Goldman attempted to hold a private meeting. More than a dozen free-speech supporters were expected to attend, including Voltairine de Cleyre, Frank Stephens, and Baptist minister Rev. Cooper Ferris. But plainclothes detectives and police, who had been watching Goldman's movements since her return from New York, were determined to prevent the meeting from taking place. At about 7 p.m., Lieutenant Daly approached the boardinghouse's landlady, Mrs. Austin, and requested that she stop any meeting. "There must be no meeting," he told her. "If you permit these people to enter I shall arrest the whole party." Daly then proceeded towards a staircase leading to Goldman's apartment. By this time a crowd of boarders and onlookers had gathered. Goldman had also heard the commotion and confronted Daly. "You're not going to my room," Goldman told Daly. "My room is private, and I fortunately have the privilege of having the choice of my visitors. Would you allow a policeman to enter your room?"

After hearing Goldman's protest, the lieutenant backed away. Still determined to stop the meeting, Daly placed a detective at the entrance to the boardinghouse to turn away Goldman's visitors. One by one, Goldman's guests did an about-face, but several, including de Cleyre, managed to slip past police and enter Goldman's apartment. Goldman told the press that the police were making themselves ridiculous. "This was not a public meeting, nor did the public know what we are to talk about," Goldman said. "We were to consider general plans for a protest against the methods of police interference with the rights of every

[66] Ibid.
[67] Ibid.

American citizen to speak and be heard by whom he pleases. I shall remain here indefinitely. And I shall speak and take the consequences." Police finally persuaded the owners of the boardinghouse to evict Goldman and Reitman from the premises. The next day, Goldman found refuge with Voltairine de Cleyre.[68] On October 22, Goldman and Reitman traveled back to New York to meet with the Free Speech Committee to discuss the situation in Philadelphia.

The police siege of the Arch Street boardinghouse turned out to be Goldman's last stand in what she called "the desert of American liberty." "Its barrenness and utter desolation were not new to me," she wrote. "Yet never did that desert seem more real, more deadening than when I reached Philadelphia."[69] By depriving Goldman's followers of the opportunity to hear the basic tenets of anarchism delivered directly from the lips of its high priestess, the city was spared violence, or so city officialdom thought. There would be no new eruptions of civic disorder like the Broad Street Riot of two years before. Of course, by stopping Goldman from speaking, the city provided the anarchist with a wider audience of newspaper readers who followed her clashes with police. They read her well-reasoned comments in newspaper articles and in letters to the editor printed in the *Public Ledger*, which contrasted a libertarian, stateless philosophy with the heavy-handed authoritarianism of the city's police force. Yet, even as newspaper coverage gave the controversy wide exposure, only a relative few were outraged enough to come to her public defense on free-speech grounds. "The disappointing and discouraging feature of the Philadelphia experience is the utter lack of interest in the issue of free speech,—or if not indifference, it is certainly lack of spirit, absolute lack of backbone," Goldman noted in her account that appeared in the November issue of *Mother Earth*. "As to the public at large, no other city represents such a white-livered specimen. To put red blood in its veins it will have to be clubbed still more, and starved and kicked about. And even then it may never give birth to the spirit of revolt."[70]

In a November 6 letter to an associate, Goldman disclosed that the Free Speech Committee was "determined to carry on the fight, if not to absolute victory, at least to the point when it might not be an easy task for

[68] "Police Drive off Goldman Visitors," *Public Ledger*, Oct. 21, 1909; "Emma Goldman Moves," *Public Ledger*, Oct. 22, 1909.

[69] Goldman, "Adventures in the Desert of American Liberty."

[70] Ibid.

the police to interfere" with her meetings.[71] After the papers reported that the police hounded Goldman and her followers out of the Arch Street boardinghouse, the generally sympathetic *Public Ledger* published a new batch of favorable letters to the editor, including one from Leonard Abbott, president of the Free Speech League, who used the opportunity to once again condemn the city's director of public safety. "Director Clay may win an ephemeral victory. His policemen may, for the time being, stab free speech in the heart and outrage the most elementary personal rights without rebuke, but his conduct will be condemned by progressive thinkers in every country. Anarchism has a right to be heard, and it will be heard in Philadelphia."[72]

As Leonard Abbott had prophesied, anarchism and Emma Goldman would be heard from again. When a reform administration took office after 1911, replacing the Reyburn/Clay regime, Abbott and the Free Speech League renewed their campaign to allow Goldman to speak in Philadelphia. But Rudolph Blankenburg, the new mayor who was elected on a reform ticket, and the city's new director of public safety, George D. Porter, continued to enforce the anti-Goldman policy of the previous administration. Despite Director Porter's order forbidding her to speak, Goldman announced that she would appear at the Labor Lyceum at Sixth and Brown streets on January 4, 1914. As about five hundred people gathered in the hall awaiting her arrival, they were greeted by police who told them to disperse. Again, the authorities would not allow Emma Goldman to speak in Philadelphia. As men and women left the hall, however, some got the word that they should regather at the Radical Library at 424 Pine Street. As the library meeting room filled to capacity and the doors closed, Alexander Berkman, Goldman's longtime associate, lifted a rear window. Goldman had snuck around to the rear of the building to dodge police, and supporters then hoisted her through the window and lifted her onto a platform. To ensure that she would make a speech before police could take her from the stage and arrest her, Berkman chained her to the window jamb. Then she spoke. "I made up my mind that I was going to speak in this city tonight," she said while pounding her fist on a table, "and I would do it if I had to walk the streets all night, if I had to break into some private house, or if I had to do it from the City Hall plaza."[73]

[71] Emma Goldman to Max Metzkow, Nov. 6, 1909, in *Emma Goldman Papers*, reel 3.
[72] Leonard D. Abbott, "Principle, Not a Person," *Public Ledger*, Oct. 25, 1909.
[73] "Emma Goldman Defies Police," *Public Ledger*, Jan. 5, 1914; "Emma Goldman Makes Speech

In a bit of macabre irony, former mayor and old Goldman adversary John E. Reyburn died suddenly that same day.[74]

