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Lisa Maruca

Wayne State University, lisa.maruca@wayne.edu

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Lisa Maruca

POLITICAL PROPRIETY AND FEMINE PROPERTY: WOMEN IN THE EIGHTEENTH-CENTURY TEXT TRADES

Dispersing seditious books is very near a-kin to the raising of tumults; they are as alike as brother and sister: raising of tumults is more masculine; and printing and dispersing books, is the feminine part of every rebellion.

—Serjeant Morton at the Trial of Thomas Brewster

It is a general prejudice, and has been propagated for these 1600 years, that arts and sciences cannot flourish under an absolute government; and that genius must necessarily be cramped where freedom is restrained. This sounds plausible, but is false in fact.... [W]hy the despotism of government should cramp the genius of a mathematician, an astronomer, a poet, or an orator, I confess I could never discover. It may indeed deprive the poet or orator of the liberty of treating of certain subjects in the manner they would wish, but it leaves them subjects enough to exert genius upon, if they have it. Can an author with reason complain that he is cramped and shackled if he is not at liberty to publish blasphemy, bawdry, or sedition?

—Lord Chesterfield

In the foundational article "What is an Author," Michel Foucault claims that:

[the] status [of discourse] as property is historically secondary to the penal code controlling its appropriation. Speeches and books were assigned real authors ... only when the author became subject to punishment and to the extent that his discourse was considered transgressive. In our culture ... discourse was not essentially a thing, a product, or a possession, but an action situated in a bipolar field of sacred and profane, lawful and unlawful, religious and blasphemous. It was a gesture charged with risks long before it became a possession caught in a circuit of property values. (124)

While historians of the French book trade have, following Foucault, historicized the emergence of the author in relation to his responsibility for potentially seditious texts, the relationship between authorship and censorship has been largely ignored by critics concerned with the professionalization of the author and the rise of the novel in England.¹ They seem to have succumbed to the notion, promulgated by Lord Chesterfield as early as 1749, that genius exists separately from,

and is not influenced by, government regulation.² This is partly due to a misunderstanding of the nature of censorship and its targets in the second half of the seventeenth century. Susan Stewart, for example, in discussing the English treason cases of the period, asserts that, “before the development of concepts of original genius and intellectual property, all thoughts were potentially held in common. . . . and it was those who disseminated ideas who reaped any rewards or punishments prompted by such ideas” (12). The disseminators of sedition Stewart refers to were, of course, booksellers, publishers, and hawkers—a group Stewart, in this comment, makes sharply distinct from authors, who, she seems to imply, were ignored by government agents.

I will attempt to show in this essay, however, that the author as an accountable agent emerged in England as an entity intrinsically connected to printers, publishers and other legally responsible agents within the trade: writers, in the eyes of the law, were just one of many print workers. Furthermore, I will illustrate the ways in which eighteenth-century English censorship, rather than being purely repressive, was productive of certain types of discourse. I refer here to more than the obvious notion that government censors favored pro-monarchy and standard religious tracts and silenced political critics and sectarians. Rather, I believe that even literature outside the usual purview of censorship, focusing on entertainment and education rather than politics, felt the ripple effects of textual regulation. To fully understand this point, we must look at writers as they were considered in the late seventeenth and early eighteenth centuries: as members of a larger group of print workers. In this essay, I will focus particularly on women in the print trades—not only because they have been largely ignored in both publishing and literary history (as I will discuss more fully later)—but because I believe their jobs, on the front lines of dangerous textuality, led to the properly feminized eighteenth-century novel as we know it. It was the regulations governing the print trade, I will show, that produced a form of morally authoritative discourse best represented by the woman author.

**“SETTING THE WORK AFOOT”:
AUTHORSHIP AND THE AGENTS OF SEDITION**

Foucault concludes “What Is an Author?” with a look toward the future. In a culture without authors, he reflects, questions such as “who is the real author?” might be replaced with questions about discourse: “where does it come from; how is it circulated; who controls it?” (138).³ In late seventeenth- and early eighteenth-century England, I will show, *both* sets of questions were posed by the government. In 1662, in response to fear of a seemingly uncontrolled increase in print production, especially of political books, pamphlets, and broadsides commenting on the Stuart Restoration, Parliament passed the Licensing Act, or the

“Act for preventing the frequent Abuses in printing seditious, treasonable, and unlicensed Books and Pamphlets, and for regulating of Printing and printing Presses.”⁴ This act restricted printing to twenty printers, all of whom were required to be members of the Stationers’ Company. The Act also prohibited the printing of any book or pamphlet unless “it shall be first lawfully licensed and authorized to be printed by such a person and persons only as shall be constituted and appointed to license the same” (qtd. in Siebert 242). This licensing was certified with the imprimatur of the licenser, and the printer too was required to put his name on his products before dissemination. Thus, authorized print declared who controlled the discourse—the licenser—as well as where it came from—whose printing house—as it circulated. It also, as I will discuss, often bore imprinted traces of its circulation.

As a provision of the Licensing Act, printers also were compelled to learn the name of the author so that they could divulge it on demand. The author as a source was as important to the authorities as the printer or publisher as disseminator: a common warrant might enable its bearer to “seize all seditious books and libels and to apprehend the authors, contrivers, printers, publishers and dispersers of them, and bring them ... to be proceeded against according to law” (qtd. in Siebert 254). As this warrant indicates, however, authors and printers (who might together be termed “producers”) were held to be equally responsible as the many disseminators of these texts. For example, Roger L’Estrange, who became the first, notoriously ruthless, Surveyor of the Press, envisioned a long line of responsible agents, from makers to distributors, who benefited financially from seditious texts; he believed that many branches of the print trade were fed by this lucrative market. In *Considerations and Proposals in Order to the Regulation of the Press* (1663), for example, L’Estrange casts a wide net:

The Instruments of setting the work afoot are These. The *Adviser*, *Author*, *Compiler*, *Writer*, *Corrector*, and the Persons for whom, and by whom; that is to say, the *Stationer* (commonly), and the *Printer*. To which may be Added, the *Letter-Founders*, and the *Smiths*, and the *Joyners*, that work upon the Presses.

