

Liberty, Slavery, and Biography: The Hidden Shapes of Free Speech

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Abstract The first substantive theory of free speech as a secular political right was concocted by two anonymous London journalists, Thomas Gordon and John Trenchard, in their best-selling, endlessly reprinted newspaper column, *Cato's Letters* (1720–1723). Though its ideals became hugely influential, especially in the American colonies, Trenchard and Gordon's motives and the peculiar biases of their theory remain unexplored. John Locke's theorizing of personal liberty while accepting patriarchy and slavery has been much studied; that of *Cato's Letters*, a comparably significant text, not at all. Drawing on a wealth of newly discovered materials in British, Caribbean, and American archives, the author explores the telling roles of gender and especially race in early Anglophone ideals of free speech, connecting them to the lived experiences of Gordon, Trenchard, and their shadowy publisher, *Elizée Dobrée*. The article thus reframes our understanding of one of the most important Anglo-American political works of the eighteenth century, and exemplifies how to approach free speech historically, as both a theory and a practice. Freedom of expression does not simply arise from the lessening of “censorship” and restraint, nor is it ever equally accessible to all. Visibly and invisibly, like every kind of liberty, it always has a particular shape.

In the early 1720s, two London journalists, Thomas Gordon and John Trenchard, mounted the world's first-ever systematic defense of free speech as a secular, political right. It was part of a wildly successful newspaper column they wrote, known (on account of their pseudonym) as *Cato's Letters*. In it, they dispensed easy-to-read pronouncements on liberty, religious freedom, human nature, and the purpose of government. The column's overall political theory was fairly derivative, yet its arguments about freedom of speech and the press were strikingly novel.

Up to this point, free speech had mainly been conceptualized in terms of a classical rhetorical tradition (that is, offering frank counsel to a superior), or as part of

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Protestant arguments for religious toleration (that is, free debate on theological matters). “Liberty of the press” had also recently become a fashionable political slogan in England, following the lapse of prepublication government censorship in 1695 and the explosion of news and partisan debate that ensued. But the concept remained a largely empty, untheorized one. Works of political theory ignored it, and even radical writers showed little interest in defining its principles. At most, as did the author Daniel Defoe, they distinguished vaguely between the beneficial *liberty of the press*, which enabled people to discuss public affairs—and press *license* (or *licentiousness*), such as spreading lies, slander, or dangerous ideas, which was harmful and ought to be punished. The exact boundary between the two was never explored in detail: it remained essentially a distinction in the eye of the beholder. As historians nowadays point out, there was as yet no set of intellectual tools, “no language to justify the free press.”¹

Cato’s new conception of political speech as an inalienable personal right, the foundation of all liberty, was therefore extraordinary.² Here are the stirring opening lines of Gordon’s first essay on the subject:

Without Freedom of Thought, there can be no such Thing as Wisdom; and no such Thing as publick Liberty, without Freedom of Speech, which is the Right of every Man, as far as by it, he does not hurt or controul the Right of another: And this is the only Check it ought to suffer, and the only Bounds it ought to know.

This sacred Privilege is so essential to free Governments, that the Security of Property, and the Freedom of Speech, always go together; and in those wretched Countries where a Man cannot call his Tongue his own, he can scarce call any Thing else his own. Whoever would overthrow the Liberty of the Nation, must begin by subduing the Freedom of Speech; a *Thing* terrible to Publick *Tyrants*.³

Cato’s Letters became one of the most influential political texts of the eighteenth century, especially in North America, where it was endlessly quoted, discussed, and reprinted. No other work more profoundly influenced colonial ideas about liberty, print, and speech. In 1776, the free speech and press clauses that the rebellious states included in their declarations of rights carried the unmistakable imprint of

¹ Alex Barber, “Why Don’t Those Lazy Priests Answer the Book?” Matthew Tindal, Censorship, Freedom of the Press and Religious Debate in Early Eighteenth-Century England,” *History* 98, no. 333 (2013): 680–707, at 681. For examples, see British Library, London, Add. MS 4295, fols. 49–50 (this repository is hereafter abbreviated BL); [Matthew Tindal], *A Letter to a Member of Parliament, Shewing that a Restraint on the Press is Inconsistent with the Protestant Religion* (London, 1698); [Daniel Defoe], *An Essay on the Regulation of the Press* (London, 1704); [Joseph Addison?], *The Thoughts of a Tory Author Concerning the Press* (London, 1712), esp. 13; [Francis Atterbury], *English Advice to the Freeholders of England* (London, 1714), 28, 31; Karl Tilman Winkler, *Wörterkrieg: Politische Debattenkultur in England, 1689–1750* (Stuttgart, 1998), 407–12.

² See Leonard W. Levy, *Emergence of a Free Press* (Oxford, 1985), esp. 109, 115; Leonard W. Levy, introduction to *Freedom of the Press from Zenger to Jefferson: Early American Theories*, ed. Leonard W. Levy (Indianapolis, 1966), xxvi–xxviii; Wendell Bird, *The Revolution in Freedoms of Press and Speech: From Blackstone to the First Amendment and Fox’s Libel Act* (New York, 2020), esp. 11, 126–28. Bird critiques Levy’s overall argument but attaches even greater importance to Cato’s model.

³ *London Journal*, 24 December 1720 (CL 15). Editions of Cato’s Letters traditionally number the columns 1 to 138, in chronological order, conventionally abbreviated CL; references throughout are to the original newspaper publication, followed by the CL number in parentheses.

its absolutist, antigovernmental theory of speech; so too, a few years later, did the First Amendment of the United States Constitution.⁴

For all these reasons, Trenchard and Gordon's theory of free speech has been much studied and celebrated. What has gone unnoticed is how partial, contradictory, and misleading its arguments were. Yet that oversight is not surprising. Historians are accustomed to spotting and critiquing types of censorship, but they usually take for granted that freedom of speech and press is simply the natural, desirable inverse of such unnatural constraints: the one advances as the other retreats. Cato's case proves the opposite. Freedom of speech is not something that emerges straightforwardly from the lessening of restraint: it is itself an artificial, invented concept. It always has a shape. It flows more easily in certain directions than in others; it aggregates around existing forms of power. This is not just true of its practice, as is abundantly clear in the present day, but equally of its history and theory.⁵

I have elsewhere set out in detail the extraordinary and previously unknown story of how and why Trenchard and Gordon came to put forward their radical new way of thinking in the early 1720s, how it related to earlier theories of speech and press liberty, and how profoundly (and perniciously) it was influenced by their covert personal and political motives.⁶ In what follows, I explore further how the nominally

⁴ Clinton Rossiter, *Seedtime of the Republic: The Origin of the American Tradition of Political Liberty* (New York, 1953); Caroline Robbins, *The Eighteenth-Century Commonwealthman: Studies in the Transmission, Development, and Circumstances of English Liberal Thought from the Restoration of Charles II until the War with the Thirteen Colonies* (Cambridge, MA, 1959), 115–25; David L. Jacobson, ed., *The English Libertarian Heritage: From the Writings of John Trenchard and Thomas Gordon in The Independent Whig and Cato's Letters* (Indianapolis, 1965); J. G. A. Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition* (Princeton, 1975), 467–77; Marie P. McMahon, *The Radical Whigs, John Trenchard and Thomas Gordon: Libertarian Loyalists to the New House of Hanover* (Lanham, 1990); Shelley Burt, *Virtue Transformed: Political Argument in England, 1688–1740* (Cambridge, 1992), chaps. 4–6; Bernard Bailyn, *The Ideological Origins of the American Revolution*, enl. ed. (Cambridge, MA, 1992); Lee Ward, *The Politics of Liberty in England and Revolutionary America* (Cambridge, 2004); Heather E. Barry, *A "Dress Rehearsal" for Revolution: John Trenchard and Thomas Gordon's Work in Eighteenth-Century British America* (Lanham, 2007); and the works cited in note 2 above. For its enduring popularity in England, see Eckhart Hellmuth, "Towards Hume—The Discourse on the Liberty of the Press in the Age of Walpole," *History of European Ideas* 44, no. 2 (2018): 159–81; Eckhart Hellmuth, "After Fox's Libel Act: Or, How to Talk about the Liberty of the Press in the 1790s," in *Reactions to Revolutions: The 1790s and Their Aftermath*, ed. Ulrich Broich et al. (London, 2007), 137–75, at 153–54.

⁵ For example, see Catharine A. MacKinnon, *Only Words* (Cambridge, MA, 1993); Stanley Fish, *There's No Such Thing as Free Speech and It's a Good Thing, Too* (Oxford, 1994); Robert C. Post, ed., *Censorship and Silencing: Practices of Cultural Regulation* (Los Angeles, 1998); Frederick Schauer, "The Boundaries of the First Amendment," *Harvard Law Review* 17, no. 6 (2004): 1765–1809; Jeremy Waldron, *The Harm in Hate Speech* (Cambridge, MA, 2012). Aside from the jurisprudence of the First Amendment, which focuses almost exclusively on the past hundred years, most recent historical scholarship on free speech concentrates on the period before 1700. See Ineke Sluiter and Ralph M. Rosen, eds., *Free Speech in Classical Antiquity* (Leiden, 2004); David Colclough, *Freedom of Speech in Early Stuart England* (Cambridge, 2005); Arlene W. Saxonhouse, *Free Speech and Democracy in Ancient Athens* (Cambridge, 2006); Michel Foucault, *Discourse and Truth and Parrhesia*, ed. Paul-Henri Fruchaud, Daniele Lorenzini, and Nancy Luxon (Chicago, 2019); Irene van Renswoude, *The Rhetoric of Free Speech in Late Antiquity and the Early Middle Ages* (Cambridge, 2019). Notable exceptions are Charles Walton, *Policing Public Opinion in the French Revolution: The Culture of Calumny and the Problem of Free Speech* (Oxford, 2009); Elizabeth Powers, ed., *Freedom of Speech: The History of an Idea* (Lewisburg, 2011).

⁶ Fara Dabhoiwala, "Inventing Free Speech: Politics, Liberty and Print in Eighteenth-Century England," *Past and Present* 257, supplement no. 16 (2022): 39–74.

neutral new ideology of free speech as a political right was in fact deeply partial—in the way it conceived of the differences between men and women, and in its treatment of race and slavery. I highlight how those biases were intrinsic to the original text, and how they developed further in the slave societies of the Americas.

To reveal the hidden shapes of Cato's free speech ideals, one needs to consider not just the text's printed words but its silent elisions, and its creators' unspoken presumptions. Very little has hitherto been known about Trenchard and Gordon personally, and nothing at all about their first publisher, Elizée Dobrée. Uncovering the histories of these men reveals telling connections between their biographies and the distinctive shape of Cato's arguments about free speech. The opening section briefly surveys how Trenchard and Gordon's construction of the "public" consciously gendered the division between private and public affairs, and the scope of free speech; the remainder of the article addresses their conceptions of slavery and race.

Like many seventeenth- and eighteenth-century political tracts, Cato's Letters continually condemned enslavement, the antithesis of liberty. Slavery was precisely what freedom of speech and print was meant to prevent. Yet at the same time, the text condoned the actual bondage of Black people, and Trenchard, Gordon, and Dobrée were personally connected to slave ownership in the Americas. Both in its original and most of its later eighteenth-century articulations, freedom of speech was a racialized ideology—in much the same way that early newspapers, the most self-conscious and celebrated exponents of press liberty in the seventeenth- and eighteenth-century Anglophone world, were also important tools of enslavement and white supremacy.⁷

In practice, free speech could take other shapes, too. It was always a contested ideal that could be appropriated by the weak as well as the strong. Women and slaves had their own notions of liberty and could never be completely silenced. Yet both in its initial formulation and, even more unsettlingly, in its transplantation across the Atlantic, the new concept of free speech was always shadowed by the reality of racial unfreedom.

MALE AND FEMALE SPEECH

Cato's Letters is a male text—written by men, about men, for men. Female subjects and voices are conspicuously absent from its countless references to ancient and modern examples, and from its entire 350,000-word philosophy of liberty. This was hardly unusual for an eighteenth-century political tract, but it profoundly shaped Trenchard and Gordon's theory of speech.

Implicit in their text was a stark view of sexual difference. Women were disregarded because Cato's central theme, "public liberty," was presumed to be a solely masculine concern. The work's many metaphors, similes, and personifications were likewise almost exclusively male. Just once, Trenchard wrote a letter as "A Woman," with a long reply by Cato, critiquing mercenary marriage and depicting

⁷ Simon P. Newman, *Freedom Seekers: Escaping from Slavery in Restoration London* (London, 2022); David Waldstreicher, "Reading the Runaways: Self-Fashioning, Print Culture, and Confidence in Slavery in the Eighteenth-Century Mid-Atlantic," *William and Mary Quarterly* 56, no. 2 (1999): 243–72; Jordan E. Taylor, "Enquire of the Printer: Newspaper Advertising and the Moral Economy of the North American Slave Trade, 1704–1807," *Early American Studies* 18, no. 3 (2020): 287–323.

wives as invariably profligate, properly subordinate, and interested only in household matters. The essay's argument was that marriage, by providing men with *domestic* felicity, allowed them to focus on the great cause of *public* liberty and happiness.⁸ That was the only connection between women and public liberty.