Reaction to Goldman's latest run-in with police was swift. In a lead *Public Ledger* editorial, the paper condemned public safety director Porter for overreacting and questioned whether a public official should have the power to decide arbitrarily who may or may not speak in the city. "[Porter's] good intent is not questioned, but it must be plain that if every executive or head of department should exercise that power at will, there would be no real freedom of speech in this country. We have no desire to permit the Goldmans to speak their mischievous nonsense, but free speech is a right resting upon stronger foundation than the permission of any official."[75] Several days after Emma Goldman's clandestine meeting, anarchists formed a Philadelphia Free Speech League chapter to continue to force the issue. Then, on February 4, league secretary Theodore Schroeder, Goldman's legal counsel, met with Porter, who, in an apparent about-face, told Schroeder that he would lift the order that barred Goldman from speaking. For the first time in five years, Emma Goldman would be permitted to speak in Philadelphia. The moment came on the evening of March 9, when she delivered a speech before a standing-room-only audience in the Parkway Building on the subject of "Anarchism and Why It Is Unpopular."[76] "The lecture arranged by the Free Speech League of Philadelphia for March 9 was a tremendous success," Goldman wrote afterwards in *Mother Earth*, "not only because of its size, but because of the complete breakdown of the authorities, which is only another proof that perseverance in behalf of an ideal inevitably leads to recognition. Five years ago Anarchism was silenced in Philadelphia. On March 9, 1914, it rang out its clarion voice more powerful than ever."[77]

If Emma Goldman was looking for vindication and poetic justice in Philadelphia that evening, she may have found both in abundance. As she spoke, her old nemesis from years before, former public safety director

Police Forbad," *Record*, Jan. 5, 1914; John Davenport, "Gagging Free Speech," *Mother Earth*, Jan. 1914, in *Emma Goldman Papers*, reel 48.

[74] John E. Reyburn (1845–1914), who served as mayor from April 1907 to December 1911, died of a heart-related illness, according to various contemporary obituaries.

[75] "Free Speech and Those Who Abuse It," *Public Ledger*, Jan. 6, 1914.

[76] "Anarchists Form League of Protest," *Public Ledger*, Jan. 9, 1914; "Defines 'Free Speech'" *Public Ledger*, Feb. 5, 1914; "5-Year Fight Won by Emma Goldman," *Public Ledger*, Mar. 10, 1914.

[77] Emma Goldman, "A Review of Our New York Activities," *Mother Earth*, Apr. 1914, in *Emma Goldman Papers*, reel 48.

Henry Clay, was appealing a conviction in Superior Court stemming from his role in a conspiracy to defraud the city of large sums of money for the construction of police stations, bathhouses, and firehouses.[78]

The scenarios that played out in Philadelphia between 1893 and 1914 had become all too familiar to Goldman in her years as a public speaker. As one of Goldman's biographers explained, it mattered little which city or town she happened to be speaking in. All the players involved seemed to follow the same script. Police would censor or attempt to censor her lecture, whereupon the community's outraged radicals, liberals, and even conservatives, who strictly observed the First Amendment, would protest police intervention. On occasion, erstwhile supporters would come together to oppose the police and defend Goldman.[79] The Philadelphia drama played out somewhat differently in that her followers urged her to use the Free Speech League to challenge police action in a Pennsylvania court.

The role of the police in such confrontations also became quite predictable during the Progressive Era. Many of the tactics police used to suppress radicalism were first developed to suppress labor organizing and demonstrations during the Gilded Age. It was, in fact, the Haymarket tragedy—the defining event in Emma Goldman's life—that marked an important milestone in urban policing. After Haymarket, labor organizing became equated with radicalism, violence, and the threat of terroristic attacks with bombs and dynamite. Police forces in large cities sought some legal pretext (illegal trespass, disorderly conduct) and used newly enacted statutes to disrupt otherwise peaceful labor activities. Haymarket also marked the beginnings of a surveillance state. Police began to monitor individuals, such as anarchists, based solely on their ideological beliefs. As police used surveillance and illegal violence to intimidate radicals and curb dissent through the late nineteenth and well into the twentieth century, it was often with the consent of many Americans who feared immigrants and political discussion that smacked of radicalism. Many believed democratic values embodied in the Bill of Rights did not extend to immigrants with "dangerous" political or economic philosophies, women, or

[78] Henry Clay and the principles of the contracting firm were indicted by a grand jury in January 1912 and charged with defrauding the city of two hundred thousand dollars in contracts for bathhouses and police and fire stations. After they were convicted, Superior Court granted them a new trial, held in 1915, which resulted in their acquittal. Afterwards, Clay retired from public life. He died on April 26, 1926, at the age of seventy-six.

[79] Richard Drinnon, *Rebel in Paradise: A Biography of Emma Goldman* (1961; New York, 1976), 121.

minorities—characterizations that could almost certainly apply to Emma Goldman. Police first applied repressive tactics at outdoor demonstrations, mass meetings, rallies, picket lines, and parades. To disburse such gatherings, police used dragnet and pretext arrests, indiscriminate clubbings, and mounted charges. To suppress indoor gatherings, police could selectively enforce fire, health, and building ordinances, or require meeting-hall owners to submit in advance the names of sponsoring organizations and speakers. If this failed, police details could flood the entrances to meeting halls and turn away attendees. When police did allow meetings to take place, plainclothes note takers were present to ensure that a crime, such as "inciting to riot," was not about to take place. The presence of police note takers, however, was really intended to intimidate speakers and their followers.[80]

While challenges to police authority were sometimes successful, the work of the Free Speech League in Philadelphia and other cities and the defense of free speech in the city's press puts to rest the notion that civil-liberties cases rarely entered the courts or garnered attention in the public press until World War I and the Red Scare that followed.