The usual *Agents* for *Publishing*, are the *Printers* themselves, *Stitchers*, *Binders*, *Stationers*, *Hawkers*, *Mercury-women*, *Pedlars*, *Ballad-Singers*, *Posts*, *Carriers*, *Hackney-Coach-men*, *Boat-men*, and *Mariners*. (1)

It is clear in this passage that almost anyone who touched a text on its way to a reader, even the most remote rural reader, is considered responsible for its distribution. The libelous book taints all, from those who built the press upon which it was printed to those who stitched the print pages together. Authors are not exempt from this contamination: it is not *only* disseminators who can be prose-

cuted. Instead, authors are understood as *part of* this chain of dissemination—they are neither solely to blame nor free from responsibility. As Adrian Johns notes, “In the making of a book, authorship ... was distributed over a number of individuals and groups.... [A]uthorities more helpfully formalized this ... by recognizing Stationers themselves as authors” (138). Thus, writers were not considered a separate category of producers but one of many material contributors.

This is not to say that officials were not at all interested in authors, only that the belief system underlying censorship and putting it into practice was not always internally consistent but complex and contradictory. A 1679 proclamation creates a chain of responsibility similar to L’Estrange’s. It offers a forty-pound reward to anyone revealing the author or printer of a seditious work and, more significantly, pardons hawkers, booksellers, or printers who will “Discover and make known the Authors thereof” (Weber 174). Similarly, one of the censorship bills proposed after the lapse of the Licensing Act in 1695, for example, suggests that “anyone whose name appeared in an imprint would be as answerable *as if he were the author* of the book” (Downie 48; my emphasis). At the same time that this statement assumes a broad range of participants who *can* be held responsible (printers or publishers named on the title page), it also seems to assert that the author is the primary agent. Lord Chief Justice Scroggs certainly believed so when he commented in a 1680 libel trial that, although “it is hard to find the author [and] not hard to find the printer, ... one author found is better than twenty printers found” (Weber 174–5).

Despite this commentary, though, workers in the print trades were the most prosecuted in such trials and the most notorious flouters of government regulations. In trials, booksellers and publishers were often answerable for the actions of servants, shop workers, and family members, implying that the Stationer held ultimate responsibility. This suggests that the discourse of blaming authors was not yet dominant but existed alongside the more common notion that distributors and other contributors were the accountable parties. Within the print trade, ironically, the latter view seems to have been privileged, perhaps because, in the practices of some booksellers, authors were made unnecessary. John Feather notes, for example, that a “stock excuse” on the part of booksellers who sponsored newspapers was that an offending article merely had been copied from another newspaper (“Censorship” 186). A strategy like this both relieved the copier of responsibility and rendered hired writers invisible.

More significant, however, are the economic and political implications of anonymous authorship. It was not uncommon for printers and booksellers to hire writers—either through discrete third parties or through their network of alliances within the trade—whose identities remained unknown to them. Although this did increase the bookseller’s liability since the chain of responsibility ended with him, it also increased his control over his investment, especially in an economic and legal climate in which views on intellectual property were

changing.⁵ Daniel Defoe's first proposal that the trade consider authors' rights (in his 1704 *Essay on the Regulation of the Press*), for example, linked property to responsibility, and a bookseller might have preferred to keep property even if it meant more responsibility. Economic interest thus led to removing writers from the scene of sedition: in a petition to the Commons in 1713, Stationers discouraged a ruling that would require all published texts to state the author's name. It also resulted in protecting writers. Isaac Fell, a mid-eighteenth-century bookseller, went so far as to sign the following affidavit before the Lord Mayor:

I.F. of Pater-noster Row, London, bookseller, maketh oath, and saith, he will not at any time whatever, declare the name of any person or persons who shall send any papers for the Middlesex Journal, or any other periodical publication in which he shall be concerned, without the express consent and direction of the author of such paper, and that he will not make any discovery by which any of his authors or employers can be found out.... (qtd. in Hanson 51–52)

In erasing writers, booksellers often claimed magical or mysterious origins for their texts: one bookseller claimed when pressed that a "masked woman" had left libelous books in his shop (Hunt 54).⁶ While these claims may be seen as working in the best interest of writers by minimizing their importance in the discourse of regulation, they also constructed writers as legal non-entities. Thus, for much of the trade, and, indeed, in the many practices of the law, writers existed only in connection with and as an aspect of the larger print community.⁷

"A FOREIGN NAME TO OUR OWN LABOURS": SEDITION AND THE FEMININE IMPRINT

Since, in the day-to-day workings of the law, as we have seen, writers were only a fraction of the larger target of government regulation, other members of the print trade had to develop strategies through which to protect themselves from prosecution. They were united in despising informants, for example, and would refuse to work with anyone in the trade suspected of cooperating with the government. The usual course was to admit to nothing—though it was certainly best if one could avoid suspicion completely. Henry Fielding describes one way of doing so in *The Author's Farce*. Here, Bookweight the Bookseller proclaims that "the study of bookselling is as difficult as the law," since both require "many tricks." He notes, "sometimes we give a foreign name to our own labours, and sometimes we put our names to the labour of others. Then as the lawyers have John-a-Nokes and Tom-a-Stiles, so we have Messieurs More near St. Paul's, and Smith near the Royal Exchange" (222). Fielding's jibe at the masquerades of

booksellers purports to satirically reveal the truth about the trade but disguises a large and important part of it. True, using a name other than one's own in the imprint of controversial texts was, in actuality, an important tactic used by booksellers to escape government notice both before and after the lapse of the Licensing Act. This name, however, rarely belonged to a fictional or anonymous character like "John-a-Nokes," the eighteenth century's John Doe, and Fielding's examples of John, Tom, and "Messieurs More" are also misleading. In common practice, the name on potentially libelous literature was often the name of a woman.

