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Vagrant Figures: Law, Labor, and Refusal in the Eighteenth-Century Atlantic World

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Vagrant Figures: Law, Labor, and Refusal in the Eighteenth-Century Atlantic World

Abstract

The archive of vagrancy is a counter-history of economic rationality. In seeking to catalogue and apprehend the non-laboring body, vagrancy law theorizes labor by tracking its refusal. While vagrancy laws had existed in England since the fourteenth century, vagrancy takes on new meaning in the eighteenth century, as labor becomes central to economic theories of value, emergent penitentiary institutions promote work as a mode of criminal rehabilitation, and transatlantic debates over slavery lend new urgency to the problem of defining "free labor." When legal, economic, and literary texts invoke vagrancy, they therefore ask a crucial question for this period: what makes people work? Vagrancy law called on its enforcers to interpret and predict the actions of those who (in the words of many eighteenth-century statutes) could give no good account of themselves. Across a wide variety of genres, vagrancy appears not as an identity, but as a proliferation of figures, a picaresque parataxis that links characteristics and behaviors as signs of a common disposition yet refuses identitarian coherence. By figuring social threat as unpredictable mobility, ambiguity, and incoherence, the rhetoric of vagrancy justified an equally expansive mobility and flexibility for police power.

By bringing together texts debating crime and poverty in England, the meaning of "free labor" in the context of slavery in the Caribbean, and the stakes of mobility in the United States, "Vagrant Figures" reveals how vagrancy linked police power to economic rationality across transnational circuits of commerce, legal thought, and colonial governance. As economic reasoning informed the management of colonies and the imaginative apprehension of the global, vagrancy came to signify threat to the global enterprises of capitalism and colonial expansion. At the same time, however, the power of vagrancy's rhetoric became a resource for authors seeking to challenge or critique police power. Through readings of authors including Jane Barker, Henry Fielding, Charles Brockden Brown, Edward Long, William Earle, Karl Marx, and Adam Smith, this project traces the resolutely figurative workings of political economy and police power in the long eighteenth century, as both theorized human perception and interiority through registers of the imaginative and rhetorical.

Degree Type

Dissertation

Degree Name

Doctor of Philosophy (PhD)

Graduate Group

Comparative Literature and Literary Theory

First Advisor

Suvir Kaul

Keywords

Empire, Labor, Police, Political Economy, Vagrancy

Subject Categories

American Literature | Comparative Literature | Literature in English, British Isles | Literature in English,
North America

VAGRANT FIGURES: LAW, LABOR, AND REFUSAL IN THE EIGHTEENTH-

CENTURY ATLANTIC WORLD

Sarah Nicolazzo

A DISSERTATION

in

Comparative Literature and Literary Theory

Presented to the Faculties of the University of Pennsylvania

in

Partial Fulfillment of the Requirements for the

Degree of Doctor of Philosophy

2014

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ACKNOWLEDGEMENTS

This is the best part. Out of a genre that typically occludes its own collaborative nature, acknowledgements offer a space for intimacy and collectivity to erupt. As my students learn, writing is a difficult and messy business, but writing these acknowledgements has been pure pleasure.

My parents, Claire Stairiker and Michael Nicolazzo, have always encouraged my eccentricity, my obsessions, my bookishness, stubbornness, and anger—all excellent qualities for a scholar. While this project is about the more sinister aspects of imagining a figure whose form cannot be known in advance, they raised me with the benevolent version of this disposition, never trying to stop me from being a surprise to them—or to myself. And George Hoessel has, literally from my birth, been a part of the family, teaching me about queer kinship years before I had the capacity to understand how radical those lessons had been all along.

The Barnard College Writing Center continues to shape who I am as a writer and teacher, and I cannot imagine doing what I do without drawing on the lessons I learned there.

This project was made possible through the financial support of a Benjamin Franklin Fellowship from the University of Pennsylvania and a Dissertation Fellowship from the Josephine de Karman Foundation. I also want to thank the organizers of GET-UP, the graduate student union that fought for university recognition just before I arrived at Penn. They were never recognized, and didn't exist any longer during my time here, but were instrumental in improving fellowship support for Penn students, so they are to thank for the fact that I received a living wage for my five years of funding at Penn.

JoAnne Dubil, the administrative coordinator for Comparative Literature, should run the world. If she did, I am convinced that all resources would be distributed equitably and compassionately, with impeccable organization and good humor.

I thank my committee—Suvir Kaul, Chi-ming Yang, Michael Gamer, and David Kazanjian—for their generous rigor, their curiosity, and their careful reading of many, many drafts. Chi-ming Yang is to thank for pushing me to understand how centrally this project must be about race and empire, and she has been my role model when I imagine what eighteenth-century studies can and ought to become. Michael Gamer has always shared his expansive knowledge and curiosity without hesitation. Without him as an interlocutor, I may not have stumbled upon my own capacity to be fascinated by eighteenth-century economic thought. Thanks to David Kazanjian, I am now proud and humbled to be part of a genealogy of scholars trained to "say yes to the text." This lesson has contributed more than perhaps any other to my intellectual maturity: intimate, sympathetic engagement with every text is what has made this dissertation what it is, methodologically, and I look forward to teaching the "three yeses" to a new generation.

