BODY/LAND: NOTES ON THE STATE OF VIRGINIA AND THE RHETORIC OF POSSESSION

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… any narrative is primarily the allegory of its own reading.  
– Paul de Man

Abstract

Thomas Jefferson’s Notes on the State of Virginia (1787) is a work of both geography and political philosophy. It provided Jefferson a material base for political organization: a uniquely American geography for a uniquely American form of government. But a careful reading of Notes uncovers how the rhetorical strategies Jefferson used to describe Virginia ended up shaping policies that dictated who could and could not possess its land. For a number of reasons, bodies and landscapes became inextricably linked, usually resulting in the exclusion of Native Americans and other minorities. Following Richard Rorty’s claim that intellectual history can be viewed as the history of metaphor, this essay argues that the legacy of Jefferson’s seemingly innocuous metaphors deserves closer attention. It offers a more critical account of how landscapes are read, literally and figuratively, as texts. These patterns of reading in turn inform how the landscape is written, surveyed, organized, and possessed – and by whom. The aim of this essay is to demonstrate how reading, writing, and mapping were intimately bound together in the political relation between text and territory.

Introduction

1781 was a rough year for Thomas Jefferson. The British invasion of Virginia in May scattered the General Assembly from Charlottesville and sent Jefferson to his country retreat in Poplar Forest. Soon afterward, the panicked House of Delegates launched a formal investigation into his conduct as governor that implicitly blamed him for the collapse.\(^1\) Virginia’s lack of military preparation, a state-wide crop failure, high inflation, and secessionist rumblings in the Kentucky Territory had left Jefferson with all the problems of state governor and little of the executive power necessary to deal with them. His five-month old daughter Lucy Elizabeth died in April, his wife Martha’s health was deteriorating, and his beloved Monticello was captured and partially destroyed. Exhausted and disillusioned with political life, Thomas Jefferson began writing Notes on the State of Virginia during the waning months of the summer. In more ways than one, Notes was an attempt to “reorder and to control the chaos around him” (Ferguson “Obligation” 387).

Composed amid Revolutionary turmoil, Notes on the State of Virginia emblematizes many of the tensions felt by American writers of the period. In particular, the desire to represent and therefore control America’s wild, unmapped territories attuned writers like Jefferson to the ways in which texts structure the political imagination. They offer communal geographies. They implicitly ask: what does it mean to write a nation? If, as legal geographer David Delaney suggests, “social order is unintelligible without reference (if only tacit) to how it is territorially expressed” (10), then the geographic text – whether a

\(^1\) The accusatory “Resolution of the House of Delegates, June 12, 1781” was followed six months later by an absolution: “Resolution of Thanks to Jefferson by the Virginia General Assembly, December 12, 1781.” See Papers VI: 88, 135-6. See also Ferguson, 386-89, and Malone, 327-69.
Notes on the State of Virginia was originally a response to a chain of questions (or “Queries”) from the secretary of the French legation in Philadelphia, François Barbé-Marbois, about the geopolitical status of Virginia. But over the seven years of its revision, Notes evolved into a much more complex document. By the time it was published in Philadelphia in 1788, it revealed a set of conflicting impulses that characterized eighteenth-century American outlooks on space, geography, and law. Notes exemplified the series of practices by which space was registered, understood, and mapped by the early American state. As a work of narrative geography, it provided Jefferson a material base for political organization: a uniquely American geography for a uniquely American form of government. But a careful reading of Notes uncovers how the rhetorical strategies Jefferson used to describe Virginia ended up shaping policies that dictated who could and could not possess its land. For a number of reasons, bodies and landscapes became inextricably linked, usually resulting in the exclusion of Native Americans and other minorities. Although Jefferson was deeply committed to a decentralized agrarian democracy, the logic that guided his rhetorical techniques sometimes undermined that vision. Following Richard Rorty’s claim that intellectual history can be “viewed as the history of metaphor” (16), I argue that the legacy of Jefferson’s seemingly innocuous metaphors deserves closer attention.

In the following essay, I track Jefferson’s reading practices – the interlocking and sometimes contradictory ways he reads the landscape and the bodies that inhabit it – to show how they are visible in a variety of other texts in early America, from the Land Ordinance of 1785 to survey reports in the 1850s. By invoking the term “reading practices” in the context of political geography, I want to offer a more critical account of how landscapes are read, literally and figuratively, as texts. These patterns of reading in turn inform how the landscape is written, surveyed, organized, and possessed – and by whom. Close attention to the act of reading, at first transparent and innocent, exposes certain rhetorical strategies that begin to structure more overtly political claims, social policies, and ultimately laws themselves. I am not arguing that these reading practices originate in Thomas Jefferson, per se. Rather, Notes on the State of Virginia is an index of reading practices, often related to Enlightenment discourses of natural history, that appear in a host of related documents in the late eighteenth- and early-nineteenth centuries. Jefferson is simply the most prominent geographer-statesman; he drafted the nation’s first land law, wrangled the 1803 Louisiana Purchase, and sent Lewis and Clark across the Rocky Mountains. Notes shows Jefferson reading.

Because early American readers shared a common geographic literacy that shaped how they approached and read texts of the period, Notes on the State of Virginia spoke to them in a familiar spatial idiom. It outlined a political framework using narrative geography as its foundation. Yet this framework also supported – and in a limited sense, justified – a legacy of Native American dispossession. Over the next three sections, I interrogate this framework by examining the narrative and rhetorical strategies that bound geography to politics. In first and second section, I analyze Jefferson’s comments on the body of the Native American to trace their relationship to state surveying practices and the emergence of property and land legislation in early America. I conclude, in the third section, with a consideration of Notes as a technical and bureaucratic document, with special focus on how the administrative document shaped social and legal attitudes toward the land in the mid-nineteenth century. The aim of this essay is to demonstrate how reading, writing, and mapping were intimately bound together in the political relation between text and territory. All three helped stabilize the American landscape for political purposes. In this respect, I hope to contribute to a broader understanding of American history as a series of narratives guided by a particularly spatial vocabulary.