In order to understand the role women played in bearing the burden of imprint for potentially seditious documents, it is necessary to review the structure and terminology of the trade in general during this period. For the most part, booksellers played the role we call "publisher" today: they were the chief organizers and financiers of projects, investing enough capital to pay writers, hire printers, and oversee distribution. They were, thus, through the ownership of copyright, the ones realizing any profits from their venture. The books, pamphlets, journals, or other printed objects that resulted from this process might be sold solely through the bookseller's own shop, or they might also appear in other bookstores. Only the largest cities, however, supported book stores that sold only books; it was also common to find music texts at a musical instrument maker's, naval books at a navigation supply shop, cookery books at a China shop, and a variety of texts at stationary shops and general stores in provincial towns. Distribution was a complex job, so, as Michael Treadwell details, successful booksellers usually delegated this task to those print workers called "trade publishers."⁸ This was true especially when the printed material was, like most potentially seditious works, of an ephemeral nature, the type that garnered high sales quickly but just as quickly became dated.

The trade publisher usually ran his or her own shop, located near Stationer's Hall at the center of the trade, but also worked closely with both mercuries, who set up small shops or stalls of pamphlets, newspapers, and a few quick-selling books in population centers such as the Royal Exchange and Temple Bar, and hawkers, who strolled the city crying their printed wares. The names of trade publishers and a few mercuries, while sometimes given on the title page with an accurate "sold by," also appeared in imprints under such misleading rubrics as "printed for" or "printed and sold by," as if they controlled the project. Despite such labeling, however, the textual property—the copyright—did not belong to the trade publisher. The fact that these distributors did not own what they put their names to was indeed enough of a defining feature of their role that a dictionary entry of 1740 states that and not much else: the publisher is "among the *Booksellers*, ... one that has his name put at the bottom of pamphlets, newspapers, &c. tho' the property is in another person, to whom he is accountable for the sale" (qtd. in Treadwell 100).

Of course, many people in the eighteenth century did not own property, but it is the *defining* characteristic of only a few, especially in an era that took pride in an ostensible social mobility. One group that fits this property-less categorization, however, is women.⁹ Given their alienated relationship to property in this period, it is perhaps not coincidence then that so many names in imprints belong to women, who constituted a substantial number of the few trade publishers and comprised the majority of mercuries and hawkers.¹⁰ As trade publishers, women worked alone or in conjunction with husbands, but even in the latter case their contributions were often public enough that wives' names appear in imprints along with or separately from husbands'. Treadwell's important recovery of the names and function of eighteenth-century publishers does not explicitly thematize gender, but his findings supply us with some useful figures. In 1700, publishers Richard and Abigail (also known as Anne) Baldwin appear in forty-five imprints; John Nutt, who was aided by his wife Elizabeth, who took over after his death, appears in forty-six.¹¹ No other publishers appear regularly at all that year.¹² By contrast, the name of a typical copyright-owning bookseller, Walter Kettlby, appears in only twenty-two. Out of the publishers Treadwell lists as active from 1714–1717, two out of five are women. Mary Cooper was perhaps the most prolific of all: in the early 1740s, she is named in two-thirds of all known publishers' imprints; after her husband's death in 1743, she sold more than one hundred titles a year. Unfortunately, C. J. Mitchell's otherwise wide-ranging survey of women in the book trades does not discuss trade publishers as such (he may include them with mercuries), and it is difficult to determine if his estimate that six to eleven percent of book trade businesses were owned by women includes this group. If his numbers are close to being accurate for the trade overall, it is clear from even these rough figures that publishing contained a higher percentage of women than was average for the print trade in general.¹³

Trade publishers also worked closely with the other women-centered occupations in the trade, supplying mercuries with materials, who in turn supplied hawkers, though both trade publishers and mercuries also sold directly to the public.¹⁴ Fewer figures are available for the mercuries as a group because they rarely appear in imprints, with the notable exceptions of Anne Dodd and Elizabeth Nutt, who appear frequently. An entry in Thomas Mortimer's *A new and complete dictionary of trade and commerce* (1766) notes of mercuries that "this business is principally carried on by women" (qtd. in Foxon 8); other contemporary sources call them, succinctly, "mercury-women." Indeed, being a mercury seems to have been considered "women's work" in the same way that so-called "pink collar" or service-sector jobs are today. Treadwell and others have noted the difficulty in distinguishing publishers from mercuries and admit there does seem to be little difference between them, but they do not seem to notice that the problematic cases concern mostly women. John Dunton, for example, in his 1705 *Life and Errors*, lists a Mrs. Baldwin—presumably the Abigail Baldwin I earlier

described as a prolific publisher—in a group of “Honest (Mercurial) Women” (236). It could be that women publishers were often called mercuries since the latter group was more popularly associated with women (like women doctors, until recently, were assumed to be nurses). Hawkers, occupying perhaps the lowliest echelon of the book trade, were also almost always women. Though hawkers do not appear in imprints at all, they did, as we shall see, bear responsibility for works in other ways.

The jobs of trade publisher, mercury, and hawker were, however, more than just *occupied* by women. I believe that this aspect of the print trade in general—the work of distribution—was indeed *gendered* “feminine,” marking even the men in these jobs as marginal and of low status. Treadwell, for example, concludes that “publishing seems to have been an appropriate occupation for a bankrupt bookseller ... or a poor widow” (102), that is, the economically disenfranchised and those with little social mobility. Feminizing features also include the fact that publishers, like mercuries and hawkers, required little immediate start-up capital and little if any formal or technical education. Their work did require a certain level of functional literacy and numeracy, but a bookseller might happily assume that the trade publisher or mercury he hired had only just enough reading ability to manage title pages and enough math skills to keep accounts. Trade publishers did not necessarily need to be able to read the books they put their name on, a point I will return to, and hawkers often signed only with a mark. Trade publishers, mercuries, and hawkers did not have to enter their field as apprentices, and they rarely took apprentices. This also feminized their positions at a time when the high-status jobs within the trade were still entered (although this was gradually beginning to change) through rigidly structured apprenticeship programs, which occasionally included girls (mostly from families in the trade), but were by and large dominated by boys—even the few female masters rarely took on girls. Furthermore, although there were exceptions like Mary Cooper, who became wealthy publishing popular titles, the jobs in the distribution end of the trade were also the least lucrative. Trade publishers and mercuries were perhaps most feminized, however, by the fact that, as I indicated earlier, they rarely owned what they labeled as theirs. This alone is what truly separates booksellers from publishers: both owned shops and sold books, and both were named in imprints, but only the former regularly owned and registered the copyrights to and thus realized the profits from the texts they imprinted.¹⁵ Very few women ever became copyrighting booksellers.