For six years now, Suvir Kaul has been asking me tough questions, pushing me to reconsider every assumption, and helping me hone my writing to its sharpest. His commitment to the analysis of power is as present in his advising as it is in his scholarship, as he has shown the same concern for my working conditions and funding as he has for my readings of eighteenth-century texts. He has pushed me towards precision ("'Weird' is not a category of analysis!") and encouraged me to embrace, unapologetically, the presentist commitments that animate my scholarship ("Your great strength is that you have an old-fashioned concern with the material conditions of things!") I can only hope to emulate his perfect balance of unabashed polemic with genuine openness to views that challenge his own. His teaching is everywhere in this project—and not just in those moments when I begin a sentence with "Indeed."

Toni Bowers has been an engaged reader of my work since my arrival at Penn. She helped introduce me to the field of eighteenth-century studies, both intellectually and professionally, and I am grateful for her work in demystifying the institutional histories and rhetorical forms that too often go unspoken. My first publication is quite indebted to her encouragement, critique, and dedicated reading of many drafts. And of course, she is responsible for my permanent obsession with *Clarissa*, which has certainly enriched my life, even if it has also meant that my friends have had to hear much more about Samuel Richardson than they likely ever wanted to, or indeed, thought was possible.

Many faculty members at Penn, especially Tsitsi Jaji, Heather Love, Emily Steinlight, and Peter Stallybrass, have informed my thinking through insights shared generously and informally.

Though we do not know each other personally, this work could not have happened without an earlier generation of scholars who transformed the field of eighteenth-century studies into a field I actually wanted to enter. Thank you, therefore, to Laura Brown, Janet Todd, Felicity Nussbaum, Betty Joseph, Srinivas Aravamudan, and Susan Lanser.

After I gave a conference paper on vagrancy and sexuality in *The Female Husband*, my fellow panelists Caroline Gonda and Chris Roulston shared lunch with me and asked me if this might become a larger project. "You know," I said, "I really think it might."

The past and present members of Penn's Eighteenth-Century Reading Group, including Travis Lau, Alice McGrath, Alyssa Connell, Dave Alff, Divya Nair, Ashley Cohen, and Daniel DeWispelare offered generous and productive readings of several of my chapters, and more generally, provided a convivial home for ongoing conversation.

Comparative literature is by nature a decentralized discipline, and yet many current and former graduate students in Comparative Literature at Penn have come together and enriched my thinking in their readings of my work, sometimes across great divides of language and field: Liza Strakhov, Kristi Tillett, Aishwarya Iyer, Cliff Mak, Devorah Fischler, Alison Howard, Kristen Meylor, Laura Finch, Avi Alpert, Nesrine Chahine.

Greta LaFleur has been an ally and mentor in queer eighteenth-century studies and in academic life in general. It is an honor to be hailed by her, raucously, in conference panels and bars alike, as "Sister!"

Jess Hurley has shared her insights on both academic and artistic life—it is a delight to know and learn from someone whose passionate expertise includes the history of the Meyers-Briggs test, the theology of the *Left Behind* series, and how to work collectively to make whip-smart experimental theatre.

Sunny Yang and Marina Bilbija not only dressed me for my job interviews, but also made me sharper and more fabulous in ways that transcend the sartorial. As researchers, they are ruthless in the best possible way: their intense curiosity drives them both into hidden, idiosyncratic, and occluded archives that, in their hands, turn out to be anything but obscure; they have the knack, in other words, for uncovering the unexpected at the center of everything. And they're listed here together, though they're some of the most singular people I know, because their blithe refusal to tone down their friendship or fit it into familiar categories is an inspiration to all of us who look for ways that kinship might be structured otherwise than it's supposed to be.

Thomas Dichter has read my work carefully, taught me almost everything I know about critical histories of incarceration, and is a model of humbly, fiercely engaged scholarship. I aspire to one day embody something like his integrity.

Don James McLaughlin asks really good questions. He is always willing, as a reader, interlocutor, or presenter, to step back and question the frame that the rest of us have taken up, and I learn from it every time.

Laura Soderberg has a knack for finding the most compellingly weird puzzles in the archive, and her curiosity and astonishing intelligence keep her engaged with historical incorrigibility that refuses easy answers. As a reader and interlocutor, and as a sarcastic commentator on academic life, she's been wonderful to have around.

Mary-Catherine French has brought more bravery, writing wisdom, and utopian passion for science fiction into my life, and I can only hope this is the beginning of a long friendship.

Marissa Nicosia has been a fellow traveler since college. We were transatlantic companions in grad school applications, and she was the first anchor for my new friendships when we both arrived at Penn together. Her creativity, bravery, and commitment to the good life in the face of precarity is apparent not only in her invitations to her excellent parties ("Dress awesome." "No academic job market talk allowed."), but also in her combination of irreverence and seriousness in her approach to research, teaching, and the world beyond. I'm grateful that something in the chaos of the universe

keeps tossing us together for all our new beginnings: first, from New York to Philadelphia, and soon, to Southern California—we keep starting over, but never totally alone.

