

Engendering a New Republic: Charles Brockden Brown's *Alcuin*, *Carwin* and the Legal Fictions of Gender

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On the surface it would seem that Charles Brockden Brown's *Alcuin*, *A Dialogue* (1798/1815)¹ and his *Memoirs of Carwin, The Biloquist* (1803-5) have little in common. The former is a fictional dialogue in which the rights and legal strictures of women is discussed by Alcuin, a self-conscious schoolteacher, and Mrs. Carter, the host of a liberal and ingenious lyceum. The latter is the fragment of a prequel to *Wieland* in which Carwin, the ventriloquist, becomes involved with the mysterious Ludloe, a man who belongs to a secret society devoted to political and legislative utopianism. However, these texts both include meditations upon the gendered hierarchies of the law; for in them, marriage, education, professionalism and human rights are all placed in the context of the homosocial male kinship of the law-makers who orchestrate the birth of the nation. Alcuin, for instance, questions the justice of those laws set down by male legislators--laws which place women in the position of slavery--and "Carwin" depicts a masculine community that equates political advancement with the fraternal bonds of male companionship.

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The dialogue between Alcuin and Mrs. Carter begins when he asks her the following question: "Pray, Madam, are you a federalist?" (Brown 1970: 7). This topical question is, of course, also a political and legal one; it is a query that not only refers to the 1787 Philadelphia Federal Convention meeting in which a new Constitution was drafted allocating broader legal powers to the central government, but it also invokes the eighty-five *Federalist Papers* composed by lawyers such as Alexander Hamilton, James Madison and John Jay (Wills). Published under the pseudonym "Publius" between 1787 and 1788, these essays--compiled as *The Federalist Papers* in

¹ Part 1 of *Alcuin* appeared in 1798 and Part 2 was first published in 1815.

1788--appeared in newspapers and gained a wide readership. The aim of these lawyers was to convince the general public to ratify the new Constitution by outlining the importance of implementing new Constitutional laws that would ensure personal freedom under a central government strong enough to provide national unity (Strong 1981: 18). Legal language is used throughout these papers: James Madison, for instance, maintains the importance of what he calls "the rules of justice" and the laws protecting private property and other capitalist interests (Hamilton 1982: 448). This is consistent with the rhetoric of Alexander Hamilton, who opens the series by appealing to the "evidence of truth" and the "informed judgment" that will ensure the "rights of the people" under this new Constitution (444). Not surprisingly, this lawful idiom is combined with the language of male kinship and masculine unity, for Hamilton speaks to "candid men" who are "capable . . . of establishing good government from reflection and choice" (444-5). Here, Hamilton's language is not only influenced by the fact that he is addressing a white, male audience who have the power to vote; he is also assuming that the fundamental rationalism of the male mind will see the profound justice of the new laws which are being proposed. From this perspective, Hamilton's call for a united America--a "UNION" to ensure "the safety and welfare of the parts"--is also a homosocially charged appeal to an American fraternal kinship that will unite the nation (444). It is the rational men of the country, Hamilton suggests, who will ensure the social harmony of the republic by forming a brotherhood to protect the "security of liberty" (445).

Mrs. Carter is dismissive of Alcuin's question; in fact, she exposes the query to be patronising and ignorant. "What have I, as a woman, to do with politics?," Carter asks. "We are excluded from all political rights without the least ceremony. Law-makers thought as little of comprehending us in their code of liberty as if we were pigs, or sheep" (Brown 1970: 22). Here, Carter makes it clear that Alcuin's question is insulting: she does not have the legal power to vote, so she cannot possibly pledge allegiance to a specific political theory or even a particular party. As a result, Carter not only questions the party system of government, but she also points out that the American republic is not based upon liberty, justice and freedom for all. Instead, it is a system of government that perpetuates discriminations by treating women as animals and slaves. This strong assertion of women's rights, a forceful condemnation of gender injustice, may be read as both a repudiation of Alcuin's query and a reaction to those law-makers--like Hamilton and Madison--who proposed

Constitutional laws that excluded woman and advocated a fraternity of male kinship. Carter's explicit reference to "law-makers" in the context of the question at hand, as well as her reference to the "code of liberty" (an expression that echoes the language used in Hamilton's Federalist writings), can be read as a clear attack on the exclusionary and masculinist politics published in *The Federalist Papers*.

Carter's argument then rebuffs the prejudicial laws that discriminate against women. And she appears before Alcuin as a plaintiff who presents an appeal. Legal constraints based on gender, she says, are absurd:

mere sex is a circumstance so purely physical; has so little essential influence beyond what has flowed from the caprice of civil institutions, on the qualities of the mind or person, that I cannot think of it without impatience. If the laws should exclude from all political functions everyone who had a mole on his right cheek, or whose stature did not exceed five feet six inches, who would not condemn without scruple so unjust an institution? yet, in truth, the injustice would be less than in the case of women. (Brown 1970: 29)

Although the analogy in this argument is partly tongue-in-cheek, Mrs. Carter employs a logical argument that counters Hamilton's claim that rationality is an exclusively male characteristic. Why should legal distinctions in the new republic take the physical distinction of gender as a marker of privilege or subjugation? If physical features are so important, Carter asks, then why not propose legislation based on the distinctions of height or eye colour? Such questions challenge the fundamental structure developed by the architects of the United States, refuting eighteenth-century beliefs that women lacked the rational faculties required to participate in political life. The very terrain of the law, not just its institutions, is put under scrutiny in Carter's appeal. All Alcuin can do is consent to the spurious logic behind the male-centric laws of the United States: "True it is, laws, which have commonly been male births, have treated you unjustly" (Brown 1970: 20).