Legal scholar David Rabban writes of a long tradition of libertarian radicalism that emerged before the Civil War and produced individual anarchism, radical abolitionism, and the freethought and free-love movements. Adherents to such philosophies were committed to individual autonomy in all its aspects and held a deep belief that unfettered speech was important and needed to be protected from state intrusion. Out of this tradition emerged the Free Speech League, whose members were dedicated to defending the expression of all viewpoints.[81]

It is most ironic that the Free Speech League emerged during the Progressive Era, a time when many progressives approached free speech with ambivalence. For progressives, arguments for individual constitutional rights brought to mind judicial principles such as "liberty of contract" and the sacredness of property rights. All too often, the Supreme Court sided with business and handed down decisions contending that the state could not use its police powers to regulate the length of the workday or to eliminate child labor; it argued that such measures interfered with property rights. The courts remained unsympathetic to protes-

[80] Frank Donner, *Protectors of Privilege: Red Squads and Police Repression in Urban America* (Berkeley, CA, 1990), 2, 20; Paul L. Murphy, *World War I and the Origin of Civil Liberties in the United States* (New York, 1979), 40–45.

[81] Rabban, *Free Speech in Its Forgotten Years*, 2.

tations that state police power should not interfere with personal or civil liberties. In contrast to the judicial conservatism that favored property rights to the detriment of reform legislation, as well as the antistatism of the radical libertarians, progressives touted the social benefits of the benevolent state. According to the progressive view, government intervention through legislation to rein in the worst abuses of capitalism could work in everyone's collective best interests.

It was the experience of World War I and its aftermath, however, that profoundly turned this perspective on its head and converted many progressives into radical libertarians themselves. During World War I, the Wilson administration used the new Espionage Act to arrest critics of its war policies. From this experience, progressives came to realize, as did the framers of the Constitution and the Bill of Rights in the eighteenth century, that government could pose a threat to civil liberties.[82] It was these progressives who founded the Civil Liberties Bureau (which in 1920 became the American Civil Liberties Union) to defend the free-speech rights of conscientious objectors during the war.

During the Red Scare years that followed, the ACLU defended the free-speech claims of Socialists and others who had been jailed for their antiwar activities.[83] The emerging ACLU relied heavily on the knowledge and expertise of the Free Speech League, but unlike the league, the ACLU, in its early days, adopted a narrower definition of protected speech, initially defending only political speech. By contrast, the Free Speech League, reflecting its libertarian underpinnings, believed the First Amendment protected virtually all forms of expression, which could include literature and the arts. It would be many years before the ACLU would come to a similar position.[84] It would also be many years before the Supreme Court would support the free-speech claims of plaintiffs under the First Amendment. In 1919, the high court first began to acknowledge free-speech defenses only in famous dissenting opinions. In the 1925 Gitlow case, the Court finally used the Fourteenth Amendment to apply the First Amendment's free-speech provisions to the states. But it was not

[82] Rabban, *Free Speech in Its Forgotten Years*, 3–4; Starr, *Creation of the Media*, 270.

[83] In Philadelphia, attorney Henry John Nelson, who represented Emma Goldman in 1909, became an associate of the ACLU and defended Socialists arrested during the war years. He was one of the attorneys who represented plaintiffs in the landmark *Schenck v. United States* case and two other Espionage Act–related cases, which the Supreme Court used to define the modern First Amendment.

[84] Rabban, *Free Speech in Its Forgotten Years*, 76.

until 1927 that Supreme Court majorities began enforcing free-speech rights guaranteed by the First Amendment for the first time.[85]

* * *

For much of its existence, the Free Speech League defended Emma Goldman, whose own kind of libertarian radicalism was far too radical for its time. After leaving Philadelphia in 1909, Goldman spent the next decade defending free speech, attacking traditional marriage as an oppressive institution (particularly for women), championing birth control and the dissemination of contraceptive information, sympathizing with the plight of prostitutes and prison inmates, and, on the eve of America's entry into World War I, challenging the government's right to conscript men into the army. Authorities arrested her many times for these views. Philadelphia police, in fact, threatened to arrest Goldman as she attempted to organize a local branch of the No-Conscription League.[86] For her opposition to conscription in 1917, the federal government tried and convicted Goldman and her longtime associate Alexander Berkman and sentenced them to two years in federal prison. Stripped of her citizenship in 1909, when the federal government used every means in its power to denaturalize her former husband, Jacob Kershner, Goldman had few legal options remaining in 1919 when the government ordered that she be deported along with Berkman. Her deportation was the culmination of a two-decades-long campaign to rid the country of anarchists, including Emma Goldman, simply on the basis of what they believed. It began with the Anarchist Exclusion Act of 1903 and continued with the Immigration Act of 1918, which threatened to deport aliens who advocated the violent overthrow of the government. Goldman's days as an outspoken anarchist, editor, and social critic in her adopted land ended on December 21, 1919, a bitterly cold Sunday morning, when Goldman, Berkman, and 247 other alien radicals boarded a barely seaworthy transport, the *Buford*, anchored in New York harbor. The ship was bound for Russia, Goldman's birthplace.[87]

[85] See *Gitlow v. New York*, 268 U.S. 652 (1925); *Fiske v. Kansas*, 274 U.S. 380 (1927); *Stromberg v. California*, 283 U.S. 359 (1931); and *Near v. Minnesota*, 283 U.S. 697 (1931).

[86] On May 31, 1917, Goldman told those gathered at Royal Hall on Seventh and Morris streets in South Philadelphia to oppose conscription just weeks after Congress adopted the Selective Draft Act. The timing of Goldman's antidraft speech was particularly irritating to local authorities since June 5 was set as national registration day.

[87] Goldman, *Living My Life*, 723; Drinnon, *Rebel in Paradise*, 221.

It is said that federal officialdom banished Goldman from these shores to protect the country from a dangerous anarchist. Or perhaps it was because the country was not ready to accept the full implications of free speech in a democracy. As Oliver Wendell Holmes famously wrote, the Constitution must protect "the principle of free thought—not free thought for those who agree with us but freedom for the thought that we hate."[88] It is most ironic that a Russian immigrant who favored a stateless society would challenge Americans to stand up for the democratic values they supposedly cherished. This challenge may be her greatest legacy and greatest gift to the country that rejected her.

Philadelphia, PA BILL LYNSKEY

[88] *United States v. Schwimmer*, 279 U.S. 644 (1929).

