

Working Paper Series No. 012

Individualism as Mood: Reflections on the Emergence of the Rhetoric of Liberalism

Florin Ternal HILBAY

College of Law, University of Philippines, Philippines Asian Law Institute, National University of Singapore, Singapore

florin.hilbay@gmail.com

ASLI Visiting Fellow (25 October to 21 November 2009)

March 2010

The **ASLI Working Paper Series** is published electronically by the Asia Law Institute, whose Secretariat is based at the Faculty of Law, National University of Singapore.

© Copyright is held by the author or authors of each Working Paper. ASLI Working Papers cannot be republished, reprinted, or reproduced in any format without the permission of the paper's author or authors.

Note: The views expressed in each paper are those of the author or authors of the paper. They do not necessarily represent or reflect the views of the Asia Law Institute or of the National University of Singapore.

Citations of this electronic publication should be made in the following manner: Author, "Title," ASLI Working Paper, No. #, Date, www.law.nus.sg/asli/pub/wps.htm. For instance, Chan, Bala, "A Legal History of Asia," ASLI Working Paper, No. 101, December 2009, www.law.nus.sg/asli/pub/wps.htm.

Asia Law Institute

c/o Faculty of Law, National University of Singapore Eu Tong Sen Building 469G Bukit Timah Road, Singapore 259776

Tel: (65) 6516 7499 Fax: (65) 6779 0979

Website: http://law.nus.edu.sg/asli

Email: asli@nus.edu.sg

The Asian Law Institute (ASLI) was established in March 2003 by a group of leading law schools in Asia. Its goal is to facilitate academic exchanges as well as research and teaching collaboration among colleagues from the thirteen founding institutions. The establishment of ASLI stems from the recognition that the diversity of legal traditions in Asia creates an imperative for Asian legal scholars to foster greater engagement with each other through collaborative research and teaching. The acronym "ASLI", which means "indigenous" in the Malay and Indonesian languages, represents the commitment of the founding institutions to establish a truly home-grown law institute in Asia. The ASLI membership has grown beyond the founding members and includes 27 new member institutions.

INDIVIDUALISM AS MOOD: REFLECTIONS ON THE EMERGENCE OF THE RHETORIC OF LIBERALISM

FLORIN TERNAL **HILBAY**¹

ABSTRACT:

What is the relationship between technological change – the shift from manuscript to print – and human rights as a discourse rooted in the Enlightenment values of liberty and equality? In this paper, the author provides a general account of the structural modifications which occurred in the West as a consequence of the development of printing and the economy it produced. More specifically, he provides a theory as to how altered material conditions in the West made it possible for human beings of that era to conceptualize a libertarian model for relating with the emerging state system, which then became the foundational basis of today's human rights movement.

I. INTRODUCTION

Every tenth of December, the world commemorates the anniversary of the adoption of the Universal Declaration of Human Rights. In most parts of the globe, state officials make declarations and resolutions, educational institutions and their academics hold conferences and forums, non-government organizations and human rights institutions issue celebratory statements and renew calls for advocacy. In the light of the parallel reality that many of today's sovereign states—and we still call them that—and non-state actors embrace the idea of particularism at the level of rhetorical and political commitment, the wide acclaim that the Universal Declaration and its ideology of human rights have received is nothing less than a phenomenal success in the marketing of ideas. The notion of human rights and the movement it has spawned are now deeply embedded in global consciousness, directing the way we view the world as individuals immersed in legal relationships with other individuals and, most importantly, the state. How our normative world came to arrive at this temporary configuration is a story that is at once complicated and complex, highly political and remarkably subjective. Nonetheless, the attempt at narration must be made so that we may be able to ground the abstract ideas of law to the concrete events of history; for while it is possible to regard law itself as a separate theoretical system, we must nevertheless remember that it is an institution shaped by the daily lives of its participants, played out in the theater of humanity.

My aim in this paper is to highlight some narrative threads of the emergence of human rights consciousness as we perceive it today, in the way it is communicated by its adherents through the alluring descriptive: *everyone*, *everywhere*, *always*. The subject of this interrogation has little to do with questions related to the characteristics of human rights discourse as a set of legal artifacts or with questions of what and when; instead, it has to do with articulating the background conditions that made it convenient, if not necessary and inevitable, to deploy the language of rights in various philosophical, cultural, and political conversations of the inhabitants of an era. In particular, I am interested in the

-

¹ ASSISTANT PROFESSOR OF LAW, UNIVERSITY OF THE PHILIPPINES, COLLEGE OF LAW.

rise of the associated ideas of autonomy, liberty, and individuality as basic concepts animating the notion of human dignity which forms the core of human rights thinking today. Because we live in a global society already caught up in the discourse of human rights, with all the implications such a paradigm for democratic social organization carries, it is important that we take a few steps back every now and then to reflect on the foundations of the linguistic platform on which we stand even if only to heighten our sense of location in the history of ideas and thereby tap into the material processes by which we have been constituted.

This narrative I speak of can be situated technologically in the 15th century with the development of Gutenberg's movable-type printer, and finds its political culmination in the 18th century, in the period generally known as The Enlightenment. Of course, the identification of The Enlightenment as a crucial period in the conceptualization of human rights is, by itself, not new. After all there is, according to Amnesty International's secretary general Irene Khan, a strong strand of thought in the academy that points to that era as the source of the modern world's philosophical and political commitment to human rights.² Nonetheless, this resort to a preceding period as a source of succeeding ideologies, as human rights has been so labeled, has in my view remained at a rather a high level of abstraction we might as well consider such referencing a form of finger-pointing. In any case, the point is not that such an ascription to the enlightenment era is unsupportable in the light of the way history has so far been written, but that it seems such a shotgun approach to attribution. There is a need to try to identify with some level of concreteness the events during a particular period that led to which and what consciousness-forming events. With special note on the fact that the 18th century was such an intellectually potent era, how one brings to bear the power to interpret the facts of history affects the saliency of certain strands of thought over others.