Alice McGrath has shared not only her sharp insights on Jane Barker and eighteenth-century novelistic form, but also her friendship, her wry humor, and her insistent doubt of normativity both professional and personal. If academia were more like the many conversations we've had in a dark corner of the best bar in the universe, I can't promise it would solve every structural problem, but it would be a lot more utopian than it is now.

Marie Turner was one of the first kindred spirits I found at Penn. A typical conversation between us might encompass writing pedagogy, Dungeons and Dragons, feminism, fanfiction, cats, friendship, and more—within the first fifteen minutes. As a colleague and as a friend, she makes you feel at home, instantly, exactly as you are.

Carolyn Trench combines glitter and anger in the most potent possible way. She bucks academia's expectations constantly: she combines an incisive critical mind and a serious commitment to research with an unapologetic embrace of the world outside the academy, refusing to hide her commitments to the kinds of things that female academics often have to fear will mark them as unserious: family, friendship, craft, pop culture, and the place of scholarship in a wider world.

The women of Tangle Movement Arts—Lauren Rile Smith, Lea Deutsch, Tiffany Holder, Lee Ane Thompson, Kate Aid, Maura Kirk, Deena Weisberg, Rebecca MoDavis, Calla Smith, Tanaya Thomas—have taught me nearly everything I know about strength, embodiment, resilience, resourcefulness, and grace. While a dissertation is, by necessity, a deeply institutional creature, our work together has shown me how creation can happen otherwise: we started from nothing and built ourselves a name, a community, and a vision of a world turned upside down.

Betsy Beasley is a comrade in queer scholarship in its most expansive sense: defying categories, we promiscuously mingle scholarly collaboration, flirtation, friendship, work, and play. The standard way you'd say it in this genre is that I'm indebted to her incisive work in the history of capitalism and her boundless curiosity about fields quite different from her own, but we both know it's way more fun than that.

Everything I've learned from Megan Stories—about communication, intimacy, writing, and self-awareness—is pretty much what made it possible for me to become a good teacher. I can't think of a more generous gift.

Lisa Ruth Rand, Julian Scheff, Bronwen Konecky, Vani Kannan, Lisa Perfetto, and Josh Starr: while graduate school can seem to last forever, our friendships predate even my earliest inklings towards an academic career, and I am grateful for your encouragement, fellowship, curiosity, silliness, and for the fact that your friendship offers me a place in

the world that the vagaries of my profession cannot touch.

Because I embrace certain cultural clichés, I have to thank my cat, Vinegar. He's named after a spinster witch's familiar in a lovely, hilarious, and seriously under-read modernist novel, and in his companionship, profound indifference to human culture, and deeply weird opacity, he lives up to his namesake perfectly.

And finally, Kate Aid and Bronwyn Wallace: my debts to you are the ones I've been composing in my head for years. Our intimacies are the kinds that expand the genre of the academic acknowledgement beyond a simple statement of intellectual collaboration and into the far less disciplined public celebration of kinship in all the unruly, unnamed, queer forms it might take. And as my favorite unruly queers, I can't imagine anyone but you in the charged space of the acknowledgements' last entry.

Kate: here's to some adventures we've had so far. Going home with you after that hedonistic chaos that was the "Rethinking Sex" conference is pretty much the best and most consequential decision I've made as an academic, and—like much of our time together—it makes a *great* story. You mingle genres like nobody I know. You've taught me that the best things happen when you're dancing. Your citational practice, in both research and life, is a model of fierce feminist dedication to refusing canonical lineage and embracing the unknown, the forgotten, the silenced, the unregarded. With the aplomb of Dusty Springfield singing "You Don't Own Me," you refuse easy affiliation or categorization, both disciplinarily and socially: you are the most delightful resignification of that idiom of our digital lives: "It's complicated." You embrace the future for what it is—utterly unknown—and so here's to what's next, after the camera pans out and up, as the Busby Berkeley stage starts spinning and the chorus girls disperse and rearrange themselves into a lattice of legs filmed from above and then, before you know it, we're in a Technicolor montage that has nothing to do with the plot but shows off some incredible choreography. Kid, we oughta be in pictures.

Bronwyn: our friendship has called utopian worlds into being. I can't read Eve Sedgwick or Katherine Philips without you as my imagined interlocutor—and why would I ever want to? Your fierce pedagogical brilliance revolutionizes what I think I know about teaching on a regular basis. Your intensity is a gift to this world, and to the others we imagine and hope for when we place our faith in the vastness of the universe. Not everyone will understand how significant it is that you introduced me to Star Trek, but you introduced me to Star Trek, and you know how much that matters. One way to dedicate this project might be to say that it is a monument—not to our greatness, but to our existence. Because what happens in our conversations, in where we overlap and where we differ, in our simple co-presence in an often hostile institution and an often hostile world: it's the warp core, it smashes matter into antimatter and breaks through time and space. Time and space have never been the same since you came along, and your thinking is what has given me scope to dilate upon the same.