Farm and Forest

Query VI, the longest in Notes on the State of Virginia, is an inventory of “Productions Mineral, Vegetable and Animal.” Responding to Barbé-Marbois’ original question regarding Virginia’s “mines and other subterraneous riches; its trees, plants, fruits, &c.” (56), Jefferson organizes a vast amount of geological and biological information into narratives and taxonomic tables. More evocative than
Jefferson’s survey of the economic potential of the landscape, however, is the complex portrait of the Native American he presents alongside it. Jefferson projects “geometric and artistic unity over the otherwise formless wilderness of western Virginia” (Ferguson 389) by composing a taxonomic survey that incorporates Virginia’s Native American bodies alongside its geological and geographical “bodies.” By linking the minority body with “Productions Mineral, Vegetable and Animal” – as commensurate “productions” of the landscape – Jefferson follows Enlightenment thinkers like Bacon, Newton, and Locke “whose empiricism, in consequence, assumed that facts properly collected would inevitably lead through inductive reasoning toward unified theory and larger vision” (385). Comparing Query VI to relevant passages on manufacturing (Query XI) and laws (Query XIV), I argue that Jefferson’s reading practices – structured by a metonymic link between physical and conceptual bodies – enable him to stabilize the space of the American wilderness. He is able to induce a unified vision of American geography and use that vision as a strategy for political organization.

I use the phrase “metonymic link” purposefully here, and it deserves some defining. The term “metonymy” generally refers to the substitution of one word for another based on some material, causal, or conceptual relation (Princeton Encyclopedia of Poetry and Poetics). Literally “beyond-name,” metonymy is the attempt to describe that which evades categorical identification. The process of making a metonymic substitution is remarkable because it outlines the patterns of thought that guide abstraction in a particular linguistic form. Roman Jakobson, among others, has suggested that metonymic substitution is based on an understood though perhaps indirect association. Metaphoric substitution, on the other hand, is based on a specific similarity that links the two terms. Metaphor is selective. It transfers a specific set of meanings from a word or phrase to another domain, another context where it evokes new meanings. Metonymy works by contiguity. It calls upon an assortment of associations, sometimes only vaguely related to the given term and often by mere proximity. For example, “the crown” is metonymically related to the king who wears it. The real value of metonymy is that it shows us a foundational, linguistic process that drives abstract reasoning. Over time, this linguistic process can harden into a durable concept easily recognized in idiomatic speech.

Throughout Notes on the State of Virginia, Jefferson relies on a certain form of metonymic logic in which a physical body is linked to a conceptual one. For example, when he valorizes the small farm and denigrates the city, he uses a bodily metaphor: “The mobs of great cities add just so much to the support of pure government, as sores do to the strength of the human body” (217). This metaphor sets up a metonymic relation between the farmer – or “husbandman” – and the body of the state:

… the proportion which the aggregate of the other classes of citizens bears in any state to that of its husbandmen, is the proportion of its unsound to its healthy parts, and is a good-enough barometer whereby to measure its degree of corruption (217).

The translation of the husbandman’s physical body into a “healthy part” of the body of the state is more than a rhetorical flourish. It suggests that, for Jefferson, finding commensurability between material and immaterial creates political capital. In Residues of Justice: Literature, Law, Philosophy (1994), Wai Chee Dimock contends that in the eighteenth-century, equating “selves” with “heads” made the bodily subject

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2 The word itself, from the classical Latin metonymia or its etymon μετόνομια in Hellenistic Greek, means “change of name” (Oxford English Dictionary). It joins meta, “after, beyond,” and onyma or ὄνομα: “name.”
3 Like metaphor – from the Latin metaphor, literally “after carrying” (in the sense of “bearing”), and the Greek μετάφερειν, “to transfer” – metonymy is a first linguistic step toward abstract thinking. It attempts to name a phenomenal experience that defies existing linguistic markers.
5 See Nietzsche’s famous analysis of language in “On Truth and Lie in an Extra Moral Sense” (1873). Nietzsche argues that “truth” may be merely “a mobile army of metaphors, metonymies, anthropomorphisms: in short a sum of human relations which became poetically and rhetorically intensified, metamorphosed, adorned, and after long usage seem to a notion fixed, canonic, and binding: truths are illusions of which one has forgotten that they are illusions; worn-out metaphors which have become powerless to affect the senses; coins which have their obverse effaced and now are no longer of account as coins but merely as metal” (2).
“a founding unit, an empirical whole, integral not only in physical space but also in the nonphysical space of a polity, an economy, and a morality” (61). She continues:

…since the relation between the material and the immaterial is now one of explanatory adequation (rather than, as previously, one of enigmatic apposition), it is the bodily subject that must now stand as the ground of generalizations, the ground out of which bodily shapes can be derived for otherwise nonphysical bodies: “bodies” such as society, or such as class (69).

These metonymic links enable Jefferson to equate Virginia’s farmers with the health of the state. They are “barometers whereby to measure its degree of corruption.” But such metonymic logic also requires him to juxtapose the husbandman with the non-husbandman, the farm with the wildernesses around it. As such, Jefferson’s reading practices often reduce Native Americans – who do not or cannot farm according to Western ideals – to the material landscape.

In particular, Jefferson writes about the landscape of Virginia with special attention to the female Native American body. He is interested in the supposed inability of Native American women in the “forests” to “multiply” when compared to white women on the “farm:”

No wonder then if they multiply less than we do. Where food is regularly supplied, a single farm will shew more of cattle, than a whole country of forests can of buffaloes. The same Indian women, when married to white traders, who feed them and their children plentifully and regularly, who exempt them from excessive drudgery, who keep them stationary and unexposed to accident, produce and raise as many children as the white women. Instances are known, under these circumstances, of their rearing a dozen children… (96).