Thus, an ideological tautology structured these jobs. The reasons they are marked “feminine”—their low status, their alienation from property—are the same reasons that opened them to women; the fact that the jobs were filled with women, no matter how industrious or successful, insured that these jobs remained marginal. In a revealing anecdote, Dunton, himself frequently plagued by financial setbacks and the scorn of colleagues, mocks the pretensions of a

publisher who attempted to transcend his domain. He comments sarcastically that Richard Baldwin's "fame for Publishing spread so fast, he grew too *Big* to handle his *small Tools*. . . . [H]aving got Acquaintance with Persons of Quality he [took] a Shop in *Fleet-street*, but *Dick soaring out of his Element*, he had the Honour of being a Bookseller but Few Months" (259–260). The derision Dunton heaps on this effeminate man of "small tools," however, contrasts the approval he gives Baldwin's wife, a mercury or publisher herself, who fills her doubly—and properly—feminine role well as "HELP-MEET" (260) to her misguided husband.

To further understand the role of the feminization of this part of the trade, we must also understand how and when it developed and how it was used. The separate function of publishing seems to have emerged around 1680 when the increased printing of pamphlets following the Popish Plot and Exclusion Crisis converged with the first (temporary) lapsing of the Licensing Act in 1679. At this time, Treadwell believes, "while a growing number of . . . booksellers were as ready as ever to satisfy a hungry market with an unprecedented outpouring of political literature, they were less ready than ever before to put their names to what they issued" (130). In other words, publishers virtually were invented to take responsibility for the words a writer wrote, a printer printed, and a bookseller owned.

The Licensing Act lapsed for good in 1695. Pre-publication censorship, however, was replaced in the next few decades by a vigilant enforcement of the libel and sedition laws within common law, which were made even stronger in the eighteenth century: any criticism of the government (true or false) was considered libelous, and no mention was allowed to be made of Parliamentary proceedings or Members' names at all.¹⁶ The trade was further regulated by the Stamp Act of 1712, which required a name and address to appear on every printed newspaper or pamphlet and demanded that these texts be brought to the Stamp Office to be registered—a task that fell under the purview of the publisher.¹⁷ Throughout this period of stricter government control, booksellers hired publishers mostly to distribute controversial texts—not only did these, being topical, require the quick turnover that publishers, working with mercuries and hawkers, could supply, but they were dangerous to keep around one's shop or printing house.¹⁸ The popularity of these texts meant that it was a rare bookseller who would eschew the opportunity to profit from them. Those, however, who could afford to employ others to label the text as "theirs" and to sell it on their premises did so. The poorer members of the trade had no choice. They made their living by giving their names to texts no one else wished to officially own, claiming property that could never be theirs. Indeed, Johns notes that it was precisely the liminal status of mercuries that made them so useful: "mercuries could take peculiar advantage of their conventional invisibility amid patriarchal domains that in fact depended on them" (155). Despite this "invisibility," however, mercuries, along with trade publishers and hawkers, were arrested and brought to trial more

frequently than more privileged members of the trade. Not even a warrant was necessary to seize mercuries, who might be committed to Bridewell as vagrants for ten days on the order of a justice of peace (Hanson 50).

**“I NEITHER READ NOR UNDERSTAND”:
PERFORMING FEMININITY IN REGULATED PRINT**

When the government imposed strict, if indefinite, regulations on this burgeoning industry—indefinite because what was seditious was open, in many cases, to an interpretation made by an individual judge—the trade reacted by creating its own self-regulating mechanism to circumvent the law. In doing so, I maintain, they consequently borrowed from new notions of middle-class femininity circulating at the time— notions largely promulgated through print. This is not to say that (male) booksellers consciously created (female) publishers in order to subvert the law; rather, that, in reaction to changes within the law, power in the trade was redistributed along lines of gender already marked by the dominant culture.¹⁹ An examination of the uses of gender helps us understand a complicated trade practice: the feminizing of certain parts of the trade, which allows property in words to be divorced from the responsibility for them. Thus, the *gendered* response to censorship after the lapse of licensing strengthened the separation between the discourses of print regulation and of print property despite the concurrent development of intellectual property laws and the rhetoric of author’s rights.

I do not wish to argue that the dynamic of publishing was as simple as the higher status or “masculine” members of the trade scapegoating or taking advantage of marginalized “feminine” victims. To see Abigail Baldwin, Mary Copper, Anne Dodd, and Elizabeth Nutt along with their lesser-known female and feminized male colleagues as victims not only does them a grave disservice but is historically inaccurate.²⁰ Furthermore, an insistence on “victimization” vastly oversimplifies the workings of this ideology of gender, the complexity and apparent contradiction inherent in having women take political blame in the middle of a century that strove to depoliticize them, a century that spawned the middle-class project of making the feminine private and the masculine public. It is useful to remember, of course, that the public/private distinction often operated more in theory than in practice, despite the fact that the upper echelons of the business (perhaps represented emblematically by Samuel Richardson) were striving not only to be middle class but to create the middle class, both in their lives as industrious tradespeople and through the texts that they created and disseminated.²¹ The family-based businesses of the print trade certainly did not fit this rule, for the place of work was often also the family residence, and husbands, wives, children, and servant/employees worked side by side.²² We cannot, therefore, sepa-

rate eighteenth-century “family values” from “trade values.” The middle-class domestic woman of this period was charged with managing her husband’s private household, especially its spiritual, emotional, and ultimately textual domains. Likewise, publishers and mercuries, with imprints naming them as responsible agents, were put in the wifely role of managers of the public household of print—at a time when, as Johns says, the good name of a Stationer’s “home, as the archetypal site of morality and patriarchal authority, . . . guarantee[d] standards of reliability and sobriety in the exercise of [his] craft” (79). Despite their actual lack of political authority or, more accurately, because of it, the women (and the feminized men) of the trade were charged with supervising and being held accountable for the potentially unruly world of words.