This conceptual distinction between the public and the domestic world also characterized Cato's model of free speech. Freedom of speech was foundational to "publick Liberty" because it allowed private citizens to critique "the Administration of Government." Its ambit was to "publickly" examine the transacting of "publick Matters" and "publick Proceedings" by "publick Ministers"—"when they are Honest, they ought to be publickly known, that they may be publickly commended; but if they are Knavish or Pernicious, they ought to be publickly exposed, in order to be publickly detested."⁹ The realm of free speech, in other words, was only the public discussion of public matters. It emphatically did *not* extend to private affairs: to "writing that hurts particular Persons, without doing good to the Publick"; to speech about "private and personal Failings," or "private Offences"; or to libels "against private Men," or concerning "purely personal" matters. All of that, Trenchard and Gordon affirmed, was not liberty but "Licentiousness," and rightly punishable. Even "the private Vices or Weaknesses of Governours" were off-limits, unless they affected their public actions.¹⁰

This was a deeply gendered theory. Cato took for granted that women did not engage with public affairs: their speech was entirely domestic, trivial, and inferior. In 1724, Gordon's eulogy on the death of his coauthor reproduced this hierarchy precisely. It extolled Trenchard's speech and writing as pellucid, rational, and eloquent. And then it drew a contrast. As for women, "he treated them with great Niceness and Respect; he abounded in their own Chit-Chat, and said a world of pleasant Things." In other words, male discourse was "strong, fine, and useful," and concerned with public welfare, while female conversation consisted of sweet, airy nothings.¹¹

The biographical evidence I have been able to piece together about both authors fits this conventional, chauvinist outlook. "A Family is a small State," Gordon once wrote, reproducing an age-old trope: the husband was its "Master or Prince."¹² He himself had three children with a woman whose very name is lost to history.¹³

⁸ *London Journal*, 2 December and 23 December 1721 (later combined into CL 58). Unbeknownst to its readers, this essay was an in-joke, composed on the anniversary of Trenchard's third marriage, with an encomium by Gordon.

⁹ *London Journal*, 4 February 1721 (CL 15).

¹⁰ *London Journal*, 10 June 1721 (CL 32). See also *British Journal*, 20 October 1722 (CL 100).

¹¹ [John Trenchard and Thomas Gordon], *Cato's Letters*, 4 vols. (London, 1724), 1:xxix–xxx. See also Thomas Gordon to William Simpson, 28 December [1723], Letters received by Sir William Simpson, Kenneth Spencer Research Library, University of Kansas, MS G23, fol. 42v.

¹² *The Independent Whig: or, a Defence of Primitive Christianity*, 5th ed., 2 vols. (London, 1732), 2:531.

¹³ I have been unable to trace her maiden name, their marriage, or the births of their two elder children, but her first name was probably Martha: their youngest child was called Patty, which matches baptismal entries for a daughter of "Thomas Gorden & Martha," 14 May 1732 at St. Andrew Holborn (register of baptisms, 1724–1740, London Metropolitan Archives P82/AND/A/001/MS06667/009), and a daughter of "Thomas & Martha Gordon," 24 May 1735 at St. Mary, Hornsey (parish register 1683–1812, London Metropolitan Archives, DRO/020/A/01/003) [this repository is hereafter abbreviated as LMA]. She may have been the "Martha Gorden" buried on 22 July 1741 at St. Giles in the Fields, Holborn (burial register 1739–1762, LMA, P82/GIS/A/04/005). See also Thomas Gordon to Patrick Lindsay, 29 November 1736, 1 July 1740, 12 July [1740?], 12 September 1747, Papers of the estate of

His daughter was killed by childbirth; her husband had a teenaged mistress. Gordon's elder son, Tom, likewise left behind a mistress and several illegitimate children.¹⁴ Trenchard's first wife, Grace Peck, seventeen years his junior, also died in labor.¹⁵ A few months later, aged almost fifty, Trenchard allied himself with another hugely wealthy and powerful man, the merchant and member of Parliament Sir Thomas Scawen, by offering to marry his eighteen-year-old daughter, Ann, though he barely knew her. Within a fortnight, they were wed; four months later, she slit her throat.¹⁶ Undeterred, Trenchard set off for Bath, the great matchmaking resort, once more on "business . . . to find out a wife." This time he settled on fourteen-year-old Ann Blackett: again, they were married within a few weeks. He claimed to like her spirit; she was, moreover, a fatherless heiress who brought him an immense additional fortune.¹⁷ (Ann Blackett was thirty-six years younger than Trenchard: when he died in 1723, leaving her still richer, she was only eighteen. A quarter-century later, safely past childbearing age, she would marry the widowed Thomas Gordon, fifteen years her senior, whom she then also long outlived. Almost nothing is now known about her beyond these male connections.)¹⁸

All this is typical of the patriarchy of eighteenth-century propertied society. Yet to conclude only that the shape of Trenchard and Gordon's free speech model reflected

Eaglescarnie, East Lothian, National Library of Scotland, Edinburgh, Adv. MS.23.3.26, fols. 60–65, 70–71.

¹⁴ See notes 46 and 48 below.

¹⁵ Allegation and bond for the marriage licence of John Trenchard and Grace Peck, 20 June 1709, Lambeth Palace Library, London, VM I/48 and VM II/39; Thomas Rawlins to [William Simpson], 6 July 1709, University of Kansas Libraries, MS G23, fol. 50r; Joseph Lemuel Chester, *The Marriage, Baptismal, and Burial Registers of the [. . .] Abbey of St Peter, Westminster* (London, 1876), 42; funeral monument to Grace Trenchard, d. 30 October 1717, Little Sampford Church, Essex.

¹⁶ St. Stephen Walbrook parish register 1557–1716, 29 April 1700, LMA, P69/STE2/A/001/MS08319/001; All Saints Banstead parish register 1616–1789, 19 July 1718, Surrey History Centre, MS 2375/1/2; John Trenchard to [William Simpson], 24 November [1718], University of Kansas Libraries, MS G23, fol. 3r; Royal Commission on Historical Manuscripts, *The Manuscripts of His Grace the Duke of Portland*, 10 vols. (London, 1891–1931), 5:573; s.v. "Scawen, Sir Thomas," *The History of Parliament: The House of Commons, 1715–1754*, ed. Romney Sedgwick, 2 vols. (1970), 2:410.

¹⁷ Trenchard to Simpson, 21 September 1719, University of Kansas Libraries, MS G23, fols. 15v–16r ("business"); see also will of Sir William Blackett, proved 1 February 1706, The National Archives, London, PROB 11/486/334 (this repository is hereafter abbreviated as TNA); St. James Piccadilly marriage register 1700–1723, 24 November 1719, City of Westminster Archives Centre, STJ/PR/7/57; G. J. Armytage, ed., *Allegations for Marriage Licences [. . .] 1543 to 1869* (London, 1886), 249; [Matthew Tindal], "The Criterion: Or Certain Tests to Judge of the Designs of Private Men in Censuring Publick Persons & Measures, With Remarks on the Character of the Independent Whig," BL, Add. MS 61705, fol. 17; Mark Blackett-Ord, s.v. "Blackett, Sir William, First Baronet," *Oxford Dictionary of National Biography*, 23 September 2004, <https://doi.org/10.1093/ref:odnb/61542>; genealogy of Sir William Blackett, <https://www.theblacketts.com/tree/individual.php?pid=I4636&ged=Main%20Blackett%20Tree>.

¹⁸ Will of John Trenchard, proved 26 February 1724, TNA, PROB 11/596/42; Petersham parish register, 1570–1786, 15 June 1747, Surrey History Centre, MS P48/1/3; *London Magazine*, June 1747, 292–93. Thomas Gordon died in 1750 and was buried at the estate that Ann had inherited from Trenchard, Abbot's Leigh in Somerset (Holy Trinity, Abbot's Leigh, marriage and burial register, 1703–1813, 6 August 1750, Bristol Archives, P.AL/R/2/a). She lived until 1783 (will of Ann Gordon, proved 23 June 1783, TNA, PROB 11/1104/355). At some point between 1724 and 1744, she commissioned Maria Verelst to paint a striking portrait of her, two versions of which survive: one at Wallington Hall in Northumberland, the other in private hands.

the intrinsic gendering of contemporary culture, notable though that is, would be to overlook a crucial additional point. In the early 1720s, when they put forward their theory, Anglophone public discourse was *not* a solely masculine preserve. On the contrary, over the preceding decades, female authors had become increasingly commonplace in the world of print, and the unjust masculine silencing of women was a major theme of their writing. As well as poets, novelists, and playwrights, women were also journalists, satirists, philosophers, and essayists: among the leading political authors of the age were Delarivier Manley, Susanna Centlivre, and Mary Astell. In addition, women were central to the production and distribution of political discourse, as printers, publishers, booksellers, and retailers of books and newspapers. Without their efforts, no one would have read Cato's Letters.¹⁹ Furthermore, women, like men, were avid and opinionated consumers and discussants of political news. As one of Trenchard's closest intellectual associates deplored in 1716, "the Ladies . . . turn their Heads to Politicks too much."²⁰ Thus, in putting forward their gendered model of speech and the public sphere, Trenchard and Gordon, though claiming to describe reality, were in fact concocting a wishful fiction.

Their proto-Habermasian notion of public discourse as a separate, masculine domain was also fairly novel. Though "private" and "public" were concepts of growing fascination in eighteenth-century society, the presumption that they were essentially distinct was still far from dominant. The more traditional way of thinking stressed instead that personal and communal affairs were intimately intertwined, and that honest public conduct depended on virtuous domestic life. This was in line with the most fashionable early eighteenth-century model of elite discourse, politeness, in which female sociability and conversation were portrayed as superior, and beneficial to men, rather than as separate, inferior domains.²¹

Were Trenchard and Gordon *consciously* repudiating this prevailing view of social and sexual relations? One remarkable piece of evidence suggests that they were. When the two of them started writing together, the most popular essayists and coauthors in the English-speaking world were Joseph Addison and Richard Steele. These men, in their massively successful and influential periodicals, the *Tatler* and the *Spectator* (1709–1714), had done more than anyone to popularize the ideals of politeness and superior female refinement. In other ways, too, their shadow must have loomed

¹⁹ See documents relating to the printing and distribution of the *London Journal*, August 1721, TNA, SP 35/28, fols. 10, 13, 15, 18r–v; Karl Tilman Winkler, *Handwerk und Markt: Vetriebswesen und Tagesschrifttum in London, 1695–1750* (Stuttgart, 1993), esp. chaps. 6–8; Paula McDowell, *The Women of Grub Street: Press, Politics, and Gender in the London Literary Marketplace, 1678–1730* (Oxford, 1998). In 1734–35, similarly, Catherine Zenger took over the printing of the *New-York Weekly Journal*, Cato's great American champion, while her husband, John Peter Zenger, was in jail awaiting trial for seditious libel.

²⁰ Robert Molesworth, unpaginated dedicatory epistle to [Mary Monck], *Marinda: Poems and Translations upon Several Occasions* (London, 1716). See also Susan Staves, *A Literary History of Women's Writing in Britain, 1660–1789* (Cambridge, 2006), chaps. 1–4; Elaine Chalus, "Ladies Are Often Very Good at Scaffoldings": Women and Politics in the Age of Anne," *Parliamentary History* 28, no. 1 (2009): 150–65.

²¹ Jürgen Habermas, *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society*, trans. Thomas Burger and Frederick Lawrence (Cambridge, MA, 1989); Dario Castiglione and Lesley Sharpe, eds., *Shifting the Boundaries: Transformation of the Languages of Public and Private in the Eighteenth Century* (Exeter, 1995); Michèle Cohen, *Fashioning Masculinity: National Identity and Language in the Eighteenth Century* (London, 1996); Philip Carter, *Men and the Emergence of Polite Society: Britain, 1660–1800* (Harlow, 2001). For its many gendered ironies and contradictions, see Faramerz Dabhoiwala, *The Origins of Sex: A History of the First Sexual Revolution* (New York, 2012), 181–90.

large, especially to the young, ambitious, but penniless Gordon. Both were rich, successful politicians as well as best-selling authors; and Addison's hit play, *Cato, a Tragedy* (1712), probably inspired the name of Trenchard and Gordon's column. So it is notable how forcefully Gordon responded in the summer of 1721 when a senior government minister, secretly meeting with him in hopes to flatter the youthful upstart polemicist into switching sides, invoked the towering example of the recently deceased Addison, saying he "deserved a Statue of Gold for his endeavours to mend private & domestick manners." To this, Gordon scornfully replied: "and I told his L[ordshi]p that Mr Addison wrote well upon little ordinary subjects relating to men & their wives, but to do good to the world he began at the wrong end, since whoever would mend mankind must begin w[i]th the Publick, & the methods of Government[,] in which is contain'd all virtue or vice, happiness or misery, & that wherever the Government is bad, private manners will be necessarily bad."²² It was a strikingly self-confident repudiation of Addison and Steele's authority and their underlying presumptions about gender and worldly affairs.

Trenchard and Gordon were entirely conventional in distinguishing between male and female language and elevating public over private matters. These were much-discussed themes throughout the later seventeenth and early eighteenth centuries. The *Spectator*, too, alongside its advocacy of polite conversation between the sexes, had stressed "that Men and Women ought to busie themselves in their proper Spheres, and on such Matters only as are suitable to their respective Sex." Yet while decrying as unfeminine women's political partisanship, it also repeatedly acknowledged passionate female engagement with politics and other undomestic affairs.²³

Cato's Letters, by contrast, willfully ignored this reality. In doing so, its new and influential theories of liberty and of political freedom of speech helped harden the presumption that politics was a solely masculine preserve. By 1800, it had become commonplace to distinguish between private and public domains of life, and to presume that these corresponded to essentially male and female spheres. Though this ideology gained in strength, however, it was perennially contradicted by the actuality of female interest and participation in public affairs.²⁴ The notion that women were absent from the public sphere, and that freedom of speech was hence inevitably only a male concern, was always only an argument, masquerading as a neutral description of the supposedly natural state of affairs. But that is how patriarchy works and continually, invisibly, reinforces itself. Cato's Letters are part of that story.

