

REVIEW ESSAY

State of the Art on the Art of the State

Constituent Moments: Enacting the People in Postrevolutionary America

JASON FRANK

Durham: Duke University Press, 2010

346 pp.

The State as a Work of Art: The Cultural Origins of the Constitution

ERIC SLAUTER

Chicago: University of Chicago Press, 2009

373 pp.

This Violent Empire: The Birth of an American National Identity

CARROLL SMITH-ROSENBERG

Chapel Hill: University of North Carolina Press for the

Omohundro Institute, 2010

484 pp.

Readers of this journal will recall a forum published in its pages (and the pages of the *William and Mary Quarterly*) in 2008, in which Eric Slauter, author of one of the three books under review here, described what he called a “trade gap” between historians and literary scholars of the Atlantic world. Slauter’s thesis was that even as literary scholarship has become more historical in its methods and goals, historians seem to have less and less interest in that work: “During the past decade, literary scholars have produced an impressive list of books and articles in the emerging field of Atlantic literary history. Atlantic historians, however, rarely acknowledge this work and have moved away from the issues of identity and expression that made literary scholarship attractive and central to Atlantic historiography ten or twenty years ago” (153). At the end of his essay, Slauter suggests measures that might be taken to lessen the gap. One interesting proposal is that literary scholars should embrace their inner theorists: historians do not come to the work of literary scholars for more history, he

suggests, but for alternative perspectives and paradigms about culture, meaning, and language. A second, related suggestion is that the text/context binary be retired: “Today historians may be suspicious of what they perceive as an essentially derivative historicist enterprise in which this or that literary text is unsurprisingly shown to have emerged from an established context already familiar to historians” (173).

Fair enough, I say: putting a text in context, while necessary, is usually tedious (to read), and in any case not terribly helpful in explaining large-scale historical change. But the dyad of text and context—as confused as its use is in most historical and literary scholarship—aims to register something important, namely that human cultures are not homogeneous fields of meaning making, but are rather defined by myriad horizons and relative autonomies, variable ratios of information and redundance, a confusing welter of tempos and temporalities. Some things pop out from the fabric while others recede, some events linger while others evanesce, and so on: calling something a text is to make it visible against a (“contextual”) background, and is thus an attempt to capture this uneven terrain. (If we are going to retire any terms, my vote is for “context,” since it is often invoked merely in a kind of policing maneuver, a more or less fuzzy ground against which the figure of any text can be limited and reduced. When the context becomes less fuzzy, we might say it becomes a text in its turn.) The text/context binary introduces a distinction into the world of meaning: historical studies that convince and endure are ones that make that cut, that *form their text*, in ways that respect the heterogeneity of the field of meaning. So, too, with literary scholarship: any convincing interpretation of a literary text—by which I mean an interpretation that the reader thinks was worth undertaking in the first place—is convincing not to the extent that the (apparently) pregiven text is fitted neatly into its context but rather to the extent that the interpretation compellingly tracks all that overflows the ostensible limits of the novel, poem, autobiography, and so on. Both historians and literary scholars, I am saying, deal in texts, and in text making, though they may do so with different levels of self-awareness. This shared trade in texts always emerges from specific historical situatedness: of our objects *then*, and our practices *now*. At the same time, however, an equally irreducible aesthetic dimension is in play in both intellectual enterprises. Beneath Slauter’s discussion of the “trade gap,” beneath our discomfort with the text/context binary and our uncertainty about the

status of evidence in literary and historical scholarship, is a question concerning the relative weight we give, or should give, to the historical and the aesthetic dimensions of our inquiry.