Thus, a contradiction: the feminine role played by this part of the trade gave women responsibility as it simultaneously took it away. This paradox reveals an anomaly within middle class ideology, a gap where class (or trade) interests and gender interests converge. This blind spot allowed these women to be held accountable for the excesses of the trade precisely because they could not be understood, within the standard ideology of domestic femininity embraced by the middle class, as responsible public agents. That is, within the print trade, where propriety, as Johns points out, was crucial in maintaining the respectability and therefore the authority of the printed word, the femininity of the trade’s lower echelons worked metaphorically—and sometimes, as we will see, even legally—to erase the taint of sedition. It is precisely this peculiar positioning that these women could use to their advantage. Ann Dodd, for example, in a letter to the Duke of Newcastle written from prison, begs for clemency by stressing her downtrodden, feminine role. She writes on 26 May 1731:

I most humbly beg leave to trouble your grace with these few lines. I have been left an afflicted widow with a Large Young family some years, whose only support has been selling news papers; which, with as much pains as my own Ill State of Health would admit of, has by the Assistance of Heaven, just enabled me to Feed my Self and helpless Children. I need not Acquaint your Grace that this Business sometimes Compells me to sell Papers that give Offence, but I must beg Leave to Declare Sincerely ’tis Greatly Against my Inclination when they are so, and that what papers I sell in Just Praise of Our Happy Government far exceeds the Others in Numbers. Hard case! That I must either Offend where I am shure I would not, or else Starve my Poor Babes. I am to be Tried next Tuesday for selling a Craftsman, a paper that I neither Read nor Understand. I Beseech you let my Children plead with your Grace to put a stop to the proceedings.... Your Grace’s Known Character is, To Do Good, and to shew Mercy, and where can that goodness and that Mercy, be Better shewn, than by helping the Fatherless and Widow[ed.] [I]f I have offended, tis an

ignorant offence and [I know] the Distressed have always the surest Title to your Grace's Protection. (Qtd. in Hunt 57–58)

Of course, any prisoner writing to a social superior to beg for clemency might grovel, but I believe that Dodd's position as a woman allows her a certain freedom to exploit what were usually the constraints of femininity. She can tap into discourses of pathos and sentimentality, appearing helpless rather than actively evil, wronged rather than wronging. She represents herself primarily as a mother, not a worker, a nod to the ideology of middle-class feminine respectability. She stresses her position as a widow—not only a woman beset by financial difficulties but a woman with no husband to guide her and supervise the family's political role. The paper she sold, she explains, she “neither read[s] nor understand[s],” suggesting not only her appropriate ignorance of politics but her perhaps understandable lack of reading comprehension skills in general. Paula McDowell argues that working women were distanced from the norms of middle-class femininity, identifying more with fellow workers than with an all-encompassing “category of ‘women’”(18). While I believe that is likely, I think McDowell underestimates the extent to which women in these situations *performed* gender, manipulating the dominant culture's expectations of gendered behavior. It has always been in the interest of those occupying the lower rungs of social hierarchies to know exactly what the hegemonic values are and often to adopt their form, even if they don't subscribe to them internally.²³ In the case of these workers, their jobs required them to be crafty—that is, to craft a persona that could protect their livelihoods and save their lives. It is not clear whether the Duke of Newcastle found Dodd's performance believable—the script of gender does not always follow logically to its obvious conclusion—but by the next year she was back at work selling controversial tracts once more.

Dodd's strategy was not unique. Women skilled enough to run successful businesses became amazingly incompetent upon questioning. Catherine Nutt admitted to selling the *Daily Press* but “could not be certain” that she had sold the issue in question (Feather, “Censorship” 186). Jane Curtis pleaded in court, in reference to her alleged selling of a libelous pamphlet, that “I was ignorant in the matter, and knew no such thing, my Lord, my Husband ... was in the Country a hundred miles off of me” (Bell, “Women and the Opposition” 40). Elizabeth Calvert claimed in a petition for release from prison that she did “not know ... the cause of her commitment” and begged mercy for her children and her own ill health. She even justifies her destruction of damning evidence by implying she acted only in accordance with the feminine virtues of obedience, thrift, and ignorance of the workings of the Law:

when my husband was in prison And had there Continued about a week
he Gave me order to Gett up all the sheets of wast what ever together

which Mr. Lay Strange had taken part of And Safely Secure them and Carry them into his Honor if Required In obedience to wch I presently went home And did as Commanded ... wch not being demanded I sold for Wast Paper....

She concludes by asking the court officers “to pity my Condition as a woman” (Bell, “Calvert” 18).

Calvert’s letter, Bell notes, is also representative of a number of testimonies that refer to an absent husband. A widow like Dodd might exploit the pathos of her situation, but legally she was responsible for her own actions. A married woman, however, was expected to obey her husband’s orders, as Calvert stresses she was doing. Bell explains that the legal principle of coverture “protected a wife even when her husband was absent.... In most cases under criminal law the wife was understood to be acting under the command of her husband and could not therefore be prosecuted” (“Calvert” 31). In other words, a married woman could not legally be a criminal. Ignorance was not the only “guarantee” of innocence, however. These women had recourse as well to the binary ideology of natural feminine virtue: if they were not sexually voracious slatterns—and their rhetoric emphasizing their willingness to meekly obey their husbands must have countered this because such a construction is never suggested—they must be, by default, morally upright. If they refused to speak in court, they were only following their culture’s dictates against women’s public speech. Government officials were so frustrated that they occasionally invented evidence that a woman’s husband was dead so that they could try her as an independent legal agent.