FREEDOM AND BONDAGE

The essential purpose of free speech, Cato declared, was to prevent tyranny and servitude: "Freedom of Speech is the great Bulwark of Liberty; they prosper and

²² Gordon to Trenchard, 1 August [1721], University of Kansas Libraries, MS G23, fol. 9v. See also *London Journal*, 13 May, 22 July 1721 (CL 29, CL 38).

²³ *Spectator*, 5 May 1711; see also *Spectator*, 2 June 1711, 7 December 1711, 13 February 1712; Rachel Weil, *Political Passions: Gender, the Family, and Political Argument in England, 1680–1714* (Manchester, 1999).

²⁴ Leonore Davidoff and Catherine Hall, *Family Fortunes: Men and Women of the English Middle Class, 1780–1850* (Chicago, 1987); Kathryn Gleadle and Sarah Richardson, eds., *Women in British Politics, 1760–1860: The Power of the Petticoat* (New York, 2000)

die together.” Whenever oppressors managed to curb free expression, the people became “enslaved,” and their “Minds . . . degenerated into all the Vileness and Methods of Servitude: Abject Sycophancy and blind Submission.”²⁵ This claim was about far more than speech: how to maintain liberty and avoid slavery was the central theme of Trenchard and Gordon’s entire political philosophy. Throughout their text, as in other contemporary works of literature and philosophy, slavery was a ubiquitous concept, the antithesis of English freedom. After all, argued Cato, most peoples across the globe (including “all *Asia* and . . . all *Africa*”) lived in “enslaved Countries,” subject to the whims of tyrants—“We are Men, and They are Slaves.”²⁶

How did Trenchard and Gordon’s use of this idiom relate to the reality that their own society enslaved human beings? How did it affect their philosophy of free speech, which became so popular in the slave-holding societies of America? Similar questions have long been asked about John Locke’s theory of liberty, which likewise employed the language of slavery and was widely read by colonial and revolutionary Americans.²⁷ They have not been posed before about the obscure makers of Cato’s Letters. But their lives and writings, too, were implicated in the enslavement of Black people across the North Atlantic world. At its inception, free speech was a racialized ideal.

By the 1710s, when Trenchard and Gordon began their writing partnership, British readers and writers took colonial slavery entirely for granted.²⁸ Their great journalistic rival Daniel Defoe was among those who invested money in it and wrote propaganda on behalf of slave traders. As he declared in 1711, complaining about a recent rise in the cost of enslaved Africans, “furnishing the Plantations with sufficient supplies of Negroes at moderate Prices” had long been “a most Profitable, Useful, and absolutely necessary Branch of our Commerce.”²⁹ The growing popularity of Cato’s Letters between the 1720s and 1750s coincided with the continued British expansion of the transatlantic slave trade.³⁰ London’s newspapers openly marketed “Black” and “Negro” humans for sale, advertised for the capture of escaped slaves, and referred casually to “the Negro Trade.”³¹ On 16 September 1721, the *London Journal* opened with Cato’s stirring pronouncement that “Men are naturally equal”; the next sheet updated

²⁵ *London Journal*, 4 February 1721 (CL 15).

²⁶ *London Journal*, 14 October 1721 (CL 48). See also *London Journal*, 22 July 1721 (CL 38).

²⁷ See esp. David Armitage, “John Locke, Carolina, and the *Two Treatises of Government*,” *Political Theory* 32, no. 5 (2004): 602–27; James Farr, “Locke, Natural Law, and New World Slavery,” *Political Theory* 36, no. 4 (2008): 495–522; Holly Brewer, “Slavery, Sovereignty, and ‘Inheritable Blood’: Reconsidering John Locke and the Origins of American Slavery,” *American Historical Review* 122, no. 4 (2017): 1038–78; Mark Goldie, “John Locke and Empire,” Carlyle Lectures, University of Oxford, 9 January–23 February 2021.

²⁸ John Richardson, *Slavery and Augustan Literature: Swift, Pope, Gay* (New York, 2004), esp. chap. 1; Christopher Leslie Brown, *Moral Capital: Foundations of British Abolitionism* (Chapel Hill, 2006); Simon Gikandi, *Slavery and the Culture of Taste* (Princeton, 2011).

²⁹ [Daniel Defoe], *An Essay Upon the Trade to Africa* (London, 1711), 5, 34; Tim Keirn, “Daniel Defoe and the Royal African Company,” *Historical Research* 61, no. 145 (1988): 243–47.

³⁰ William Pettigrew, *Freedom’s Debt: The Royal African Company and the Politics of the Atlantic Slave Trade, 1672–1752* (Chapel Hill, 2013).

³¹ For example, see *London Journal*, 3 June 1721, 2 September 1721, 3 August 1723, 7 September 1723, 21 September 1723, 22 February 1729; *British Journal*, 26 December 1724; “For Sale,” Runaway Slaves in Britain: Bondage, Freedom, and Race in the Eighteenth Century, University of Glasgow, https://www.runaways.gla.ac.uk/for_sale/.

readers with the happy news that hundreds of “very fine Slaves” had been loaded onto English ships and were on their way to the Americas.³²

Peoples who lived in liberty, like the Greeks and Romans, Gordon explained, were innately superior, “another Species of Mankind.” Slaves, on the other hand, were but “sheep”: for “they who are us’d like Beasts, will be apt to degenerate into Beasts.” He never differentiated between the vassals of tyrants and those of the Romans and other “free” societies like his own.³³ In a deeply hierarchical culture, where “slave” could refer to an owned human being, or a victim of tyranny, or simply a morally inferior person, it was easy to slip from notions of English superiority to contempt for oppressed, “slavish” nations to the presumption that some peoples or individuals were slaves by nature.³⁴ Trenchard and Gordon’s hero Algernon Sidney was among those who took for granted that “the base effeminate Asiaticks and Africans, for being careless of their Liberty, or unable to govern themselves, were by *Aristotle* and other wise men called *Slaves by Nature*, and looked upon as little different from Beasts.”³⁵

Thus the text of Cato’s Letters, too, repeatedly argued that unfree government was a species of slavery that corrupted even tyrants themselves (“A Prince of Slaves is a Slave; he is only the biggest and the worst”³⁶), yet also casually condoned the slave trade—indeed portrayed it as a support to English liberties. One of Trenchard’s eulogies to political freedom celebrated the industrious “*English* planters in *America*, [who] besides maintaining themselves and Ten times as many Negroes,” generated such prosperity for their homeland: “Such are the Blessings of Liberty.”³⁷ Another lauded the economic benefits of “Colonies planted in proper Climates, and kept to their proper Business”—“particularly many of our own Colonies in the *West-Indies*” whose inhabitants balanced their exports by importing goods “for themselves and their Slaves.”³⁸ Trenchard’s exposition borrowed heavily from the arguments of his and Locke’s old associate, the Bristol merchant and West-Indies trader John Cary, whose well-known *Essay on the State of England* (1695) had enthused about the triangular slave trade as “the best Traffick the Kingdom hath” and urged its expansion, given the cheapness of African slaves and the productivity of enslaved plantation labor across the Caribbean and North America.³⁹

There were also personal connections between Cato’s creators and the business of slavery. Elizée Dobrée’s extended family bought and sold African people. (Oludah

³² *London Journal*, 16 September 1721 (CL 45).

³³ *London Journal*, 20 January 1722 (CL 62).

³⁴ Sridvidhya Swaminathan and Adam R. Beach, eds., *Invoking Slavery in the Eighteenth-Century British Imagination* (Farnham, 2013).

³⁵ Algernon Sidney, *Discourses Concerning Government* (London, 1698), 6. See also Steven Jablonski, “Ham’s Vicious Race: Slavery and John Milton,” *Studies in English Literature* 37, no. 1 (1997): 173–90.

³⁶ *London Journal*, 14 October 1721 (CL 48). See also Peter A. Dorsey, *Common Bondage: Slavery as Metaphor in Revolutionary America* (Knoxville, 2009).

³⁷ *London Journal*, 24 February 1722 (CL 67).

³⁸ *British Journal*, 24 November 1722 (CL 106).

³⁹ John Cary, *An Essay on the State of England, in Relation to its Trade* [. . .] (Bristol, 1695), 47, 65–86; Jonathan Duke-Evans, “The Political Theory and Practice of the English Commonwealthmen, 1695–1725” (PhD diss., University of Oxford, 1980), 22, 26; Kenneth Morgan, s.v. “Cary, John (1649–1719X22),” *Oxford Dictionary of National Biography*, 4 October 2007, <https://doi.org/10.1093/ref:odnb/4840>.

Equiano mentions them in his autobiography: he was first brought to England on a vessel they owned; his enslaver was intimate with them.)⁴⁰ Trenchard had served as a colonial administrator in Ireland and invested in the South Sea Company, which trafficked in slaves.⁴¹ His estate, where many of Cato's Letters were written, wound up in the hands of a millionaire whose fortune came from Jamaican slave plantations.⁴²

Before he became a writer, Gordon almost emigrated to the Caribbean, too: in 1713, the chief minister Robert Harley, an enthusiastic promotor of the slave trade, had proposed to send him as a spy to the East or West Indies.⁴³ In 1719, Gordon's *A Modest Apology for Parson Alberoni*, the best-selling satire that launched his literary career, became one of the first books to be (re)printed in Jamaica.⁴⁴ And all three of his offspring were drawn into the empire. In 1740, his younger son, Bill, sailed to India on an East India Company ship.⁴⁵ A decade later, his other two children emigrated to Jamaica, Britain's most profitable colony, the rich, brutal epicenter of its inhuman commerce. The youngest, Patty, married a sugar planter and became thereby the mistress of (as her husband put it) hundreds of "Negroes, Mules, Horses, Cattle," and other chattels.⁴⁶ Her brother Tom, a barrister and justice of the peace, likewise ended up the rich and powerful owner of large

⁴⁰ Will of Michael Henry Pascal, proved 8 May 1786, TNA, PROB 11/1142/88; "Bonamy Dobrée," Legacies of British Slave-ownership Database, www.ucl.ac.uk/lbs (this repository is hereafter abbreviated as LBS); "Harry Hankey Dobrée," LBS; Voyage ID 77536, Slave Voyages: The Trans-Atlantic Slave Trade Database, <https://www.slavevoyages.org>; Olaudah Equiano, *The Interesting Narrative and Other Writings*, ed. Vincent Carretta (New York, 1995), 68–69, 91, 105, 255n145, 270n304; Doug Ford, "A Respectable Trade or Against Human Dignity?," *Heritage Magazine* [Jersey] 2006, 7. Another branch of the family was based in Nantes, the French slaving capital: see Robert Stein, "The Profitability of the Nantes Slave Trade, 1783–1792," *Journal of Economic History* 35, no. 4 (1975): 779–93.

⁴¹ Trenchard v. Wanley, 1721, TNA, C 11/41/13.

⁴² "Philip John Miles," LBS.

⁴³ T[homas] G[ordon], untitled retrospective account of his dealings with Harley, Beinecke Library, Yale University, MS Osborn c502, p. 59.

⁴⁴ *The Calve's-Head Club; or, A Modest Apology for Parson Alberoni* (Kingston, Jamaica, 1719).

⁴⁵ Gordon to Lindsay, 1 July 1740, National Library of Scotland, Adv. MS.23.3.26, fol. 63r; Journal and pay ledger of the "Halifax," 1740–1742, BL, IOR/L/MAR/B/651C and /651H; Anthony Farrington, *Catalogue of East India Company Ships' Journals and Logs, 1600–1834* (London, 1999), 294. Bill was alive in 1750 but seemingly not by 1767 (will of Thomas Gordon, proved 8 August 1750, TNA, PROB 11/781/344, and will of Thomas Gordon of Jamaica, proved 17 December 1781, TNA, PROB 11/1085/244).

⁴⁶ With her husband, Edward Bullock, she had two daughters. In 1765, she died giving birth to a son, who did not long survive her. Her husband then married his teenaged mistress, Elizabeth-Saville Trower, and fathered two more children before his own death in 1771; see will of Edward Bullock, proved 12 December 1771, TNA, PROB 11/1084/356 (quoted); will of Thomas Gordon of Jamaica, TNA, PROB 11/1085/244; inventory of the estate of Edward Bullock, 3 February 1772, Jamaica Archives, Spanish Town, 1B/11/3/52, fols. 218b–223 (hereafter this repository is abbreviated as JA); inventory of the estate of Mary Bullock, 30 April 1802, JA, 1B/11/3/95, fols. 188v–190; inventory of the estate of Edward Bullock [Jr], 13 January 1827, JA, 1B/11/3/143, fols. 52–53; inventory of James Jones, 6 December 1838, JA, 1B/11/3/153, fols. 195b–197; Accounts Produce Books 1773–1786, returns for Fair Prospect estate, JA, 1B/11/4/7-11; baptism of Elizabeth-Saville Trower, St. Catherine's parish register, 4 November 1751, JA, 1B/11/8/3/1; entries for 1, 24, 27 September 1765; 7 December 1768; 12 February 1769; 15 December 1771; and 24 April 1772, St. Catherine's parish register 1764–1808, JA, 1B/11/8/3/48; St. Catherine's vestry minutes, 1759–1768, JA, 2/2/4; "Edward Bullock of Kingston Jamaica, ???–1771," LBS; "Edward Bullock, 1772–1824," LBS; "Fair Prospect estate, St. Thomas-in-the East," LBS.

numbers of slaves, the most valuable one of whom he named Cato.⁴⁷ Tom Gordon married into the local plantocracy and fathered children on an enslaved woman, Tilla, “my Mulatto wench.”⁴⁸ In 1760, he supported the bloody suppression of Tacky’s Revolt, the largest uprising of enslaved people the British Empire had ever faced. He spent his life defending the interests of other slaveholders and the principles of slavery, in due course becoming the chief justice of Port Royal, the attorney-general of Jamaica,⁴⁹ an assemblyman, and a member of its ruling council.⁵⁰

⁴⁷ Inventories of the estate of Thomas Gordon, 13 May and 24 August 1772, JA, 1B/11/3/51, fols. 73–77, 151–52b; Land Patents, JA, 1B/11/1/31, fols. 98r–v (original foliation); Declarations of Lands Held, St. Catherine’s, JA, 2/2/26, p. 147; “Thomas Gordon Esquire [3771],” LBS; “Grace Gordon [3751],” LBS; *Gazette of Saint Jago de la Vega*, 3 May 1781, 13 September 1781.