Much is at stake in Carter's appeal. She lucidly points to the irrational foundations of the law--lapses in logic which Alcuin cannot refute--but her position as plaintiff does not give her the power to dismiss the law. Simultaneously, Alcuin's many questions amount to a kind of cross-examination that attempt to expose her appeal as illogical and false. Carter's position is thus a dangerous one because Alcuin, who represents the voice of the law, is in a position to dismiss her as lacking rationality and a coherent line of thought.

It is possible that Brown is drawing here on Judith Sargent Murray's essay "On the Equality of the Sexes," which appeared in the *Massachusetts Magazine* in 1790. Indeed, Mrs. Carter's language is reminiscent of Murray's refutation of the assertion that "the minds of females are so notoriously deficient, or unequal" (Murray 1790: 132). The laws of nature, Murray maintains, have not made women "deficient in reason"; instead, the laws of men have conspired to deprive women of "an opportunity of acquiring knowledge" by limiting the "employment of a rational [female] mind" in the public sphere (Murray 1790: 134). Murray thus contends that men formulated the rules of society for their own benefit and without regard to women's desires or needs. As in Carter's remarks to Alcuin, Murray invokes the law; but rather than limiting her discussion to acts of legislation, she appeals to a higher law--the law of nature--in which women's minds are equal to those of men. This higher law doctrine suggests that there is a body of eternal principles of nature that transcends the laws composed by men. In fact, Murray implies that human laws might be in direct conflict with higher laws, suggesting that civic legislation is decreed by politics rather than universal justice. For Murray, natural law is ascertainable by human beings through the employment of reason, and women not only have the rational faculties to attain such knowledge, but they must be encouraged and educated to develop these abilities.

Murray thus links rationality to education. A woman's education, she urges, must be cultivated from "the first dawn of [her] reason" and she must be taught to "fill up time rationally" (Murray 1790: 134). "If we are allowed an equality of acquirement," she continues, "let serious studies equally employ our minds, and we will bid our souls arise to equal strength. We will meet upon even ground, the despot man" (Murray 1790: 134). Such an address to the gentlemen of the early republic rejects the ornamental status accorded to women of the late 18th-century. Murray laments the fact that women are relegated to the domestic duties of preparing meals and mending clothes; her argument thus challenges the dominant mode of thought which presumes that women lack the intellectual capacities of rationality, logic, rhetoric and wit. Such ideas anticipate Mrs. Carter's position in Alcuin, for she argues that women are not limited by inferior capacities of reason, memory or judgment, but rather they ought to be given the same opportunities as men to acquire knowledge; if women were encouraged to use these faculties, they would demonstrate them more often:

What think you of female education? Mine has been frivolous. I can make a pie, and cut a gown . . . They [men] think a being of this sex is to be instructed in a manner different from those of another. Schools, and colleges, and public instructors are provided in all the abstruse sciences and learned languages; but whatever may be their advantages, are not women totally excluded from them? (Brown 1970: 16-17)

Here, Mrs. Carter echoes Murray's bid for a non-segregated form of education in which women are taught natural philosophy, mathematics and geography. This position is also expressed in Brown's *Ormond*, for Mr. Dudley decides to educate his daughter, Constantia, in the subjects customarily only taught to male students. It would seem that Brown was interested in the education of women and it is possible that he realised that without equal education the women of the United States would not achieve independence.

But Murray's "On the Equality of the Sexes" was not the only feminist text to influence Alcuin: Wollstonecraft's better known *Vindication of the Rights of Woman* includes striking similarities to Alcuin, and focuses not only on the enslaved positions of women, but also on the importance of equal education under the law. For instance, Wollstonecraft, writing in the wake of Thomas Paine's *Rights of Man*, expresses opposition to the natural law doctrine that has excluded women from the public realm based on the absurd assumption that a woman's reason and logic is naturally inferior to that of a man. This call for justice on behalf of the "other half of mankind" does not only result in verifying the natural rights of women, but it also upholds the fundamental right of professional education for women (Wollstonecraft 1787: 11, 67). Wollstonecraft saw education as a precondition for the development of selfhood and independence in women, as well as the path to public acknowledgment and legal empowerment. In her *Thoughts on the Education of Daughters* (1787), for example, she argues that segregated education is a criminal inconsistency of society that amounts to the denial of every woman's humanity; human understanding, she writes, has been, strictly speaking, denied to women and as a result women have been dehumanised, stripped of their Cartesian birthright, in a way totally contradictory to the basic principles of the Enlightenment (56). Indeed, the principle by which a being is distinguished from a non-being derives from the fact of its thinking or awareness; this is put forward by Descartes's 1641 formula *cogito, ergo sum*, which established a direct link between existence and thought. Women, as Wollstonecraft's arguments

demonstrate, are not deficient in their capacities for thought. As a result, women should not, following Cartesian logic, be reduced to a position of non-being. But because of the conspicuous lack of proper education, “women are not allowed to have sufficient strength of mind” and they are not encouraged to develop the capacity for thought that is born out of their very existence (Wollstonecraft 1992: 18). Thus the social conditions and legal strictures surrounding womanhood confine a woman to a warped sense of priorities; instead of nurturing a Cartesian link between being and thought, she is barred from certain spheres of knowledge by the legal and social restraints of segregated education.