It is important to remember, however, that many women did get punished, for the Law can choose to ignore its own contradictions or cast women departing from the norms of femininity as monsters who must be disciplined back into their proper roles. When this happened, these women, like most of the men in the trade, usually chose to accept punishment—often brief imprisonment—rather than turn in their suppliers. If they had revealed their sources, they would be banished from the trade forever, which meant, of course, an end to their livelihood. The few men who did turn in printers, booksellers, or authors had to be given other jobs—usually fairly menial—by the government. The government may have been less willing to do this for women, or there may have been fewer jobs suitable for women within the government bureaucracy. In any case, when we look at women’s resistance to government pressure, I think we should avoid the temptation to turn them into pure political subversives critiquing a repressive government. While we can still admire their courage and determination, I believe we should understand that much of what they did they did because of cultural convention—this was the role most commonly relegated to women in the print trade. At the bottom of the hierarchy, economically as well as sexually, they had little choice. They could flourish in their positions because their trade’s structure

intersected with the demands of middle-class femininity. They may not have chosen to adopt the “feminine” identity as their own, but they could slip it on when circumstances made it necessary.

In the latter half of the century, publishers begin to disappear as their function became less important to a trade printing in a more politically stable environment. At the same time, though, the number of women in every aspect of the print trade was dwindling (Mitchell 31). This reflects, of course, what was happening in many trades by mid-century: professionalization and acceptance as a respectable, middle-class trade meant the sacrifice of women’s careers. In the print trade specifically, however, I believe that the use of the ideology of domestic femininity made the gap between the theory and reality of women’s lives too obvious. Women frequently imprisoned for selling controversial literature challenge too profoundly the feminine discourses they had used to their advantage.

AUTHORIZED VIRTUE: WOMEN WRITERS IN PRINT

Although we cannot celebrate the fact that women publishers and mercuries could be incarcerated for activities in which they may have been economically pressured to participate, we can also see that their role could be empowering. At the most practical level, their businesses benefited from the free advertising; as I noted earlier, a publisher harassed by the law could count on increased revenues as buyers rushed to discover what was so upsetting the government. More importantly, however, these women were positioned, even if only in a fictional ruse, as textual agents with the authority and responsibility for the safe circulation of the printed word. With only their names on the imprint, they literally embossed the text with their presence, announcing themselves—and, by extension, potentially all women—as active producers in an important trade. Indeed, their role as producers would have long-lasting effects for, as their presence and utility in the construction and circulation of texts waned, another group of women rose to replace them: women writers. In this final section I hope to show how censorship worked to produce the authorized feminine story—a modest, regulated print product.

Jane Spencer, Cheryl Turner, and Janet Todd, among others, have theorized that cultural attitudes regarding women as morally superior allowed women writers to become immensely popular in the second half of the century. The novel as a particularly feminine form of writing was so established by mid-century that the anonymous signature “by a Lady” was often almost enough to secure a book a place in this expanding market niche. Even men disguised themselves as such to garner better sales (Turner 95). The eighteenth-century feminization of discourse meant that “a woman writer was expected not simply to express her sex, but also call attention to her femininity, her delicacy and sensitivity” (Todd 126).

Indeed, most rhapsodies in the popular press celebrated women's chastity and modesty, "conflating ... literary & feminine virtues" (Spencer 77).

In women's literary history, however, there is still a gap in our understanding of why virtuous femininity necessarily became a written and published femininity. This gap is worrisome in that it seems to imply that women possessed some natural inner need to write, a need that expressed itself through publication of the implicitly moral form of the novel.²⁴ The urge to write and publish thus may seem to be outside the other ideologies that constructed women's behavior.²⁵ Looking at women's fiction as part of a larger print market and at women writers as part of a larger group of print workers, however, allows female textuality to be seen in the context of a very specific political and economic environment.

Catherine Gallagher's study of women writers' empowerment in a culture of feminized discourse is notable in that she does examine some broader legal considerations, focusing specifically on proprietary authorship and women writers' feelings of dispossession. The Statute of Anne, she explains, "initiated the idea that texts, as opposed to manuscripts, were exchangeable commodities belonging ultimately to their authors by virtue of being 'the product of their learning and labour'" (156). She further argues that this seemingly "natural" ownership privileged novels in particular, "for if the story itself and the vehicle of its language, if both 'idea' and 'expression' were invented, authorship became uncontested" (159). Since, in Gallagher's view, fiction writers were the inherent owners of property that was purely intellectual and therefore solely theirs, they resented their copyrights' being sold to booksellers. This resentment, she claims, became in itself a condition of authorship. In this dynamic, women writers, especially married women writers (though single women were always potentially married women), could flourish. Because they could never legally own their property in the first place, they were doubly dispossessed—and so were the ultimate authors.

As compelling and neatly argued as it is, however, Gallagher's account of women's authorship presents an incomplete picture, downplaying, despite her use of the Act of Anne, the day-to-day dynamics of the entire literary marketplace of the early to mid-eighteenth century and the writer's place within it. For example, her theory relies on the commonplace notion of the text as intangible, the belief that:

the text's "materiality" ... is only tenuously connected to its value, either its exchange value qua text (an entity different from a book, which is only an instance of a text) or its more elusive "literary" value. If we speak of the "use value" of a text, moreover, we certainly cannot equate that with the paper, print, binding, and so forth, that make up the books. (xxiii)

We have seen, in fact, that producers of "the paper, print, binding, and so forth," were indeed held by the culture as responsible contributors *alongside* writers—

and that the legal realm, despite the increasing weight given to notions of intangible intellectual property, still focused on the concrete aspects of print culture. My focus on the regulatory discourse of textual production that privileged the *material* print commodity and *all* its producers shows, I believe, that a simplistic understanding of proprietorship as the sole discourse of authorship in this period is at best anachronistic. Before the institutionalization of the intellectual property regime in late eighteenth-century courts of law and aesthetic discourses, other ways of understanding the writer's place circulated in the public imagination. In fact, even the Act of Anne, used by Gallagher to anchor her notion of immateriality, was supported by Stationers because it worked in the interest of their own trade—the ability of writers to support themselves financially was not their most important consideration. Similarly, when Parliament responded by reducing the terms of protection suggested by the trade, they did so not to protect writers from Stationers' appropriating their rights but to encourage economic growth by limiting trade monopolies. The resulting 1710 Act of Anne granted rights to copy—in the most literal sense of the word—to an author *or his assignee* for a period of fourteen years. Of course, in order to get published, most writers had to sell this right to those undertaking the capital risk of printing and disseminating. Therefore, “the leading booksellers who owned copies or shares in them continued to operate after 10 April 1710 in much the same way they had before that date” (Feather, “Publishers and Pirates” 5).