⁴⁸ He called her this when making his will in 1767. In it, of all his “real Estate and Slaves with the Issue and Increase of the Female Slaves,” he named (in a codicil) only Tilla, asking his wife, Grace, “in convenient time and on continuance of good behaviour,” to manumit her two unnamed children. (He and Grace had no children of their own, though he secretly had a daughter, Harriet, with his white mistress, Mary Davis.) His 1772 probate inventory lists only Tilla and “Sally McKenzie her daughter.” Almost a decade later, in her own will of 1781, Grace freed “Sally a Quadroon.” She also bequeathed “Tilla & her child Oliver” to Tom’s niece, Patty, and stipulated that Tilla would be manumitted after Patty’s death. Patty was still living in 1825 when her husband, James Jones, made his will; there is no record of Tilla or Oliver ever having been freed. See will of Thomas Gordon, proved 17 December 1781, TNA, PROB 11/1085/244; Alexander Grant to Sir Archibald Grant, 27 May 1760, Papers of the Grant Family of Monymusk, National Records of Scotland, Edinburgh, GD 345/1166/58 (hereafter this repository is abbreviated as NRS); inventories of the estate of Thomas Gordon, 13 May and 24 August 1772, JA, 1B/11/3/51, fols. 73–77, 151–52b; inventory of the estate of Grace Gordon, 29 September 1781, JA, 1B/11/3/62, fols. 182b–83b; Manumission Books, JA, 1B/11/6/13–58; Lease between Alexander Fullerton and James Jones, JA, BRA 1235, no. 38; “James Jones of Great Baddow,” LBS. See also Christer Petley, “‘Legitimacy’ and Social Boundaries: Free People of Colour and the Social Order in Jamaican Slave Society” *Social History* 30, no. 4 (2005): 481–98; David Beck Ryden, “Manumission in Late Eighteenth-Century Jamaica,” *New West Indian Guide* 92, nos. 3–4 (2018): 211–44.

⁴⁹ He probably had known his father’s fellow propagandist for Walpole in the late 1720s and early 1730s, Matthew Concanen, who served as Jamaica’s attorney-general from 1732 to 1743 and then returned to London until his death in 1749, while Tom was training as a barrister. See James Sambrook, s.v. “Matthew Concanen (1701–1749),” *Oxford Dictionary of National Biography*, <https://doi.org/10.1093/ref:odnb/6053>; *Register of Admissions to the Honourable Society of the Middle Temple*, vol. 1, ed. H. A. C. Sturgess (London, 1949), 327; Middle Temple, “Minutes of Parliament, 1703–1747” (1970, typescript deposited at Middle Temple Archive, London), 388–89.

⁵⁰ Minutes of the Council, May 1760, JA, 1B/5/3/16; minutes of the Council, June 1765, December 1766, December 1767, JA, 1B/5/3/17; minutes of the Council, JA, 1B/5/3/18, fols. 2, 5b, 11b, 65b–66b, JA; journals of the Council, JA, 1B/5/4/10–12; St. Catherine’s vestry minutes, 1759–1769, JA, 2/2/4–5; St. Catherine’s poll tax and deficiency rolls, JA, 2/2/22; St. Catherine’s list of freeholds, JA, 2/2/27, pp. 37, 59; Kingston vestry minutes, 1763–67, JA, 2/6/4, pp. 10, 27b, 31b, 71b, 108b, 145b; Kingston vestry minutes, 1768–70, JA, 2/6/5, pp. 9b, 38, 91b, 130b; Sir Archibald Grant to Thomas Gordon, 19 December 1752, 17 July 1755, 31 May 1756, NRS, GD345/1161/4/65, /1163/3/102–3, /1164/3/38; Gordon to Sir Archibald Grant, 27 June 1752, 12 July 1753, 6 January 1756, NRS, GD345/1162/4/7, /1162/5/28, /1164/3/38; John Gillespie to Sir Archibald Grant, 14 July 1763, NRS, GD345/1169/3/18; miscellaneous letters to Sir Archibald Grant, 1762 and 1766, NRS, GD345/1170/3 and /1171/5/75; census of St. Jago de la Vega, 1754, East Sussex Record Office, SAS/RF/20/7, fol. 7r; Gordon to Rose Fuller, 28 August 1755, East Sussex Record Office, SAS/RF 21/23; petition of inhabitants of St. Jago de la Vega, TNA, CO 137/37, fol. 185r; Patrick Browne, *The Civil and Natural History of Jamaica* (London, 1756), list of subscribers (unpaginated); *Journals of the Assembly of Jamaica*, 14 vols. ([Kingston] Jamaica, 1811–1829), 4:487, 528, 627–28, 650, 662–23, 672, 695, 700, 703, 714; 5:247, 250–54, 447–49, 525, 532, 576, 599–603; 6:112, 114, 116–17, 183; Betty Wood, ed., “The Letters of Simon Taylor of Jamaica,” in *Travel, Trade and Power in the Atlantic, 1765–1884*, ed. Betty Wood and Martin Lynn (Cambridge, 2002), 1–164, at 49, 85, 106; Anne M. Powers, ed., *A Parcel of*

Jamaica was one of the foremost centers of print in the eighteenth-century English-speaking world: Tom Gordon amassed a library of two thousand volumes. It is likely that Cato's Letters were reprinted in many local newspapers and imported in book form, as they were on the American mainland, though the surviving evidence is too sparse to know exactly how popular they became in the Caribbean.⁵¹ Yet their racist implications unmistakably took on additional force when transplanted across the Atlantic. In the early Americas, the ideology of free speech mainly buttressed white supremacy.

For eighteenth-century white male colonists, freedom of speech was both a potent political ideal and a constant practical marker of their superiority over others. Their law and politics were transacted through oral rituals—like the taking of oaths, the giving of evidence, the making of speeches, or the formal debate of policy—from which lesser human beings were automatically excluded. That meant women, Jews, Catholics, and Quakers, as in Britain—as well as all people of color. The words of mulattoes, Indians, and free Blacks were always inferior to those of whites, while the mass silencing of Black people was central to slavery itself.⁵²

Indeed, racialized presumptions about speech came to be central to eighteenth-century European definitions of humankind itself. That the eloquence of slaves and Africans proved their equal humanity was one of the arguments that critics of slavery put forward with increasing force throughout the century.⁵³ But other Europeans and colonists urged the opposite—that Black utterances were inherently inferior. Among those espousing this position was the philosopher David Hume, whose ideas about British press liberty and “slavery” had also been influenced by Cato's Letters.⁵⁴ Setting out to prove in 1753 that all “negroes” were “naturally inferior to the whites,” Hume dismissed a seemingly contrary West Indian example: “In *Jamaica* indeed, they talk of one negro, as a man of parts and learning; but 'tis likely he is admir'd for very slender accomplishments, like a parrot, who speaks a few words plainly.”⁵⁵ No Black voice could ever be more than a bestial squawk.

Ribbons: The Correspondence of an Eighteenth-Century Family in England and Jamaica (n. pl., 2012), 124, 147, 157, 160, 173.

⁵¹ Roderick Cave, *Printing and the Book Trade in the West Indies* (London, 1987); James Robertson, “Eighteenth-Century Jamaica's Ambivalent Cosmopolitanism,” *History* 99, no. 337 (2014): 607–31. That liberty of the press was, in general, a topic as keenly discussed in the West Indies as in Britain and North America, and that “Cato” became a common reference there, too, is suggested, for example, by the *Barbados Gazette*, 6 November 1731; *Remarks on Zenger's Trial, Taken out of the Barbados Gazette's* ([Philadelphia], [1737]); *Antigua Gazette*, 12 April 1755; *Dominica Mercury, or Free-Port Gazette*, 3 September 1768; *Barbados Mercury*, 13 October 1770.

⁵² Miles Ogborn, *The Freedom of Speech: Talk and Slavery in the Anglo-Caribbean World* (Chicago, 2019); Jack P. Greene, “Liberty, Slavery, and the Transformation of British Identity in the Eighteenth-Century West Indies,” *Slavery and Abolition* 21, no. 1 (2000): 1–31.

⁵³ For an early example, see *A Letter from a Merchant at Jamaica [. . .] To which is added, A Speech made by a Black* (London, 1709), 29.

⁵⁴ David Hume, *Essays: Moral, Political, and Literary*, ed. Eugene F. Miller, rev. ed. (Indianapolis, 1987), 9–13, 604–5.

⁵⁵ Hume, *Essays*, 208, 629–30 (a note added in 1753 to an essay first published in 1748). His final, 1777 edition sharpened the anti-black contrast by leaving out a passing reference to the “four or five” other human “species” to whom whites were also inherently superior. Despite professing “disgust” at how “domestic slavery, in the American colonies” corrupted slave owners, Hume also repeatedly adopted the perspectives of “our planters,” for example, that “we [are] obliged to exercise a rigorous military

Hume's assertion became tremendously influential: it made him the favorite authority of white supremacists throughout the later eighteenth and the nineteenth century.⁵⁶ Although he disdained to name him, the subject of his contempt was no slave but an unusually rich and privileged free Black Jamaican, Francis Williams, who had been educated in England, was an accomplished Latin poet, and owned slaves himself. In the early 1720s, Williams was living in London and so was doubtless familiar with Cato's Letters—in the autumn of 1721, Thomas Gordon even referred to him in one of them as an “ingenious gentleman . . . a *Black*,” who had been rejected by the Royal Society because of the color of his skin. A generation later, Williams and Gordon's son Tom were fellow luminaries of Jamaica's capital, Spanish Town.⁵⁷

Contemporary descriptions of the younger Gordon often highlighted his rhetorical skill: he was “fam'd in wordy war,” “the ablest speaker,” “eloquence [flowed] from his tongue.” That he made “very moving” speeches when sentencing people to death was reported as far away as Boston.⁵⁸ As the proud, self-confident heir of Thomas Gordon,⁵⁹ and as a leading colonial lawyer and politician, he took for granted, like his British and North American counterparts, that freedom of speech was a cornerstone of liberty.⁶⁰

Williams, too, was legally skilled, assured, and articulate. Yet exactly the same values that were admirable in a white man were unbecoming in a Black one. Because white West Indians were so heavily invested in trying to make the distinction between slavery and freedom synonymous with the supposedly straightforward difference between dark and pale bodies, it was deeply aggravating that (as one leading

government over the negroes.” See Hume, *Essays*, 383–84, 389–90, 429, 639. For his contempt for Africans and support of slavery, see David Hume, *A Treatise of Human Nature: A Critical Edition*, ed. David Fate Norton and Mary J. Norton, 2 vols. (Oxford, 2007), paras. 2.2.8.14 and 3.2.3.10; J. Y. T. Greig, ed., *The Letters of David Hume*, 2 vols. (Oxford, 1932), 2:113–14; Felix Waldmann, ed., *Further Letters of David Hume* (Edinburgh, 2014), 65–68.

⁵⁶ Richard H. Popkin, “Hume's Racism,” in Richard H. Popkin, *The High Road to Pyrrhonism*, ed. Richard Watson and James E. Force (San Diego, 1980), 251–66; Aaron Garrett and Silvia Sebastiani, “David Hume on Race,” in *The Oxford Handbook of Philosophy and Race*, ed. Naomi Zack (New York, 2017), 31–43.

⁵⁷ *London Journal*, 21 October 1721 (CL 49). See minutes of ordinary meetings, 25 October 1716, Royal Society Archives, London, JBO/12/86, and minutes of Council, 8 November 1716, Royal Society Archives, CMO/2/268; *Gentleman's Magazine* 41 (1771): 595–96; Ogborn, *Freedom of Speech*, 58–59; Vincent Carretta, “Who Was Francis Williams?,” *Early American Literature* 38, no. 2 (2003): 213–37; John Gilmore, s.v. “Williams, Francis (c. 1690–1762),” *Oxford Dictionary of National Biography*, 8 January 2015, <https://doi.org/10.1093/ref:odnb/57050>; John Gilmore, “The British Empire and the Neo-Latin Tradition,” in *Classics and Colonialism*, ed. Barbara E. Goff (London, 2005), 92–106.

⁵⁸ Gillespie to Grant, 14 July 1763, NRS, GD345/1169/3/18 (“ablest”); minutes of the Council, 13 December 1766, JA, 1B/5/3/17; *Gentleman's Magazine* 46 (1776): 37 (“famed”; “eloquence”); “very moving” is in all of the following: *New-York Gazette*, 11 June 1764; *Providence Gazette*, 16 June 1764; *Boston Evening-Post*, 18 June 1764; *Newport Mercury*, 18 June 1764; *New-London Gazette*, 22 June 1764; *Pennsylvania Gazette*, 28 June 1764.