Education is not only a key to knowledge and human understanding; it is also a passport to freedom. For Wollstonecraft and Murray, a woman’s slavish dependence on a man is a direct result of her lack of instruction. Such thoughts are echoed by Mrs. Carter in *Alcuin*. How can a woman gain the same employment as a man, she asks, if different standards of education exist between the sexes? How can a woman gain freedom and economic self reliance, if she does not have the same training as a man? Without equal education, she argues, women cannot choose their occupations, and a person’s profession is made dependent on gender identification: “of all forms of injustice, that is the most egregious which makes the circumstance of sex a reason for excluding one half of mankind from all of those paths which lead to usefulness and honour” (Brown 1970: 11). If the laws of the Republic were based on justice, Carter suggests, women would have the same opportunities as men to demonstrate their skills and become useful to the commonwealth. As things stand, women cannot pursue careers in the legal profession—or indeed other professions—because of their lack of intellectual training: “I think we have the highest reason to complain of our exclusion from many professions which might afford us, in common with men, the means of subsistence and independence” (Brown 1970: 12). If Carter wants to open up the legal profession for women, it is not only in order to give women better opportunities for intellectual and moral self-realisation; she also wants to make women economically self-sufficient and give women a voice in the construction of the legal statutes of the Republic.

Carter thus identifies educational and professional constraints based on gender difference as “abuses of the law” (Brown 1970: 15). To rectify these injustices she appeals to the Platonic forms of honesty, liberty and equality. In so doing, she turns to the arguments presented in Plato’s *Republic*, a dialogue that influenced Brown’s choice of form as well as

Carter's appeals to "truth and reason" (Brown 1970: 19). Indeed, Carter's egalitarian views echo Book V of *The Republic*, in which Socrates and Glaucon discuss the true place of women within the state. According to Plato, women are physically weaker and bear instead of beget children, but he does not see these physical distinctions as evidence that women should be treated differently under the law. Like Carter's mock suggestion that legislation be based on eye colour or height, Plato dismisses physical distinctions as an argument in favour of hierarchical distinctions. In fact, his down-playing of the body in establishing the status of the being is central to the rationalist tradition in which we later find Descartes's mind-body split. The only important differences between men and women, Plato argues, are those that are relevant to pursuits: "if the difference appears to be that the male begets and the female brings forth [children], we shall conclude that no difference between man and woman has yet been produced that is relevant to our purpose. We shall continue to think it proper for our Guardians and their wives to share the same pursuits" (Plato 1941: 152). A dialectical opposition arises here: on the one hand, Plato has Glaucon argue that women are inferior and that different natures ought to have different pursuits; on the other hand, we have the assertion, which Plato voices through Socrates, that gender difference is not hierarchical and thus the same pursuits should be for all. The reconciled upshot of Plato's claim is that natures are the same and the differences between men and women are irrelevant to the ends of the state. As a result, the law should reflect this equality and education should not be segregated.

Likewise, might is not right. Carter points out that "Man is strongest," and this is the reason why, "in the earliest stage of society, the females are slaves . . . [but] the tendency of rational improvement is to equalize conditions; to abolish distinctions, but those that are founded on truth and reason" (Brown 1970: 19). Here, Carter draws on the rational tradition of Plato's dialogue to reject the division of genders into separate spheres, replacing it with an appeal to liberty, equality and human rights based on the rationality of the individual. For women, she continues, the state is an artificial product of irrational legal perimeters which gains legitimacy only if all who are subjected to its jurisdiction have given their consent. But because women do not participate in the construction of the state's laws, the American Constitution is not a contract to which women can pledge consent. Women should only recognise the Constitution, Carter says, if its language is taken literally and equality is applicable to the entire nation regardless of gender. Such an interpretation of the founding

document would necessarily include equal education, professional opportunities and a voice in legislation for every citizen of the nation.

Questions of citizenship are also central to Mrs. Carter's condemnation of the inequitable laws of marriage. American law, she says, denies women the rights of citizenship by placing a woman's property in the hands of her husband: "By marriage [a woman] loses all right to separate property. The will of her husband is the criterion of all her duties. All merit is comprised in unlimited obedience. She must not expostulate or rebel" (Brown 1970: 18). Here, Carter is referring to the laws of matrimony that uphold the institution of coverture, stripping a woman of her autonomous subjectivity and reducing her to the status of non-being. Her appeal thus challenges the public law, especially the matrimonial law, that puts into practice the gender inequities of the public law. That is, in most American states, the male law-makers held up the Law of Coverture, which was based upon the principles of English Common Law and transferred the civil identity of wives to their husbands (Kerber 1980: 351). This meant that men alone had dominion over the property of their wives, and it was men alone who had the power to dispose of their wives' possessions. The American legal system thus maintained and supported British laws that defined women as members of their respective state, but could not be citizens in their own right (Dippel 1999: 344).

Women, Carter points out, do not have legal access to citizenship because their rights are determined by the "laws" of their husbands. The legal system, then, upholds the principle that a wife must not transgress the rules set down by her husband, maintaining an inequality whereby the rules that govern her behaviour are much stricter than those that govern his. Statutes overseeing marriage thus appoint as many arbiters as there are domestic spaces, whereby the law "disclaims" responsibility for that space having transferred authority to the husband. What Carter's appeal then illustrates is the arbitrary nature of the law as it moves into the domestic realm. As the wife has no legal power to dispose of her property, she is completely at the mercy of her husband whose actions are not determined by a fixed body of laws. Her status as a being is therefore one of complete dependence, for she has no access to the legal space in her own right, but only via her husband whose actions are not policed. As such, the rules and regulations set down by the husband are dictated at random; there are no established set of principles--no legal canon--to determine his actions as the voice of legal authority in the domestic sphere.