Is it possible for the study of a “period”—say the “early national” period in the United States—*not* to have historical explanation as its final horizon, *not* to have history trump aesthetics in the final analysis? Such a “period” focus inclines inevitably toward history, of course, which makes it all the more noteworthy that the three books under review here each pull against that somewhat, and attempt to access some vitalizing aesthetic dimension not commonly attended to by historical scholarship. The books come from different disciplines: Eric Slauter is a literary scholar, Carroll Smith-Rosenberg a cultural historian, and Jason Frank a political theorist. Slauter may well be right about the trade gap between literary and historical scholarship, but you wouldn’t know it from these books. Smith-Rosenberg’s *This Violent Empire* is deeply indebted to literary evidence, and the book concludes with quite detailed interpretations of Brown’s *Arthur Mervyn* and Sansay’s *Zelica*. Frank’s *Constituent Moments*, while fundamentally concerned with the theory and history of claims to speak in the name of “the people,” turns in its second half to considerations of Charles Brockden Brown (this time it’s *Wieland* under examination), Walt Whitman, and Frederick Douglass, even adding a little James Baldwin for good measure. While Slauter’s attentiveness to verbal nuance and ambiguity is impressively on display throughout *The State as a Work of Art*, he nowhere lingers on a single text as long as either the historian or the political theorist: have “readings” been taken up by others just when literary scholars avoid them? Slauter’s and Frank’s are both ambitious and highly accomplished first books, while *This Violent Empire* is the work of a distinguished scholar late in her career, a kind of summa of work on the period undertaken over the past twenty-five years. Putting the three books together offers a glimpse of where we have been and where we are going, the state of the art on the art of the state.

If there is a single thesis that links these three otherwise quite disparate books, it is that the “state” is a made thing in America, and known to be so. For Slauter, the state becomes made, as a building is made, or a painting, in the constitutional moment: the sources of this view, its manner of expression, and its implications, are the burden of his excellent book. For Frank, the state is less a made object than a performance, or “enactment”:

by virtue of writing into its founding an appeal to “the people,” a social entity that can never be defined precisely and can never *not* be excluded from the legitimacy it grounds, American democracy commits itself to ongoing performances of a quasi-legal sort. And Carroll Smith-Rosenberg argues that the state in the United States is unusually factitious, as these things go, but it is also effective, and violent: “Few nation-states or national identities are as artificially constructed. Few have been more successful in imbuing generation after generation of immigrants with a deep sense of national belonging. And few are as renowned for their proclivity for violence” (1–2). Let me begin with this last argument.

This Violent Empire is a big book: at 468 pages of text, it covers a lot of ground, tracking in considerable detail how literate culture in the Northeast negotiated concepts of national and regional identity in the first decades of the republic. Smith-Rosenberg pursues quite vigorously the idea that the “artificiality” of national identity is directly related to the violence exercised in its name; she is less clear on the question of efficacy, on how such a jerry-rigged set of exclusions could have been “successful in imbuing generation after generation of immigrants with a deep sense of national belonging.” The method of *This Violent Empire* is largely discourse analysis, and the result is a portrait of the psycho-political landscape:

It is only through the production of a series of constituting Others that the contradictions produced by these disparate discourses, positions, and relationships can be papered over, that the national subjects they produce can begin to assume the appearance of inner cohesion and stability. . . . *This Violent Empire* will argue that the need to artificially produce a sense of national cohesion for a people with no common heritage—deeply divided along racial, regional, and religious lines and beset by the ideological disjuncture between the United States’ promise of universal equality and the realities of slavery and, later, of racial and gender discrimination—exacerbates the tendency to exclusion, violence, xenophobia, and paranoia all national identities harbor within themselves. (20–22)

A central dilemma for Smith-Rosenberg can be glimpsed here: is the violence the result of the *success* of these exclusions, this “artificial” identity formation, or, as appears more and more to be the case as the book unfolds, does violent reaction essentially follow from the inevitable *failure*

of such flimsy (“papered over”) discursive structures to secure “inner cohesion”? In pointing to this uncertainty, I do not mean to question the idea that the United States has developed, and remains in, a profoundly racialized polity; Smith-Rosenberg’s general views about the ideological shape of early national America are, I believe, fairly widely shared. The question is in what form—and even more how—she advances her vision of a violent empire. In a blurb for the book, David Waldstreicher comments that “[w]e will no longer hear that the most powerful actors of the ‘founding’ did not think or talk creatively about Indians, slaves, or women.” But do we often hear that? There is still a kind of sanitized “Founders” hagiography here and there, I suppose, but readers likely to take up Smith-Rosenberg’s big book, bristling with long footnotes of citations, are not the ones for whom it will be news that “Indians, slaves, and women” posed a problem for the founders.