⁵⁹ See Thomas Gordon, *A Cordial for Low Spirits: Being a Collection of Curious Tracts*, 3rd ed., 3 vols. (London, 1763), 1:v; Keith W. Murray, ed., “A Manuscript by Lord Adam Gordon,” *Genealogist*, new ser. 14 (1898): 11–16, 85–90, 163–65, 216–21, at 15.

⁶⁰ For his invocation of it, see Jack P. Greene, *Negotiated Authorities: Essays in Colonial and Constitutional History* (Charlottesville, 1994), esp. chaps. 8, 14; Jack P. Greene, *Creating the British Atlantic: Essays on Transplantation, Adaptation, and Continuity* (Charlottesville, 2013), chap. 8.

planter complained) Williams “had not the modesty to be silent” and instead publicly insisted that skin color was irrelevant to intelligence. (“Virtue and understanding,” he wrote, “have no color; there is no color in an honest mind, nor in art.”)⁶¹ Barred because of his color from practicing law or holding public office, he instead opened a school for free Black children, instructing them in reading, writing, Latin, and mathematics. White Jamaicans tried repeatedly to quiet his voice, but never with complete success. When, in 1730, the island’s government passed a law degrading his legal rights (as a dangerously uppity Negro), Williams successfully petitioned the imperial authorities in England (as a citizen with established “Libertys and Priviledges”) to overturn it. He knew that how words were received, and what force they carried, depended on their audience as well as their author.⁶²

It was likewise because colonists essentially equated liberty of speech with white supremacy that they put so much effort into silencing enslaved people. In 1748, the very notion that enslaved Jamaicans might be allowed to complain about gross maltreatment (“castration or other mutilation or dismemberment,” for example) was so repugnant to white settlers that it inspired a satirical “petition of negro slaves,” whose form and content underlined how threatening the notion of slaves writing and speaking up for themselves was.⁶³ Indeed, slaves were not normally permitted to read or write at all. Teaching them literacy was a terrible mistake, warned the London magistrate Sir John Fielding, in the aftermath of Tacky’s Revolt—exposure to such “Sweets of Liberty” led directly to “those Insurrections that have lately caused and threatened such Mischiefs and Dangers to the Inhabitants of, and Planters in the Islands in the West-Indies.”⁶⁴ Instead, the enslaved were branded with the language of their oppressors, through the marks of ownership burned into their bodies and the forcible renaming of their persons. Their own speech was continually policed; they were often punished by being physically muted. As a young, recently arrived African on a Virginia plantation in the mid-1750s, Equiano was terrified by the appearance of a Black house slave who moved around fixed in an iron muzzle, “which locked her mouth so fast that she could scarcely speak; and could not eat nor drink.” Some slave owners ordered such equipment from London, others improvised their own degrading tortures. In Jamaica, in Tom and Patty Gordon’s day, the overseer Thomas Thistlewood would sometimes force one slave to “shit” in another’s mouth and then “immediately put in a gag whilst his mouth was full & made him wear it 4 or 5 hours.”⁶⁵

⁶¹ Edward Long, *The History of Jamaica* [. . .], 3 vols. (London, 1774), 2:478, 480 (my translation from Latin).

⁶² “A Short State of the Case of Francis Williams of the Island of Jamaica,” and ancillary documents, 1731, TNA, CO 137/19, fols. 29r–35v, 73r–74v, at 29r; *Acts of the Privy Council of England: Colonial Series*, 6 vols. (London, 1910), 3:344–45. See also Brooke N. Newman, “Contesting ‘Black’ Liberty and Subjecthood in the Anglophone Caribbean, 1730s–1780s,” *Slavery and Abolition* 32, no. 2 (2011): 169–83. I am preparing a biography of Francis Williams, based on newly discovered materials.

⁶³ James Robertson, “A 1748 ‘Petition of Negro Slaves’ and the Local Politics of Slavery in Jamaica,” *William and Mary Quarterly* 67, no. 2 (2000): 319–46, at 323.

⁶⁴ John Fielding, *Extracts from Such of the Penal Laws* [. . .] (London, 1762), 143–44. See also Ogborn, *Freedom of Speech*, 175.

⁶⁵ Equiano, *Interesting Narrative*, 1, 41, 62–64, 92, 107, at 63; Trevor Burnard, *Mastery, Tyranny, and Desire: Thomas Thistlewood and His Slaves in the Anglo-Jamaican World* (Chapel Hill, 2004), 104, at 260–

Yet even in such conditions of extreme violence and unfreedom, the words of enslaved men and women remained ever-present, irrepressible, and potentially transgressive. Spoken words were both representations and actions: their utterance was the most ubiquitous way in which the boundaries between liberty and bondage were constantly reinforced, negotiated, or contested. In that sense, as Miles Ogborn has recently argued, even the speech of the unfree was always free: though liberty of speech was theorized in exclusionary terms, the practice of speaking freely was much harder to constrain. And Black speech fueled continuous Black resistance. In Jamaica alone, we know of major plots, involving hundreds and sometimes thousands of slaves, in 1673, 1676, 1678, 1685–1687, 1690, 1745, 1760, 1766, 1776, 1791–1792, 1808, 1815, 1819, 1823–1824, and 1831–1832—as well as full-blown wars in 1728–1739 and 1795–1796 between the settlers and different bands of Maroons, the runaway slaves and their descendants who controlled semiautonomous strongholds in the island’s mountainous interior.⁶⁶ As the British recognized, Black societies, too, put great store in oaths, orations, and invocations, both between people and as a connection to the all-powerful spirit world. To be prevented from speaking, an Akan proverb warned, was akin to being murdered: to silence another unjustly was a grievous crime. If the British Empire was partly an oral creation—sustained through spoken as much as through written and printed words—then that was even truer of the spiritual, legal, and political cultures that African slaves and their descendants created in their transatlantic purgatories. For all these reasons, slave owners obsessed about slave talk. They could never completely control it, yet feared its power to bind and inspire—as everyone knew, oaths and whispers bred insubordination, conspiracy, and revolt.⁶⁷

Despite the profound imbalances of power in colonial societies, the ongoing effort to racialize freedom of expression was therefore persistently undermined by non-white defiance. Just as women’s participation in public debate belied the misogynist claim that free speech was the exclusive preserve of men, so too the subaltern peoples of slave societies, by asserting their own liberties of speech and writing, challenged the colonists’ attempts to treat their voices as essentially inferior.⁶⁸ Long before he used his pen to attack the slave trade, Equiano’s words repeatedly frustrated his white oppressors: they “answered that I talked too good English. I replied, I believed I did.”⁶⁹ Enslaved men and women employed language all the time to subvert the rules of their bondage, to assert their own identities, to gain more agency than

61. See also Margaret Williamson, “Africa or Old Rome? Jamaican Slave Naming Revisited,” *Slavery and Abolition* 38, no. 1 (2017): 117–34.

⁶⁶ Dates here are compiled from Michael Craton, *Testing the Chains: Resistance to Slavery in the British West Indies* (Ithaca, 1982); Vincent Brown, *Tacky’s Revolt: The Story of an Atlantic Slave War* (Cambridge, MA, 2020).

⁶⁷ Ogborn, *Freedom of Speech* (proverb at 41); Craton, *Testing the Chains*; Brown, *Tacky’s Revolt*.

⁶⁸ For the doubled erasure of enslaved female voices, see Saidiya Hartman, “Venus in Two Acts,” *Small Axe* 26 (2008): 1–14; Marisa J. Fuentes, *Dispossessed Lives: Enslaved Women, Violence, and the Archive* (Philadelphia, 2016).

⁶⁹ Equiano, *Interesting Narrative*, 94, 158–59, at 159; Vincent Carretta, *Equiano, the African: Biography of a Self-Made Man* (Athens, 2005); John Bugg, “The Other Interesting Narrative: Olaudah Equiano’s Public Book Tour,” *PMLA* 121, no. 5 (2006): 1424–42.

they were supposed to have.⁷⁰ Rebellious slaves marshalled the power of talk and, even in the face of death, spoke out defiantly against white supremacy.⁷¹ Francis Williams refused to be quiet. One of his favorite pupils, a young free Black man called Brown, employed his talents as a writer to forge passes for runaway slaves. So, too, in the early 1730s, did two white servant boys (“one named John Done or Dun . . . the other Charles”) who aided the Jamaican rebel guerillas.⁷²

None of this amounts to an explicitly articulated alternative ideal of free speech. It is much easier to see how people of color and their allies consciously reappropriated the general notion of liberty than it is to find equivalent theorizing about speech or print, at least before the last quarter of the eighteenth century. And yet the conceptual impact of these subversive speech acts was nonetheless profound. In countless, mainly unrecorded ways, they continually limited and destabilized white efforts to cement hierarchies of speech, freedom, and race.⁷³

PUBLISHING AND POWER

The force of words is never intrinsic. It depends on their author, their audience—and their medium. Spoken utterances can be potent, so too handwritten documents. But ever since the invention of print, techniques of mass communication (printed, broadcast, or digital) have had the greatest reach. To understand the shape of free speech, in any age, we need also to attend to this fact. Which voices are amplified, how, and why? The clout of the media is never evenly distributed.

The most spectacularly successful communications innovation of Trenchard and Gordon’s day was the public newspaper. There had been printed news before, but never the cacophony of competing dailies and weeklies that followed the collapse of licensing in England in 1695. First in London, and then across the Anglophone world, the explosion of newsprint transformed how people consumed information, and helped create a new kind of addictive, fast-paced, mass-media world. From its earliest beginnings, it was a vicious, cutthroat marketplace, in which titles competed fiercely for survival and most new ventures swiftly failed. Meanwhile, behind the scenes, politicians constantly bribed and bullied writers and publishers for favorable coverage. Every paper claimed objectivity, denounced its competitors as hopelessly biased—and pushed its own partisan views.⁷⁴

Cato’s Letters, and their radical new arguments about free speech, epitomized this new world. Continually asserting their impartiality while secretly advancing their own agenda, they first won fame by savagely attacking the government and its response to the South Sea stock market crash. Week after week, Cato whipped up public outrage, hinting at dark conspiracies, calling for bloodshed and lynchings. The column’s sensational popularity turned the *London Journal* into the most-read

⁷⁰ See also Philip D. Morgan, *Slave Counterpoint: Black Culture in the Eighteenth-Century Chesapeake and Lowcountry* (Chapel Hill, 1998), esp. 313, 464, 560–80.

⁷¹ Ogborn, *Freedom of Speech*, 91–108; Brown, *Tacky’s Revolt*, 106–7, 111, 145, 155–56, 220, 242.

⁷² “Confession of Scyrus a negro,” 1733, TNA, CO 137/20, fol. 179r–v; [John Lindsay], “A Few Conjectural Considerations upon the Creation of the Humane Race,” 1788, BL, Add. MS 12439, fol. 196v.

⁷³ See also Laurent Dubois, “An Enslaved Enlightenment,” *Social History* 31, no. 1 (2006): 1–14; Brown, *Tacky’s Revolt*; Ogborn, *Freedom of Speech*, chap. 5.

⁷⁴ For this paragraph and the next, see Dabhoiwala, “Inventing Free Speech.”

journal in Europe. No other paper went so far: repeatedly, the government tried but failed to shut it down. Yet after giving Trenchard and Gordon this unprecedentedly powerful platform, and sticking with them in the face of huge ministerial pressure, the *Journal* suddenly dropped them a few months later, at the height of their fame: overnight, their column was spiked, and the paper turned against them, warning readers that Cato had been leading them dangerously astray. To understand this dizzying sequence of events, we need to follow the money—and uncover the motives of our third protagonist, the shadowy figure who owned the newspaper.

In the autumn of 1720, when Thomas Gordon sent the *London Journal* his first, unsigned piece, its new proprietor was a young capitalist named Elizée Dobrée, junior member of a Huguenot merchant dynasty from the Channel Islands. Like Gordon, he was still in his twenties and unmarried. His paper, barely a year old, had started off specializing in foreign, not domestic, news and had always staunchly supported the government. Most of the work was done by its young editor, Benjamin Norton Defoe, the illegitimate son of Daniel Defoe.⁷⁵ Floating some money in the fashionable new world of media start-ups was probably an amusing diversion at first, but just as Trenchard and Gordon began to write for his paper, Dobrée's prospects shattered. The one close relative on whose patronage he depended ("the only person of whom I expect something of consequence, and am much in his favour") lost his fortune in the South Sea debacle. Suddenly, all Dobrée had was his newspaper, and so, "carried away by my extreme pain," he permitted Trenchard and Gordon's angry, bitter attacks on the perpetrators, and rejoiced at the *Journal's* rising popularity.⁷⁶

Within a few months, as its circulation and advertising revenue soared, Dobrée felt secure enough to marry.⁷⁷ Shortly after, he set about cashing in his unexpected windfall: he was a businessman, not an ideologue. In the course of 1722, with Cato's Letters at the pinnacle of its success, he secretly switched sides, abruptly stopped running the column, and sold the *Journal* to the government.⁷⁸ Of Trenchard and

⁷⁵ It began as the *Thursday's Journal* (6 August–24 December 1719), then became the *London Journal*; or *the Thursday's Journal* (26 December 1719–7 May 1720), and finally on 14 May 1720 was renamed the *London Journal*, at the same time as it changed publishers, presumably due to Dobrée's acquisition.