Such exclusion from citizenship was disguised as legally justified by lawyers such as Theophilus Parsons of Massachusetts who argued in his *Essex Result* (1778) that women had "no sufficient reason" for

administering their property or for participating in the political sphere (Parsons 1778: 324). For Parsons, women were suited for “various domestic duties” and he called for the legal sanction of domestic ideologies that would segregate women in their own “separate sphere,” rebutting those who were attempting to extend equal rights arguments to women (Parsons 1778: 341). This segregationist line of argumentation promoting the ideals of womanhood and domesticity was influential on the legal arguments of the early republic. In 1790, for instance, James Wilson, a justice to the Supreme Court of the United States, argued that the role of government and law was to “protect and improve social life” and that a woman’s role in that social life was to take on the “task of forming [their] daughters . . . and the education of [their] sons [to] the refinement of their virtues” (Wilson 1967: 88). Within an effective system of law and government, Wilson argued, the role of the woman was to be a good mother and educator of domestic ideals and moral duties. Wilson was then able to dismiss the notion of female citizenship or women’s demands for taking an active role in legal and political life.

Part III of *Alcuin* returns to the subject of marriage in the United States. It is here that the school teacher gives a somewhat tongue-in-cheek account of a Utopian community, a radically egalitarian society, in which class and gender differences have been abolished: men and women wear the same clothes, have the same education, and play the same roles in the community. Professions are not, in this fantasy world, divided along gender lines, but according to the talents and skills of the individual. Here, the institution of marriage is unheard of and the laws of matrimony do not exist. This utopic society clearly draws on William Godwin’s *Enquiry Concerning Political Justice* (1793), particularly Chapter VII in which Godwin expresses his disapproval of the legal bonds of marriage. “Marriage is law, and the worst of all laws,” Godwin writes, “marriage is an affair of property, and the worst of all properties. So long as two human beings are forbidden by positive institution to follow the dictates of their own mind, prejudice is alive and vigorous” (Godwin 1989: 263). Marriage, from Godwin’s perspective, is based upon a law that limits freedom; it impedes individuality and restricts both parties by forcing them to conform to the laws of social custom and the prejudices of the court. Under this institution, as Mrs. Carter points out in Part II of *Alcuin*, the marriage bond is based on a contract whereby a woman forfeits her right to property; she herself thus comes under the proprietorship of her husband. As such, marriage is defined by Godwin as a business

transaction designed to maintain a monopoly over women's bodies, reducing a wife to a mere commodity.

But Alcuin's new position in Part III--his proposed dissolution of marriage in the wake of his utopic fantasy--is somewhat problematic. As a man, Alcuin is secure within the authoritative discourse of the law; he thus holds a privileged place in which he can shift positions and move outside of the strictures of logic and rationality, moving into the world of fantasy. As a woman, Mrs. Carter does not have the same privilege. She cannot diverge from her rational line of thought, for such a detour could be used as evidence to prove that women are non-rational beings, thus justifying their exclusion from the law. Alcuin's shifting position, then, is above all an attempt to undermine Carter's appeal by pointing to the dissolution of marriage as a way of moving toward gender equity. However, his proposed rejection of the institution does not change the foundations upon which the institution is based. Carter's appeal, her plea for justice, does not require the abolition of marriage; instead, it calls for a fundamental change in the structures of power so that the gendered voice of the law is not exclusionary. While Alcuin believes that he is responding justly to Carter's appeal, he is in fact simply maintaining the gender hierarchies of which she is opposed. He simply changes the goal-posts while remaining on the same field. As a result, there is no stable ground upon which Carter can base her appeal; the overall significance of any law that she may challenge lies in the power structures that it represents, not in the law itself. Simply changing the law in one isolated instance, then, would not in any way alter the underlying power structures. As such, Alcuin offers a facile solution: revising, altering or repealing any one law would not essentially change the status of women. The dialogue thus illustrates that it is the slipperiness of the law, its ability to be revised by the powerful male voice of authority, that maintains the law's fixity as a tool of command and coercion.

Contrary to Alcuin's Godwinian position, Mrs. Carter argues that marriage need not be abolished; it just needs to be reformed so that women do not remain slaves to men. Cathy Davidson argues that there is an ambivalence to this position: Mrs. Carter proposes a radical transformation of eighteenth-century gender roles, but then shies away from accepting the abolition of the institution that has long been responsible for maintaining sexual inequality (Davidson 1981:75). Some critics have read this contradiction as a sign that Alcuin registers an uneasiness about equal gender roles, and that despite its argument against

enslaving women it is a profoundly conservative text (Person 1981: 33). Other critics see the ambiguity of Part III as a symptom of its late publication and a reaction to the debates on marriage and free love that followed the appearance of Mary Wollstonecraft's *Memoirs* by Godwin in 1798 (Davidson 1981: 73). But I would suggest that it is Alcuin's line of argumentation, not Carter's, that shifts and alters. Mrs. Carter maintains a rational and logical position, whereas Alcuin moves from the realm of realism to that of fantasy, from a rational mode of expression to a whimsy scenario that defies logic. Such shifts and alterations are, as I have suggested, available to Alcuin rather than Mrs. Carter because, as a man, he holds the discursive power and is the voice of the law--the judge to whom Carter makes her appeal. Alcuin can thus shift from one discourse to another and from one frame of reference to another; but Mrs. Carter, as a woman, must remain rational and logical otherwise she runs the risk of being dismissed as intellectually feeble and thus inferior.