BOOK REVIEWS

The Beautiful Soul of John Woolman, Apostle of Abolition. By THOMAS P. SLAUGHTER. (New York: Hill and Wang, 2008. 450 pp. Illustrations, note on sources, notes, index. $30.)

John Woolman was born in 1720 in western New Jersey and was the grandson of Quaker immigrants who helped build the commercial agricultural economy of the eighteenth-century Delaware Valley. He had a fairly ordinary childhood: he attended school, labored on the family farm, and then, as a young adult, went to work for a shopkeeper. Some years later he abandoned his mercantile career, which in his generation was a chief route to wealth, and instead became a tailor. This trade, for an honest, hard-working man such as Woolman, garnered him a steady income, but no riches.

In *The Beautiful Soul of John Woolman, Apostle of Abolition*, Thomas Slaughter explains that this career decision, among other choices Woolman made during his lifetime, has contributed to Woolman's renown as a Quaker saint. While the biographer provides ample discussion of Woolman's outward achievements, Slaughter's primary goal is to understand his inner life—the mystical experiences that required the New Jersey Friend to challenge leaders of his own religion and of the larger society. Best known for his collaborative opposition to slaveholding among the Society of Friends, Woolman traveled frequently as a Quaker minister, witnessed against war and violence, and preached and practiced simplicity, becoming increasingly ascetic in his clothing and way of life. His essay *A Plea for the Poor*, unpublished for two decades after his death in 1772, linked his testimonies against slavery, expropriation of Native American property, consumer excess, and inequality of wealth.

Slaughter depends largely on Woolman's spiritual journal, notably manuscript drafts and *The Journal and Major Essays of John Woolman* (1971) by Phillips P. Moulton. Moulton collated and annotated Woolman's manuscripts and, most importantly, reinstated material about his dreams that a Quaker committee excised before publishing the first edition in 1774. Slaughter also explores the influence of literature on Woolman, including the Bible, Quaker books such as William Sewel's *History*, and Enlightenment works. In particular, Slaughter believes Woolman found "authority to challenge his own church" from the principles and martyrdom of Jan Hus and writings of Thomas à Kempis. Woolman considered both men "'sincere-hearted followers of Christ' and worthy of emulation, models of resolve in the face of contrary opinion within the church and, in Hus's case, also in the face of state authority" (174–75).

Thomas Slaughter began his study by trying to understand John Woolman's

distinctiveness, the qualities that have kept his journal continuously in print and have placed him among the coterie of religious leaders who are revered across denominational lines despite the fact that he "was one of many prophets in his day . . . [and] not the only abolitionist, mystic, critic of capitalism, ascetic, pacifist, holy man, or spiritual purist" (8). Slaughter found the typology of the "saint" in William James's *Varieties of Religious Experience* (1902) of some, but limited, use, perhaps—in the end—because saints cannot be typified. While aspects of Woolman's beliefs and motivations remain elusive, Slaughter provides us, through prodigious research and stimulating insights, the basis for working toward our own appreciation of Woolman's gifts.

Lehigh University JEAN R. SODERLUND

The Way of Improvement Leads Home: Philip Vickers Fithian and the Rural Enlightenment in Early America. By JOHN FEA. (Philadelphia: University of Pennsylvania Press, 2008. 272 pp. Illustrations, appendix, notes, index. $39.95.)

John Fea has written an excellent cultural biography of Philip Vicker Fithian's relatively short but interesting life. Fithian is best known to scholars for his insightful journal comments on his experiences as a tutor in plantation Virginia, but Fea offers a well-crafted study that makes good use of Fithian's voluminous journals, diaries, and papers, beginning with his early agricultural journal in 1766 and ending with his premature death as an army chaplain in 1775. Fithian was born into a middling family in southwestern New Jersey, and we learn through his accounts about some of the key events of the third quarter of the eighteenth century: the state of prospering yeoman and the seasonal cycles of rural life, the state of Presbyterian religion and American Protestantism in the post–Great Awakening era, the evolving struggle from resistance to revolution in the colonial crisis with Great Britain, and the Enlightenment as experienced in local communities and by ordinary residents of British North America. Fea's "study of this ordinary farmer" situates Fithian in the locale of Cohansey, even as he explains how the young minister achieved a cosmopolitan worldview through his education, his travels to backcountry Pennsylvania, his circle of friends, and, most of all, his reading and self-examination (7).

Fea argues that Fithian's Enlightenment life was marked by a "way of improvement," a drive for education and ambition. It is best understood as a cosmopolitan experience rooted in a local experience, or as the author's subtitle emphasizes, a "rural Enlightenment." Fithian's version of Enlightenment, Fea observes, occupied a middle ground between cosmopolitan ideals and local attachments (5). Ideas and institutions help root Fithian in his native locale while

also allowing him to become a "citizen of the world" and gain access to an Atlantic world. In one interesting example, Fithian, after returning from Princeton, perceived Cohansey as a place that fit the pastoral ideal. We have a particularly rich account of his courtship of Elizabeth Beatty, his eventual bride, which illuminates the larger conflict of passion and reason within Fithian; he was hemmed in by his neighbor's criticisms and his own self-reflection. Fea emphasizes how Fithian repeatedly balanced those centripetal forces of friends and family while attempting to achieve reason and universality. In this quest, he was aided by his circle of rural philosophes, the Bridge-Town Admonishing Society.

Fea explains how he came to his conceptualization of Fithian's rural Enlightenment after teaching the Enlightenment to undergraduates. His focus is locating ideas about a better self through the writing of a biography in a contextual manner. He is successful in that effort. The author also does an excellent job of demonstrating how Fithian's synthesis of Christianity and Enlightenment was achieved, how the two were adapted in this global movement, and how Fithian was being cosmopolitan by being local; he does not see that duality as a contradiction.

The Way of Improvement is a richly documented and imaginative biography. While, at times, a reader might wonder if Fithian's intellectual balancing act and the author's biographical story are as seamless as they appear, *The Way of Improvement* successfully mixes the particular with the universal, just like the story of Philip Vickers Fithian.