⁷⁶ E[lizée] D[obrée] to [Charles Delafaye], 8 January 1721, TNA, SP 35/30, fol. 16 (my translation from French).

⁷⁷ Marriage of Elisha Dobrée and Elizabeth Lowther, 14 May 1721, All Hallows register of marriages 1692–1732, LMA, P69/ALH5/A/007/MS05087; Dobrée to Richard Peters, 28 September 1741, RG-021-4, box 3, item 355, Pennsylvania State Archives, Harrisburg; Ashworth P. Burke, *Family Records* (London, 1897), 223–26. His unnamed relative was doubtless the merchant and banker William Dobrée (1674–1760), the first of the family to emigrate to London, who lost money in the South Sea crash and had moved to Botolph Lane in 1721 or 1722: see *Daily Post*, 3 August 1720; *London Journal*, 17 August 1723; "William Dobree, bankrupt, 1754," <https://www.priaulxlibrary.co.uk/articles/article/william-dobree-bankrupt-1754>. Elizée always wrote to the government from this address, even after he and his wife had set up house in a much humbler location nearby; see Sun Insurance Office Policies, 1722–23, LMA, CLC/B/192/F/001/MS11936/014, pp. 216, 286–87, and /MS11936/015, p. 120. According to <https://www.ancestrylibrary.com/family-tree/person/tree/153233181/person/192282509215/facts>, Elizée was born on Guernsey in January 1692 (which is very plausible), and died in 1758, though this source cites no evidence for either date (and is incorrect about other biographical details).

⁷⁸ Letters from Dobrée to Delafaye, January–May 1721, TNA, SP 35/30, fols. 16, 28, 88–89 and TNA, SP 35/31, fols. 32, 38, 81, 194, 204; statement of the *Journal's* finances, 1721, TNA, SP 35/68/2, fol. 103. Charles Delafaye, the undersecretary of state who negotiated this deal with Dobrée, later became the

Gordon's four essays directly on freedom of speech and press, Dobrée had published the first two. Their annoyance about being suddenly de-platformed inspired the second pair, a vindication of "what are usually call'd Libels," which appeared a few weeks later in the new paper they hurriedly launched, the *British Journal*.⁷⁹

Gordon and Trenchard's lofty theory of free speech was deliberately silent about the pervasive influence of money on writers and publishers—just as it was on the role of the media more generally, treating all communication, whether spoken, written, or printed, as essentially equal.⁸⁰ But Dobrée's actions, as first a facilitator and then a suppressor of political criticism, tell a different story—as does the history of his and the column's intertwined afterlives in America.

The astonishing American popularity of Cato's Letters began with its canonization by the first colonial newspapers. In 1719, there had been only one American paper; by 1733, there were at least a dozen. In colonial contexts, where extra cachet attached to metropolitan writers, and press controls and sensitivity to printed criticism tended to be more acute than in the home country, Cato's free-speech essays provided a prestigious, ready-made defense of political journalism itself. They were the first, the boldest, and thus the go-to statement for any early eighteenth-century colonial printer or writer wanting to attract readers or assert their independence.⁸¹

That was why Benjamin Franklin and his brother James reprinted them repeatedly when their *New-England Courant* ran into trouble with the Massachusetts Council in the early 1720s.⁸² So did Andrew Bradford, whose *American Weekly Mercury*, Philadelphia's first newspaper, took a similarly populist line.⁸³ A decade later, in 1733, a faction of New York merchants and lawyers opposed to their new, assertive governor, William Cosby, decided to launch a newspaper to stir up popular hatred against him. The colony already had one, the government-controlled *New-York Gazette*, printed by Bradford's father, William. The anti-Cosby clique hired his former apprentice, the printer John Peter Zenger, to produce what became the first overtly partisan media channel in America, the *New-York Weekly Journal*.⁸⁴

London agent of Jamaica's government and was involved in Francis Williams's appeal against its 1730 Act; see Alured Popple to Delafaye, 1 July 1731, TNA, CO 137/47, fol. 100; Delafaye to Popple, 17 July 1731, TNA, CO 137/19, fols. 73–74; Popple to Delafaye, 20 July 1731, TNA, CO 138/17, fols. 165v–166r; *Journal of the Commissioners for Trade and Plantations: Preserved in the Public Records Office*, 14 vols. (London, 1920–1938), 6:216, 219.

⁷⁹ *British Journal*, 20 October 1722 (CL 100) ("Libels,"); *British Journal*, 27 October 1722 (CL 101).

⁸⁰ Dabhoiwala, "Inventing Free Speech."

⁸¹ See Elizabeth Christine Cook, *Literary Influences in Colonial Newspapers, 1704–1750* (New York, 1912), esp. 81–83, 89–90, 106, 113, 125–26, 129, 137, 257, 263; Rossiter, *Seedtime*, 141–42, 145–47, 298–300, 357, 492n120; Jacobson, introduction to *English Libertarian Heritage*, xlvi–lx; Bailyn, *Ideological Origins*, esp. 35–37, 44–45, 52–53, 57–62, 86, 132–33; Chad Reid, "Widely Read by American Patriots": The *New-York Weekly Journal* and the Influence of Cato's Letters on Colonial America," in *Periodical Literature in Eighteenth-Century America*, ed. Mark L. Kamrath and Sharon M. Harris (Knoxville, 2005), 109–42; Barry, "Dress Rehearsal."

⁸² *New-England Courant*, 11 September 1721, 9 July 1722, 16 July 1722; J. A. Leo Lemay, *The Life of Benjamin Franklin*, 3 vols. (Philadelphia, 2006–09), 1:85, 111, 150, 155, 158–65, 188, 453.

⁸³ For example, see *American Weekly Mercury*, 26 February 1723, 12 March 1734, 4 April 1734, 25 April 1734, 6 November 1740.

⁸⁴ As Cosby himself noted of the "weekly . . . false and scandalous libels printed in Zengers Journal," "there is nothing more common with writers of seditious libels than for them to tell the world they

The ensuing paper war between the *Gazette* and the *Journal*, culminating in Zenger's trial, became the foundational moment of press liberty ideology in America.⁸⁵ The arguments it rehearsed about political speech were not original: they replayed the English debates begun by Cato in 1720 and already recycled by London's leading opposition paper of the later 1720s and early 1730s, the *Craftsman*.⁸⁶ The difference was that, in America, Trenchard and Gordon's assertions gained much more sway than they ever did in England—even the *Gazette* defensively acknowledged their authority.⁸⁷ In 1735, a jury acquitted Zenger of printing “seditious libel,” following the new logic of Cato's ideals (that truth could never be libelous, and that juries could judge that) rather than the established letter of the law. From there on, through endless further commentary, quotation, republication, and exemplification, Trenchard and Gordon's words and ideals took on a life of their own and moved into the mainstream of American political and legal thought—eventually influencing the free speech and press provisions that most of the rebellious colonies included in their Declarations of Rights between 1776 and 1784, and thence the peculiar shape of the First Amendment itself.⁸⁸

The person most responsible for popularizing Cato's ideas in North America was the lawyer James Alexander, the founder and lead author of the *New-York Weekly Journal*. Gordon and Trenchard were his main intellectual inspiration. He launched his paper with a long essay on press liberty, purportedly by Cato himself, in which, saluting Gordon by name, he paraphrased his heroes' arguments for the “Colonies and Plantations.” “Truth will always prevail over Falshood,” he declared, and only tyrants and traitors sought to restrain print, for “No Nation Ancient or Modern ever lost the Liberty of freely Speaking, Writing, or Publishing their Sentiments, but forthwith lost their Liberty in general and became Slaves. LIBEERTY [*sic*] and SLAVERY! how amiable is one! how odious and abominable the other!”⁸⁹ For weeks on end, Alexander republished Gordon and Trenchard's columns on speech and libel, together with his own commentary.⁹⁰ When the governor had Zenger arrested, Alexander immediately reran Cato's defense of free speech—and Lewis Morris, Jr. (the son of his main coconspirator, the powerful lawyer Lewis Morris) declaimed it in the State Assembly.⁹¹ “This is a state of slavery, and so no

speak the sentiments of the people”: E. B. O'Callaghan, ed., *Documents Relative to the Colonial History of the State of New-York: Procured in Holland, England, and France*, 15 vols. (Albany, 1853–1887), 6:4–7.

⁸⁵ James Alexander, *A Brief Narrative of the Case and Trial of John Peter Zenger* [1736], ed. Stanley Nider Katz (Cambridge, MA, 1963); Levy, *Freedom of the Press*; see also Jill Lepore, *New York Burning: Liberty, Slavery, and Conspiracy in Eighteenth-Century Manhattan* (New York, 2005).

⁸⁶ Winkler, *Wörterkrieg*, chap. 11; S. R. Varey, “The Craftsman, 1726–1752” (PhD diss., Cambridge University, 1977); Alison Olson, “The Zenger Case Revisited: Satire, Seditious Libel, and Political Debate in Eighteenth-Century America,” *American Literature* 35, no. 3 (2000): 223–45, esp. 231–32.

⁸⁷ *New-York Gazette*, 4 February 1733/4; *New-York Weekly Journal*, 11 February 1733/4; see also *American Weekly Mercury*, 4 November 1734.

⁸⁸ See notes 2 and 4, above; also Fara Dabhoiwala, *Inventing Free Speech* (forthcoming).

⁸⁹ *New-York Weekly Journal*, 12–19 November 1733.

⁹⁰ *New-York Weekly Journal*, 11 February–4 March 1734; see also *New-York Weekly Journal*, 7–14 January 1734, 15 April 1734.

⁹¹ *New-York Weekly Journal*, 11 November–9 December 1734; see also *New-York Weekly Journal*, 30 December 1734, 27 January 1735, 19 December 1737–17 January 1738.

libel,” Alexander noted privately about his attacks on the governor.⁹² Even though Zenger’s acquittal did not technically change the law, it bolstered press freedom, and Alexander’s 1736 pamphlet account of it became the best-known early eighteenth-century American defense of libertarian free-speech ideals.⁹³

“Every man who prefers freedom to a life of slavery will bless and honor you,” Zenger’s lawyer had appealed to the jury.⁹⁴ Probably there were Black faces in the room when he spoke, for enslaved people made up a fifth of New York’s population. Alongside its constant appeals to “liberty” and denunciations of “slavery,” the *New-York Weekly Journal*, like most American papers, regularly advertised slave sales. Like other colonial printers, Zenger sometimes acted as a middleman in such transactions.⁹⁵ Like them, too, he may well have owned and traded slaves, and used them in the production and distribution of his paper.⁹⁶ When copies of the *Journal* were publicly burned on the governor’s orders, it was an unfree “Negro” man who carried out the task.⁹⁷ James Alexander, an immigrant from Scotland, owned Black New Yorkers and helped his son become an enthusiastic shipper and trader of African slaves; Lewis Morris, descended from Caribbean planters, and an equally “devoted reader” of Cato’s Letters, was the largest slaveholder in all of the northern colonies. Even to term this constant juxtaposition of slavery and liberty a “paradox,” as American historians habitually do, is to whitewash the truth. Keeping other humans in bondage was never in contradiction with early white Americans’ views on freedom of speech or action: it sustained it. Alexander, one of the richest people in New York, spoke contemptuously of “the pampered Insolence of the Slaves” who toiled all around him. “Negroes,” Morris once warned his son, were inveterate thieves and “both stupid and conceited”: they were not fit to look after, or speak for, themselves.⁹⁸

Every day of their lives in the West Indies, Thomas Gordon’s children, too, made manifest that free speech, as they understood it, was a racist ideology. We can only

⁹² Alexander, *Brief Narrative*, 143.

⁹³ Olson, “Zenger Case Revisited”; Amy Watson, “The New York Patriot Movement: Partisanship, the Free Press, and Britain’s Imperial Constitution, 1731–39,” *William and Mary Quarterly* 77, no. 1 (2020): 33–64.

⁹⁴ Alexander, *Brief Narrative*, 99.

⁹⁵ For example, see *New-York Weekly Journal*, 31 December 1733–14 January 1734; 28 January, 15 April, 22 July, and 5–14 October 1734; 27 January–10 February, 28 April–26 May 1735.

⁹⁶ For example, see *South-Carolina Gazette*, 14 June 1740; Isaiah Thomas, *The History of Printing in America*, 2nd ed., 2 vols. (Albany, 1874), 1:xxv, 63, 99, 101, 130, 133, 163, 343–44; 2:48; Lepore, *New York Burning*, 72; Cave, *Printing and the Book Trade in the West Indies*, 31–33; Hennig Cohen, *The South-Carolina Gazette, 1732–1775* (Columbia, 1953), 6; David Waldstreicher, *Runaway America: Benjamin Franklin, Slavery, and the American Revolution* (New York, 2004).

⁹⁷ *New-York Weekly Journal*, 2 December 1734.

⁹⁸ *New-York Weekly Journal*, 13 February 1737/8 (“pampered”); Paul David Nelson, s.v. “Alexander, James (1691–1756),” *Oxford Dictionary of National Biography*, 23 September 2004, <https://doi.org/10.1093/ref:odnb/68428>; Thomas L. Purvis, s.v. “Morris, Lewis (1671–1746),” *Oxford Dictionary of National Biography*, 23 September 2004, <https://doi.org/10.1093/ref:odnb/68712>; Eugene R. Sheridan, *Lewis Morris, 1671–1746: A Study in Early American Politics* (Syracuse, 1988), chap. 1 (“devoted reader”; “Negroes”); Paul David Nelson, *William Alexander, Lord Stirling* (Tuscaloosa, 1987), 11–12. Their great friend and patron, Robert Hunter, was the governor of Jamaica who oversaw its 1730 act degrading the rights of Francis Williams and other free Blacks. For the historiography, see esp. Edmund S. Morgan, *American Slavery, American Freedom: The Ordeal of Colonial Virginia* (New York, 1975), 3–6; see also Lepore, *New York Burning*, xii, xx.

surmise how far Gordon himself would have approved of this interpretation of his writings. Neither he nor Trenchard ever crossed the Atlantic. But Elizée Dobrée did.