It is important to note that this passage is part of Jefferson’s critique of prevailing European narratives of natural history. Certain natural historians in the eighteenth-century hypothesized that America’s domestic animals were smaller, weaker, and less virile than their Eurasian counterparts due to the density and even odor of American forests. These claims, especially in the work of naturalist Georges Louis Leclerc, Comte de Buffon (whose Histoire naturelle, générale et particulière [1749–1788] Jefferson criticizes often), allowed historians made wild inferences about American zoology and, ultimately, racial categories. But Jefferson’s empirical evidence of American zoology, drawn from a variety of primary and secondary sources, counters this narrative and interrogates the conceptual leap between animal and Native American. Jefferson harshly rejects Buffon’s claim that “the savage is feeble” and that “between family and family there is no tie at all; hence they have no communication, no commonwealth, no state of society” (XVII 146). Jefferson argues that this “afflicting picture” is “just as true as the fables of Aesop” (94) and that the causes of racial difference “are to be found, not in a difference of nature, but of circumstance” (97).

However, in this passage, despite his explicit rejection of Buffon’s “feeble savage” rhetoric, Jefferson implicitly maintains the metonymic link between the untamed “forest” and the Native body. He does so by contrasting the fertility of Native and white women. Obliquely referencing Genesis 1:22 – “And God blessed them, saying, Be fruitful, and multiply, and fill the waters in the seas, and let fowl multiply in the earth” – Jefferson implies that fertility is associated with living “stationary” on the land. The word “multiply” acts as a wedge between the fertile, Christian-American “we” and the barren, non-Christian “they.” The word “multiply” is amplified by the word “produce” to affirm a mathematical and economic model of reproduction. The stationary “single farm” that raises cattle, juxtaposed with the Native-filled “forests” that harbor roaming buffalo, establishes a hierarchical model of economic relations.

On the surface, Jefferson is merely articulating the belief held by many Americans in the eighteenth century that the young Republic was a nation of family farmers. When J. Hector St. John de Crèvecoeur asks, “Who is this American, this new man?” (11) in Letters from an American Farmer (1782), he

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6 From the King James Version of the Bible, the version familiar to Jefferson and most Americans in the eighteenth century.
answers simply: “We are a race of cultivators… I am but a feller of trees, a cultivator of lands… We are all tillers of the earth, from Nova Scotia to West Florida,” and “each person works for himself” (43, 212, 67). Yet Jefferson’s claim that marriage to “white traders” would keep Indian women “stationary and unexposed to accident” and thus able to “produce and raise as many children as white women” implies more than an ideological belief in a stable agrarian citizenry.

The suggestion that the Native body, like the land, was to be kept “stationary” is an attempt to stabilize not only the terms by which whites recognized the Native body but also the terms of property possession by which the American legal system recognized land tenure. The nomadic social patterns of Native peoples that kept them mobile and “exposed to accident” do not register in the Western spatial possession by which the American legal system recognized land tenure. The nomadic social patterns of America West promise (real and imagined) for social mobility and increased access to unprecedented wealth. For most early Americans, land was a space to be worked and cultivated. This understanding of the land-body-work relationship is in no way intrinsically negative; it offered the promise (real and imagined) for social mobility and increased access to unprecedented wealth. However, when taken in context with the actual distribution of land for the small family farmer and the legacy of dispossession toward Native Americans, the romanticism of a stationary farm casts a dark shadow.

By linking the fertility of the body to the “stationary” economy of the farm, Jefferson offers his spatial vision of the American state. The less-fertile Native American body-as-forest is read dialectically against the fully fertile white body-as-farm. Ironically, Jefferson’s earnest attempt to treat Native American women humanely demonstrates how deeply his reading practices are structured by a desire for a particular ideal of political order: democratic freedom through state cartography. This tension, between agrarian ideals and political power-technologies such as the survey, remains deeply embedded in the American psyche well after the Civil War. For Jefferson, defining a civilized space meant defining it against an uncivilized space. It meant restricting those bodies associated with the wilderness. Thus the Native American, because she does not cultivate or produce as the white body does, is elided with the romanticism of a stationary farm.

Importantly, Crèvecœur was a French émigré who identified himself as American through his relationship with the landscape, as a farmer. That is, he recognized the powerful role of agrarian ideals on American cultural identity and used them for his own literary effect. Note also the resonances in Emerson’s “Self-Reliance” (1841, 1847) that man must “take himself for better, for worse, as his portion; that though the wide universe is full of good, no kernel of nourishing corn can come to him but through his toil bestowed on that plot of ground which is given to him to till” (121).

“Spatial ontology” refers to a set of assumptions about the individual body as it moves through specific spaces. It is the attempt to define the relation between our experience of the world – as bodies oriented in space – and the narratives we have to account for that experience. For example, the coastal Algonquians that inhabited Virginia were “sedentary commuters” or “seasonal nomads,” modes of living unable to be represented on the Western cartography of the grid (See Milner, The Oxford History of the America West 87).

In the words of Giorgio Agamben, this linkage illuminates “the concrete ways in which power penetrates subjects’ very bodies and forms of life” (Homo Sacer 5). In this essay, my object of analysis is not, as it has traditionally been, the juridico-institutional system that operates on the body. Rather, by reversing the chain of inference – the chain of metonymy – I want to uncover how the space in which the body “multiply[es]” is read through a series of texts and assumptions before being appropriated and sponsored by the law. In Jefferson’s farm, “space itself is not only produced through performance, but is simultaneously a means of disciplining the performances that are possible within it” (Blomley 122). This “disciplining” is the foundation of American land law. Under the guise of keeping the Native American body safe from violence – “stationary and unexposed to accident” – the law promises “a way of taming violence by producing, through social organization, an economy of violence” (Sarat and Kearns “Journey” 223). In other words, the law depends on “imaginings and threats of force, disorder, and pain” (Sarat and Kearns “Introduction,” 1) to authorize its own violence under the rhetoric of justice and social stability. See, for example, Hobbes’ Leviathan (1651), perhaps the foundational treatise on the political philosophy of the modern state. Cf. Martin Brückner’s Geographic Revolution, 95.
American is a metonym for the wilderness that must be cleansed, surveyed, and cultivated. Jefferson’s rhetorical techniques speak to wider trends. Both figures suggest how Americans came to understand land possession: marked by cultivation and thus fertility. Exclusion was merely an extension of the “healthy” duties of the barometer-husbandman.