As I shall explain below, the rhetoric of human freedom of the enlightenment thinkers in Europe can be seen as a byproduct of the technological transformation in the production of knowledge that was initiated in the 15th century. To this extent, this paper is an attempt to reach a lower level of generality in the identification of the material conditions that led to the emergence of human rights consciousness. And so the questions that I investigate are not "what ideas came out of the 15th to the 18th centuries that have affected us today?"—because the stock answers to this query we already know through our history books—but first, what changes in the production of knowledge came about and/or became settled and therefore, paradigmatic, during this period and, second, how did such changes affect the menu of human activities considered normal, that is, how did technological change produce a transformation in the details of human existence, and third, how did the reconfigured set of human activities become the building blocks for the development of the rhetoric of individualism, liberty, and autonomy? In other words, what were the characteristics of the new epistemic environment which, in turn, required the articulation of a reconfigured sense of self? The answers to these questions, however tentative they may be, provide a more solid rendering of the foundations of the kind of human rights consciousness we have today. They serve to situate the assumptions of the forms of human rights advocacies we generally share within the wider swath of the culture of ideas that connect those who have lived and thought before to those of us today, making possible in our minds a more meaningful historical connection to an identifiable portion of

² Irene Khan, "Knowledge, Human Rights, & Change" (2006) 28(2) Harvard International Review.

the past and its remarkable inhabitants. This inquisitorial technique, in my view, also serves the powerful function of providing us the analytical tools required to ascertain the stability of the foundations of present-day discourses in the light of our altered forms of existence.

As a preview to my discussion of the questions posed above, I identify the transition from manuscript to print culture as seminal events that are partly responsible for the emergence of an environment hospitable to the acceptance of the associated notions of liberty, autonomy, and individualism as a set of rhetorical tools or linguistic arsenal through which human beings saw their relation to one another and the then emerging state system in the west. They are precisely those items of discourse which became the focus of "the theoretical side of [Enlightenment] political philosophy." The printing press, in particular, provided the technological substrate that led to the transformation of the information architecture of the era, thereby affecting the possibilities of knowing and articulating ideas about the world. The print culture had a profound effect on the material conditions of human existence; it made possible the rethinking of the fundamental bases of the relationship of human beings to their society, and provided the very mechanisms for the entrenchment of ideas including, most especially, those that have influenced our views about what it means to be called human including, specifically, those types of entitlements human beings should have in order to live the good life. The structural changes in the epistemic environment of this era are responsible for the emergence of a mass culture receptive to beliefs about and the practices of freedom many people today consider largely incontestible.

If it were possible to sum up and describe the cumulative effects of these changes, it is that they effected a decentralization in the capacity for the production of meaning from high levels in the community (state, quasi-state, city-state, religious or linguistic) to the level of the individual. Liberty, autonomy, and individuality, as ideas informing human rights practice are, therefore, simply the bundle of psychological entitlements that serve to maintain the effects of such structural reconstruction of society leading to this decentralization. They are the linguistic and conceptual mechanisms which serve to maintain the results of the transformation western society underwent from the 15th to the 18th century, and whose effects we still feel today not necessarily because of the logical appeal of the ideas of this era but because of the quality of the technological changes in knowledge production during that period compared with the others that have allowed the discourse in such ideas to attain the level of the canonical and the basis for the application of the techniques of doctrine.

By way of qualification, the claim that I make here is not that the philosophical idea of individual rights inhering in human beings is a uniquely western project for many have, in fact, indicated that the notion of inherent human dignity is a widely shared cultural convention among Asian societies. Instead, it is that the particular form—human rights *qua* rights—by which we now carry the project of promoting the dignity of the human body is a product of a set of material events that occurred in the west and which has made such form the convenient and dominant metaphor for organizing our normative universe. At least for my present exposition, the claim that the human rights project is a hegemonic tool by which a supposedly monolithic western society seeks and is able to

3

-

Lester G. Crocker, "Interpreting the Enlightenment: A Political Approach" (1985) 46 (2) Journal of the History of Ideas 211 at 214.

maintain epistemic control over the affairs of "the others," i.e., Asia and Africa, is largely irrelevant except for the recognition that our modern-day conception of human rights is traceable to a specific, though not exclusive, narrative that played out in the west. This acknowledgment, it should be noted, is important primarily for the view that this specific instantiation of human rights is a product of a set of historically contingent events.

II. KNOWLEDGE IN PRINT

In his seminal work, Benedict Anderson provides a powerful materialist account of the rise of nationalism.⁴ In the opening chapters of the work, he notes that the appearance of the novel and the newspaper, the great innovations of the 19th century, as partly responsible for the emergence of a linguistic community which allowed temporally separated inhabitants to imagine themselves as beings bound together by their ability, as it were, to focus their consciousness on a specific narrative in an "overwhelmingly visual and aural" sense. The ingenuity of this account is in the plain artificiality of the idea of a nation—the notion that the unity of a large conglomeration of human beings was deemed not a matter of nature, or tribal affiliation or, even more crudely, of blood, but that it depended on how cultural artifacts in print were instrumental in acting as a medium for the unification of a vision of nation-ness. Such ingenuity, however, can be extended and flipped to produce a different, if not contradictory, conclusion. By this I mean that while knowledge in print was capable of creating a vision of community simultaneously constituted, it was likewise capable of bringing about, as it did from the 15th to the 18th centuries, a heightened and well-articulated sense of individualism, of separation of the self from the community to which it belongs. The seeming paradox in this insight can be explained by the fact that changes in material conditions of existence are opportunities for the manufacturing of Thus, if the novel and the newspaper were capable of competing rhetorical tools. producing a heightened apprehension of togetherness, the same materials simultaneously allowed individuals to mark themselves off from their communities as beings who differed in detail with others and whose thoughts were accessible to others only through vicarious experience.