What Alcuin highlights, then, is the power of the law for men. Alcuin's position is so powerful because he holds discursive control over the law and he can thus change existing rules or make new ones up as he sees fit. So while the law claims to maintain unity and order through narrative coherence, Alcuin exposes that this coherence is an illusion, something that can be altered by those in power. The law, after all, relies upon the very narrative coherence that Alcuin resists, for the letter of the law depends on clear narration in order to claim its authority. Speaking in the voice of absolute truth, the law must maintain the illusion of order and stability through structural coherence. Moreover, the law of the early Republic needed to be written in a clear textual narrative form because, in the Enlightenment imagination, narrative coherence stood in for unity, fixity and stability. This position is unshakable, even though the very textuality of the law recognises its own changeability and multiplicity through the constant introduction of new statutes and the repeal of those that are out of date. Laws, though, are always articulated in a clear and unified voice, for legislation is thought to function as a boundary to guard against disorder.

What is overlooked here, and what Brown recognises, is the fact that the clarity of the law is always subject to obfuscation through reading and interpretation. What the text of the law cannot permit, where legal language becomes mute, is under the auspices of narrative incoherence and the dissolution of clarity; the narrative of the law can only speak from a position of hermeneutic clarity, rationality and binary logic. Yet, the

fluctuations of the law expose legal discourse as a creation and manipulation of texts, interactions with discursive bodies that are always subject to change. What I want to suggest here is that Alcuin's narrative "incoherence" dismantles the authoritative discourses of the law. And because the discourses of the law are constantly open to change and modification by those in power, the situation is particularly terrifying for women like Mrs. Carter. To whom can she turn for justice? Who will hear her appeal? Nobody. Any representative of the law--any man--can simply change the law, alter its discursive framework and dismantle existing regulations in order to maintain her disenfranchised position. Brown's text thus enacts those complicated and confused moments of rhetoric and narrative inconsistency in which the law is questioned and the boundaries which had once seemed to be fixed and concealed now appear to be unstable and permeable.

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The fragmented and incomplete narrative of *The Memoirs of Carwin, the Biloquist*, Brown's prequel to *Wieland*, also includes a significant discussion of the legal bonds of marriage and the rights of women. Here, the paternalistic and mysterious Ludloe tries to convince Carwin, whose inheritance has been usurped by his Aunt's servant, to marry a wealthy Irish heiress. "By virtue of the law," Ludloe tells Carwin, "[you will receive] a revenue of some thousands a year, a stately mansion in the city, and another in Kildare, old and faithful domestics, and magnificent furniture" (Brown 1998: 267). To gain authority over this property, Ludloe says, Carwin simply needs to marry an affluent widow whom he has never met. As a result, marriage is not seen to be a bond of mutual love and affection; it is rather a legal transaction in order to acquire wealth and private property. After considering this proposal, Carwin inquires about his responsibilities if he were to make this transaction. Ludloe replies with the following statement: "Both law and custom have connected obligations with marriage, which, though heaviest on the female, are not light upon the male . . . You will receive absolute power over the liberty and person of the being who now possesses it. That being must become your domestic slave; be governed, in every particular, by your caprice" (Brown 1998: 268-9). Carwin's responsibilities would be those of a master to a servant: his wife would be stripped of any legal right to property and her subject position would be reduced to that of a non-citizen.

Ludloe thus recognises that marriage is a man-made institution that benefits men, not women. On the one hand, he tries to convince Carwin

to enter into a matrimonial bond and embrace the privileges of having absolute power over a wife and her possessions. On the other hand, Ludloe paints a Godwinian portrait of marriage that condemns “the present institution of marriage as a contract of servitude, and the terms of it unequal and unjust” (Brown 1998: 269). This tension is partly explained away when Ludloe implies that this marriage would serve a higher good, for the law of Coverture would provide Carwin with the wealth needed to gain membership into a secret all-male society. The upshot of Ludloe’s proposal is that Carwin should enter into a heterosexual marriage so that he can forge homosocial relationships with a group of anonymous men. What Ludloe exposes here are the male rituals that surround the marriage contract, for his plan highlights an asymmetrical gender triangle that develops out of a transaction whereby the woman and her possessions are “given away.” Carwin’s marriage would then follow a homosocial custom in which the woman is passed from one man to another—from the paternalistic Ludloe to the young Carwin—in order to cement the bonds between the two men. Indeed, Ludloe’s proposal is motivated by his desire to secure Carwin’s devotion, as well as to incorporate Carwin into a male fraternity that is committed to developing a Utopian community.

The text’s discussion of marriage, then, is also a loosely disguised discussion of male ritual and all-male societies. In fact, during the 1790s, Brown was not adverse to the homosocial kinship found in male associations. At this time, he was an enthusiastic participant in the New York Friendly Club, a fraternity that gathered weekly to discuss the transcendent laws governing nature and human society. These men, all of whom were young professionals, included Dr. Elihu Hubbard Smith, William Dunlap (Brown’s biographer), Reverend Samuel Miller and Dr. Edward Miller. Men trained in the law and political legislation—such as the lawyer Anthony Bleeker, the senator Samuel Latham Mitchill and the jurist William Johnson—were also frequent participants in the discussions which often attempted to propound a new world order of personal relations that corresponded to the imagined universal laws of science and nature. The activities of this club were many and diverse: anti-slavery discussions were accompanied by political letter-writing; dramatic productions were combined with publishing ventures; new medical practices were debated alongside the laws of citizenship. In the diversity of their discussions, the Friendly Club sought to develop social and intellectual exchanges that would benefit the community through a philosophical investigation of the terms of social progress. Such an agenda

meant that members did not let their various opinions or political beliefs factionalise their gatherings; instead, the conservative bent of a member like Smith, a vocal Federalist, was as acceptable as Mitchill's Jeffersonian opinions and Republican allegiances. The ideal of the Club was friendly criticism and affectionate debate centred around the principles of liberty and brotherhood. Intellectual exchange, not partisan polemics, was the medium on which their friendship was grounded.