Gallagher's theory is helpful, however, in that it calls attention to the specifically non-proprietary nature of female authorship. Like their counterparts in the print trade, women writers rarely owned copyright—it was denied to both groups by the laws concerning their sex and by the conventions of their shared trade. It is a mistake, though, to assume that proprietorship was the only influence on feminine authorship—other forms of regulation also had strong effects. If we are to see writers, as many of their contemporaries did, as merely a part of a larger print market, we can also understand how changes in the trade itself produced new forms of writing. As licensing lost efficacy and eventually officially lapsed, mercuries and publishers rose to become the new agents of textual responsibility. I believe it was the precedent set by the women workers of the print trade that allowed women writers to become agents of moral authority, the virtuous wives in the house of fiction.

I have noted that women writers seemed to increase in number at the same time the number of women in other areas of the trade declined. Even though mercuries were sometimes able to use the norms of a virtuous, passive femininity to shield themselves from criminal litigation, the type of texts they were associated with (ballads, political tracts, scandalous and anonymous literary texts), combined with their frequent brushes with the law, ultimately may have tainted their reputations. Also, as domestic femininity consolidated itself as a primarily (upper) middle-class characteristic (a development Armstrong traces) based on women's

role as primarily household supervisors, the ideology may no longer have had the flexibility to include women whose work deconstructed binaries of both public/private and virtuous/monstrous. As these women were evacuated from the scene of middle-class femininity, though, what lingered was a sense of a feminine responsibility for the “virtuous” (i.e., regulated, contained) circulation of texts. The balancing act of female and feminized publishers and mercuries—working outside the home as independent business women yet claiming to possess a prototypically feminine ignorance of their own activities—perhaps allowed women writers also to bridge the gap between private sentiments and their public distribution. Janet Todd’s description of the mid-century woman writer could also apply to the mercury, with only the minor distinctions that I have added: “she had to be virtuous and domestic, writing [selling] either from financial necessity, unsupported by the proper guardians of femininity such as husband or father, or from a desire to teach [regulate] virtue...” (126).

Even the woman author’s justifications of her writing—celebrated writers often claimed errant or absent husbands, had imaginably starving children, but were nonetheless always models of propriety—mirror those used by mercuries in their legal battles in court. And, as they usually worked for the mercury, so too were the writer’s reasons for publishing acceptable in the court of public opinion. By 1773 the *Monthly Review* could claim of novel writing that “this branch of the literary *trade* appears now, to be almost entirely engrossed by the Ladies” (qtd. in Turner 31).

I have shown that the regulation of the press connected writers to other members of the broader trade. By looking at women writers as part of a larger group of specifically female print workers, we may begin to understand why they were authorized to write at all. For several decades before the mid-century moral woman set pen to paper, virtuous femininity had been an integral part of the print trade. We should remember, however, that, while an ideological door opened for one group of women, it closed for another. When we celebrate the rise of the woman author in the eighteenth century, we also need to credit her lower-class, usually invisible, predecessors.

Wayne State University

NOTES

¹ On the French trade, see Carla Hesse, who claims that “the first revolutionary effort to give legal recognition to the author’s claim on the text, then, was *not* a grant of freedom to the author, but the imposition of accountability and responsibility. Politically, it formed part of a conservative pro-order move, a police measure” (120).

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² Exceptions to this include Martha Woodmansee, whose early groundbreaking work investigates the relationship between eighteenth-century notions of genius and laws of copyright, and Mark Rose, who details the politics of proprietary authorship in the eighteenth-century English courts.

³ Foucault bases his speculations on rather vague evidence of the historic mutability of the author-function and generalizations about the varying cultural role of texts; he means his essay to be suggestive of future directions in research. This essay follows up in one possible direction.

⁴ Censorship in England is discussed in detail by Alan Downie; John Feather in "Censorship" and *Publishing History*; Laurence Hanson; and Frederick Siebert, especially 237–324.

⁵ For details on the changing concepts of intellectual property in this period, see Feather, *A History of British Publishing*, and Rose 12–65.

⁶ Similarly, a publisher testified in 1714 that:

it is a very usual thing for persons to leave books & papers at his house and at the houses of other publishers, and a long time after to call for the value thereof, without making themselves known to the said publishers, and if the Government makes enquiry concerning the authors of any books or papers so left, in order to bring them to punishment, it often happens that nobody comes to make any demand for the value of the said books. (Qtd. in Treadwell 125)

⁷ Similarly, Adrian Johns focuses on the importance of seventeenth-century printers and booksellers who worked in conjunction with science writers to disseminate authoritative and reliable knowledge. Johns notes that often "the would-be author was not necessarily dominant when knocking at the door of a printing house" (102) and that "revealing the processes by which a book had been constructed inevitably cast some doubt on the supremacy in that process of the proclaimed 'author'" (126).

⁸ Some sources do refer to them as just "publishers," though the role should not be confused with the function we call publishing today. Their job can be more aptly described as distributing or retailing.

⁹ Single women and, in some rare cases, married women could and sometimes did own property, but this was not standard. However, a London custom from the Middle Ages let women trade as individuals, converting the wife of a freeman "from the servile status of *feme covert* into '*feme sole merchant*' with the legal rights of an independent trader" (Earle 160). McDowell details the position of the *feme sole* in the book trade (42–43).

¹⁰ Paula McDowell's groundbreaking work details the political role of women in the print trades (see esp. 33–62), as do case studies by Maureen Bell on women in the opposition press. C. J. Mitchell provides an early summary of women's contributions. For overviews of women workers in general during the seventeenth and eighteenth centuries, see Alice Clark, Ivy Pinchbeck, and Maxine Berg 136–169.