Smith-Rosenberg has for a long time been an influential voice in women’s history especially: her groundbreaking essay “The Female World of Love and Ritual: Relations Between Women in Nineteenth-Century America” has the distinction of having been the lead article in the first issue of *Signs*, in 1975. In the 1980s and early 1990s, Smith-Rosenberg had already begun to turn her attention to the problems that preoccupy her in *This Violent Empire*. She has long used literary evidence in her historical arguments: her interpretation in 1988 of *The Coquette*, an expanded and updated version of which she offers here, preceded the full absorption of that text in literary scholarship. She is, in short, a pioneer practitioner of an ideologically sensitive cultural history. The long gestation of this book has obvious benefits: its explanatory reach, the range of its references, are clearly the result of long labors and reflection. But the book’s brand of ideology critique feels dated as well, which perhaps can tell us something about where we are now. One essential problem is the way Smith-Rosenberg negotiates the text/context divide to which I have already dedicated a few words. She reads deeply in the magazine literature of the last quarter of the eighteenth century: indeed, at times she treats this literature as if it were a single coherent archive from which one can read out political positions. Several journals print selections of the Marquis de Chastellux’s *Travels in America* in the late 1780s, for example; in one selection—“The Manner of Living of the Inhabitants of Virginia”—Smith-Rosenberg discerns a “dangerous slippage” in its “deployment of African American slaves

to constitute southern whites' Other to the northern white readers" (401). "This essay," continues Smith-Rosenberg, "especially when read alongside Carey's reprinting of Belinda's brief and the *Columbian Magazine's* call for trade with, not in, Africans, suggested that northern European Americans and enslaved African Americans were equally productive and freedom loving" (401)—there's the "slippage" in which free and unfree suddenly become too "like" each other. There are several problems with the evidence here, however: as Smith-Rosenberg herself admits, it is a bit odd to enlist a French nobleman's views in an argument about US ideological identity. But Mathew Carey "did reprint a lengthy excerpt" (402 n60), she reasons: true enough, but can we really read such editorial choices through the kind of ideology critique she pursues? The journals print arguments for scientific racism, and refutations of such arguments; they offer celebrations of rural life, and satires of bumpkins; letters extolling women for their feelings, and ones savaging them for their vanity. "Oh, what a tangled web magazines' editors and contributors wove when first presenting themselves and their readers as republican gentlemen!" (411) cries Smith-Rosenberg. But who says it is a "web" at all? What gives it the outlines of a single thing—a "text"—about which it seems relevant to ask questions about ideological coherence? Does Matthew Carey, or Noah Webster, or any other general editor really exercise this much authorial intention? The problem here is that, once one has decided that print culture in the era is essentially a drama of "republican gentlemen" "presenting themselves"—when texts of whatever kind are mined for corroboration of a preexisting vision of their ideological "context"—almost anything can be drawn in.

I am not disputing the idea that writings of all kinds—letters, reports, journal excerpts, novels—can be profitably examined for contradictions and ideological flash points. Of course they can. But reading *This Violent Empire*, which so relentlessly understands textual confusions and contradictions as allegories of existing social conflict, leads me to ask whether the problem is with the very notion that our cultural performances, in print or elsewhere, are in the final analysis attempts at ideological assertion or resolution. Perhaps texts are not ultimately repositories for our beliefs, and perhaps we do not engage them in search of resolution to aggravating contradictions. Smith-Rosenberg's method leads her to value literary evidence very highly, even as she is opportunistic, and sometimes distorting, in her use of it. Eager to find evidence that the political magazines engaged in