The Land Ordinance of 1785

The beginning of this essay highlighted the chaotic context in which Notes was composed, and the second section uncovered the metonymic logic by which Native bodies were elided with the space of the forest. One way of highlighting the pervasiveness of this logic is to demonstrate how it informed a broader discourse of property law that, in turn, underwrote the emergence of American land law. Five years before Jefferson began writing Notes, John Adams observed: “the ballance [sic] of power in a society accompanies the ballance of property in land” (209). For Adams, equitable land distribution would prevent the abuse of power:

The only possible way, then, of preserving the ballance of power on the side of equal liberty and public virtue, is to make the acquisition of land easy to every member of society; to make a division of land into small quantities, so that the multitude may he possessed of landed estates. If the multitude is possessed of the ballance of real estate, the multitude will take care of the liberty, virtue, and interest of the multitude, in all acts of government. (209)

While this ideal, which Jefferson shared, is an important element of the American democratic vision, it was only realized to a limited extent and only by certain “members of society.” Simply put: every member of society could not acquire land easily. And it was the very presence of spaces in which claims to property were under threat – threatening Native American wildernesses or immigrant slums, for example – that gave this vision strength. In “Self-Reliance” (1841), Ralph Waldo Emerson explains the emphasis on property in early America:

Society is a wave. The wave moves onward, but the water of which it is composed, does not. The same particle does not rise from the valley to the ridge. Its unity is only phenomenal. The persons who make up a nation today, next year die, and their experience with them. And so the reliance on Property. (136)

cartouche is even more striking. A kneeling Native, his body entwined with the trees behind him, raises his hands in prayerful supplication. In his analysis of the Mitchell map, Martin Brückner concludes: “In a range of eighteenth-century cartouches, the essentialized representation of the Indian is predicated on a pattern of oral containment: natives engaged in the art of speaking are continually silenced” (67).

13 From a letter to Massachusetts state judge (and future Governor) James Sullivan, May 26, 1776.
14 For example, after the Land Ordinance of 1785, land was auctioned in eastern cities – not on the frontier itself – and the smallest unit of sale was one section (640 sq. acres for a minimum of $1 a sq. acre). $640 was much more land than a single family could farm and several times the annual income of a typical rural household (Milner 125). Land speculation became a booming business for wealthy citizens and politicians alike. For example, in 1787, the cash-strapped federal government sold five million acres in southern Ohio to the Ohio Company of Associates for nine cents an acre, which in turn sold 3.5 million acres to the Scioto Company. New York Senator William Duer, a future member of the Continental Congress, founded the Company. Scioto went on to defraud investors of 150,000 acres, and Duer spent most of his life in debtor’s prison. In 1792, the State of New York sold five million acres for under twenty cents an acre, an act specifically restricted by the 1785 Ordinance. In 1795, a “thoroughly bribed” Georgia legislature sold thirty-five million acres for $500,000 (a cost of one cent an acre) in what came to be known as the Yazoo land scandal (Milner 126). Despite the recommendations of outraged Virginia Congressman John Randolph, the Supreme Court upheld the contract in Fletcher v. Peck (1810). Invoking the contract clause of the Constitution (Art. I, Sec. 10, Clause I), the Marshall Court ruled unanimously that the sale was a binding contract and established firm protection of property rights under American law. Even the Harrison Land Act of 1800, ostensibly passed to allow small-farm settlers to buy more reasonable parcels of 320 acres (often on credit), led to increased speculation on the government credits themselves. “In just three years after 1816, indebtedness to the government for public lands increased nearly 600%. Rarely in the history of westward expansion would so many buy so much with so little,” even though many often defaulted on their loans (Milner 145). For further detail, see Magrath, 82-3 and Rohrbough, 115-120.
Emerson sees “reliance on property” as a check against the chaotic and ephemeral forces in the world. While there are many differences between Jefferson and Emerson’s thinking (indeed, Emerson’s thinking shifted often, sometimes within the same essay), both used the landscape as a mediating lens for their social philosophies. For Emerson, property was the byproduct of working and shaping the land, an experience with Nature that informed man’s philosophical relation to it. For Jefferson, the juxtaposition of the farm and forest established a stable framework of property discourse through which Americans could claim a national cohesion: a sense of history in the absence of one.

In his brilliant essay “Law, Property, and the Geography of Violence: The Frontier, the Survey, and the Grid” (2003), Nicholas Blomley writes: “Property discourse offers a dense and pungent set of social symbols, stories, and meanings. The formation of national identity is, in part, a meditation on the meanings and significance of land as property, evidenced in frontier stories in the United States (Ellis 1993) or mythologies of the English garden (Darian-Smith 1999)” (122). Tracing the relationship between property, law, and geography, Blomley references Jeremy Bentham’s writings on colonial America:

Property, for Bentham ([1843] 1978, 52), was “an established expectation” that requires the security provided by law for it to exist: “Property and law are born together, and die together. Before laws were made there was no property; take away laws, and property ceases.” In the absence of security, property fails, and so does economic activity. The colonial landscapes of North America, he claimed, offered a striking contrast between the domain where property and security coexist and its antithesis – the violent spaces in which property is absent… (125)

When John Locke claimed in his Second Treatise of Government (1690) that, “in the beginning, all the world was America” (V, 49), he highlighted the spatial paradigm in which property discourse operates. For Locke, America represented a blank space of potential violence, requiring the state survey that would institute laws of property and civil order. Thus, Blomley argues, “Western notions of property are deeply invested in a colonial geography, a white mythology, in which the racialized figure of the savage plays a central role” (125).