Bard Graduate Center for Studies in the Decorative Arts, Design, and Culture DAVID JAFFEE

The Drillmaster of Valley Forge: The Baron de Steuben and the Making of the American Army. By PAUL LOCKHART. (New York: HarperCollins, 2008. 377 pp. Illustrations, notes, index. $27.95.)

A new look at Baron Friedrich von Steuben is long overdue. The last serious biography appeared in 1937. In Paul Lockhart, the Baron has found an ideal chronicler. Lockart's background in European history—a subject he teaches at Wright State University in Dayton, Ohio—enables him to sketch Steuben's German years and dismiss several myths. Steuben did not "invent" his noble birth or his title; he was eminently entitled to a "von" or "de" before his name. "Baron" was a legitimate term for those elevated to the Order of Fidelity, a version of knighthood which enabled Steuben to wear a spectacular eight-pointed star on his dress uniform.

But Steuben came to America professing to have been a lieutenant general in

the Prussian army—when, in reality, he never advanced beyond the rank of captain. The fiction was the creation of the diplomats, Benjamin Franklin and Silas Deane, who hired him in Paris. They decided that only an extravagant lie would overcome Congress's disillusion with foreign volunteers. By 1778, when Steuben arrived in Valley Forge, too many of these gentlemen had acquired high rank and accomplished next to nothing.

With wry wit and engaging humor, Lockhart tells how Steuben brought off his improbable deception. The Continental army needed his experience as an organizer and drillmaster, and George Washington recognized this dolorous fact. Unable to speak a word of English, Steuben found French-speaking aides who translated his orders to a model company. The mere fact that this ex–lieutenant general was their drillmaster created a sensation. The Americans had been imitating the British army, where sergeants did the drilling. Steuben, imbued with the traditions of the Prussian army, soon changed minds—and hearts. He not only taught the Americans how to turn civilians into professional soldiers and maneuver them on a battlefield, but he insisted that an officer was responsible for the health and morale of his men—an idea that remains the core of the American army's training to this day.

Lockhart's portrait of Steuben is refreshingly realistic. He describes his faults—his irritability, his occasional pomposity, and his hunger for too much authority. Few modern readers realize how often Steuben angered the army's American-born generals. Along with these warts, Lockhart also emphasizes Steuben's good humor and innate generosity, which won him the loyalty and admiration of numerous friends. Even more important, the book takes us beyond Valley Forge, where Steuben won his fame, and reveals how often his gifts as a thinking soldier served the American cause in the last three years of the war. His efforts as an organizer and recruiter in Virginia had much to do with the survival—and ultimate success—of the American southern army in 1780–81. It was no coincidence that the last letter General Washington wrote before he resigned his commission was to General Steuben, thanking him for his "faithful and meritorious services."

New York, NY TOM FLEMING

If By Sea: The Forging of the American Navy—From the Revolution to the War of 1812. By GEORGE C. DAUGHAN. (New York: Basic Books, 2008. 536 pp. Illustrations, maps, glossary, source notes, bibliography, index. $30.)

If By Sea is thought-provoking reading for specialists in the naval history of the early American republic and a good introduction to the subject for the uninitiated. The first half of the book is a thesis-driven analysis of the contributions,

or lack thereof, made by the Continental navy to the winning of independence. The second half is a narrative of naval developments from the close of the War of Independence to the end of the War of 1812 within the context of the national debate over the strategic value of the United States Navy.

The chapters on the Revolutionary War are not what one might expect of a naval history. We read little about Continental naval operations or the challenges of creating a navy from scratch. Rather, Daughan tells the story of the Continental army from a strategic vantage point and on the basis that the war's outcome rested on the fate of the army. At critical junctures he asks, where was the Continental navy, and how could it have supported the army?

According to Daughan, the Continental Congress built the wrong kind of navy. The small blue-water navy it created had no strategic influence on the course of the war, and its frigates were employed on nonvital missions that privateers could have performed. To be truly useful, the Continental navy should have consisted of shallow-draft vessels, especially row galleys that could have impeded British naval operations in North America's bays and rivers. On May 8, 1776, thirteen Pennsylvania Navy row galleys, engaging a British forty-four-gun frigate and twenty-gun ship in the Delaware River, forced the forty-four aground. Daughan builds his thesis on this obscure incident. The general effectiveness of row galleys against broadside vessels, however, remains debatable. During the War of 1812, British warships in Chesapeake Bay easily neutralized Joshua Barney's substantial flotilla of galleys and barges. Nor is it clear why "a blue water fleet that could be a force outside harbors, rivers, and the immediate coast" was any less essential for asserting America's nationhood in 1777 than it would be in 1807 (395).

Daughan undervalues the services the Continental navy performed at sea—transporting diplomats, convoying specie, and showing the flag. None of the ministers that the Continental frigates carried to Europe was captured, whereas Henry Laurens, sent by Congress to Europe in a packet, was taken and imprisoned in the Tower of London. Congress could not place confidence in privateers for public missions. It would have been foolish to commit the shipment of specie from Havana that paid George Washington's restive troops and forestalled mutiny to any ship but the copper-bottomed Continental navy frigate *Alliance* and its redoubtable captain, John Barry.

The second half of Daughan's book is less original than the first, repeating a familiar refrain: seeking to avoid war by keeping the U.S. Navy small, the Jefferson and Madison administrations placed the country in a position in which it could not avoid war. The strength of this half of the book is the author's skill in orienting the reader within the larger contexts of relevant world events and national politics.

Naval History and Heritage Command MICHAEL J. CRAWFORD

Devil of the Domestic Sphere: Temperance, Gender, and Middle-class Ideology, 1800–1860. By SCOTT C. MARTIN. (DeKalb, IL: Northern Illinois University Press, 2008. xi, 204 pp. Illustrations, notes, works cited, index. $38.)