an effort to “contain” (163) women’s voices in the post-revolutionary moment, she cites a satire in which one Polly Baker argues that because several of her children born out of wedlock are a significant contribution to a “new country that really wants people,” she should have a “statue erected to [her] memory,” “instead of a whipping” (162). Smith-Rosenberg writes: “[B]y having Baker . . . present her actions as a productive contribution to the general welfare so soon after the Revolution, did Carey, consciously or unconsciously, seek to satirize actual women’s wartime experiences, their bravery, their self-reliance?” (162–63). But this text is by Benjamin Franklin, and originally appeared in 1747, not 1798. And while we can argue about the target of the satire in both moments, it seems very doubtful that it is “women’s actual wartime experiences.” Read purely internally, in fact, it is hard to see how this spirited and pointed exposure of male hypocrisy could be understood as an effort to “contain” Polly’s voice, or other women’s voices—in either 1747 or 1798. The desire to read printed texts as if they were reliable products or reflections of their putative context has led Smith-Rosenberg rather badly astray here.

There are many fine moments in *This Violent Empire*, and there are valuable synthetic accounts, where Smith-Rosenberg joins her research to that of others with clarifying effect. I was especially drawn to her sprightly treatment of the early national bankers and speculators, such as Robert Morris and William Duer: more than any other thread in her narrative—even her long-admired reflections on the ambivalence toward women in the period—I believe her unpacking of the emergence of the new model of commercial republican adds to the flourishing work on speculation and the carrying trades in the era. This theme is handled with grace and verve throughout. But in the final analysis, I take Smith-Rosenberg’s attempt to conjoin aesthetic criticism and historical argument to come up short. The problem, I believe, is the theoretical apparatus of “identity-formation” and the way it commits her to a kind of pancontextualism. I have suggested above how this technique flattens the specificity of various kinds of writing. But it also badly damages the momentum of her historical argument. Battling against threats to “coherent” identities is work never finished, and so the structural dilemma of identity formation tends to overshadow any change over time. Smith-Rosenberg seems to sense this, and tries periodically to inject some drama through rhetorical questions: “Would racialized horror and rage form the core of the new national identity?” (222); “would

deep-seated contradictions continue to fragment the new national identity?" (378). But by the book's conclusion, the sense of ongoing contradiction overwhelms any narrative momentum:

It would appear that the print culture of the late eighteenth- and early-nineteenth-century American offered no clear resolution for the moral dilemmas the fusion of capitalism and republicanism, slave labor and free trade, black and white or male and female citizenship presented to the new bourgeoisie—any more than the political magazines had been able to pose a coherent, unified American subject. (464)

The last words of the book echo this irresolution: "As we stand at the beginning of the twenty-first century, how different is the United States from the late-eighteenth-century infant republic that simultaneously celebrated itself as an infant empire? How different, more stable, more coherent is our national sense of self? Our ability to resolve our national dilemma?" (468). Well, the United States in 2011 is quite different indeed from the "infant empire" of 1790, a fact which should send us back to the very question of a "national sense of self"—whether it is useful to imagine such a thing existing, or, if it does exist, whether it needs to be stable and coherent to be effective.

One of the most refreshing insights in Eric Slauter's *The State as a Work of Art* is just how *operational* instability and incoherence can be: ambiguity is often not the problem but the solution. The book begins with a subtle account of Franklin's comment about the "half-eclipsed sun painted on George Washington's chair" at the Constitutional Convention: "I have,' Franklin apparently said, 'often and often in the course of the session, and the vicissitudes of my hopes and fears as to its issue, looked at that behind the President without being able to tell whether it was rising or setting: But now at length I have the happiness to know that it is a rising and not a setting sun'" (1). The anecdote is well chosen as an introduction to Slauter's study, for what is on display here is what his book will continue to stress and elaborate: namely, that aesthetic concepts and language pervaded the political field in the constitutional moment. The sun on the chair has a certain basic ambiguity, the result of a limitation in artistic practice: "Painters had found it difficult," as Franklin said, "to distinguish in their art a rising from a setting sun" (1). The ambiguity is less a metaphysical problem than a technical conundrum, and what matters is what one does with it. Slau-