It is no contradiction to hold that knowledge in print had the dual effect of allowing human beings, looking outwards, to sense themselves as beings united by war, culture, language, myth, etc. and, looking inwards, to reflect on the deeply personal and subjective nature of each and every experience. It is this fascinating simultaneity of effects constitutive of the bipolar themes of community and individuality that characterizes the rise of nationhood and rights-invested citizenship as cultural and legal constructs. And while speculations on the material roots of nationhood are already both broad and deep, those on individualism have remained at the level of the purely philosophical and political, abstract and largely ungrounded. But, as the reader may have already foreseen, if a materialist account of nationhood is possible, so is a similar account of individualism considering the similarity in the foundations of these twin concepts.

So far as the effect of knowledge in print is related to individualism, one must not forget that the reader's engagement with the printed material is a distinctly solitary affair. In libraries, cafes, dining tables, bedrooms, benches, and carriages, the reader is, first and foremost, an individual accessing knowledge as a being in isolation. Her act of reading may of course be, as Anderson implies, the way by which she is able to imagine herself

⁴ *Imagined Communities* (New York: Verso, 1983).

along with other readers as part of a collective; nonetheless, the activity of reading is a peculiar moment of separation of one's consciousness from the outside world; it is itself an assertion of the privacy of the mind so crucial to our notion of autonomy. By engaging the printed matter, she detaches herself one step away from the common activity of living in the world in which she is always immersed; she inhabits the life-world, but with the print as an intermediary. One may be tempted to see this personal relationship with the text as metaphorical, but for the reader grappling with the universe of text, this relationship is as real as it could possibly get.

The epistemic environment in which we exist today allow, if not require, us to discount the import of printed knowledge as it relates to our notion of self. Just like the air we breathe, print's pervasiveness makes it invisible and its significance to culture easily under-appreciated. But imagine a world in which information is encoded in handwritten manuscripts instead of printed paper and one sees immediately the stark differences in the way in which knowledge is produced, how it is accessed, who holds the power of knowing, and for what purposes information may be controlled. The information infrastructure of western society prior to Gutenberg's invention was precisely such world. One may almost immediately anticipate the conclusion that the world of manuscripts and the world of print were worlds inhabited by human beings bearing different conceptions of self—bodies from (largely) the same genetic pool, but with markedly different conceptions of time and space, as I shall later on explain. Groping for a fashionable analogy, we could very well think of how today's information revolution has allowed us to divide people between those who live analog, and others, digital, lives. Those sensitive to the effects of digital encoding in human life can easily compare how human beings of the early 20th century were differently constituted from those who live in the 21st or how the particulars of human existence, when carefully scrutinized, show markedly different platforms for producing and interpreting meaning.

The common ground between the digital revolution we experience today and the switch from manuscript to print during the 15th to the 16th century is that both transitions fundamentally altered, to borrow Unger's famous title, "knowledge and politics": information production, know-how, access, and therefore, political consciousness. Human beings remained the kind of genetic pieces evolution has produced, but with a radically different sense of how they relate to both themselves and the world outside of them because the new information infrastructure created possibilities for creation of meaning and production of knowledge in ways that were not previously possible; in other words, the emergence of new regimes of information necessarily produce human beings with an altered sense of humanity, of who they are and what they can be. Because information is the material basis of knowledge crucial to the conception of self and politics, every transformation in information production alters both knowledge and politics. follows below is a theoretical account of how the transition from manuscript to print economy and culture made conceivable the formulation of stronger variants of selfhood, with a focus on how such transition affected the details of existence of the inhabitants situated within the two information regimes.

III. THE MANUSCRIPT CULTURE⁵

A central aspect of the knowledge environment during that period Europeans refer to as the middle-ages was the production of manuscripts which, by the method of its production, graphically reflected relations of power in that society. The production of manuscripts was, in the first place, a difficult enterprise that required expertise, time, and material; it was literally a manual artistic product. Anyone who has seen a manuscript can easily appreciate the level of skill deployed for its production. To be sure, a manuscript was not simply parchment with ink on it; nor was meant only to be read—it was, in an age before capitalism and which eschewed materialism, a work of quasi-industrial art. Here were see the merger of two functions—the book as art-object and the book as treasured text⁶—in the manuscript form which the arrival of the printed book eventually disaggregated. Because they were produced manually, manuscripts took a long period to create. This, coupled with the fact that the materials that can be produced could only be copied from previously produced manuscripts necessarily narrowed the producers of such works to those who had the combined abilities to invest time in their writing and maintain the know-how required to pass on the skill, in addition to the possession of manuscripts for copying. While printing—the mechanical reproduction of books—allowed the multiplication of identical information that made it susceptible to mass production and thus wide dissemination, manuscript production made the reproduction of knowledge simultaneously tedious, expensive, and erratic. The result was a severely restrictive information regime unconducive to the emergence of a reading and writing public sufficiently numerous to create and influence public opinion. One is justified in saying that in such manuscript culture, the transaction costs for the production of and access to information were prohibitive. One may likewise conclude that such an environment could not possibly be considered optimal for the growth of a mass-based market for information encoded in texts.

Needless to state, such manuscript-centered information ecology mirrored the hierarchy and the narrow-minded focus for which feudal life is known. At least during the monastic age, the production of manuscripts can hardly be considered an industry for profit, its main function being the dissemination of religious information in the form of the service book, the breviaries, the book of hours, the psalter, the lectionary, and the missals. The universities, which were just beginning to exert their influence in the world of popular knowledge, were not only minimal in number but also had close ties to the hegemon of the era—the Church—which not only policed the dissemination of information through their presence in the universities but also had possession of many existing manuscripts. In any case, educational institutions of the time were limited to the aristocracy, itself a miniscule portion of the population, and remained closed to the overwhelming majority. This situation effectively reduced the university's role in the creation of a truly mass-based market for information production and consumption. It is also worth pointing out that minus the engine of capitalism, wide dissemination of information that was already expensive and time-consuming to produce in the first place would have been very difficult to achieve. Necessarily, this non-profit orientation in the production of knowledge had an important effect on first, the power of the possessors and copyists of information to regulate and maintain knowledge available to their intended audiences; second, the role of

See Christopher de Hamel, A History of Illuminated Manuscripts, 2d ed. (Phaidon, 1997).