Cultural historian Scott C. Martin presents a thoughtful and innovative study that transcends the source-imposed boundaries of most works on this great antebellum reform. Histories compiled from reams of temperance society and government records seldom yield the amount of information on women that is available on men. And as all scholars of the early nineteenth century quickly learn, rare records of women's groups do survive, but the majority of associational and individual experiences are particularly difficult to coax from the shadows of the past. In an effort to reclaim the world in which these women lived, raised their families, and joined the ranks of temperance activists, Martin takes a creative leap into the larger realm of print culture and widens the lens to include sentimental fiction, sermons, medical "science," and prints. The result is a dramatic, evocative, and often disturbing account of the contradictory identities that antialcohol reformers gleaned from this plethora of material and then attached to American women.

This work is strongest in the superbly developed analysis of the complex and multifaceted portraits of women that Martin first examined in "'A Star that Gathers Lustre from the Gloom of Night': Wives, Marriage, and Gender in Early-Nineteenth-Century American Temperance Reform" (*Journal of Family History* 29 [2004]: 274–92). He elaborates on these insights and brings forth women who, as caretakers of home and hearth, bore primary responsibility for keeping sober homes and raising alcohol-free children. Within these notions of domesticity, women were often portrayed as temptresses likely to entice innocent and unsuspecting men onto the "path of doom" by offering that first glass of wine. In another construction, women appeared as saviors, strapping on their moral influence and encouraging men to take the pledge and give up "ardent spirits." In yet one more guise, "virtuous" women (and children) suffered silently at the hands of drunken husbands and fathers, and within a legal system that all-too-often failed to protect them. From nearly every angle, Martin notes mysogeny at play in this reform, an element that led to a "distrust of female power" and produced a "deep ambivalence about women's commitment to the temperance cause" (93). Ultimately, during the Maine-law campaigns of the 1850s, that fear of manipulation and the "perverted" image of womanhood forced many middle-class men to "push women back to their domestic sphere" (132).

From this platform, Martin boldly applies the information to gender ideology and the development of the middle class. Overall, the argument is logical, but some statements are a bit broad. Temperance reform undeniably serves as a "primary site for the elaboration and development of middle class ideology" (9), and the evidence is solid and well-constructed. Yet other sites, such as religion, cer-

tainly served as equally important contributing forces in shaping the foundation of the emerging middle class. One should also consider, for example, the evangelical women who worked for temperance in the earliest years of organized antialcohol reform and drew their purpose from the millennial promise. And, at the end of the day, the majority of women who lived through those years remain anonymous, as do their personal experiences. These minor points aside, *Devil of the Domestic Sphere* is an intriguing addition to temperance history, one that provides a persuasive interpretation of the social and cultural context in which middle-class women lived, worked, and raised their families.

Maryland Historical Society PATRICIA DOCKMAN ANDERSON

What Hath God Wrought: The Transformation of America, 1815–1848. By DANIEL WALKER HOWE. (New York: Oxford University Press, 2007. xviii, 904 pp. Maps, notes, bibliographic essay, index. $35.)

A train carried John Quincy Adams's body from Washington, DC, to his home in Massachusetts in February 1848, giving the venerable ex-president the distinction of being the first politician to take that posthumous ride by railway to his final resting place. Adams had collapsed in the House chambers a couple days earlier, stricken while speaking out against a resolution thanking the generals who had brought the United States victory against Mexico in a war that he had opposed from the beginning.

Daniel Walker Howe punctuates his sweeping history of America between 1815 and 1848 with similar telling anecdotes, facts, and stories that will enliven many a survey lecture. But these brief paragraphs on Adams's final days also reflect Howe's broader story. The particulars of Adams's death highlight the grand political and cultural clash between a Whig Party intent on moral and economic improvements and a Democratic Party aggressively seeking territorial expansion—a transformative clash that was a harbinger of the sharper conflicts that lay ahead.

The train that carried Adams's body also serves as a symbol of the transportation and communication revolutions that both bound the nation together and exacerbated the tensions that would ultimately break it apart. While Howe revels in detailing partisan ideologies and legislative battles, he never loses sight of the broader social context. He devotes considerable attention to the expansion of the cotton kingdom and the intensification of industrial development, religious revivalists and social reformers, the artists of the American Renaissance, and utopian experimenters. Howe has written a superb book on a crucial period in American history.

While the Mexican-American War looms large at the end of the study, it is

the War of 1812 that kicks things off, specifically the Battle of New Orleans. Contrasting the roles played by western riflemen and the artillery in the victory over the British, Howe sets up his major themes. Would America's future lay "With the individualistic, expansionist values exemplified by frontier marksmen? Or with the industrial-technological values exemplified by the artillery?" (18). In the years following the battle, it was the celebrated "Hunters of Kentucky," not the professional soldiers and New Orleanians who manned the cannons, who received the lion's share of glory. And it was those frontiersmen's champion, Andrew Jackson, who laid claim to the decades that followed the battle, marking them, in the eyes of many historians, as his "age."

Howe is intent on correcting that tendency, and he does so in two primary ways. First, he exposes the racist and imperialistic underpinnings of a Jacksonian egalitarianism built on the dispossession of Indian land and the expansion of slavery. Second, he elevates the Whiggish world of reform, religion, education, and economic diversification—one that offered an alternative path and at times stood in opposition to Democratic expansionism—to a central place within the story of America's nineteenth-century transformation. It was that "Whig vision" of improvement and modernization that eventually prevailed, Howe argues, "but only after Abraham Lincoln had vindicated it in the bloodiest of American wars" (853).

University of North Carolina at Charlotte DANIEL DUPRE

Tragedy at Avondale: The Causes, Consequences, and Legacy of the Pennsylvania Anthracite Coal Industry's Most Deadly Mining Disaster, September 6, 1869. By ROBERT P. WOLENSKY and JOSEPH M. KEATING. (Easton, PA: Canal History and Technology Press, 2008. xvi, 191 pp. Illustrations, appendices, references, notes, index. $19.95.)

The 1869 Avondale disaster was Pennsylvania's deadliest and most influential mining tragedy. Robert Wolensky, of the University of Wisconsin, and the late John Keating provide a fresh look at the fire that killed 108 workers, most of whom were Welsh, and spurred Pennsylvania's first statewide mining legislation.