In his spatial analysis of territorialization in colonial Australia, Paul Carter summarizes the American experience as well: “The survey, with its triple artillery of map, sketches, and journal, was a strategy for translating space into a conceivable object, an object that the mind could possess long before the lowing herds” (329). In other words:

The abstract space of the survey helps make a world that exists, not as a set of social practices, but as a binary order: individuals and their practices set against an inert structure. Space is marked and divided into places where people are put. In the process, space is desocialized and depoliticized. Yet, at the same time, enframing conceals the processes through which it works as an ordering device. (Blomley 127)

The word “enframing” is suggestive here, drawing attention back to the problems of representation latent in geo-graphy (“earth-writing”) itself. “Enframing” is a (spatial) metaphor for the processes of reading that guide, limit, or “frame” perceptions of social space. The word echoes Longinus’ ancient insight that “it is the very brilliancy of the orator’s figure which blinds us to the fact that it is a figure” (50). Blomley shows how the “abstract space of the survey” works in exactly the same way. It only appears that “space

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15 “Do your work, and I shall know you” (124), writes Emerson in “Self-Reliance;” in “Experience,” he warns: “Intellectual tasting of life will not supersede muscular activity” (203).
16 Blomley points out how early geographers (such as Ellen Churchill Semple) drew on the relation between land law and civilization. At one extreme, the “nomads” such as the Shoshone are “accredited with no sense of ownership of the soil” (54). “Lower” societies, Semple suggested, are also characterized by internal violences and “social deformities” such as “infanticide, abortion, cannibalism, the sanctioned murder of the aged and infirm, honorable suicide, polyandry or persistent war” (66) that are linked to the demographic and economic constraints associated with a weaker “land-bond” (Blomley 125).
is desocialized and depoliticized,” when in fact the survey structures the very categories by which we define “the social” and “the political.”

Similarly, in his recent book *Reassembling the Social* (2005) Bruno Latour confronts this very problem: how to conceptualize the slippery category of “the social”? He writes:

… whenever anyone speaks of a “system”, a “global feature”, a “structure”, a “society”, an “empire”, a “world economy”, an “organization”, the first ANT [Actor-Network-Theory] reflex should be to ask: “In which building? In which bureau? Through which corridor is it accessible? Which colleagues has it been read to? How has it been compiled?”… Inquirers, if they accept to follow this clue, will be surprised at the number of sites and the number of conduits that pop up as soon as those queries are being raised. The social landscape begins to change rather quickly. And as travelers notice right away, it does not produce in them the same feeling as if they were asked to penetrate some intimidating overarching pyramid of power or scan the flattened landscape where many attempts at establishing and securing frail connections circulate. (183)

These local, material, and seemingly transparent questions are really questions about the “simplest” acts of modern life: reading, writing, and mapping. These questions – which deeply inform the methodological approach of this essay – are attempts to reorient point of view and thus historical perspective. They attend to the rhetorical situations, metaphoric figures, and narrative forms that produce specific social relations. This approach renews awareness of how language structures thought, effects behavior, and shapes perception of the world.

For Jefferson, the progress of civilization was defined by drawing lines. American democracy required a stable form of registering and representing land that could become the basis for its land laws. Land law, in its simplest form, is a negative formation. Its function is to restrict, alienate, or exclude from a given measure of land. In the United States, a series of ordinances in the 1780s set in motion a precedent for the regulation of land rights that guided American land policy into the twenty-first century. The 1784 Ordinance was created by a committee of the Confederation Congress and chaired by Thomas Jefferson. Its immediate concern was the sale of public lands to support the newly independent nation. The Congress did not have direct power of taxation over citizens, and the national government literally had no budget. The 1784 Ordinance used the Appalachian Mountains, the Mississippi River, and the Ohio River to provide the boundaries of ten new states. The 1785 Ordinance outlined the specific processes by which the land was to be settled, sold, and surveyed, and the 1787 Ordinance paved the way for individual statehood. The vast western territories were consequently the first lands over which the central government had exclusive jurisdiction. The hinterlands of America, in other words, authorized and expanded the government’s power.

The Land Ordinance of 1785 surveyed the Northwest Territory into sections (1 sq. mile or 640 acres), grouped into townships (6 sq. miles or 36 sections). The survey began where the Ohio River left Pennsylvania, near East Liverpool, Ohio:

The first line running north and south as aforesaid, shall begin on the river Ohio, at a point that shall be found to be due north from the termination of a line which has been run as the southern boundary of the state of Pennsylvania; and the first line running east and west shall begin at the same point, and shall extend throughout the whole territory… The lines shall be measured with a chain; shall be plainly marked by chaps on the trees, and exactly described on a plat, whereon shall be noted by the surveyor, at their proper distances all mines, salt springs, salt licks and mill seats, that shall come to his knowledge, and all water courses, mountains, and other remarkable

17 The Land Ordinances of 1784 and 1785 were followed by the Northwest Ordinance of 1787 and the Harrison Act of 1800; these four legislative documents, along with the Homestead Act of 1862, directed land policy in the American West in the nineteenth century.
and permanent things, over or near which such lines shall pass, and also the quantity of the lands.
(Ordinance 1)\(^{18}\)

The most important aspect of this passage is that the Ordinance dictates the method of measurement: “with a chain… plainly marked by chaps on the trees, and exactly described on a plat.” A “chap” is “an open fissure or crack in a surface, made by chopping or splitting” (OED). When abstract survey “lines” are “plainly marked by chaps on the trees” and then “exactly described on a plat,” the plat represents the cartographic lines as if they are natural extension of the landscape. They are, indeed, etched into the tree, in its bark and wood and sap. Future surveyors can quite literally find the line in the forest. In other words, the inscription of the line into the materiality of the tree paradoxically authorizes the line’s representation within the written plat. The problems of representation embedded in “earth-writing” are, by a sleight of hand, resolved. Thus, as Clyde Milner writes in The Oxford History of the American West (1994): “That first inch of the surveyor’s stake was a kind of polestar of national development, the anchored point of reckoning for more than a billion acres. Nowhere else in the world would an area of such size be laid out in a uniform land system” (124).