ter argues that Franklin's own proposal for the convention—namely, that a signature was to be taken as signaling that “an agreement that the Constitution had been produced not by the unanimous consent of the individuals at the Convention but the ‘Unanimous Consent of the States Present’”—was “precisely the kind of unsettled ambiguity he . . . returned to in his remark about the painted sun” (6). *The State as a Work of Art* locates many such “unsettled ambiguities.” Not all of them were as memorable, or perhaps as efficacious, as Franklin's maneuvers at the convention. In another example, Slauter reproduces a title page from the *Journal of the Proceedings of the Congress, Held at Philadelphia from 1774*. The image shows twelve arms reaching out to grasp a liberty pole surmounted by the *pilleus*, or Roman “liberty cap.” The characteristically phallic image—and Slauter reminds us, via Barlow's “Genealogy of the Tree of Liberty,” just how available the anatomical interpretation was—here invites a similar question to the one of the sun on the chair: are the twelve hands holding fast to a risen and sturdy liberty, or lending a hand lest this noble erection flop over? Slauter observes that this emblem does not recur in the literature, reminding us that not all ambiguities are equally capable of being put to good use.

Slauter does fewer “readings” of texts—certainly fewer extended interpretations of texts—than does Smith-Rosenberg. Rather than unpack complex dynamics of plot and figure within a single text, Slauter seeks to look at aesthetic relations as a mode of apprehending the world. Aesthetic concepts—of form, or metaphor, or interpretation—were not quarantined, in his view, but rather constituted an essential way in which early national Americans thought. The Constitution, for example, was like a building that could be admired for how it balanced and proportioned various elements. The vexing problems of what was meant by “representation” could be argued about by pitting the notion of the “miniature” against that of the “transcript,” two flourishing technologies of representation—portraiture and shorthand—being turned inside out to serve as figures for the working of the factitious state. Slauter describes a world in which “representation” was everywhere, both the problem to be thought through and the resource for that thinking. The result—and in this it differs markedly, in my view, from Smith-Rosenberg's more familiar text/context model—is a focus on liminal moments and interpretive scenarios rather than more or less bounded, semiotically saturated texts. The focus, in short, is on meaning *making*, on how certain *representative figures*—transcript, miniature,

frame (another “usefully ambiguous” term [116])—operate Möbius-like, serving now as the vehicle and now as the object of the ongoing work of sense making in the period.

Reflecting on his choices, we might suggest that Slauter is not exactly a literary critic in this book, nor a historian, one might propose, but a literary historian, properly speaking. He is, certainly, a *very* close reader: looking at Joseph Thomson’s 1788 edition of Locke’s *Letter Concerning Toleration*, Slauter notes where Thomson “italicized some passages for emphasis when other eighteenth-century editors did not” (272), where he substitutes a word here and there—“slaughter” in place of “ambition.” Not satisfied with the transcripts of Madison’s notes on the convention, Slauter avails himself of the manuscript in the Library of Congress, thereby giving us a revealing look at what subsequent editors chose to prune. Deeply committed to the methods developed by practitioners of the “history of the book,” Slauter also has thought intelligently about the kinds of questions quantitative analysis of large digitized collections now make available: his final chapter, for example, demonstrates how tightly connected “God” and “natural rights” were in the writings from the Revolution and after. His conclusion is that the language of natural rights, far from being an index to secularism, “was a deliberately sacralizing rhetoric,” drawing “its source and its strength from appeals to God” (256). The research Slauter has done for this book is deeply impressive, thorough and scrupulous, and also inventively deployed. There were times, I admit, when I thought the evidence rather overshadowed the argument being forwarded, when we were told more about portraiture practice, for example, than was altogether necessary. At other times—for example at several points where Slauter makes claims about the evolution of aesthetic ideas (neoclassicism, or romanticism, etc.)—the book would have benefitted from more thorough engagement with the prior work of other scholars. But there is a consistency of method here that is admirable in its own right, and worth reflecting on for its negotiation of the problems I mentioned at the beginning of this essay. In one excellent chapter focusing on the fascination with stories about hermits in the period, Slauter directly engages questions of method: putting such popular literature into dialogue with political thought in the period, he writes, results less in “a unified account of the ‘age of the social contract’ (or the ‘constitutional era’) than an argument against the possibility of such a synthesis for a period marked by a fascination with both socia-