On the morning of September 6, 1869, fire burst from the shaft of the Avondale colliery, igniting the breaker that stood directly above the mine shaft. The breaker collapsed into the shaft, trapping the workers, and most died from asphyxiation. A coroner's jury declared the event an accident, accepting the explanation promoted by the Workingmen's Benevolent Association (WBA) that sparks traveling over three hundred feet, horizontally through a brick flue and vertically up a wooden shaft, ignited the shaft at an intersecting mine tunnel forty feet below the surface. Some inquest witnesses presented a competing

hypothesis, however, observing that anthracite fires do not emit sparks. Men worked in the flue without concern about sparks, and the yellow pine used in the shaft would not ignite easily. Charring from the fire was minimal in the lower shaft but substantial above the tunnel intersection. Pro–mine owner witnesses argued that an arsonist used an incendiary to ignite the shaft at the intersection, claiming that a spark-caused fire could not evolve from ignition to erupting blaze without being noticed. The official version of the inquest downplayed the arson evidence, but journalists printed the full arson testimony and opined strongly in its favor. Nonetheless, the arson hypothesis was slowly forgotten.

What would be the motive for starting such a fire, and why would an inquest whitewash the disaster? The authors perceptively discuss the labor and social environment in which the tragedy occurred and provide possible scenarios for the arson theory. Four days prior to the disaster, and against the wishes of the WBA, Scranton-based Welsh miners returned to work at Avondale after ending a strike. Tensions between Welsh miners and Irish laborers had long been a problem. Most of the Irish workers were away from the mine attending a funeral on September 6. Consequently, the authors suggest that it is possible that a disgruntled striker took revenge upon the strike-breaking miners. The authors are careful not to blame the Irish directly , but they imply that the inquest settled on the accident theory partly to avoid the ethnic conflict that an arson verdict might provoke.

The authors convincingly raise questions about the accident verdict. They clearly state that the case for arson rested on circumstantial evidence, but did the authors think of soliciting an opinion from an arson investigator? The well-illustrated volume contains a glossary, a time line, and an appendix of Avondale ballads. The references are thorough, and the endnotes are substantive, with the majority providing additional detail. The authors succeed in returning the Avondale mine disaster to the realm of historical debate by turning what was long considered a settled historical incident back into a "cold case" rather than a "closed case" (95). They conclude that further research might be able to answer some of the questions they have raised.

University of Scranton MICHAEL KNIES

The Pennsylvania Anthracite Coal Industry, 1860–1902: Economic Cycles, Business Decision Making, and Regional Dynamics. By RICHARD G. HEALEY. (Scranton, PA: University of Scranton Press, 2008. xviii, 512 pp. Maps, tables, notes, bibliography, index. $60.)

Much of the historiography of the Pennsylvania anthracite coal industry focuses on its social history and is rich with people-related stories. Thus, issues

of ethnicity, labor-management conflict, class struggle, disasters, strikes, and unionization are well represented in the literature. Professor Richard Healey, while highly mindful of the people's history, provides a heretofore underutilized approach to studying the anthracite coal region. His highly detailed analysis focuses on business and investment decisions, land acquisition, capital speculation, cyclical capital investments, supply and demand, and other business-related factors central to the industry's development. As such, this work is largely a coal industry history, and Professor Healey's sweeping examination of the business of anthracite coal from 1860 to 1902 comprises a very significant contribution to American industrial history as a whole.

A geographer who has dedicated the better part of his professional career to anthracite scholarship, Healey also identifies the centrality of regional geography—mainly in anthracite's northern and southern fields—as concomitant with business and investment decisions. In some instances, the book challenges accepted analyses related to anthracite history. For example, traditional theory posited that the Delaware and Hudson Company was the main initiator of mass coal-land acquisition in the post–Civil War era. However, more detailed investigation reveals that the Lackawanna Railroad and its business interests led the way in acquiring coal lands during and immediately following the Civil War. Lackawanna did so through mergers, acquisitions, and, not surprisingly, direct influence on public policy at the state level to ensure that coal companies legally secured acquisition authority.

Similarly, Healey's work evaluates the not-insignificant levels of investment by mining companies in both acquiring coal lands and in constructing and developing new mines. Both individual coal operators and large mining/railroad companies invested large sums in the late nineteenth century, expected attractive returns, and, as a result, drove regional economies and dictated demands for labor. *The Pennsylvania Antracite Coal Industry* is replete with detailed charts and tables depicting coal production, sales, shipments, work days, mining costs, mine ownership statistics, and similar data. Its examination of individual railroads and their coal company subsidiaries reveals the level to which the author has studied various archival collections. Stunning period photographs of coal breakers and mine workings add to the book's richness. Indeed, there are few questions about the business of anthracite from 1860 to 1902 that this volume cannot address, and the space allowed for this review cannot do justice to the comprehensive nature of Healey's study.

The volume does bring to light a few questions worthy of further probing, however. For instance, given the cartel that major railroad-affiliated anthracite producers had formed by 1900, could they have foreseen or projected the downward spiral in demand for hard coal that occurred by the early twentieth century? What indications might exist in individual corporate records or in industry trends that demonstrate that competition from oil, for example, influenced

investment decisions and, thus, the nature of the anthracite cartel by 1902, when oil had been successfully established as an alternative fossil fuel to coal? The author observes that the "wide range of interacting decision-making, investment, and productive processes constituted the complex driving mechanism for the economic development of the Anthracite coal regions" (417). What does the data show with regard to interacting business decisions—and their timing—that resulted in eventual disinvestment by coal operators? Were such decisions evident as early as 1902? Healey notes that "in a market where the long-term trend was clearly upwards, the downside of an industry . . . was too often ignored," suggesting that speculative gains overshadowed the real possibility of long-term loss (438). Moreover, he argues that "long term vision and strategic thinking had an important part to play" in business and regional economic development (441). It would be interesting to note what, if any, long-term vision and strategic thinking was evident in disinvestment decisions in the anthracite industry, especially as such decisions must have been present in the first quarter of the twentieth century.