ABSTRACT

VAGRANT FIGURES: LAW, LABOR, AND REFUSAL IN THE EIGHTEENTH-
CENTURY ATLANTIC WORLD

Sarah Nicolazzo

Suvir Kaul

The archive of vagrancy is a counter-history of economic rationality. In seeking to catalogue and apprehend the non-laboring body, vagrancy law theorizes labor by tracking its refusal. While vagrancy laws had existed in England since the fourteenth century, vagrancy takes on new meaning in the eighteenth century, as labor becomes central to economic theories of value, emergent penitentiary institutions promote work as a mode of criminal rehabilitation, and transatlantic debates over slavery lend new urgency to the problem of defining "free labor." When legal, economic, and literary texts invoke vagrancy, they therefore ask a crucial question for this period: what makes people work?

Vagrancy law called on its enforcers to interpret and predict the actions of those who (in the words of many eighteenth-century statutes) could give no good account of themselves. Across a wide variety of genres, vagrancy appears not as an identity, but as a proliferation of figures, a picaresque parataxis that links characteristics and behaviors as signs of a common disposition yet refuses identitarian coherence. By figuring social threat as unpredictable mobility, ambiguity, and incoherence, the rhetoric of vagrancy justified an equally expansive mobility and flexibility for police power.

By bringing together texts debating crime and poverty in England, the meaning of

"free labor" in the context of slavery in the Caribbean, and the stakes of mobility in the United States, "Vagrant Figures" reveals how vagrancy linked police power to economic rationality across transnational circuits of commerce, legal thought, and colonial governance. As economic reasoning informed the management of colonies and the imaginative apprehension of the global, vagrancy came to signify threat to the global enterprises of capitalism and colonial expansion. At the same time, however, the power of vagrancy's rhetoric became a resource for authors seeking to challenge or critique police power. Through readings of authors including Jane Barker, Henry Fielding, Charles Brockden Brown, Edward Long, William Earle, Karl Marx, and Adam Smith, this project traces the resolutely figurative workings of political economy and police power in the long eighteenth century, as both theorized human perception and interiority through registers of the imaginative and rhetorical.

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INTRODUCTION

Specters of Political Economy

Political economy, therefore, does not recognize the unoccupied worker, the workingman, insofar as he happens to be outside this labor relationship. The cheat-thief, swindler, beggar, and unemployed; the starving, wretched and criminal workingman—these are *figures* who do not exist for *political economy* but only for other eyes, those of the doctor, the judge, the grave digger, and bumbailiff, etc.; such figures are specters outside its domain.¹

In the *Economic and Philosophic Manuscripts* of 1844, Marx begins to formulate his theories of labor, capital, and class formation through an extended meditation on eighteenth-century political economy. He reads these texts (most centrally, Adam Smith's *Wealth of Nations*) as both engine and symptom of a historical transformation that culminates in “the production of human activity as *labor*” and “the production of the object of human activity as *capital*.”² This historical transformation results in “the *abstract* existence of man as a mere *workman* who may therefore daily fall from his filled void into the absolute void—into his social, and therefore actual, non-existence.”³

This line of reasoning is central to the early development of Marx's theory of alienated labor. In asking *what*, precisely, is alienated from the worker who has no choice but to subsist on wage labor, Marx is led to a simple question: what is a worker who is not working? For Adam Smith, the portion of a worker's life that is not spent working is in fact central to the functioning of the labor market. According to Smith, the limitations

1 Karl Marx, *Economic and Philosophic Manuscripts of 1844*, ed. Dirk Struik (New York: International Publishers, 1980), 120-121; emphasis original.

2 Ibid., 122.

3 Ibid.

imposed by what the worker's body needs to survive are the basis for both class formation and the range within which wages fluctuate on the labor market. Subsistence, and the worker's absolute dependence on employment in order to survive, both form the basis for the unequal power relations between worker and employer:

We have no acts of parliament against combining to lower the price of work; but many against combining to raise it. In all such disputes the masters can hold out much longer. A landlord, a farmer, a master manufacturer, or merchant, though they did not employ a single workman, could generally live a year or two upon the stocks which they have already acquired. Many workmen could not subsist a week, few could subsist a month, and scarce any a year without employment. In the long-run the workman may be as necessary to his master as his master is to him, but the necessity is not so immediate.⁴

At the same time, Smith argues, the needs of bare survival set the base wage which can then increase in cases of increased demand for certain kinds of labor: "But though in disputes with their workmen, masters must generally have the advantage, there is however a certain rate below which it seems impossible to reduce, for any considerable time, the ordinary wages even of the lowest species of labour."⁵ This rate is what Smith describes as "the lowest which is consistent with common humanity."⁶ In other words, the worker's non-working, embodied existence—even if that existence consists only of the bare minimum of food and sleep—is in fact a key factor in the functioning of the labor market.

For Adam Smith, non-work exists as a limit case of the extraction of labor from the worker's body. Marx, however, invokes a different portrait of non-work: the list of figures ("cheat-thief, swindler, beggar, and unemployed; the starving, wretched and

4 Adam Smith, *The Wealth of Nations* [1776], ed Edwin Cannan (New York: Modern Library, 2000), 76.

5 Ibid., 77.

6 Ibid.

criminal workingman") that signify criminalized dispossession; "*figures* who do not exist for *political economy* but only for other eyes, those of the doctor, the judge, the grave digger, and bumbailiff." In other words, the vagrant.