These men sought to create a public culture separate from politics. Each member saw himself as a critic of entrenched authority and a monitor of society's welfare, as well as a disseminator of information (Clark 1952: 128-31). The group insisted upon the continued critique of social institutions--including marriage--and discussed legal statutes that fostered inequality over egalitarianism. However, the homosociality of the Club also meant that its members could extend the purview of professional male authority and provide an all-male arena in which members could consolidate partnerships with other authoritative males. As such, the group legitimised a professionalism based on male bonding, generating an ideology of exclusive male friendship that justified itself under the guise of objective relations combined with subjective sympathy. So even while Brown's clubbical friends were discussing the importance of sexual freedom and gender equality, and while Dunlap was praising Alcuin for its radicalism, the homosocial dynamic of the company was defining distinct professional and domestic realms along gendered lines: a women's sphere was, by the very actions of these men, decisively domestic, while male space was defined by social debate in the public realm (Hinds 1997: 12).

To return to *Carwin*, I would suggest that the male bonds developed between the members of the Friendly Club were similar to those cultivated by Ludloe's secret sect. Like the social commitment and close friendship found in Brown's group, Ludloe refers to the "brotherhood" of his own "fraternity" as a fellowship committed to "a new model of society" (Brown 1998: 261-2). Social commitment here is combined with strong bonds of friendship; in fact, love and affection are cited by Ludloe ("I love you," he tells Carwin) as the reason why he has selected Carwin for membership (Brown 1998: 261). While his motives are never quite clear, it seems to be that Ludloe's affection for Carwin prompts him to choose his friend as a successor in the utopian project: "Each of us is ambitious to provide himself with a successor," he tells Carwin, "to have his place filled by one selected and instructed by himself" (Brown 1998: 284). This nomination provides us with a fascinating view into the social structure of the

organisation. In order to fulfill the duties of being Ludloe's successor, Carwin must first be educated in the of nature of man: "Man was the chief subject of my study," Carwin says of his instruction under Ludloe, "and the social sphere in which I principally moved" (Brown 1998: 254). It is Ludloe who provides the means for this exclusive education--a form of education that is not only segregated, but which also takes the subject of man as its primary interest. Such an education highlights the professional and homosocial dynamic of the organisation: the young male student is instructed by his mature school teacher in the nature of man. But the professional framework of this group also extends the sphere of male sociality well beyond professionalism by relying on the love and affection of its exclusive members. Indeed, the rituals of friendship and brotherhood are promised in the egalitarian emotional exchange between each member, but not before the asymmetrical and hierarchical structures of mentorship have sufficiently instructed a potential member to meet his social responsibilities.

Eventually, though, Ludloe's sect relies on a merger of self and other in which the individual must give way to the social body of the collective. In fact, Carwin's apprenticeship is described as an educational process that is only complete when, in Ludloe's words, "you are what I am" (Brown 1998: 285). Within this organisation, then, education and authority are not just passed on from one man to another; one's studentship necessitates a merger, an all-absorbing concord, in which one man is united with another. Such togetherness is significant in relation to Ludloe's earlier comments on marriage: while he views heterosexual marriage as a legal contract detailing the transfer of wealth and private property, he sees the male kinship of his organisation as replicating a union of two individuals that echoes a more romantic notion of marriage. In other words, he suggests that a marriage-like bond will eventually join himself to Carwin as the two are increasingly united in love, affection and common professional interests. This kind of coupling provides the basis for an exclusionary political and social logic based on the kinship of male homosociality, consolidating white male authority and professionalism through education. Male cultural hegemony is thus upheld by a sect that seeks to form a secret nation, suggesting that a professionalised identity of manhood, whiteness and class privilege is necessary to create the legal and political framework of a Utopian community.

But it would be misleading for me to conflate the structure of Ludloe's sect with that of the Friendly Club. While a homosocial dynamic

is central to the social patterns of both groups, one organisation conceives of itself as transparent and public, while the other depends on secrecy and privacy. Indeed, on September 14, 1798, when Charles Brockden Brown read parts of *Carwin* to the Club, Dunlap failed to connect the kinship and political discussions of the all-male Friendly Club to the membership and agenda of Ludloe's sect. Instead, Dunlap writes in his diary that Brown's new book, "Carwin," has "taken up the schemes of the Illuminati" (Dunlap 1931: 339). In connection to this, Dunlap also notes that one of the publications discussed by the Friendly Club was John Robison's anti-Illuminati manifesto, *Proofs of a Conspiracy* (1798), a text that documents the growing paranoia in both Europe and the United States about the secret activities of the Freemasons, Illuminati and other all-male societies. Robison argued that the French Revolution was part of an international plot designed by secret fraternal societies to overthrow organised religion and state governments. "Their first and immediate aim," Robison says of the Order of the Illuminati, "is to abolish Christianity; and then dissolute manners and universal profligacy will procure them the adherence of all the wicked, and enable them to overturn all the civil governments in Europe; after which they will think of farther conquests, and extend their operations to the other quarters of the globe" (Robison 1798: 102). Such ideas were disseminated in the United States by the minister Jedediah Morse--praised by Brown in the *Monthly Magazine*--who feared that the Illuminati had established several chapters in New England. In actual fact it is unlikely that this Bavarian organisation, founded by the law professor Adam Weishaupt in 1776, existed in the United States at the turn of the century; by 1787, a mere decade after its genesis, the Illuminati disbanded under the pressure of the Bavarian authorities (Stauffer 1919: 98-120). Nevertheless, the idea of a conspiratorial society took hold in the new republic, generating a fear of potential lawlessness at the hands of a hidden homosocial society that was committed to overthrowing the government.