The Pennsylvania Anthracite Coal Industry is not always an easy read, due, in large part, to its heavy reliance on technical business language. At times, frankly, the reader can get disoriented in technical jargon. The book, however, is a most significant addition to a growing body of literature on the Pennsylvania anthracite region, and it substantiates the claim that business decisions are central to regional economies. Moreover, it is the major contribution, to date, to the business history of the anthracite industry and adds another chapter to American industrial history.

Pennsylvania Historical and Museum Commission KENNETH C. WOLENSKY

Black Philosopher, White Academy: The Career of William Fontaine. By BRUCE KUKLICK. (Philadelphia: University of Pennsylvania Press, 2008. 192 pp. Illustrations, notes, bibliography of the writings of William Fontaine, sources, index. $30.)

Historian Bruce Kuklick's unsentimental account of the life of William Fontaine—the University of Pennsylvania's first African American philosophy professor—should be read by anyone intending to pursue a doctorate and teaching career in philosophy. It is a vivid, surprisingly gripping account (given the subject matter) of the life of someone who paid a price for *almost* making the big time in a lily white corner of the Ivy League.

Born in 1909, William Fontaine grew up in an ordinary family in Chester, Pennsylvania. He attended Lincoln University, a school near Philadelphia founded on the Princeton model, but with the aim of educating an elite corps of black

intellectuals to uplift the race and shepherd them back to Africa. Fontaine excelled in philosophy and Latin, wrote poems and stories, and graduated first in his class in 1930. He became Lincoln's first full-time black instructor, helping to educate African and African American leaders like Ghana's Kwame Nkrumah and civil rights lawyer Robert Carter.

All of Fontaine's teachers at Lincoln were white men, just as they were at the University of Pennsylvania. Fontaine received both a master's degree and, after a summer studying at Harvard, a PhD in philosophy from Penn. Doctorate in hand, the twenty-six-year-old Fontaine accepted a job at Southern University, near Baton Rouge, in 1936. He flourished at Southern. Superb in the classroom, he taught Latin, philosophy, history, and innovative African American studies courses. After several years, accompanied by Belle, his pretty and nearly white wife, Fontaine returned to Philadelphia to a life of political activism, military service, and philosophy.

Fontaine served in the army during World War II. At war's end, he chaired the philosophy department at Morgan State, but he spent very little time there. Because he enjoyed auditing seminars at the University of Pennsylvania and managed to impress prominent liberal members of the Philosophy Department, something miraculous happened: Fontaine was hired onto Penn's standing faculty as an assistant professor. A black man teaching philosophy to white students at a major white research university was an occurrence that had never happened before.

The triumph was almost a tragedy. According to Kuklick, few in the academy were prepared to believe that a black man, even a brilliant one, could be a truly outstanding philosopher. Fontaine never received the respect from his university colleagues that he deserved. He earned less than his peers and was assigned a renovated closet as his office. According to Kuklick, few of Fontaine's philosophy publications were truly outstanding, perhaps because he tried to do the impossible. He wanted to live up to the standards of Alain Locke and W. E. B. Du Bois, who made lasting contributions to African American race studies; he also wanted to live up to the expectations of the best Anglo-American philosophers in the world—Nelson Goodman, C. L. Lewis, W. V. O. Quine, A. J. Ayers and the like—whom he counted as his friends and who were responsible for his job and membership in the once-selective American Philosophical Association.

With prodding, Fontaine managed to publish one book before his premature death from tuberculosis in 1969. His magnum opus about race, desegregation, and assimilation appeared at the height of the civil rights movement. Yet, the book was too obtuse for the general public, too old fashioned for young black intellectuals tired of being "Negros," and completely outside the spheres of concern of mainstream academic philosophy. The book was not reviewed or discussed in any scholarly journal until some forty years after its publication.

Kuklick does a remarkable job of situating Fontaine among the intellectual

movements of his day, from pragmatism to Pan-Africanism. In as much detail as the scant archival materials available allow, he describes exactly what Fontaine studied, what scholars he encountered, and what he wrote about. Reading this book, one learns not only about Fontaine's personal history, but about the institutions with which he interacted and the political events of his day.

Even though Fontaine as a person scarcely comes to life on Kuklick's pages, the profession to which Fontaine aspired is in full relief, warts and all. It is for this reason that anyone who plans to study philosophy should read this book. In general, we philosophers know too little about the people and forces that shape our careers and on whose shoulders we stand—or don't.

University of Pennsylvania Law School ANITA L. ALLEN

Call for Papers

Pennsylvania Magazine of History and Biography
Special Issue: Civil War in Pennsylvania (October 2011)

The *Pennsylvania Magazine of History and Biography* is issuing a call for articles for a special issue of the magazine on the Civil War in Pennsylvania scheduled for an October 2011 publication.

The editors seek submissions of the following two sorts.

Scholarly Articles: The editors seek proposals for scholarly articles (25–35 pages, double spaced) featuring new research on the Civil War in Pennsylvania. Articles can focus on military, political, or civilian topics. Selections will be made based on the quality of the submission and with an eye toward representing the diversity of current Civil War research.

Favorite Sources/Hidden Gems: The editors seek proposals for short articles (250–750 words) featuring favorite sources/hidden gems highlighting some aspect of the Civil War in Pennsylvania. We invite articles focusing on both written and non-written sources, including but not limited to diaries, manuscript collections, novels, government documents, photographs, museum artifacts, and monuments. These items may or may not be found in the state, but all featured items will serve to illuminate some aspect of how Pennsylvanians experienced the war. Selections will be made based on the quality of the submission and with an eye toward representing the wide variety of source material available for understanding the Civil War in Pennsylvania.

Submission details: Submissions should be addressed to Tamara Gaskell, Editor, *Pennsylvania Magazine of History and Biography*, Historical Society of Pennsylvania, 1300 Locust Street, Philadelphia, PA 19107 or, by e-mail, to pmhb@hsp.org.

Guest editors: Potential contributors are encouraged to consult with one of the two guest editors for this issue of the *Pennsylvania Magazine of History and Biography*. Matt Gallman at the University of Florida can be reached at gallmanm@history.ufl.edu. Judy Giesberg at Villanova University can be reached at judith.giesberg@villanova.edu.

Deadline for submissions: January 8, 2010.