Smith's only significant mention of vagrancy in the *Wealth of Nations* is his opposition to vagrancy laws; he argues that they are an outmoded form of labor regulation that attempts to impose industry through force rather than allowing the market to entice people to work for their own gain, and that they impede the development of a free labor market by preventing workers from moving to seek higher wages.⁷ Marx, however, dwells on the *production* of the vagrant as central to classical political economy, but invisible to the stories it tells about itself; much later, in *Capital*, he would go on to identify the production of unemployed, itinerant populations and their simultaneous criminalization through vagrancy laws as central to the (occluded) historical process of primitive accumulation.⁸

Here, in the 1844 *Manuscripts*, however, the vagrant is less a historical population than a spectral figure. This figure does not name a subject, but a form of relation to economic rationality; relegated to management by "the doctor, the judge, the grave

7 Ibid., 156-63.

8 Marx's elaboration on primitive accumulation, famously, diagnoses political economy as a more narrative genre than it claims to be: "This primitive accumulation plays approximately the same role in political economy as original sin does in theology. Adam bit the apple, and thereupon sin fell on the human race. Its origin is supposed to be explained when it is told as an anecdote about the past. Long, long ago there were two sorts of people; one, the diligent, intelligent and above all frugal elite; the other, lazy rascals, spending their substance, and more, in riotous living. The legend of theological original sin tells us certainly how man came to be condemned to eat his bread in the sweat of his brow; but the history of economic original sin reveals to us that there are people to whom this is by no means essential. Never mind! Thus it came to pass that the former sort accumulated wealth, and the latter sort finally had nothing to sell except their own skins. And from this original sin dates the poverty of the great majority who, despite their labour, have up to now nothing to sell but themselves, and the wealth of the few that increases constantly, although they have long ceased to work." (Marx, *Capital: A Critique of Political Economy* vol. 1, tr. Ben Fowkes [New York: Penguin Classics, 1990], 873.)

digger, and bumbailiff," the vagrant is a figure that cannot be counted on to be motivated by that which, according to classical political economy, motivates all human action: rational self-interest. When Smith argues that the division of labor arises from "a certain propensity in human nature ... to truck, barter, and exchange one thing for another," vagrancy remains outside this supposed universal.⁹ In this primordial scene of exchange, he argues, "we address ourselves, not to their humanity but to their self-love, and never talk to them of our own necessities but of their advantages. Nobody but a beggar chuses to depend chiefly upon the benevolence of his fellow-citizens."¹⁰

It is from Marx's invocation of vagrants as spectral "figures" that I take my title, "Vagrant Figures." The dual valence of "figures" is central to my reading of vagrancy in literary and economic texts of the eighteenth-century Atlantic world. One sense of the "figure," as Marx uses it here, names the ability of law and political economy to resolve language into the impression of a subject, an animate body that moves through the world, contains interiority, and is available to be perceived by others. In this sense, "the vagrant" is not a kind of person, but a category produced by the laws that claim to only identify and apprehend this kind of person. At the same time, I trace "vagrant figures" of another kind, the malleable linguistic figures employed to endow police power with the mobility it attributes to its paradigmatic target. I am interested in the resolutely figurative workings of political economy and police power in the long eighteenth century, as both theorized human perception and interiority through registers of the imaginative and rhetorical.

"Vagrant Figures" offers a critical history of economic rationality by tracing how

9 Smith, *Wealth of Nations*, 14.

10 *Ibid.*, 15.

literary, legal, and economic texts invoke vagrancy as its antithesis. Vagrancy law, which ties the refusal of labor to potential criminality and threat, enjoins its enforcers to read bodies for their perceived desire to work. A longstanding juridical category, vagrancy takes on new meaning in the eighteenth century, as labor becomes central to economic theories of value, emergent penitentiary institutions promote work as a mode of criminal rehabilitation, and transatlantic debates over slavery lend new urgency to the problem of defining "free labor." At the margins of political economy, vagrancy linked labor to affect, interiority, and embodied difference.

Across a wide variety of genres—from vagrancy statutes to Blackstone's discussion of police offenses in his *Commentaries on the Laws of England* (1765-69); from Edward Long's figuration of blackness as idleness in his *History of Jamaica* (1774) to Marx's famous evocation of the politically unassimilable *lumpenproletariat*—vagrancy appears not as an identity, but as a proliferation of figures, a picaresque parataxis that links characteristics and behaviors as signs of a common disposition yet refuses identitarian coherence. This rhetorical mode links anticipated criminality to those figures that do not qualify as the emergent rational economic actor of classical political economy. Circulating through transatlantic geographies of empire and commerce, figures of vagrancy enable police power through their rhetorical indeterminacy, calling for discretionary and flexible modes of governance to counter a paradigmatically mobile, indeterminate threat.