The strict privacy of the Illuminati lay in sharp contrast to the seemingly open and public policies disseminated in the *Federalist Papers*. As we have seen, Hamilton contributed to this transparency by signing his political documents "Publius," insisting upon a complex nexus of publicity, democracy and male constitutional citizenship. Rhetorically at least Hamilton rejected the concealment and enclosure of Feudal law by calling for open discussions of political ends and legislative policies; for him, national order and a strong union could only be maintained if a civic

representative--a white man--articulated his belief publicly and "stood for" the "laws to which he gives his assent" (Hamilton, Madison, and Jay 1982: 168). A healthy national body, for these Federalists, relied on a body politic that was comprised of white men who bound themselves to the publicly voiced letter of the law. Hamilton thus sanctioned political debate that was aired in the public sphere--a sphere gendered male--that was placed in opposition to the private, domestic sphere of women. By contrast, the Illuminati provoked a fear of social incoherence and threats to the status quo due to the combination of covert activity and fraternal kinship. Because the group was founded upon links between the politics of secrecy, a secret political agenda and the gendered politics of exclusion, the Illuminati formed a fellowship that not only excluded women, but also excluded the male (general) public from its rituals, aims and political agendas. This organisational structure, then, fostered anxiety among those men who were not members of the fraternity, generating a fear about the breakdown of private and public realms--two spheres of life which were, according to Elizabeth Hinds, being defined along gendered lines of access in Brown's America (Hinds 1989: 10-14). The Illuminati thus sought to influence the public realm, which was increasingly defined as masculine space, while maintaining a private domain that was generally associated with domesticity. As a result, the private basis of kinship mimicked domestic relations--the non-public realm of husband and wife--and opened up a space where transgressions could be concealed. Within such a secret space, homosociality could potentially enter the realm of desire and homosocial bonds could fluidly move into homosexuality.

The fluid movement from homosociality to sexual desire is hinted at in the merger of Ludloe and Carwin, a merger that must remain closeted from the public gaze. Indeed, secrecy is an important part of their unity, for while Ludloe's organisation works under a veil of silence, it also cements homosocial kinship by requiring its members to reveal all. That is, in order to gain membership, Carwin must tell Ludloe the entire narrative of his life, including all of his private transgressions and deepest secrets. "Before anyone could be deemed qualified," Ludloe tells Carwin, "he must be thoroughly known to his associates. For this end, he must determine to disclose every fact in his history, and every secret of his heart" (Brown 1998: 263). Allegiance and "mutual fidelity" within the sect, then, depends upon a double imperative: secrecy is required in the public realm, but, in the private sphere of the fraternity, no secrets can be kept from one another (Brown 1998: 281). Thus, while the sect remains covert, its

members are unified, they become one, through a confessional process in which all personal secrets are revealed. This openness is meant to symbolise that each member is joined to the collective as one, as if they are all of one blood. A domestic and familial model is then assumed by the organisation, and the sect's homosocial framework challenges the gendered spaces of convention, as well as the heterosexual division of private and public realms.

The act of confession, which is so central to the social structure of Ludloe's sect, functions as a ritual that constitutes the affective exchange of brotherhood. Such a ritual of friendship promises equality, even while it depends upon an elaborate and hierarchical structure of apprenticeship in order to symbolise the exchange of brotherly affection. An illusion of fraternal "sameness," uniting the group's white male members, offers Carwin an all-male universal family through rituals that promise to reveal great mysteries and impenetrable secrets. In fact, the sect provides an imagined haven where Carwin can be recognised beyond the strictures of public politics, legal and social restraints, and give him an economic privilege that would separate him from the demands of the market place. And by confessing, by participating in the ritual, Carwin would further the asymmetry of heterosexual relations and align himself with the homosocial world of male authority. As such, Carwin would give up one family--rejecting his father--and enter a new family, an all-male secret brotherhood.

But this ritual also features a kind of symbolic death, for it would demand the "death" of his private self, the loss of his individuality and difference. For the communal network requires that Carwin give himself over to the group, replacing his individuality with a "pure" form of masculine affiliation, a new masculine space that is seen to be segregated and uncontaminated. However, Carwin's relationship to male authority remains ambivalent: he desires an authoritative voice, and yet he is unwilling to conform to the laws by which he could gain access to it. For instance, early in the text, he transgresses the law of his father--yet not breaking the state's law--when he is assigned to bring his father's cattle in from the pasture. Finding that the cattle are gone, Carwin does not return home to deliver the news to his father, as the paternal law dictates. Instead, he tries to figure out the cattle's means of escape. He then finds himself delayed and worried about punishment, so he attempts to take a short-cut home through the forest. It is here that he discovers a new voice, the voice of his ventriloquial powers, that will enable him to plot a break from his father and travel to Europe. For it is this voice--a voice that he