In the autumn of 1722, Dobrée had had the world at his feet. Just a few days after surreptitiously transferring ownership of the *London Journal* to the government, he and his new wife, Eliza, proudly baptized their first child, Mary. Elisha (as he called himself in English) enjoyed his new proximity to the corridors of power, and used his profits to set up as a merchant-banker in the City—the family career he had been trained for “since my Infancy.” Yet though he was fluent in French, had beautiful handwriting, and could keep accounts, he was not very good at business. Soon he went bankrupt. He and his wife were forced to move to cheaper lodgings. They had more children. Casting about, he tried to restore his fortunes with a fanciful plan to recoin Guernsey’s currency. But before his youngest turned two, he had had enough. Leaving his family behind, he embarked for America.⁹⁹

He made for Charleston, South Carolina, the capital of continental slavery, and tried to set up as a trader.¹⁰⁰ Things did not go well. Soon he was forced to flee south, to the brand-new colony of Georgia, the hardscrabble frontier of British settlement. But within days of his arrival in Savannah, his creditors caught up with him, and he was again declared bankrupt.¹⁰¹

“I . . . came into these American parts in hopes to better my fortune,” he later wrote, “but all in vain.” Despite concocting endless hare-brained schemes to make

⁹⁹ Baptism of Mary, daughter of Elisha Dobrée and Elizabeth, St. Olave Hart Street, 16 September 1722, LMA, P69/OLA1/A/003/MS17818; Tower Ward Land Tax assessments 1722–25, LMA, CLC/525/MS11316/071, p. 52, /074, p. 50, /077, p. 53, /080, p. 49; baptism of James, son of Elisha Dobrée and Elizabeth, St. Botolph without Aldgate, 25 January 1729, LMA, P69/BOT2/A/008/MS09225/003; baptism of Susannah, daughter of Elisha Dobrée and Elizabeth, 7 June 1732, LMA, P69/MIC1/A/003/MS06988/01; Dobrée to Delafaye, with enclosures, 27–28 June 1723, TNA, SP 43/66; commission of bankruptcy against Elisha Dobrée, 30 July 1725, TNA, SP B4/5, p. 23; petition of Elisha Dobrée, TNA, SP 36/155/1/122A-123; *Whitehall Evening-Post*, 1 December 1724; *London Gazette*, 7 August 1724, 21 August 1724, 30 November 1725; *Philosophical Transactions* 33 (1726): 411–32, at 431; Dobrée to Benjamin Martyn, 9 July 1735, TNA, CO 5/637, fol. 177 (“Infancy”).

¹⁰⁰ My account of Dobrée’s time in South Carolina and Georgia is based primarily on the following: Georgia correspondence of the Board of Trade, 1734–46, TNA, CO 5/636–41; correspondence of the Trustees for Georgia 1732–40, TNA, CO 5/666–67; Georgia land grants, instructions, petitions, etc., 1732–52, TNA, CO 5/670–71; journal of the Trustees for Georgia, 1737–45, TNA, CO 5/687; minutes of the Council of the Trustees for Georgia, 1732–36, TNA, CO 5/689; Earl of Egmont papers, Hargrett Library, University of Georgia, Athens, MS 746; transcripts of the Earl of Egmont papers, Hargrett Library, MS 1786; Allen D. Candler et al., eds., *Colonial Records of the State of Georgia, 1732–1784*, 39 vols. (Athens, 1904–1989); Royal Commission on Historical Manuscripts, *Manuscripts of the Earl of Egmont: Diary of Viscount Percival afterwards first Earl of Egmont*, 3 vols. (London, 1920–1923); [Thomas Stephens], *A Brief Account of the Causes that have Retarded the Progress of the Colony of Georgia* [. . .] (London, 1743), 59; Francis Moore, *Travels into the Inland Parts of Africa* [. . .] (London, 1738); Francis Moore, *A Voyage to Georgia Begun in the Year 1735* (London, 1744); W. Reginald Ward and Richard P. Heitzenrater, eds., *The Works of John Wesley*, vol. 18, *Journals and Diaries (1735–38)* (Nashville, 1988), 361, 408, 448; Frank Baker, ed., *The Works of John Wesley*, vol. 25, *Letters (1721–39)* (Oxford, 1980), 452–54.

¹⁰¹ Messrs Beale and Cooper to Dobrée, 9 November 1734, TNA, CO 5/636, fol. 57; Patrick Houston to Peter Gordon (1 March 1735), and Gordon to Trustees (7 May 1735), TNA, CO 5/637, fols. 11r–v, 18r; minutes of the Council of the Trustees for Georgia, 10 May 1735, TNA, CO 5/689, p. 176; “A List of Persons who went from Europe to Georgia,” Hargrett Library, MS 4132 (printed as E. Melton Coulter and Albert Saye, eds., *A List of the Early Settlers of Georgia* (Athens, 1949)), entries for Dobrée and his seven servants; *South-Carolina Gazette*, 27 July 1734.

money—planting exotic crops, exporting timber, building a ship, keeping cattle, panning for salt—Elisha Dobrée spent the rest of his life essentially living by his pen. He wrote letters and petitions, translated papers, and cast accounts for others. Merchants, lawyers, and local administrators employed him as a scrivener and book-keeper, in their offices or for piece rates. He thought repeatedly about composing a manuscript newsletter, a weekly “journal of events,” for Georgia’s Trustees, and begged them for employment as a clerk, accountant, or other kind of “Penman”—being “not strong enough for a Sawyer or any hard working Trade.”¹⁰² Eventually, as his dreams of trade and prosperity faded away, together with his hopes of ever seeing his family again, his skill as a writer was all he had left.

Whatever he thought of Trenchard and Gordon’s idea that liberty of speech prevented slavery, he surely reflected on how his power as a scribe and his “freedom in writing” elevated him, not just beyond less-educated whites but especially above the darker-skinned people he saw all around him. Half of Charleston’s population was Black, yet South Carolina’s laws, like those of other colonies, prohibited the movement of “any Negroe or Slave” without a written “ticket” from their owner, and empowered “any white Person, to beat, maim or assault. . . [or] kill” any enslaved person who refused to produce one. It was illegal to counterfeit such a pass, or even to teach a slave to write. As in the West Indies, enslaved people were denied literacy, yet their lives could hinge on the production—or forgery—of letters.¹⁰³

Though Georgia had been founded without slavery, to encourage the industry of poor European settlers, its white colonists almost immediately began to complain that this infringed their “rights,” “privileges,” and “natural liberties” as British subjects, making them “greater Slaves” than any “poor Africans” would be.¹⁰⁴ Following a vociferous campaign, slavery was legalized in 1750. Yet from the colony’s inception, enslaved Indians and Africans had already been everywhere in Georgia: on the run to freedom in Spanish Florida, on hire from South Carolina, or illegally imported by settlers championing their own “Liberty of Getting Negroes.”¹⁰⁵ Dobrée personally relied on their forced labor. He did business with slavers. One of his closest companions on the American frontier, Francis Moore, had spent years with the Royal African Company, buying enslaved people on the Gold Coast. With the colony’s “most noted Freeholders,” Dobrée discussed drawing up a petition for Georgia’s whites “to have Negroes” too. He wrote himself to the Trustees in London, urging them to permit it.

¹⁰² Dobrée to Peters, 28 September 1741, Pennsylvania State Archives (“in vain”); Dobrée to Trustees, 13 February 1735 and 28 March 1735, TNA, CO 5/636, fols. 201v, 300r (“journal of events”); Dobrée to Martyn, 9 July 1735, TNA, CO5/637, fols. 177–78 (“Penman”).

¹⁰³ Quoting extracts printed in *South-Carolina Gazette*, 4 May 1734, while Dobrée was in Charleston; and see Thomas Cooper and David J. McCord, eds., *The Statutes at Large of South Carolina*, 10 vols. (Columbia, SC, 1836–1841), 7:343–427; Philip D. Morgan, “Black Life in Eighteenth-Century Charleston,” *Perspectives in American History*, n.s. 1 (1984): 187–232. For Dobrée’s invocations of scribal freedom, see TNA, CO 5/636, fols. 33, 106, 164, 190v, 300 and TNA, CO 5/637, fols. 174, 177.

¹⁰⁴ Andrew C. Lannen, “Liberty and Slavery in Colonial America: The Case of Georgia, 1732–1770,” *Historian* 79, no. 1 (2017): 32–55, at 39–40, 47.

¹⁰⁵ Betty Wood, *Slavery in Colonial Georgia, 1730–1775* (Athens, 1984), 18 and generally; Brown, *Moral Capital*, 78–87; Noeleen McIlvenna, *The Short Life of Free Georgia: Class and Slavery in the Colonial South* (Chapel Hill, 2015); Anthony F. Moffett, “Runaway Slaves and the Making of Georgia” (PhD diss., University of Florida, 2015), chap. 3.

He criticized Savannah's governors for treating whites "more like Slaves than Christian Freeman."¹⁰⁶ He was a weak, wheedling, endlessly self-pitying man, whose wife, Eliza, refusing to emigrate, dismissed him as "whimsical," feckless, and improvident.¹⁰⁷ But, as was the case with so many American colonists, racialized unfreedom buoyed up his own sense of liberty and self-worth.

The other ironic twist of Dobrée's later life was that, barely a decade after he had so successfully deployed the power of the mercenary press against others, first to attack the government and then to sell out his own journalists, he came to experience its negative effects for himself. He did not like it. In July 1734, Savannah's bailiff advertised Dobrée's insolvency in the new *South-Carolina Gazette*, the region's first newspaper. For months afterward, Dobrée fumed about "the great Damage I Suffered & still am like to Suffer" from "the Advertisement in the Carolina Gazette, w[hi]ch spreads through all America." He had been ruined, he spluttered: "The Discredit & Ill Character of Persons thus Advertised is a Barbarous way of Murthuring a Man in his Reputation[,] the Loss of which is one of the greatest Loss a person can Suffer in this World."¹⁰⁸

He was right about the reach of newsprint: even in London, people read about his latest dishonor.¹⁰⁹ But when he opened the weekly *Gazette* in those lonely early months on the American frontier, he also would have found, alongside intermittent notices about his own bankruptcy, some startling reminders of the new free-speech ideals that he himself had helped usher into the world—and of the explicitly racialized shapes that such ideas of liberty and bondage were taking on in America. Just as he arrived in Charleston, the *Gazette* had relaunched itself—with a précis of Cato's first letter on free speech. The *New-York Weekly Journal* circulated in the south, so, throughout 1734, Dobrée quite likely also followed its extraordinary championing of Cato's views. If not, just a few days after complaining about his own appearance in the *Gazette*'s columns, he would have read in them what was happening to Zenger and his paper. Over the page in the same issue was a report about a slave rebellion, an advertisement for a large slave plantation, and another offering a reward for the return of an escaped "Negro Man, named Cato"—a name very often given to slaves in the British colonies. The following year, when the *Gazette* reprinted the London Cato's first essay on free speech, extolling it as the foundation of public liberty and "the Right of every Man, as far as by it he does not hurt or controul the Right of another," its next sheet advertised the usual cargoes of "choice Negro slaves," and African "runaways" called "Flora," "Sancho," and "Sampson"—men

¹⁰⁶ Dobrée to Trustees, 27 January 1735, 6 February 1735, [February?] 1737, TNA, CO 5/636, fols. 165, 190v, and TNA, CO 5/639, fols. 178–79.

¹⁰⁷ *Manuscripts of the Earl of Egmont*, 2:379 ("whimsical"); Harman Verelst to Dobrée, 19 April 1737, TNA, CO 5/667, fol. 14v. His wife, born Elizabeth Lowther, who single-handedly maintained herself and their three children, may have been the "Eliz[abe]th Dupre," aged seventy-eight, interred at Union Street Independent burial ground in Southwark on 22 July 1783 (register of burials, 1773–87, TNA, RG 4/4358).

¹⁰⁸ Dobrée to Trustees, 15 January 1735, TNA, CO 5/636, fol. 106r–v; see also 28 March 1735, TNA, CO 5/636, fol. 300v; *South-Carolina Gazette*, 27 July 1734.

¹⁰⁹ Benjamin Martyn to Bailiffs and Recorder of Savannah, 28 October 1734, TNA, CO 5/666, fol. 38v; Cohen, *South-Carolina Gazette*, 10–11; Jeffery A. Smith, "Impartiality and Revolutionary Ideology: Editorial Policies of the South-Carolina Gazette, 1732–1775," *Journal of Southern History* 49, no. 4 (1983): 511–26.

and women whose speech was so unfree in the eyes of white people that even their very birth names had been taken from them.¹¹⁰

The last trace I have been able to find of Dobrée is that, early in 1750, he wrote, witnessed, and proved the will of a New York tavern-keeper called Affy Crawford. That suggests he may also have known her recently deceased husband, Hugh, who a decade earlier as a New York constable had taken an active part in the bloodiest racial episode of that city's colonial history.¹¹¹ Following a string of fires over several weeks in the spring of 1741, the colonists feared their slaves were plotting to rise up against them. Along with a few suspect whites, more than two hundred enslaved and free Black men and women were swept up in the ensuing investigation. Scores were put on trial; thirty Black people were hanged or burned to death; eight-four more were sold into a living death as plantation slaves in the West Indies. Among those tried were four men named Cato. Three of these were executed; one lied his way to a pardon.