By carving lines into the physical landscape, the surveyor heightened the epistemological status of his map. The map, in turn, encouraged “restless mobility, a search for profit through transforming a place and moving on, a tendency to see land as a commodity… The way the land was plotted profoundly influenced how new settlers thought of it, treated it, and lived on it” (Milner 125). The survey also formed the basis of early American legal geography: “the social-historical fusion of meanings and the material world” (Blomley Legal Geographies xx).\(^{19}\) Jefferson’s juxtaposition of the stable farm and unmapped forest in Notes on the State of Virginia articulated a desire for cartographic order that is formalized in eighteenth-century land ordinances. Yet my point in this essay has been that the fusion of space with legal meaning is in no way “natural”; it is a rhetorically situated process in which power is constituted in and through language. The surveyor’s map simultaneously extends and obscures the power dynamics and symbolic systems that produced it. That is to say, the map both naturalizes and obscures the rhetoric surrounding land possession.

For example, several early nineteenth-century legal cases wrestled with a fundamental question for America’s future economic growth: how was possession of property to be defined? This exact question came before the New York Supreme Court in Pierson v. Post (1805). The Pierson case centered on a foxhunt. Lodowick Post, the foxhunter, was pursuing a fox through an empty lot when Jesse Pierson interceded, caught, and killed it. The question before the court was who had legal claim to the fox: Post in the act of pursuit or Pierson in physical possession? The Court ruled in favor of Pierson: “… mere pursuit gave Post no legal right to the fox, but he became the property of Pierson, who intercepted and killed him.”\(^{20}\) Legal scholar Carol Rose argues that the Pierson case established “possession or ‘occupancy’ [as] the origin of property” (74). In Pierson v. Post, possession was defined as a clear act in which Pierson had the “unequivocal intention of appropriating the animal to his individual use.”\(^{21}\) For Rose, “Pierson thus presents two great principles, seemingly at odds, for defining possession: (1) notice to the world through a clear act, and (2) reward to useful labor” (77). “Reward to useful labor” means possession is productive in an economic sense. Pierson used his foxhunting skills to capture the fox. The clear-act principle means that possession, in Rose’s words, is “some kind of statement” (77). Rose references Sir William Blackstone, the famous English common law jurist and Jefferson’s contemporary, who contends that acts must be a declaration of one’s intent to appropriate. She writes:

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\(^{19}\) Blomley continues: “Social space is saturated with legal meanings, but these meanings are always multiple and usually open to a range of divergent interpretations… Boundaries mean. They signify, they differentiate, they unify the insides of the spaces that they mark. What they mean refers to constellations of social relational power. And the form that this meaning often takes – the meaning that social actors confer on lines and space – is legal meaning” (Legal Geographies xviii).


\(^{21}\) Ibid.
… Possession now begins to look even more like something that requires a kind of communication, and the original claim to the property looks like a kind of speech, with the audience composed of all others who might be interested in claiming the object in question. Moreover, some venerable statutory law obligates the acquiring party to keep on speaking, lest he lose his title by “adverse possession.” (79)

Rose’s claim for the foundational role of speech in possession opens property discourse to distinctly linguistic questions framed by rhetorical context. If possession depends upon a certain form of speech – or notice to the world through a clear act – then “even property claims in land, that most tangible of things, are now at their most authoritative in the form of written records” (84). In other words, “in defining the acts of possession that make up a claim to property, the law not only rewards the author of the ‘text’; it also puts an imprimatur on a particular symbolic system and on the audience that uses this system” (85).

Clearly, the “particular symbolic system” recognized by the law is the Western tradition of writing, which constitutes, in the eyes of the law, the presence of a speaking voice: a claim to possession through the status of the legal document. However, in the nineteenth-century, the law’s recognition of writing-as-speech often alienated those unable to write and, therefore, unable to speak or possess or claim property, particularly Native Americans. Writing is the apparatus by which visions of America were circulated and legitimized. When Crèvecoeur says of his Letters, “Believe me, what I write is all true and real” (62), the underlying claim is that writing establishes a presence in the world which accurately represents or, more precisely, reflects “true” and “believable” experience. So it is unsurprising that Jefferson, considering the cultural “progress” of the Native Americans, writes: “Before we condemn the Indians of this continent as wanting genius, we must consider that letters have not yet been introduced among them” (100). The absence of “letters” among the Native Americans – or more precisely, the fact that “letters have not yet been introduced among them” – simultaneously jettisons Native cultures, ignores their attendant spatial ontologies, and reifies the authority of Western writing systems. This authority, derived in ancient times from the exegesis of the Bible and in post-Reformation Europe from the hermeneutical tasks assigned to the lawyer and historical archivist, is simply unavailable to the “unlettered Indian.” 22 It is thus deeply ironic that Article Three of the 1787 Northwest Ordinance decrees:

The utmost good faith shall always be observed toward the Indians; their lands and property shall never be taken from them without their consent; and, in their property, rights, and liberty, they shall never be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity, shall from time to time be made for preventing wrongs being done to them, and for preserving peace and friendship with them (1).