In seeking to catalogue and apprehend the non-laboring body, vagrancy law theorizes labor by tracking its refusal. Economists, political theorists, pamphleteers,

novelists, and poets, I argue, deployed vagrancy as a theory marking the boundaries of economic rationality. Vagrancy law called on its enforcers to interpret and predict the actions of those who (in the words of many eighteenth-century statutes) could give no good account of themselves. These laws did not aim to describe, represent, or explain their objects with precision, but relied on the discretionary power of authorities to "read" bodies and intentions. For this reason, literary texts offer particular insight into the history of vagrancy law and the reading practices governing its enforcement. By figuring social threat as unpredictable mobility, ambiguity, and incoherence, the rhetoric of vagrancy justified an equally expansive mobility and flexibility for police power.

What is Vagrancy?

Vagrancy was already a longstanding legal category by the eighteenth century. Anne Middleton argues that legislative attempts to manage labor shortages in the wake of the Black Plague resulted in a major transformation in legal and political common sense regarding the links between labor, community, and social legibility, as vagrancy laws had the effect of "assimilating the whole range of useful activities to the generic category of 'work,' and rendering the entire political community as its beneficiary."¹¹ Comparing the Statute of Laborers of 1388 (12 Rich. II c. 7) with its earlier incarnation of 1351, Middleton traces a transformation from an attempt to keep down wages to a much broader-ranging concern about idleness as an index of dangerously illegible potential for unpredictable threat: "Excessive wage costs in both rural and urban occupations now

11 Anne Middleton, "Acts of Vagrancy: The C Version 'Autobiography' and the Statute of 1388," in *Written Work: Langland, Labor, and Authorship* ed. Steven Justice and Kathryn Kerby-Fulton (Philadelphia: University of Pennsylvania Press, 1997), 234.

yield to a perceived stark contrast between rural field and village as places where there were until lately stable and intelligible forms of 'work' ... and the city and metropolis, where human desire, skill, and intent are asserted in threateningly unclassifiable new ways."¹²

In his classic account of early modern vagrancy, A. L. Beier similarly characterizes vagrancy not as a particular act, but a catchall category for social disorder indexed by, but not limited to, perceived lower-class idleness: "Vagrancy is perhaps the classic crime of status, the social crime *par excellence*. Offenders were arrested not because of their actions, but because of their position in society."¹³ This association between vagrancy and generalized, catchall categories of social disorder, as well as the use of vagrancy law to create and regulate classes of laborers, continued into the eighteenth century and beyond.¹⁴

At the same time, however, legal and imaginative deployments of vagrancy take on historically specific forms in the context of specifically eighteenth-century legal and political innovations, economic transformations, and changes in literary form. For example, in his "Proposal for Making an Effectual Provision for the Poor," Henry Fielding follows some of the reasoning Middleton identifies as a central feature of

12 Ibid., 233.

13 A. L. Beier, *Masterless Men: The Vagrancy Problem in England, 1560-1640* (London: Methuen, 1985), xxii.

14 Nicholas Rogers, "Policing the Poor in Eighteenth-Century London: The Vagrancy Laws and their Administration," *Histoire Sociale / Social History* 24 (1991): 127-147; Rogers, "Vagrancy, Impressment and the Regulation of Labour in Eighteenth-Century Britain" in Paul Lovejoy and Nicholas Rogers (eds.) *Unfree Labour in the Development of the Atlantic World* (Ilford, Essex: Frank Cass, 1994), 102-113; Lynn Hollen Lees, *The Solidarities of Strangers: The English Poor Laws and the People, 1700-1948* (Cambridge: Cambridge University Press, 1998); Douglas Hay and Paul Craven, "Introduction" in Hay and Craven (eds), *Masters, Servants, and Magistrates in Britain and the Empire, 1562-1955* (Chapel Hill: UNC Press, 2004).

medieval vagrancy law, as he names as the primary aim of poor law the enforcement of labor—and thus useful social existence—among the poor: “For having nothing but their labour to bestow on the society, if they withhold this from it they become useless members; and having nothing but their labour to procure a support for themselves they must of necessity become burdensome. [...] On this labour the public hath a right to insist; since this is the only service which the poor can do to that society, which in some way or another hath a right to the service of all its members.”¹⁵ At the same time, however, several of Fielding's specific arguments—and the genres in which he makes them—are specific to the eighteenth century. First, despite the actual similarities between his argument and the medieval justifications of vagrancy laws, Fielding identifies the need for stricter vagrancy law with new economic and cultural developments in a commercial society—a society for which feudalism serves as his foil. Second, Fielding's engagements with crime and poverty (as I explore in more detail in my first chapter) take place in distinctly eighteenth-century genres, publics, and forms of print media, enabled by a dual legal and journalistic career made possible by historically specific developments in both law and literature.¹⁶

In an era that saw the rise of new forms of charitable institutions and movements for social reform—as well as the gradual end of longstanding systems of parish poor relief—the category of vagrancy embedded criminalization into the fabric of charity and

15 Henry Fielding, *Proposal for Making an Effectual Provision for the Poor* in *The Complete Works of Henry Fielding*, vol. 13, ed. William Ernest Henley (New York: Croscup & Sterling, 1902), 138-39.