bility and solitude, by narratives of entering into and exiting from civil society, by an excitement about written constitutions and an anxiety about textualizing rights, by competing concepts of the state as the product of individuals and of individuals as products of the state” (219). The argument “against the possibility of . . . synthesis” does not immediately fall back into a psychopolitical narrative about the threats of confusion. Historical experience itself, in Slauter’s view, fails of such synthesis, a position that entails some adjustment of our methods: “To read history or politics into, rather than out of, popular literature will inevitably produce unsatisfying results. . . . Cultural history, and especially the study of popular culture, can help us reshape our understandings of the ‘constitutional era,’ but it requires us to see popular texts as contexts for the period as well as to see the period as the context for them: that is, to accommodate our own ingrained understanding of the figure-ground relations of literature and history to the multi-directional realities of historical experience” (240). In arguing that the Constitution is a productively ambiguous aesthetic object, at once fabricated and “natural,” product and source, *The State as a Work of Art* offers an unusually thoughtful picture of the “multi-directional realities of historical experience itself.”

Slauter’s book productively unsettles our sense of the relation between text and context, and installs an aesthetic problematic at the heart of historical experience—at least that of the “constitutional era.” As I recalled at the start of this essay, Slauter had also invited literary scholars not to shy away from theoretical work, from constructing and testing different models and paradigms for meaning making and how we describe it. *The State as a Work of Art* is more diffident on this score, however. Slauter is one of our more thoughtful observers of current scholarly practice, but he does not often enough step back in this book to reflect on *how* what he is doing related to *what* he is describing—does not offer enough of the kinds of reflective moments as the one I quoted in the previous paragraph. This relative reserve also means that Slauter rarely explicitly addresses the question of how his book, or the materials that make up his book, address the present. The plangent questions with which Smith-Rosenberg ends her book, however dubious they may be as historical remarks, are clearly an attempt to knit the past to the present, to put our current moment, as it were, into dialogue with the past. Jason Frank, author of *Constituent Moments*, is as I noted a political theorist, a discipline often ready to put historical

scholarship in the service of visions of the present, and the future. Such at least is Frank's position. Here is the final paragraph of his book:

A focus on constituent moments may at once deflate the dramatically exceptional significance of the founding moment while simultaneously infusing the democratic everyday with the possibility of the extraordinary. Rather than resignation in the face of power, or the anticipation of exceptional rupture, constituent moments may help us find and engender small dramas of self-authorization within the midst of everyday life. This attentiveness may sensitize us to opportunities for democratic enactment in unexpected places and at unexpected times, not only in the official political venues of elections and party politics, but also here, now. (253–54)

Smith-Rosenberg's melancholy is an understandable reaction to a United States still riven by gross inequity, exploitation, and exclusion. Frank does not ignore such history; indeed, he wishes to recall from the immediate post-Revolutionary moment the ferment of protest, the vitality of dissent; and one of the strongest chapters in the book treats Frederick Douglass's "unauthorized" claims in the name of the people. But his tone remains admiring and hopeful where Smith-Rosenberg's is skeptical and somber. This may well be primarily a matter of personality, but there is also something about Frank's use of theory that may help explain this forward-looking posture.

In Smith-Rosenberg's apparatus of identity formation, conflicts and contradictions, doublings and fusions, are signs of trouble, traces of the never-finished work of identity to render itself coherent and stable. Slaughter's work excavates the power and efficacy of such fusions and contradictions, as historical agents negotiate (what for them are) unresolvable dilemmas, such as whether governments make individuals or are only made by them. This last conundrum concerning the relation between the "people" and the government, constitution, or state said to be operating in its name is the central focus of Frank's study. Although he knows that such a model of representation historically—and presently—covers a multitude of exclusions, he prefers to see the glass half-full: "The inability of the people to speak in their own name does not simply mark a legitimation deficit for postrevolutionary democratic politics but also its ongoing condition of possibility" (6). Rather than "deficit" we have "surplus": the people persist "not as a purely outside force but as an internal sur-