The 1785 Ordinance had already dictated the specific surveying practices by which all land would be mapped – and therefore possessed – West of the exact point the Ohio River left Pennsylvania. Clyde Milner concludes: “A policy that could make such promises, all within the same pair of documents, had moved beyond contradiction to schizophrenia” (126). The increasingly prominent role of administrative

22 Ironically, Jefferson recognizes that Native American have no “letters” and thus no legal claim to property, no voice with which to articulate possession. In the strangest of turns, Jefferson identifies what Derrida describes as the movement of words in language: their status as “soufflée,” “spirited away,” thieved. He writes: “Theft is always the theft of speech or text, of a trace. The theft of a possession does not become a theft unless the thing stolen is a possession, unless it has acquired meaning and value through, at least, the consecration of a vow made in discourse… Speech is stolen: since it is stolen from language it is, thus, stolen from itself, that is, from the thief who has already lost speech as property and initiative… The mind purloins. The letter, inscribed or propounded speech, is always stolen. Always stolen because it is always open” (Writing and Difference 175, 178). Jefferson’s unconscious insight that the law is constructed to silence the voice of the Native American (and therefore his ability to possess property) is an awareness that property is founded on speech, on an “acquired meaning and value through… the consecration of a vow made in discourse.”
documents in mid-century American life – for legal claims to land possession and a host of other social functions – was for better and for worse. On the one hand, the paper bureaucracy protected citizens from fraud. On the other hand, it further papered over the intrinsic contradictions of America’s land policy, finally legally legitimizing the forced removal of Native Americans from their lands once and for all.

The Bureaucracy of the Grid

The following quotes from Jefferson – the first from Notes on the State of Virginia and the second from the opening lines of the 1785 Ordinance – highlight the increasing role of the legal and administrative document in early America:

That the lands of this country were taken from them [Native Americans] by conquest, is not so general a truth as is supposed. I find in our historians and records, repeated proofs of purchase, which cover a considerable part of the lower country; and many more would doubtless be found on further search. The upper country we know has been acquired altogether by purchases made in the most unexceptionable form. (135)

BE IT ORDAINED BY THE UNITED STATES IN CONGRESS ASSEMBLED, THAT the territory ceded by individual states to the United States, which has been purchased of the Indian inhabitants, shall be disposed of in the following manner. — (Ordinance 1)

In the first quote, redefining “conquest” according to Western standards of contract law validated by “proofs of purchase” allows Jefferson to legitimate the appropriation of land “by purchases made.” The documented “proofs of purchase” let Jefferson assume that those purchases were standardized and of “the most unexceptionable form.” In other words, the purchasing was in a form based on Western legal principles of land tenure and writing: to Jefferson, “unexceptionable.” As Jefferson puts it, state governments had “exclusive power of taking conveyances of the Indian right of soil: since, according to them, an Indian conveyance alone could give no right to an individual, which the laws would acknowledge” (184). The rhetorical figures once used to describe the difference between white and Native bodies are now codified in the bureaucratic process. This evolution indicates how administrative documents – and the legal geographies they produced – suddenly and easily justified the appropriation of Native American lands. By the mid-nineteenth century, technical writing in the form of surveys, survey manuals, field reports, and maps began to directly influence the ways in which political and economic interests were pursued, understood, and ultimately executed.

The increasing scope of technical and legal writing draws attention to the ways in which such documents were standardized. Michel Foucault’s interrogation of the document in The Archaeology of Knowledge (1969) is particularly useful here. For Foucault, “The frontiers of a book are never clear-cut: beyond the title, the first lines, and the last full stop, beyond its internal configuration and its autonomous form, it is caught up in a system of references to other books, other texts, other sentences: it is a node within a network” (23). The book, he continues, is defined by

… the way in which one wrote down what one observed and, by means of a series of statements, recreated a perceptual process; it was the relation and interplay of subordinations between describing, articulating into distinctive features, characterizing, and classifying; it was the reciprocal position of particular observations and general principles; it was the system of dependence between what one learnt, what one saw, what one deduced, what one accepted as probable, and what one postulated… above all, it was a set of rules for arranging statements in series. (57)

Foucault’s definition of writing parallels my approach to Jefferson’s Notes. Reading practices structure “the way in which one wrote” through the internalization of a “set of rules for arranging statements in a series.” Although Foucault does not investigate reading’s role in the recreation of this “perceptual
process,” he acknowledges the role of writing in regulating “what one learnt, what one saw, what one deduced, what one accepted as probable, and what one postulated.” Foucault also recognizes the critic’s desire to see a text as representative of “a whole period” in a totalizing fashion. Yet “on the basis of the grammar and of the wealth of vocabulary available at a given period, there are, in total, relatively few things that are said” (119). Like Foucault, I am interested in how knowledge is administered through the document in ways that standardize the organization of space by various structures of power.

Within this context, one might consider the entirety of *Notes on the State of Virginia* as a piece of technical writing designed to administer knowledge in a particular way using particular rhetorical and compositional devices. For example, Jefferson reorganizes the order of Marbois’ questions. Robert Ferguson notes that though Jefferson relies upon Marbois’ questions, he “freely rearranges their sequence and bases his reorganization on the reasoning of the legal treatises he knew so well” (393). For example, Marbois asks first for the constitution and charters of Virginia, but Jefferson answers that question only in the thirteenth chapter, beginning instead with geographical statements about the “limits and boundaries of Virginia.” By privileging the spatial and geophysical foundation of Virginia over its legal foundation, Jefferson’s reordering signals what Ferguson calls the most important legacy of *Notes*: “the mystic identification of law and country intrinsic to our national rhetoric” (404). For Jefferson, “Just as the multiplicity of human law might give rise to a science of jurisprudence, so the bewildering physicality of America could be made to yield a unified republic” (395) through the composition *Notes* itself.