¹¹ For more on the careers of the Baldwins, see Leona Rostenberg; for the Nutt family's involvement in the trade, see John Horden.

¹² Treadwell defines "regularly" as appearing in at least twenty imprints during a year; the regularity of appearance in imprints is one way he determines a roster of publishers in this period. See esp. 105.

¹³ Mitchell admits to several problems with his numbers: women existing in the lowest rungs of the trade hierarchy are rarely recorded; some women used their husbands' or fathers' names; others go by their non-gendered initials. Furthermore, his percentage refers only to owners of businesses, not all workers. In family-run businesses (as most were), male ownership would obscure female participation, which might be close to fifty percent.

¹⁴ Treadwell believes that publishers developed out of binders, many of whom were traditionally women. See 130–131.

¹⁵ Mitchell puzzles over the reasons why women made up such a small proportion of booksellers since "the hurdles seem less demanding than the specialized skills required of printers, engravers, and binders" (36). He notes that wholesale work in particular was so unspecialized that Joseph Collyer, in his *The Parent's and Guardian's Directory, and the Youth's Guide in the Choice of a Profession or Trade* (1761), warns away apprentices, who, he says, "will learn nothing but the manner of picking up parcels, and the titles of those books for which there is the greatest demand" (36). This is corroborated by *The London Tradesman* (1747), which claims of shopkeepers that "but a moderate share of

wit serves their turn in general" (qtd. in Earle 98). Since the job was not too physically demanding for women, we must assume that other social conventions kept them from entering.

¹⁶ Frederick Siebert notes that "no single method of restricting the press was as effective as the law of seditious libel as it was developed by the common-law courts of the late seventeenth century" (296). Even though Feather grants that censorship "was neither universal nor oppressive" ("Censorship" 180), affecting only about one percent of published texts, he also acknowledges that the threat of prosecution did stifle the production of potentially libelous material.

¹⁷ Historians are divided as to whether the Stamp Act indeed constituted a form of indirect censorship or merely the government's capitulation to and economic exploitation of the press's popularity. See Alan Downie and cf. Siebert 305–318. For my purposes, the government's intentions do not matter: the fact that each newspaper had to be imprinted made it easy for the law to trace it at least as far as its publisher or mercury.

¹⁸ John Feather claims, for example, that the ballad was one of the most important forms of Jacobite propaganda. Sold by hawkers and mercuries, it represented "the cheapest, quickest, and most effective way of reaching a mass urban audience" ("Censorship" 177).

¹⁹ My understanding of gender relies in large part on the work of Joan Scott, who sees gender as "a primary field within which or by means of which power is articulated" (95), which "provides a way to decode meaning and to understand the complex connections among various forms of human interaction" (96). We thus can see gender as structuring relationships usually seen as outside the purview of sexuality. I am also indebted to Judith Butler's theory of gender as performance.

²⁰ McDowell, Hunt, and Bell, for example, all celebrate the many dedicated political activists working in the trade.

²¹ Discussing eighteenth-century class divisions at all is problematic, and no one, as far as I know, has taken up the issue in publishing history (until recently, this field has shown little interest in the broader theoretical concerns of social history). Most of the terms used to describe class structure refer to agrarian life, the miserable poor, or "mechanick" workers (see Landry 9); little work has been done on what might be called the "service class," on the border between the middle and lower classes. Incomes varied widely within the print trade (and even within individual occupations) at a time when, E. P. Thompson reports, money often meant more than other class markers (see 138–140). Even among publishers and mercuries, some may have had the ability to hire one or more servants, employees, or workers who served as both, another badge of middle-class affiliation (Earle 4), while others merely relied on family members. Similarly, some publishers like Mary Cooper were able to use their money for the middle-class strategy of "accumulation and improvement" (Earle 4–5), while others lived hand-to-mouth. Education levels also meant little, as did the type of work. Peter Earle notes that, among the lower middle-class, within which he includes small shopkeepers, "incomes were often lower than those of many 'mechanicks' and this fact seems to emphasize the problem of treating the 'mechanick part of mankind' as a unitary group.... The independent artisan who owned a workshop had most of the attributes of the middle class even if he did work with his hands" (329). Despite these discrepancies, Thompson notes that "many urban artisans evinced the 'vertical' consciousness of the 'the trade' (rather than the 'horizontal' consciousness of a 'mature' industrial working class)" (148). Thus, social and cultural affiliation would have meant more than income. More work on the rhetorical construction of "class" needs to be done, however, before the socio-economic class dynamics of the print trade can be fully assessed.

²² See McDowell 33–42. Earle claims this was true of most small businesses of the period (112). Johns notes, however, that, in the seventeenth century, despite the link between family life and trade, the public work/private dwelling distinction was kept rigid since "privacy" connoted "illicit, secret or seditious" (128). This early modern concept of privacy, I believe, was transformed by the new ideology of respectable domestic (private) femininity. For more on how the rhetoric of the patriarchal family structured the trade, see also Johns 76–79.

²³ McDowell does in fact describe Elinor James, a seventeenth-century printer, as seeing "sexual ideology [as] ... a weapon that she could not simply disregard" (212).

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²¹ McDowell is notable for looking at other forces exerting pressure on women to write. Discussing women who were Quakers or members of other radical sects, she argues that, "At a time when women's virtues were increasingly understood to 'open fairest in the shade,' a profound sense of religious calling made public expression, both oral and printed, appear a 'duty' to women of diverse ideological allegiances and socioeconomic backgrounds" (122).

²² Nancy Armstrong supplies a partial corrective to this by revealing the ways in which desire for a specifically feminine "individual" who controlled a text-based realm of morality was shaped by and through domestic fiction as a form of middle-class power consolidation. Besides her use of parafictional material such as conduct books, however, she only marshals as evidence a set of canonical novels that she admits were conceived of as such in the nineteenth century. She does not address these books as anything but *textual* agents, ignoring the various discourses of authorship that may have enabled their creation and circulation and avoiding any discussion of them as concrete print commodities.

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