plus of the order founded in their name” (31). Where we might be tempted to focus on identity—what *kind* of people are authorized? What *kind* of people are excluded?—Frank insists we do better to understand politics in terms of “claim”: “Both democratic history and democratic theory demonstrate that the people are a political claim, an act of political subjectification, not a pre-given, unified, or naturally bounded empirical entity. In the United States the power of claims to speak in the people’s name derives in part from a constitutive surplus inherited from the revolutionary era, from the fact that since the Revolution the people have been at once enacted through representation—how could it be otherwise?—and in excess of any particular representation” (3). This emphasis on “enactment,” and its concomitant bracketing of identity, is where Frank stakes his own claim on our attention. The historical evidence does not always produce conviction, and his theoretical position is sometimes precariously poised between rejected alternatives, but *Constituent Moments* does offer yet another version of how historical experience might be understood as shot through with aesthetic—in this case, largely performative—dimensions.

The book consists of an introduction, then a chapter treating Hannah Arendt’s views on the American Revolution, which is followed by three chapters that attempt to outline constituent moments in the post-Revolutionary era, chapters in which he treats conventions generally, crowd actions, “self-created” societies (many of them anti-Federalist), and Benjamin Rush as a kind of Burkean theorist of the “people” and their sympathies. This is followed by three chapters taking up more or less literary projects: an attentive, if not especially original, interpretation of *Wieland* as a “critique of any conception of political authority that would disregard its aesthetic components or that would rob it once and for all of its ‘mystery’” (180); an argument that Whitman’s project for a democratic poetics is a successful revision of the individualist romanticism he inherited; and a smart account of Frederick Douglass’s tactics of “claims-making,” focused especially on “What to the Slave is the Fourth of July?” One way to explain this roster of topics and thinkers is to suggest that Frank is everywhere interested in a dynamic where actors know what they are doing when they exploit an aporia of representation in the name of new notions of legitimacy and authorization. Frank’s heroes, to put it another way, embrace political belonging as ineluctably fictive and incontrovertibly real.

“Determining who constitutes the people,” asserts Frank, “is an inescapable yet democratically unanswerable dilemma; it is not a question

the people can procedurally decide because the very question subverts the premises of its resolution" (2). A kind of "double inscription" of the people—as both a constituting and a constituted power—makes possible what Frank calls "constituent moments, when the underauthorized—impostors, radicals, self-created entities—seize the mantle of authorization, changing the inherited rules of authorization in the process" (8). How do such "moments" actually work? In part they constitute a species of legerdemain with time itself. When Thomas Paine writes, "We have it in our power to begin the world over again," he convenes a "we," as it were, that can only emerge over time, that can only "draw authority from the future anterior, from the political horizon of what will have been" (10). At the end of his book, Frank offers the examples of the Fifth International AIDS Conference in Montreal in 1989. It had been the custom at such conferences to exclude from participation people actually stricken with AIDS. In Montreal, activists seized the podium and arrogated to themselves the right to "open" the conference. Here the "underauthorized" speak in the name of a belonging and authority that henceforth comes to be, and thus retroactively legitimates their action: "Constituent moments dwell in a space where there is enacted felicity that nonetheless breaks from the conventions of authorized context—a felicitous infelicity. Constituent moments question the existence of such a unitary background context wholly separate from the utterances and claims that help constitute it" (8).

As the terms of this last quotation indicate, Frank's theoretical position owes much to performance theory, and to concepts of linguistic performativity, going back to J. L. Austin and others. "The people of the American Revolution were not a unified identity awaiting expression but a virtual incipience awaiting enactment or dramatization," he asserts. "The people were enacted through the practical repertoires of the Revolution itself" (12). Such an assertion is both exciting and frustrating. What is the ontology of such an incipience? Where do "repertoires" live—in what form? "Repertoire" is, in fact, a crucial term for Frank. He speaks of "improvised repertoires of political resistance" (13), "crowd repertoires" (35, 83), "associational repertoires" (135), "revolutionary repertoires" (152) (these including effigies, liberty poles, and liberty caps), and "repertoires of claiming": "The failure of final capture or authoritative representation of popular voice created open spaces for articulating political wrongs and the repertoires of claiming that supported them" (137). He does not define this term