⁶ Lisa Jardine, Wordly Goods: A New History of the Renaissance, 1st ed. (London and Basingstoke 1996) at149.

the writers, whether their interest was in the arts, religion, politics, or philosophy; and *third*, the quantity and quality of the members of the reading public.

Prior to the rise of the print industry, the monasteries and the abbeys were the centers of knowledge production and the workers in this enterprise, the monks, were required to spend significant portions of their time specializing in the manufacture of manuscripts. This is a fact full of implications. That the producers and re-producers of information were members of the religious had a significant impact on the knowledge available to the inhabitants of the era: first, it ensured that the materials available for consumption during the day had a content-bias, one that leaned towards religious dogma or, at the very least, was not critical of the dominant institutional practices of the time; second, the epistemic bias in the production and re-production of information provided no safe haven for information on opposing worldviews, that is, the information infrastructure provided no other popular avenue for the production of critical opinions; third, that monks were responsible for the physical act of producing manuscripts effectively made them both censors and vessels for the propagation of knowledge—the scholar-scribe comingled the functions of commentator, glossator, and reproducer of knowledge⁷; and *fourth*, the very physical location of manuscript production—monasteries and abbeys—provided a natural barrier against dissemination of ideas noxious to the propagation of the dominant worldview of feudal Europe.

The kind of language in which information was inscribed likewise had an effect on the information ecology. The works considered important during the period, the ones that the clergy and the scholars scoured and pored over, were written in Latin, Greek, and Hebrew, which made the period's intellectuals trilinguals at the very least. It seems peculiar today, but we must not forget that at the heart of the Reformation was, apart from the debates over doctrine, a war over the primacy of what language religious materials, most especially the Bible, ought to be printed in. The terms of intellectual discourse—of reading, writing, and debating—presuppose a common language communicants can understand. Such being the case, the realities of the period meant that the relevant, and thus powerful, readers and speakers of the day were those who had access to the grammars of the classics, for they understood the code in which information was, as it were, encrypted. But in an era where universities were just starting to be built, where knowledge was produced and re-produced by the religious, where traveling for leisure or knowledge was non-existent, where wealth was hard to come by, where manuscripts were expensive and literally "made to order," the only ones who had access to classical learning were the nobility, the clergy, and the proto-bourgeoisie. These groups comprised such a small portion of the population from which to constitute a pool that might be considered a reading public or, even less, a learned society. One can barely imagine how highly exclusive this particular knowledge community was. Just as important, at a time when heresy and blasphemy could consign the speaker to a date with the stake, certainly the ability of such a community to freely discuss must have been severely constrained.

⁷ See Perry Wayland Sinks, *The Reign Of The Manuscript* (Boston: Richard G. Badger 1917) at 160. "The monastic institution supplied, in a special and adequate manner, through the abbeys and monastic houses in which, so to speak, it was domiciled, a safe asylum and depository for the word of God. The common isolation of these establishments, together with the reputed sanctity of their occupants, were double security against the hand of violence and, therefore, a double means of preservation for the literary treasures—including both the Bible and classic literature—made and treasured therein."

To couch the situation in the language of information theorists, the architecture of information production of the pre-printing era can be likened to a cathedral, as opposed to a bazaar. During this period, the religious and a select few had a monopoly of the pipelines of information and, as a consequence, an almost exclusive franchise on culture and politics. This also meant that the overwhelming majority of the inhabitants were illiterate or, though literate in the vernacular, unlearned in the kinds of information that could deepen their understanding of the world around them. Finally, that they had no access to a large chunk of knowledge available at that time meant they had little opportunity to participate in and substantially influence important cultural movements.

The restrictive information ecology of the pre-printing era not only directs us to the centers of knowledge production and allows us to identify the era's guardians of knowledge; it also permits the opportunity to wonder about what sorts of activities the members of the general population engaged in during the course of their daily existence. More specifically, it allows us to ask: how did such information environment affect people's conception of time as it related to their concept of self and, by extension, freedom? One can posit several observations that can assist in the formulation of an answer: first, most learning in mediaeval society was limited to ecclesiastical knowledge coupled with high disincentives against dissemination of critical views; second, in such pre-industrial society, time was spent mostly towards meeting the practical demands of existence, that is, the business of life was directed to the task of subsistence; third, in the absence of a knowledge culture with diffuse bases, it would certainly have been difficult to conceive of a mass or popular culture which can be the basis for learning and reflecting about how people live their lives. These characteristics reinforce one another, constructing inhabitants of the era with a conception of both time and space that is at once parochial and unhistorical, their daily lives narrowly focused on the raw physical appeal of their natural environments and the received knowledge about their religion. If at all, the sense of community-beyond-the-village that they derive was the prospect of a party of humanity in the afterlife, either in a promised heaven or a threatened hell.

The relationship between the information ecology of a historical period with its inhabitants' conception of time and space is crucial to the kind of consciousness a generally shared knowledge paradigm requires. So far, what I have tried to show is that the kind of epistemic environment generated by the conditions during the pre-printing era prohibits the emergence of a mass culture of individuals conscious of their autonomy not merely from their physical environment but, more importantly, from the social world that goes beyond the location of the village or the immediacy of a life-span. By autonomy, I refer to that form of idea that would later on be compartmentalized by John Stuart Mill, writing after the enlightenment era, as "the inward domain of consciousness," "the liberty of tastes and pursuits," and the "liberty of combination among individuals." Put differently, the kinds of freedoms that have become so canonical to the project of modernity were inconceivable in a time and place whose information network centered on abbeys and monasteries and whose information was written, not printed. In the next subsection I detail how the transition to a print economy effected various material changes that made libertarian ideas rhetorically appealing to a significant number of inhabitants of the printing era.

8

⁸ See Eric S. Raymond, The Cathedral and the Bazaar (O-Reilly 2001).