To warn his readers against Black people's "great deal of Craft; their unintelligible Jargon," and inveterate deceitfulness, the city's chief attorney printed the shackled speech of the almost twenty enslaved people who had been forced to testify. One of them, a teenager named Sandy, initially refused to volunteer anything, even after he had been "for a long time argued with." "They told him, if he would speak the Truth, the Governor would pardon him . . . [and] save his life"—to which "He answered, *That the Time before* [i.e., during an earlier uprising] *after that the Negroes told all they knew, then the white People hanged them.*" That had been in 1712, before Sandy was born: he must have been taught this hard-won lesson by his elders. In the face of white justice, Black people knew, neither truth, lies, nor silence could necessarily save them.¹¹² Dobrée was in New York at this time, working as a scribe in various government bureaus: the Customs House, the Treasury, the Naval Office, the Secretary's office. So he almost certainly lived through this episode, witnessed the executions, and knew those involved in its violent upholding of white liberty.

In fact, in almost twenty years crisscrossing the Eastern seaboard in search of work, from New York all the way down to Frederica, the southernmost outpost of British territory, Dobrée interacted, Zelig-like, with a remarkable collection of people—James Oglethorpe, the founder of Georgia, who for years employed him as his confidential scribe; Richard Peters, the leading Philadelphia intellectual and secretary of Pennsylvania; John Wesley, the creator of Methodism, whom he impressed with his piety. But by far his longest association, probably the most enduring employment of his life, was with none other than James Alexander, the foremost American exponent

¹¹⁰ *South-Carolina Gazette*, 2 February 1734 (approvingly reprinted by James Alexander in *New-York Weekly Journal*, 4 March 1734); 27 July 1734; 18 January 1735 (fugitive Cato); 12 June 1736 (other quotes); 14 August 1736; 21 August 1736; 16 July 1748.

¹¹¹ Will and probate of Affy Crawford, 1750, J0038-92, subseries 2, no. 511; will and probate of Hugh Crawford, 1745-49, J0038-92, subseries 2, no. 592, New York State Archives, Albany; *Minutes of the Common Council of the City of New York, 1675-1776*, 8 vols. (New York, 1905), 5:2, 45, 141, 143, 189, 194; *New York Genealogical and Biographical Record* 72, no. 4 (1941): 292-3, and 75, no. 1 (1944): 19.

¹¹² [Daniel Horsmanden], *A Journal of the Proceedings in the Detection of the Conspiracy* (New York, 1744), iii, 32; Lepore, *New York Burning*, esp. 163-65, 168, 173-75, 188-89.

of Cato's philosophy, mastermind of the *New-York Weekly Journal's* partisan appeals for free speech and liberty—and rich, untroubled exponent of actual human slavery.

When they first got to know each other, Alexander, as one of New York's leading attorneys, was helping to lead the slave trials and executions of 1741–42.¹¹³ For at least eight or nine years thereafter, he met intermittently with Dobrée, sent money to his wife in England, and paid him handsomely to copy thousands of pages of sensitive legal documents for him and his associates.¹¹⁴ By this time, New Jersey had become the main focus of his legal and political life: his friend Lewis Morris, the other leader of the anti-Cosby agitation of the past decade, was now its governor. Alexander doubtless appreciated Dobrée's skill as a scrivener: among the surviving colonial records of those decades must still be untold numbers of anonymous documents—scribed letters, business accounts, legal minutes—in his clear and florid hand. Yet it is hard to imagine that was the only reason for his lengthy patronage of the man. Surely he also valued Dobrée as the former proprietor of the *London Journal*—the unsung third creator of Cato's Letters, whose ideals had so inspired him, and which he himself had done so much to popularize among his free, white, newspaper-reading, slave-owning fellow Americans.

CONCLUSION

In the autumn of 1739, a group of enslaved African men and women in South Carolina staged the most audacious bid for freedom that British colonists on the North American mainland had ever seen. On the outbreak of war with Spain, up to a hundred slaves escaped from their plantations, seized arms and ammunition, and tried to make their way south through Georgia to liberty in Florida. Before they were hunted down and executed, they killed about twenty-five white settlers and alarmed thousands more. One reason why New Yorkers were so jittery about slave conspiracies in 1741 was the knowledge of what had happened in Stono, near Charleston, just a few months earlier.¹¹⁵

Most of what we know about this event comes from a single, detailed, seven-page document composed in Savannah, Georgia, soon after it occurred. Without this text,

¹¹³ Lepore, *New York Burning*, 79–83, 121, 165–66, 200, 212. Lepore's misinterpretation of Alexander's attitudes is corrected in Brendan McConville, "Of Slavery and Sources," *Reviews in American History* 34, no. 3 (2006): 281–90, and proved by James and William Alexander Papers, New Jersey Historical Society, Newark, MG 70, box 3, esp. 71–72 [pencil pagination].

¹¹⁴ Lawrence Smyth to Alexander, 10 March 1742, New-York Historical Society, MS 8; Small Scrapbook, New-York Historical Society, MS 531, items 75, 76, 80, 82, 83, 96, 98; General Board of Proprietors of the Eastern Division of New Jersey: deed books of exemplified copies (scribed by Dobrée), New Jersey State Archives, Trenton, PEASJ002, vols. 1–10; Alexander Papers, New Jersey Historical Society, MG 70, box 3; James Alexander Papers, Princeton University Library, C0024, boxes 3–4; *The Minutes of the Board of Proprietors of the Eastern Division of New Jersey*, 4 vols. (Newark, 1949–85).

¹¹⁵ Peter H. Wood, *Black Majority: Negroes in Colonial South Carolina from 1670 through the Stono Rebellion* (New York, 1974), chap. 12; John K. Thornton, "African Dimensions of the Stono Rebellion," *American Historical Review* 96, no. 4 (1991): 1101–13; Mark M. Smith, ed., *Stono: Documenting and Interpreting a Southern Slave Revolt* (Columbia, SC, 2005); Peter Charles Hoffer, *Cry Liberty: The Great Stono River Slave Rebellion of 1739* (New York, 2010); Lepore, *New York Burning*, 53, 163; Jane Landers, *Black Society in Spanish Florida* (Urbana, 1999), chaps. 1–2. See also Oglethorpe to Trustees, 28 May 1742, TNA, CO 5/641, fol. 145.

the name of the rebels' captain, Jemmy, would have gone unrecorded, and so too the indelible image of their company marching along at daybreak "with Colours displayed and two Drums beating," new recruits running to join them on the road, and all of them "calling out Liberty"—Liberty, Liberty! Other contemporary accounts suggest the brutality of the white response. Dozens of rebels were shot, hanged, and gibbeted alive; some planters "cutt off their heads and set them up at every Mile Post they came to."¹¹⁶ But this particular narrative was composed to sway public opinion in England: it was expressly sent to London to be published in the newspapers there. Though the rebels were "shot on the spot," it stressed, this in fact redounded "to the honour of the Carolina Planters . . . [who] did not torture one Negroe, but only put them to an easy death." That these "Negroe Slaves" had been "brought" from Africa, and likely were fellow Christians, was noted in passing; what mattered was "the Humanity" shown them by the colonists. Even when slaughtering Blacks for resisting enslavement, the superiority of white people shone through. This document was penned by Elisha Dobrée.¹¹⁷

The enslaved rebels themselves had no newspapers, no pens, no paper. Their speech is lost to posterity—all but that single, exhilarating word they chanted together during their brief moment of freedom: "Liberty!" They lived in a society that prized freedom of speech, writing, and publishing primarily as markers of free, white, male, property-owning citizenship. As I have shown in this essay, Cato's Letters, its first and most influential model, consciously privileged certain types of speaker, and certain forms of speech, over others. Despite its universalist language, the gendered and racial shape of liberty was already implicit in Trenchard and Gordon's text, and in the lives of its creators. When those ideals were transplanted across the Atlantic, it was not hard for them to be racialized still further. The makers and consumers of early newspapers celebrated them for advancing unfettered speech, and so do modern historians: but they were also powerful tools of slavery and white supremacy. In addition to facilitating the slave trade, and endlessly reinforcing notions of non-white inferiority in their columns, another of their uses was to advertise and thus help recapture absconded slaves—a function pioneered not by colonial printers but by the earliest, late seventeenth-century English papers.¹¹⁸ Newspapers were never neutral or universal conduits of opinion. And the shape that abstract values like free speech take on, across time and space, is likewise always politicized. The free speech of some is established through the silencing of others.

Yet that also means the meaning of such terms is never completely settled. They can be appropriated, extended—or ignored. The asserting of ideals of free speech required a perpetual labor of indoctrination, because of the agency of those who contested its presumptions and, secretly or openly, raised their own voices and pens in

¹¹⁶ Smith, *Stono*, at 8; *Boston Weekly News-Letter*, 8 November 1739; *Pennsylvania Gazette*, 8 November 1739.

¹¹⁷ "An Account of the Negroe Insurrection in South Carolina," TNA, CO 5/640, fols. 392–96, printed in (and previously known to historians only via) *Colonial Records of the State of Georgia* 22:232–36. It was enclosed in a letter (also scribed by Dobrée) of 9 October 1739 from James Oglethorpe to Harman Verelst, accountant of Georgia's Trustees. Verelst received it on 13 March 1740; it was printed in the *London Daily Post*, 17 March 1740; *Weekly Miscellany*, 22 March 1740, *London Magazine* 9 (1740): 151–52; *Gentleman's Magazine* 10 (1740): 127–29.

¹¹⁸ See note 7 above.

defiance: servants, women, non-whites, slaves. “Though he is my property,” seethed the Charleston enslaver Joshua Eden, his Black man Limus had run away, with his “saucy and impudent Tongue . . . he has the audacity to tell me, he will be free, that he will serve no Man, and that he will be conquered or governed by no Man.”¹¹⁹

“Servitude marrs all Genius,” Cato’s Letters had disdainfully asserted, “nor is either a Pen or a Pencil of any use in a Hand that is manacled.”¹²⁰ That was the rhetoric of free people: but it was not true. The unfree could never be permanently silenced, and they themselves knew that. In the oral tradition of the Stono rebellion that was passed down by its enslaved survivors, its leader had been a slave—called Cato—who knew how to read and write. Long before the uprising, he used this power and “wrote passes for slaves and do all he can to send them to freedom.”¹²¹

That was what Francis Williams’s favorite pupil, Brown, had done, too. And there were many like him. In the early summer of 1729, a few years after New York acquired its first newspaper, James Alexander placed an advertisement in its columns. He was in his late thirties, already a rich and powerful politician, the father of seven young children and stepchildren, the possessor of grand houses, large estates, and other human beings. To his great annoyance, one of them, a Black American his own age, “a sensible cunning fellow” named Yaff whom he had acquired only recently, had dared to escape.¹²² Alexander offered a large reward for his recapture. His enslaved servant had absconded around 9 June, and the ad ran for weeks, until the end of July—perhaps that means that he managed to remain at large.

Yaff was literate: he had probably forged himself a pass to get away. He was wearing livery—he may have been Alexander’s butler. Who knows if he had had the chance to browse in Alexander’s library, the finest in New York, or if he had ever flicked through its prized volumes of Cato’s Letters. No matter. He understood the power of words, and of writing. He’d already been sold twice in his life. He knew what freedom really was, that white people controlled its shape—and that he refused to let them.¹²³

¹¹⁹ *South-Carolina Gazette*, 7–28 November 1775. See also Waldstreicher, *Runaway America*, esp. chap. 1; Betty Wood, “‘High Notions of their Liberty’: Women of Color and the American Revolution in Lowcountry Georgia and South Carolina, 1765–1783,” in *African American Life in the Georgia Lowcountry: The Atlantic World and the Gullah Geechee*, ed. Philip Morgan (Athens, 2010), 48–76.

¹²⁰ *London Journal*, 3 March 1721 (CL 68); see also *London Journal*, 31 March 1722 (CL 70).

¹²¹ Smith, *Stono*, 55–56; David Ramsay, *The History of South Carolina: From Its First Settlement in 1670, to the Year 1808*, 2 vols. (Charleston, 1809), 1:110–13 also records “their black captain, named Cato.”

¹²² *New-York Gazette*, 7–21 July 1729.

¹²³ Yaff was born in America around 1694, apparently to a mother enslaved by Richard Ingoldsby, the governor of New York in 1691–92 and 1709–10, who died in 1719. He was subsequently made the butler and valet of a wealthy Philadelphia merchant and slave trader, William Trent, who had recently moved to New Jersey (where he established Trent-town, i.e., Trenton, now the state capital). After Trent’s death in December 1724, Yaff was acquired by Alexander, one of Trent’s executors, at some point after April 1726. See Lepore, *New York Burning*, 287n39; and the documents and information about Trent and Yaff at The Trent House Association website, <https://www.williamtrenthouse.org>. For countless other similar examples, see Waldstreicher, “Reading the Runaways”; Graham Russell and Alan Edward Brown, eds., “*Pretends to Be Free*”: *Runaway Slave Advertisements from Colonial and Revolutionary New York and New Jersey*, rev. ed. (New York, 2019); for a Jamaican instance, see *Daily Advertiser* [Kingston, Jamaica], 12–15 January 1791.