Another way to trace the diffusion of Jeffersonian reading practices is to examine the rhetorical form of land transfer deeds, geological surveys, and topographical reports in the nineteenth century. For example, the 1785 Ordinance gives a specific template of the language to be used in the transfer of lands between citizens, corporations, and the government:

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Know ye, That for the consideration of         dollars, we have granted, and hereby do grant and confirm unto        the township, (or fractional part of a township, as the case may be) numbered in the range         excepting therefrom, and reserving one third part of all gold, silver, lead, and copper mines within the same; and the lots Ns 8, 11, 26, and 29, for future sale or disposition, and the lot N 16, for the maintenance of public schools. To have to the said his heirs and assigns for ever; (or if more than one purchaser, to the said their heirs and assigns forever as tenants in Common.) In witness whereof, (A.B.) Commissioner of the loan office, in the State of hath, in conformity to the Ordinance passed by the United States in Congress assembled, the twentieth day of May, in the year of our Lord one thousand seven hundred and eighty five, hereunto set his hand, and affixed his seal, this day of         in the year of our Lord         and of the independence of the United States of America. (2)
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First note that the land itself – “the township, (or fractional part of a township, as the case may be)” – is only identified by its “number” within a “range” of other numbers. The standardization of the legal terms of land ownership is possible through the use of templates that allow future purchasers to plug their personal information into the geographic idiom of the abstracted grid. Clearly, this administrative step made the transfer of land title easy, fast, and painless. But now the land title document replaces the grid survey as the self-justifying and self-reproducing mode by which man understands his relation to the land. The document intervenes. The problems intrinsic to the grid survey are erased by the land title document’s rhetorical status.

This logic is especially visible in a number of scientific texts in the nineteenth century, where, for example, little distinction was made between the geographic and the geological survey. William B. Rogers’ *Report of the Geological Reconnaissance of the State of Virginia* (1836), ostensibly

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23 Foucault’s oeuvre, in summary, is an attempt to deal with this problem in a number of arenas: “how psychiatric knowledge presupposed and carried within itself the demand for the closed space of the asylum, how disciplinary knowledge contained within itself the model of the prison... [how] clinical medicine [contained within itself] the enclave of the hospital and [how] political economy [contained within itself] the form of the factory” (*Power/Knowledge* 73). This book asks a related question: “Does geographical knowledge carry within itself the circle of the frontier?” (73).
commissioned as an economic forecast of potential resources, is a prime example of a scientific report that often ignored problematic data to conform to a more rhetorically familiar vision of the natural world. Rogers even admits as much in his opening statement: “Inquiries of a more minute description, extended to all the divisions of the state, would obviously have been impossible, and until some scheme of systematic investigation in detail is put in operation, comparatively of little value” (5). In his excellent essay “Surveying Nature: Environmental Dimensions of Virginia’s First Scientific Survey, 1835-1842,” Benjamin R. Cohen explains:

The broken thermometers, undisciplined networks of communication, damaged roads, thick-brushed hillsides, realities of inconvenience, and unreliability were local natural factors that had to be overcome, ignored, or glossed over to report a nature that becomes uniform and thus uniformly improvable. In the end, the survey’s legacy must be treated for its value as representative of antebellum environmental mentalities, its expression of scientific knowledge-making of nature, and its example of introducing more codified views of nature to those who worked the land as the basis of their daily lives and to the state’s political economy. (59)

These “antebellum environmental mentalities” are rooted in rhetorical figures and spatio-political oppositions like the ones used by Jefferson (e.g., farm versus forest). These oppositions, the underlying logic of which are embedded in the templates and models of scientific surveys, take on new forms. For example, through the scientific report, the land becomes uniform and “uniformly improvable.” This pattern repeats throughout the nineteenth century, but the self-reflexivity of Rogers slowly disappears. With a long line of textual precedents now archived in Washington, the survey document – like the land grid system (and template language) of the 1785 Ordinance – became a self-justifying, self-reproducing set of rules for representing the landscape.

By mid-century, the triumphalist “glories of Western expansion” and “its nationalistic rhetoric” had become indistinguishable from the documents that mapped the expansion itself (Hunt 128). In 1848, topographical engineer and explorer William Emory undertook a boundary survey of the U.S.-Mexico border. As Alex Hunt has argued, Emory’s Report, published in 1857, “reveals the extent to which the production of geographical space hinged on the relationship of imaginative, scientific, and political constructions” (128). The Report, a combination of maps, hand sketches, narrative description, and anthropological analysis, “in romantic fashion attempts to unify cartography with biology and other natural sciences to map the space of the nation in such a way that it confirms the ideology of Manifest Destiny” (128). Emory’s repeated warnings that the establishment of a national border with Mexico will not make the Southwest a “safely Americanized space” are darkened in his “frighteningly casual rhetoric of extermination [that] suggests that the drawing of the border is only the first step in creating American space… For Emory, as for many other writers of the time, controlling racial purity is crucial to producing a successfully expansive U.S. American space” (141, 144). While Emory’s dramatic statements on the relation between space and race deserve attention, they are not surprising. They are simply more overtly racist and violent extensions of Jefferson’s rhetorical opposition of the farm and forest. The healthy space of the American farm (and thus nation) is delimited and protected by its border. But the very existence of the border presupposes a violent wilderness on the other side, with Native American and Mexican bodies to haunt it. The husbandman, the metonym of the healthy state, needs his dialectical opposite. The

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25 Hunt writes: “My understanding of this tension in representational methods derives from the idea that the geography of the modern state is a cultural product rather than a natural discovery. In his study The Production of Space, for example, Henri Lefebvre asserts that if a space, or territory, seems transparent, innocent, and indeed, simply present – an unquestioned condition of reality – its existence attains this sense of reality only because the capitalist state produces and reproduces a ‘complex of illusions’ that in turn are necessary to its existence… As an agent and representative of the state, Emory is not only mapping its new territory but imposing its structures of power onto that territory” (129).
complex history of the U.S.-Mexico border follows (and continues to follow) this metonymic logic, sometimes consciously and sometimes not.

Ultimately, Jefferson’s Notes shows us how geography and law often share similar rhetorical foundations. Both fuse meaning and material. Any serious student of geography or law must confront the various ways that language and rhetoric constellate geographic and legal meanings. So while Notes on the State of Virginia offers a compelling case study in the rhetoric of spatio-legal possession, it also heightens awareness of how power is constituted in and by language. This awareness helps to demystify a variety of social texts, opens new and interdisciplinary ways of reading social problems, and paves the way for future scholarship on early American history that situates literary practices along legal and geographic planes. The hope is that we may continue to uncover stories, small fragments of much larger ones, about how the words and maps used to describe the world end up shaping it.

REFERENCES