with much clarity, however. It seems to mean something beyond a script (beyond “archive,” as Diana Taylor might put it), something that connotes at a minimum the embodied, enacted, or otherwise performed dimension of culture in its ongoingness. Joseph Roach’s groundbreaking work and that of scholars of early American crowds (such as Waldstreicher and Pencak, Dennis, and Newman) also help fill out a picture of what Frank means by repertoire. I am not always sure Frank’s historical examples conform to such a definition (which is one reason to desire more clarity from him), but I do think that this focus on “enactment,” with its odd relation to temporality (at once evanescent and capable of folding the future into the present and past), offers a compelling site for ongoing reflection concerning how historical experience overflows itself. A major accomplishment of Slauter’s book is to unsettle our sense of how stable text and context could really be with respect to one another: in the comment I quoted above, Slauter argues against the kind of “synthesis” that underpins in theory, if never in fact, such terms. Frank’s notion of enactment offers another, perhaps more radical, unsettlement: constituent moments, to return to his words, “*question the existence of such a unitary background context wholly separate from the utterances and claims that help constitute it*” (8, my emphasis).

Frank’s treatment of the historical development of Revolutionary and post-Revolutionary culture is less textured and detailed than either Smith-Rosenberg’s or Slauter’s. But all three books remind us of how semiotically complex this era was, how complexly interfused aesthetic experience was with what we might be tempted to think of as the historical record. Slauter and Frank, especially, return us to the enigma of convention itself: a species of coming together that rides the ridge between rebellion and authority, between what is in place now and what will have come to be. In his great meditation on Wittgenstein, *The Claim of Reason*, Stanley Cavell similarly burrows into the notion of convention, so as to bring this term for authority, for the law as given (as in linguistic convention), back to its roots in a scene of gathering, convening, people milling about and acting in the name of a future they cannot plot:

To think of human activity as governed throughout by mere convention or as having conventions that may as well be changed as not, depending on some individual or other’s taste or decision, is to think of a set of conventions as tyrannical. It is worth saying that conventions can be

changed because it is essential to a convention that it be in the service of some project. That is, it is internal to a convention that it be open to change *in convention*, in the convening of those subject to it, in whose behavior it lives. So it is a first order of business of political tyranny to deny the freedom to convene. What that prevents is not merely, as (say) Mill urges, the free exchange of truths with partial truth and with falsehoods, from the fire of which truth rises. That *might* happen in an isolated study. It prevents the arising of the issue for which convening is necessary, viz., to see what we do, to learn our position in what we take to be necessities, to see in what service they are necessary. (120)

It is no small accomplishment of these books—all three, but perhaps especially Frank’s and Slauter’s—that they open out a perspective on the early national era, that era of conventions, that resonates with the complex posture Cavell describes, in which the historical and potential are held in suspense together, in which we convene “to see what we do, to learn our position in what we take to be necessities, to see in what service they are necessary,” to open ourselves to the possibility of a “change *in convention*.” The posture described here is one in which conventions name both what we do and what we study, both our manner of proceeding and the object of our attention, both our past (“what we do”) and our future (“in what service they are necessary”). Such a posture is neither text nor context, neither history nor aesthetics, but a vital fusion of dimensions.

WORKS CITED

- Cavell, Stanley. *The Claim of Reason: Wittgenstein, Skepticism, Morality, and Tragedy*. Oxford: Oxford UP, 1979.
- Pencak, William, Matthew Dennis, and Simon P. Newman, eds. *Riot and Revelry in Early America*. University Park: Pennsylvania State UP, 2002.
- Roach, Joseph. *Cities of the Dead: Circum-Atlantic Performance*. New York: Columbia University Press, 1996.
- Slauter, Eric. “History, Literature, and the Atlantic World,” *Early American Literature* 43.1 (2008): 153–86.
- Taylor, Diana. *The Archive and the Repertoire: Performing Cultural Memory in the Americas*. Durham: Duke University Press, 2003.
- Waldstreicher, David. *In the Midst of Perpetual Fêtes: The Making of American Nationalism, 1776–1820*. Chapel Hill: U of North Carolina P, 1997.