⁹ On Liberty (1869).

IV. THE PRINT ECONOMY

A profound transformation in the production, dissemination, and standardization of information from the 15^{th} to the 18^{th} century occurred, which was made possible by the introduction of paper in Europe from China via the Arabs three centuries earlier. This change not only reduced the number of working hours needed to produce a book, but dramatically increased the intellectual output in books, altering forever the reader's relationship with what was no longer an exclusive and unique object crafted by the hands of a scribe: the change was, of course, printing 10—an epoch-making event that altered the way things change and the way they stayed the same, affecting all forms of survival and As is usual with the adoption of a new technology, with printing, the reproduction of existing and new works became cheaper and more efficient. With the rise of the printing industry came crucial changes in the information ecology aside from simply the possibility of reproducing more materials with better technology. That the printers were profit-seekers who traveled different cities to market their technology was important insofar as the incentives provided by the market reduced the hold of the church on printing. One can safely say that the profit incentive was responsible for disentangling, at least to the degree sufficient to diversify content, the role of the publisher and that of the propagandist, religious or otherwise. The censor-monks became simply participants in a large market in which they suffered the supreme disadvantage of not being driven by the desire to make as much money as possible from the publications they wished to distribute. Whereas previously, the core mechanism for the dissemination of information was the religious motives of the scribes, with printing that core mechanism became less religious and, to a certain degree, less content-based. Religious printers had a natural incentive to produce works related to the propagation of their faith, which incentive the ordinary printers did not share. Instead, the latter's incentive was the existence of a demand, real or apparent, for any species of information which they could publish to make a profit. In the period of transition from manuscript to print the relationships between authors, manufacturers, buyers and backers were shaped by those kinds of accidental opportunities which characterize any innovation in the commercial sphere. 12 To the extent manuscript and print were economic templates on which the production of knowledge relied, the transition was simply a clash between two business models, one that was resolved in favor of the for-profit printers.

Such orientation of the printers had the effect of drastically diversifying the kinds of material available in Europe, as the relatively content-neutral basis for the printing of materials opened up space for a wide number of publishable works, including controversial ones. But perhaps, even more important, apart from providing technological capacity for materials that could not be published during the pre-printing era (either because the scribes did not want them published or because it was not practical to spend the skills of the copyists on such materials), the print economy's drive to maximize its own potentials spurred the desire to create new materials. It revolutionized written culture itself, making familiar such objects and practices that were unknown and marginal in the manuscript era.¹³ Thus, once the popular materials during the manuscript era were printed

¹⁰ Alberto Manguel,, A History of Reading, 2d ed. (New York: Viking, 1996) at 133.

¹¹Elizabeth Eisenstein, "The Advent of Printing and the Problem of the Renaissance" (1969) 45 Past and Present 19.

¹² Supra note 6 at 142.

¹³ "Roger Chartier, "The Printing Revolution," in Baron, Lindquist & Shevlin, eds., Agent of Change: Print Culture Studies After Elizabeth L. Eisenstein (U.S.A.: University of Massachusetts Press, 2007).

to the satisfaction of the market and the profits out of such conversion from parchment to paper became marginal, the impetus to print other materials created a market for new content. This is the foreseeable effect of the transition from one technology to another—it not only responds to existing demand, but also pushes the creation of new and associated markets, in this case, the market for new content. The inevitable consequence of these changes is the diversification of available information. This diversification, in evolutionary terms, punctuated the equilibrium in the threshold levels—both in terms of quantity and quality—of information available for consumption among the reading public.

Along with quantity and quality came the lowering of the price of information. Before, both the cost of manuscript and its acquisition, as well as other associated constraints engendered by the manuscript culture, made its possession a privilege and therefore a source and indicator of status. Privilege connotes exclusivity, and exclusivity is always a source of power. The number of manuscripts available in relation to the size of the population made it rare by today's standards. But the cheapness of paper and the economies of scale made possible by mechanical printing substantially brought down the price of printed matter, thereby opening access to knowledge in print to a broader public that is less economically endowed and interested in a wider range of information. Just as important, the book did not only become cheaper, it also became available to buyers. Affordability and availability are, of course, two different things: not everything that can be bought is available for sale. But, as was pointed out earlier, it so happened that the bearers of printing technology—the new copyists—were businesspeople, not monks, and their desire for profits was enough incentive to look for ways to create and satisfy demand. Thus, in addition to the lower costs of materials required to produce printed matter, the proliferation of printers who established themselves over most cities in Europe to take a slice in the new market substantially lowered the transaction costs associated with acquiring printed information. No wonder the rise in the number of public and private libraries in Europe closely paralleled "the coming of the book." ¹⁴

Both the availability and lower cost of information produced by profit-seeking printers increased the collections of what could well be considered the information oligarchy already existing during the manuscript era. At the same time, the same characteristics of the print economy that allowed the members of such oligarchy to expand their libraries also created space for participation by a larger public: *first*, some of the popular materials to see print were the grammar books—instructions for the learning of the languages in which the classics were printed. For the first time, the public, which before had no access to the codes in which classical learning was written, came to know the Greeks, the Romans, and the eastern civilizations from which they borrowed so much. This resulted in the expansion of readers versed in pagan culture, in various civilizations that were in many ways more sophisticated, esoteric, and exotic. And, *second*, the inertia created by increasing the number of printed works made more materials available in the vernacular. Naturally, because many of the members of the emerging reading public were not articulate in Greek or Latin or any of the many languages in Europe except that which they had grown to speak, they demanded the translation of materials written in those other

Lucien Febvre & Henri Jean-Martin, The Coming of the Book: The Impact of Printing 1450-1800 (New York: Verso, 1997).