16 For more on the links between Fielding's multiple careers, see Lance Bertelsen, *Henry Fielding at Work: Magistrate, Businessman, Writer* (New York: Palgrave, 2000).

poor relief.¹⁷ Vagrancy, within the poor relief system, served as the dividing line between the poor who were declared worthy of charity and those who were not. Again and again, vagrancy legislation and texts relating to poor relief remark on the difficulty of distinguishing between these two groups. Distinguishing between the vagrant and the 'honest' poor—between those who *would* not work and those who *could* not work—was a matter of intense concern. The attempt to distinguish the idle from the industrious poor, the vagrant from the honest laborer, was one that cut across partisan and ideological affiliations. For example, the radical thinker John Thelwall, in his 1793 “politico-sentimental” text *The Peripatetic*, begins with a defense of pedestrian wandering but differentiates wandering from the unauthorized begging of the vagrant in terms that would not seem out of place in the writings of Hannah More: “I have rather an habitual antipathy—not against distress . . . but against professional beggary – It is the vicious profession of indolence and hypocrisy!”¹⁸ The self-critical reflections that follow moderate the sentiment somewhat, as the speaker concludes that he has in fact mistaken an “unhappy rustic” for a criminal, but much like in Wordsworth's encounter with a seeming vagrant at “Point Rash-Judgement,” the mistake is only one of misattribution; the fundamental categories of honest laborer and criminal, worthy and unworthy poor, remain.¹⁹

Some of the earliest precursors to what we now think of as the modern prison—a

17 Donna T. Andrew, *Philanthropy and Police: London Charity in the Eighteenth Century* (Princeton: Princeton University Press, 1989). See also Steve Hindle, *On the Parish? The Micropolitics of Poor Relief in Rural England, c. 1550-1750* (Oxford: Oxford University Press, 2004).

18 John Thelwall, *The Peripatetic*, ed. Judith Thompson (Detroit: Wayne State University Press, 2001), 86.

19 William Wordsworth, “Poems on the Naming of Places,” *Lyrical Ballads 1798 and 1800*, ed. Michael Gamer and Dahlia Porter (Peterborough: Broadview, 2008), 383.

phenomenon often associated with the penitentiary of the late eighteenth century—emerge primarily as institutions intended specifically for the incarceration of vagrants. In her description of the rise of the bridewell in the sixteenth century, Joanna Innes notes the appearance of modes of punishment often associated with a much later era: “The new prisons were quite differently conceived. They were designed for a very specific clientele: for men and women drawn from the ranks of the labouring poor, guilty of no more than petty delinquencies considered to be especially characteristic of the poor: 'idle and disorderly' behaviour of various kinds, unlicensed begging, vagrancy, and the like. The prisons that were to receive these people were not to be places of detention merely, but rather sites of punishment and reformation.”²⁰ Bridewells were tools of the discretionary enforcement of vagrancy law as an expansive category enabling the apprehension, displacement, and incarceration of a wide variety of people perceived as threats to social order.

Vagrancy's relation, both in theory and in practice, to economic ideology was complex and varied. Even as vagrancy was framed as the opposite of labor and a threat to industry, begging was simultaneously portrayed as a trade, an illegitimate profession to be regulated or eliminated by cutting off either supply or demand. For example, Matthew Hale, in his *Discourse Touching Provision for the Poor* (1683), poses as a problem the fact that “there are a sort of idle People that will rather beg than work, though they may be employed, and so that Trade of Begging and Idleness would be still continued," and

20 Joanna Innes, “Prisons for the Poor: English Bridewells, 1555-1800” in Francis Snyder and Douglas Hay (eds.) *Labour, Law and Crime: An Historical Perspective* (London: Tavistock Publications, 1987), 42. See also J. M. Beattie, *Crime and the Courts in England 1660-1800* (Princeton: Princeton University Press, 1986), 18.

thus proposes vagrancy law as a solution: "By this means, the benefit of Working would exceed the benefit of Begging, which would cause Persons to leave it."²¹ The widespread use of vagrancy law to target sex workers also participates in this particular interpretation of vagrancy as an illegitimate profession—the wrong *kind* of work rather than the outright refusal of work.²²

At the same time, however, the miscellaneous forms of social threat indexed by vagrancy constituted a capacious category for housing forms of action and motivation that could not be explained through the kind of rational self-interest that motivates vagrants invoked in tales of professional beggars who earn more money than "honest" laborers. Simultaneously, vagrancy criminalized the refusal to work *and* forms of activity regarded as illegitimate work. Paradoxically, however, all of these activities registered as forms of "idleness," revealing idleness to be a surprisingly active category.²³ Idleness, especially in the context of vagrancy law, does not necessarily signify inactivity, but rather the wide spectrum of activity, inactivity, and interior motivation that threatens to fall outside the purview of the rational self-interest that, as A. O. Hirschman has influentially argued, emerged as increasingly central to eighteenth-century theories of social and political organization.²⁴ For these theories, the pursuit of self-interest made for rational actors whose behavior could be predicted.²⁵ Idleness—criminalized under the aegis of vagrancy—could therefore index the unknowable, unpredictable threat posed by

21 Quoted in Hindle, 171.

22 Innes, 100.

23 For the multivalence of "idleness" in eighteenth-century Britain and its colonies, see Sara Jordan, *The Anxieties of Idleness: Idleness in Eighteenth-Century British Literature and Culture* (Lewisburg: Bucknell University Press, 2003).