discovers outside the law, in the realm of the Pennsylvania wilderness--which he uses to challenge the laws of nature by mimicking the speech of his dead mother and thus undermining his father's authority. This early rejection of male authority is echoed in his relationship to Ludloe, for the power of Carwin's ventriloquism is determined by its secrecy; it is a command that cannot, under any circumstances, be disclosed or its effectiveness will be disabled. As a result, when faced with Ludloe's command of a complete confession, Carwin remains silent concerning his "other" voice. He will not reveal this secret, thereby transgressing the laws of Ludloe's all-male sect. Perhaps this is because, for Carwin, disclosure would mean giving up his voice, or at least giving it over to the machinations of the collective. Because his voice is disembodied, an imitative power, it could be divorced from his power and work to the advantage of the utopian organisation. He thus refuses to speak, a refusal that hints at his ambivalent situation: just as he desires the fraternal kinship of this covert group, Carwin is unwilling to give up his autonomous and yet othered voice. He will not relinquish its power or place it in the hands of others.

By holding onto his secret, Carwin violates the marriage-like ritual that would merge him to Ludloe. It is as if the retention of the secret is also the retention of himself, the possibility of an independent subjectivity that has the power to speak in its own voice. And it is here that Carwin reflects upon the relationship between personal subjectivity, confession and American law. For Carwin's concealment questions the place of confession in the law and echoes the 1791 adoption of the Fifth Amendment to the U.S. Constitution which clearly states that "No person . . . shall be compelled in any criminal case to be a witness against himself." This legal amendment regulates confession and is not only meant to protect the rights of the accused; it is also a way of policing confession to assure that the accused is not reduced to a state of abjection in which he is forced to condemn himself. This right to remain silent, the right against confession, evidently exposes the law's profound skepticism about confessions. Indeed, a confession, in the face of the law, always raises a number of crucial questions: How was the confession extracted from the accused? Under what condition was the confession made? Who was the confessor and who was the confessant? The law seeks answers to these questions because a confession, depending on its conditions, may be an ethical violation, somehow an invasion of human dignity. In fact, the Fifth Amendment to the constitution meant that a plea could not be

extracted by human authority, for to require a confession would insist that the state was superior to the individuals who composed it, instead of their instrument.

Yet the law of Ludloe's sect demands confession as a crucial form of self expression. For Ludloe, Carwin's revealed transgressions would have a special stamp of identificatory authenticity by bearing private witness to the truth about his individual personality, his secret voice. That is, the extraction of truth, the initiation ritual of the sect, is seen to necessarily involve a confessional gesture, a requirement to lay bare that which is most intimate in order to make oneself known. A double imperative thus develops here. On the one hand, the confessional act, and Ludloe takes this position, is a dominant form of self-expression, one that bears witness to the "truth" of the individual. From this perspective, the truth of the self and to the self are markers of sincerity, and the spoken confession becomes both the speech act and the narrative form that will lay bare one's most intimate self. The act of confession, then, reveals one's self knowledge and makes that self known to others, exposing the most hidden truths about selfhood. On the other hand, Carwin recognises that the demand for transparency, in which the confessant is open to the sect without dissimulation, is an act of tyranny through the policing of the very privacy that is required for selfhood. For if confession implies the criminal implication of oneself, then it also includes a potential state of abjection wherein the individual's intimate sense of self is violated or even stripped away.

Carwin, then, reveals the confessional narrative to move in at least two directions: it can be read as a text that is necessary for the expression of a "core" self and interpreted as a text that contributes to the dissolution of self, rejecting the privacy that selfhood requires. By revealing his private voice, Carwin would indeed reveal his hidden self to Ludloe, but such an act would also potentially destroy that "inner" self, along with the unique subjectivity that defines his individuality. But the confession is not mutual; Ludloe, as the confessor, keeps his subjectivity in tact, for he is not required to disclose his transgressions to Carwin. And if knowledge is power, knowledge of secrets--of that which is consciously held back from knowledge--is the supreme and vertiginous power, offering Ludloe a particular position of dominance in regard to Carwin. As a result, the relationship between confessor and confessant is not unlike the relationship between husband and wife as seen in *Alcuin*. Not that I seek to conflate confession and marriage, but I do want to suggest that by revealing his voice, his inner self, Carwin would give himself over to Ludloe,

while Ludloe has nothing to lose and everything to gain. Carwin's confession would thus be an act that traded in his individuality in favour of relationship that, like marriage, is based upon an asymmetrical division of power.

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The violation of selfhood in the discussion of marriage in *Alcuin* and the marriage-like ritual of Carwin's confession raise important questions about power and subjectivity in the developing nation. Who has a voice within the new Republic? Should the fraternity of white men, which is based on an illusion of brotherhood and equality, construct the laws of the new country? Should women be given a voice? And should men give up their individual, private and secret voices for the imagined good of an all-male community? Both texts pose these questions by exploring a general anxiety about who has an authentic voice and who is the voice of authority in the new nation. Such anxieties, moreover, are articulated in gendered language, one by questioning the legal status of women and the other by inquiring into the homosocial bonds of all-male organisations. In the end, though, *Alcuin* and *Carwin* pose more questions than they provide answers: Brown's dialogue moves in two different directions, upholding the rights of women while simultaneously satirizing the woman's movement, and Carwin accepts the authority of homosocial kinship while simultaneously refusing to give himself over completely to Ludloe's all-male community. As such, we are left with a kind of Brownian ambivalence in which the laws of structural coherence, Enlightenment rationalism and clear generic classification fall away, leaving us to flounder in the dark and lawless realm of the gothic.

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