¹⁵ It is generally acknowledged that in the late seventeenth—and especially the eighteenth—century people shifted from an intensive type of reading (where a small number of books were constantly re-read) to a more extensive one (where novelty tended to be favored). Henri Jean-Martin, "The Rise of Printing in the West" in Anne-Marie Christin, ed., *A History of Writing* (Paris: Flammarion, 2001)

languages into their vernacular. This was revolutionary indeed, if only because, whereas before, access to information in manuscripts was part of the many privileges shared between the nobility and the clergy, with printing, such access became less of a privilege. This privilege, of course, was cultural in character and, once widely shared, became a social expectation. It is not difficult to see, however, that once such expectation became a powerful source of diverse meaning to a significant number of inhabitants who were starting to see themselves more and more as citizens, as opposed to mere subjects, it became possible to conceive the notion of access to information in the form of a general right to have those conditions that make information available the obligation of the state to protect.

This materialist narrative of the commercialization of information through the invention of printing now brings us to its effects on human beings and on how such transformation left them susceptible to a reconceptualization of what it means to be human and how, having conceived themselves differently, they came to develop a rhetoric designed to protect such revised understanding of self. So far, what I have described are the structural effects of the transition from manuscript to print that focused on an analysis of the macro effects of the new technology. These large-scale effects both constituted the new terrain in which information was produced in society as well as the situation in which individuals of the era eventually found themselves. The novelty brought by printing—efficiency, lower cost, mass distribution—contoured individuals' habits of reading and writing, and ultimately, thinking and communicating.

V. NEW SENSE OF SELF

The confluence of these printing-associated modifications in the production of knowledge allows us to now theorize how such new information environment became a catalyst for a reconfigured sense of self. For one, it is easy to see that printing abetted the popularization of such deeply personal human activities as reading and writing, forms of meaning-making that are intrinsically individualistic; for another, it made possible the emergence of a reading public with a wider base and diverse interests. Just as important, it allowed people to revise their thoughts about such fundamental questions as the relationship between matter and spirit, science and mysticism, ¹⁶ and the nature of the divine. ¹⁷ This new situatedness brought a new form of individuality in several ways:

Space: Widespread access to printed works allowed human beings a different psychological template for looking at space. The eyes, after all, are limited but flexible viewing devices. Because evolution is responsive—it solves problems that lay to hand—and not pre-emptive—it doesn't equip us with all-purpose tools—it is easy to imagine why human beings do not have the type of vision that crosses mountains and seas. But the novelty of the printed matter is its ability to provide the masses the means by which to breach the constraints of the physical environment through vicarious viewing—of someone or some others, of an event, of another person's home, of another village or city, of someone's thoughts and feelings, or of something wholly unconnected with even the

¹⁶ For a fascinating account during Enlightenment-era France of "the growing public interest in scientific matters and the appropriation of natural philosophy into popular culture," echoed in the debate over the scientific status of dowsing, *See* Michael R. Lynn, "Divining the Enlightenment: Public Opinion & Popular Science in Old Regime France" (2001) 92 (1) ISIS 34.

¹⁷ See Cyril B. O'Keefe, "Conservative Opinion on the Spread of Deism in France, 1730-1750" (1961) 33(4) The Journal of Modern History 398.

physical world. And the beauty of this novelty is that this vicariousness is coupled with anonymity—it allows the reader to go "online" on this kind of vision space without the inconvenience of recognition. Imagine the reader, fully immersed in the pleasures of the moment, her mind traveling, yet supremely sovereign, inaccessible, and private. This, no doubt, is an experience full of meaning especially to those who have had the opportunity to witness the transition from manuscript to print and therefore endowed with the means with which to compare the intellectual pleasures of one against the other. The explosion of reading materials was, for all intents, the illumination of areas previously darkened by the sheer lack of opportunities for seeing-by-reading. With print, human beings acquired a vision space that brought them to a detailed past and an infinitely complicated present, thereby enhancing the quality of how they experience their own lives.

Time: The printed work also allowed the reader to transcend time. Without it, her connection with the past was severely restricted to oral history and other forms of impression. Of course, the manuscript permitted readers the same access as the printed work; but the salient feature of print was its pervasiveness which permitted a much wider public to scrutinize the details of the lives and ideas of others that have lived and thought, and savor the intellectual products of those still alive. Whereas time for those who existed before the print economy was lived in terms of the daily motions of the sun around the earth—or so they thought until they read Galileo's Dialogue Concerning the Two Chief World Systems—the printed work gave sizeable members of the population the ability to move their consciousness, at the level of the individual, forwards and backwards. This not only gave them greater control over time by increasing the span of history they were able to play with, it also, and perhaps even more importantly, heightened their sense of difference. The civilizations of the Greeks, the Romans, Africa and Asia not only came to light with the arresting presence of the foreign, but also unsettled the tyranny of the present, that mental timeframe that have held captive the minds of those who have not or do not read. Among the many consequences one could speculate, one of those that stand out would be the greater focus on the importance of the moment, singled out in a larger canvass of history. We see the reading public of anonymous individuals—a collective of consciousness connected only by their engagement with text—traveling in time but always ending their journey with a return to the present, now cast in bold relief as the arena of concrete experience.

Authorship: Michel Foucault famously declared: [t]he coming into being of the notion of an "author" constitutes the privileged moment of *individualization* in the history of ideas, knowledge, literature, philosophy, and the sciences. The creation of the author as a new niche for legal entitlements in the form of intellectual property constituted an aspect of a special kind of human being—the writing subject—into a separate compartment of legal and cultural discourse. And so the writer, once a creative being who sought meaning by expressing and who sometimes published for fun, posterity, or money, became an author—a legal artifact separable from the writer, even capable of surviving her death, and protected by state. The author is a creature of the market whose history may be found in the development of the laws of copyright. This development, in turn, is intimately intertwined with the print economy and the controversies it brought about.

Michael Focault, "What is an Author?" in Paul Rabinov, ed., The Foucault Reader (New York: Pantheon, 1984) 32.

As I have previously noted, the search for profits out of printing expanded the market for creators of content, especially when materials encoded in manuscript had already been printed to the satisfaction of the public. Prior to the emergence of the printing industry, authors who sought to live by their creativity survived through the system of patronage by which we now know the Medicis. But the patronage system, just like any other form of relation, had its advantages and disadvantages. Understandably, patrons had an interest in the status quo or had economic and political interests they sought to protect, and these considerations affected both the expression of the author and the marketability of his ideas. The reading public's demand for content was responsible for the disentanglement of this relationship between author and patron, as the former started seeking wherewithal for the sale of his work from the printer who gambled on the profitability of the new work. This was not a natural and easy development; if anything, it was controversial and the debates over copyright involved the monarch, conflicting ideologies, and of course, god. 1720s France is a good example. Employing the doctrine of divine revelation and a long tradition of medieval thought, the king's ministers argued that ideas were a gift from god, revealed through the writer. ¹⁹ Authors were not allowed to publish their manuscripts, and only members of the royal guild of publishers and printers were permitted to engage in the printed publication of what was royally deemed to be god's knowledge.²⁰ Eventually, authors, instead of simply selling their works to printers by a contract of sale, devised and fought for laws that gave them greater control privilèges d'auteur—over the works beyond the old terms of sale. This form of enhanced protection we now call copyright.

These related events marked a seminal moment in the freedom of the mind: *first*, that authoring became profitable meant that intellectual creation, one of the most powerful and distinctive forms of assertion of one's individuality, was now a source livelihood for many—an industry by itself, a novel, if profitable, category of meaningful existence—and another niche not only for the literate and the emerging bourgeoisie, but also the poor and angry, hungry and expressive; *second*, that the author became less bound to the wishes of the patron meant greater freedom in the selection and expression of content, thus providing an avenue for social criticism and public propaganda; *third*, that authoring at a wider scale was now possible meant that speakers who distinguished themselves as such became the new high priests of the print economy, powerful speakers and models in an era of anonymity; *fourth*, that the printer's compass was the market meant that even expressions critical or hostile to the settled ways of society found print so long as there were buyers and the dangers to the printer (and other costs) were reasonable risks compared to potential returns.

These developments helped initiate the critique of the permission regime in the publication of information, helping relegate the enterprise of writing and printing more and more to the category of the private. For those familiar with constitutional law, what immediately comes to mind are the rhetorical weapons used by advocates against the "no permit, no publication" policy of monarchs and parliaments—free speech and freedom of the press—the very rights we consider so fundamental today to the operation of the liberal state.

²⁰ Id.

¹⁹ Carla Hesse, "Enlightenment Epistemology and the Laws of Authorship in Revolutionary France, 1777-1793" (1990) 30 Representations 109 at 111.

Unpacking the details of the changes brought about by the emergence of the printing industry, what used to be considered an "unacknowledged revolution," is a work requiring an analysis of a technological innovation's relation to a revolution in the production of knowledge, a task historians since the second half of the century have been performing. In relation to the emergence of the liberal mindset, and to the extent forms of consciousness may be located in material conditions in a particular society, the printing industry is responsible for the emergence of two powerful communities greatly interested in freedoms associated with the creation of and access to information—the reading public and the community of authors. These communities, at the beginning of the modern era, were the ones best situated to propagate both the freedom to inquire and to articulate; and printing—through the book, the leaflet, the newspaper—provided their craving to learn and to speak the technical underpinning through which the desire to know and be known These communities of readers and authors, armed with a new could be satisfied. conception of time and space, became the embodiment of the civilized person: the reading and writing—the educated—human being, what we might call the homo articulus. Compared to the more mundane tasks of herding, fishing, hunting or farming, this new human being's relationship with the printed matter allowed her access to a more transcendent form of consciousness, a life of the mind, a "higher" form of existence, a new standard of civility.

One distinct feature these communities have in common is their mutually reinforcing interest in information, a material of value they came to consider as so fundamental to meaning-making, and therefore crucial to their notion of the good life. The commerce in information, of which reading and writing were integral pieces, brought about new, varied, and highly individuated forms of introspection that generate massive and deep sense of meaning to the members of these communities. The investment in time spent by anyone who enjoys (or even so much as pretends to enjoy) the activity of reading or writing is an empirical attestation to this. Those who live today have access to an even wider stream of content; nonetheless, the reading and writing performed by human beings have remained essentially the same. This fact allows us to comparatively appreciate the fundamentality of the right to create and access to information as basic mechanisms that make these activities both useful and enjoyable, and thus a core component of the kind of freedom so central to liberty and autonomy. It also allows us to see why the rights we normally associate with liberty are so important: it is because they serve the function of preserving the benefits obtained by the reading and writing public from the transition from manuscript to print. This is the point in characterizing individualism as a general mood that captured the intellectual environment generated by the print economy: before the idea of legally enforceable human rights, whether set up against the state or the monarch, was the set of material events I have just described, leading to a cultural conception of freedom dependent on the effects of technological change. This is why individualism, seen as a mood that influenced the intellectual environment and captured the imagination of readers and writers at the dawn of the print era, has potent explanatory capacity in providing an understanding of the rhetoric of rights. Put differently, what print economy augured was a structural transformation in the production of knowledge whose primary effect was the emergence of individualism as a public expectation, which itself required the political commitment to some notion rights for the maintenance of the very effects of such transformation.

_

²¹ Elizabeth Eisenstein, *The Printing Press As An Agent of Change* (Cambridge: Cambridge University Press, 1979).

VI. INDIVIDUALITY IN COMMUNITY

Transitions from one paradigm to another bring about a reformulation of the paradoxes that govern the new environment. For instance, in the movement from manuscript to print, we see the signs, so pregnant with irony, of an emerging tension between individuality and community. True, the communities that brought to bear the power of printing can be seen as a collective; indeed, it is in printing that the production of knowledge became a truly social activity, one that required the participation of a large portion of the population for the success of the diverse ventures that came with it. Printing from movable types created "the public." For the first time in the history of the world, the knowledge of the ancients, of foreign lands, of the high and mighty, of the dead and gone, and of the fantastic claims of other belief-systems, became largely available to large segments of the population. But beyond mere access, and even as society at the end of the 18th century remained hierarchical, imperial, and oligarchic, the possibility of popular participation in public affairs, at least in the west, started to attain the thresholds of normality. Public opinion quickly became not simply an opinion held by the masses at a speculative level, but a term of art for a collective that found its voice in print—concrete, accessible, diverse, readable, and noisy.

At the same time that printing was paving the way for a mass-based reading public engaged in the discourse of common language, such platform for communication was unleashing a wide space for introspection that could only have effected a deepened sense of individualism. One must not forget that only a few activities come close to being as private as reading and writing, even if only because by reading we burn printed matter into our consciousness, transforming it into a lived experience, and by writing we literally give birth to the products of the mind. In either case, these activities are actually instances of powerful attempts by individuals to assume authorship over their lives. In a world of expanded knowledge, the opportunities for the mind to browse, reflect, and otherwise engage in creative mimicry become more intense and diverse, making the mind more capable of engaging in acts of self-definition. This function of self-authorship, which we now take for granted as available to everyone, is fundamental to the liberal mindset.

These having been said, we now see the connection between two apparently separate events: the emergence of the print industry and the rise of individualism as a popular mood. What connects these events is what printing has made available to a vast number of inhabitants from the 15th to the 18th century which, one may suppose, was to some extent already available, albeit restrictively, to the knowledge oligarchy of the medieval and renaissance periods. It is printed information at reasonable cost. This, of course, is not to say that individualism was literally invented during this period or that prior to the printing industry, human beings had no consciousness of their individuality. While we may assume that human beings, as evolved forms of life, have had, since the dawn of humanity, that sense of individuality crucial to allow them to survive (whether they know this or not) by considering their own interests as a default rule of existence, this form of individualism is just pure self-interestedness at the level of the person, unmindful of its social situation. The liberal mindset—or ideology, to make it even more emphatic—

Marshall McLuhan, The Gutenberg Galaxy: The Making of Typographic Man (Toronto: University of Toronto Press, 1962).

is the idea that human beings, though socially constituted, have the right to engage in acts of self-authorship even in the face of a more powerful social authority. This notion is a by-product of culture, not an innate idea. This mindset among individuals became possible only because they became, through the printed text, linguistically connected as members of a discursive community of readers and writers. Thus, the individuality characteristic of 18th century liberal thinking is epiphenomenal to the extent that it is the result of the preliminary existence of a discursive community, necessarily connected through print, but simultaneously increasingly aware of its members' individuality. It is not the loose notion of freedom to do whatever one desires simply, but a form of situated freedom that recognizes its function both as a means and as an end—it is the means by which other possible freedoms and the freedom of others are equally guaranteed, and the end by which selfhood is intimately expressed. This liberalism accepts, as its basic assumption, the existence of the common enterprise of maintaining a viable market for the exchange of ideas. It is in this spirit that Voltaire famously declares of disagreeable ideas, "I may not agree with what you say, but I shall defend to the death your right to say it." In this statement one captures the simultaneity of the notions of individuality and community inherent in the concept of freedom that emerged in the print economy; it is the idea that the discourse of freedom, while placing its focus on the individual as the unit of meaningmaking, is nonetheless self-conscious of the need maintain the ethic of togetherness in the venture at hand.

Voltaire, by promising to defend with his life the right to speak of a person whose idea he disagrees with, fulfills the terms of the tacit contract of the liberal social organization—that the continued functioning of the new information paradigm requires a commitment from the community's members to protect individual speakers. Individualism as a mood therefore had both self- and other-regarding aspects, which was how the protection of freedom was conceived before the rise of positive law and constitutional doctrine that now places the burden to protect rights more saliently on the shoulders of the government and less on the community of readers and writers. Without constitutional norms that bound the state to guarantee fundamental rights, the community of readers and writers were left to construct a culture of protection of the members of the community with the larger purpose of protecting the community itself. These rules of self-protection, once assimilated into the ethic of the community, became the rhetorical weapons directed against those who threatened the expectations of freedom of the reading and writing public.

The new traffic in information generated by the print economy not only transformed the material conditions of thinking, but also unsettled the configurations of power in society. The new community it engendered, with public opinion as its source of both power and legitimacy, was a natural threat to royalty and theocracy and their tool of enforcement—the emerging state bureaucracy. The diversity of the sources of public information that print made available to the public necessarily made it a potential equal opportunity offender and the status quo was not spared from its articulate voice. This is to be expected. Every movement from one type of social organization to another inevitably results in tension because, as the new one replaces the old, it renders obsolete some aspects of the other or undermines the foundations of its mechanisms. Many invest, financially or ideologically, in the continued functioning of the old regime, and the need to protect such investments leads to inevitable clashes. The transition from manuscript to print was no different. Manuscript, as the fundamental unit on which the medieval social organization relied for the preservation and dissemination of knowledge, did not have the property of

tending towards massive distribution, a characteristic the printed matter comparatively had. The kinds of spaces opened up by the print economy made salient the political character of the traffic in information, opening them to contestation, renewal, and temporary closure. To be sure, the old information infrastructure had political effects—its function, deliberate or otherwise, was to allow the present power holders to preserve control over information and many other privileges. The print economy exposed both the restrictive and hierarchical nature of this architecture, and facilitated the drawing of battle lines between the old guards of the *ancien regime* and their perceived successors.

Knowledge in print, therefore, besides simply providing an expedient and less expensive substrate for reading and writing, ushered in a new epistemic environment that allowed individuals to re-conceptualize themselves as individuals and members of society. The fundamental basis of this change was the new relationship between human beings and information, mediated by printing. This resulted in a decentralization which we may describe two-fold as *first*, the shift from a monopolistic production of knowledge to a more social production of knowledge and, *second*, the transition from a content-controlled manuscript culture to (at least eventually) a more or less content-neutral print economy. This double-aspect decentralization, we may conclude, were the structural transformations in the information infrastructure that brought about the modern era from whose cultural products we still so heavily depend.