24 A. O. Hirschman, *The Passions and the Interests: Political Arguments for Capitalism Before its Triumph* (Princeton: Princeton University Press, 1977).

25 *Ibid.*, 52-54.

actors whose behaviors cannot be reliably regulated by the market, and thus must be consigned to the police.

Vagrancy Across Empire

While a rich strain of British social history, in the tradition of E. P. Thompson, has elucidated much about the use of vagrancy laws in Britain in the long eighteenth century, much less of this work has contextualized vagrancy in global, colonial, and racialized divisions of labor.²⁶ However, since vagrancy was central to eighteenth-century British theories of both labor and criminality, and since no account of eighteenth-century British economics or law can ignore the centrality of empire to these formations, vagrancy's imaginative and literary dimension cannot be regarded as a simply domestic phenomenon.

Racialized redeployments of vagrancy law were key nodes for the mutual imbrication of race, policing, and labor in both colony and metropole. For example, early vagrancy laws from the North American colonies reshape existing forms of English vagrancy law to regulate the specifically racialized spaces of the colonies. The "Law to Punish Idleness and Stealing by Indians," enacted in Plymouth in 1674, states that "for all younge persons of the Indians as spend their time Idlely It shalbe in the power of the Celect men or Constable in each Towne upon complaint to put them to some persons that shall keep them to worke and not abuse them, but if such persons shall or doe run away

26 One notable exception to this trend (though vagrancy is not their central category of analysis) is Peter Linebaugh and Marcus Rediker, *The Many-Headed Hydra: Sailors, Slaves, Commoners, and the Hidden History of the Revolutionary Atlantic* (Boston: Beacon Press, 2000).

they shall forfeit double for such time as they are absent.”²⁷ This early assertion of Native American idleness comes to inform (as I detail in my third chapter) a specific theory of labor and criminality that underpins settler colonialism and (after independence) the earliest ideologies of U.S. empire. For example, one paradigmatic expression of this racialized notion of idleness expands beyond the immediate exigencies of enforcing vagrancy law and proposes a policy of settlement not to produce wage laborers (as in England), but rather to destroy Native sovereignty:

The first thing then is to assist them in making a settlement. This is with good reason mentioned first; for without it none of the other ends can be effectually answered. A vagrant life is unfavourable to instruction; and without settlements and fixed habitations, and that at no great distance from us, we cannot expect, in the present situation of affairs that their friendship will be steady and firm [...] But farther, by this change of life, they will gradually unlearn their natural ferocity; their manners will become more humane and gentle; their wants will be increased, while on us they must in a manner wholly depend to have them supplied: And thus, being for some time accustomed to live in houses, they will find themselves incapable of encountering the difficulties of an unprovided unsettled life; so that necessity, as well as inclination, nay their own welfare and happiness, which is the strongest cement of national union, will engage them to cultivate our friendship, and attach them to our interest.²⁸

Meanwhile, a Massachusetts law of 1703 expands the racialized reach of vagrancy law beyond "Indians" in order to regulate a broader array of legal statuses and relations to labor:

Whereas great disorders, insolencies and burglaries are oftentimes raised and committed in the night time by Indian, negro and molatto servants and slaves to the disquiet and hurt of her majesty's good subjects... no Indian, negro or molatto servant, or slave, may presume to be absent from the families whereto they

27 *Early American Indian Documents: Treaties and Laws, 1607-1789*, 20 vols, ed. Alden T. Vaughan (Washington, DC: University Publications of America, 1979), vol 17: New England and Middle Atlantic Laws, 41.

28 "The Planter, No. II," *The American Magazine and Monthly Chronicle for the British Colonies*, Nov 1757: 83.

respectively belong, or be found abroad in the night time, after nine a clock, unless it be upon some errand for their respective masters or owners. And all justices of the peace, constables, tythingmen, watchmen, and other her majesty's good subjects, being householders within the same town, are hereby respectively impowred to take up and apprehend, or cause to be apprehended, any Indian, negro or molatto servant or slave that shall be found abroad after nine a clock at night, and shall not give a good and satisfactory account of their business, make any disturbance, or otherwise misbehave themselves...²⁹

Finally, a South Carolina law of 1721 seeks to criminalize *white* lower-class mobility as a threat to the proper regulation of nonwhite populations: “Whereas, notwithstanding the precautions taken for preventing the large credit given to the poorer sort of people, and more especially to loose, idle and disorderly persons, who, continually running in debt much beyond what they are able to pay, daily desert the Province—which, if not timely prevented, will expose this frontier colony to the incursion of the Indians, insurrection of Negroes, and make the same an easy prey to the invasion of any foreign enemy...”³⁰

At the same time, as I show in my second and fourth chapters, the racial and colonial dimensions of vagrancy law were not confined to colonial spaces. Colonial displacement and dispossession, figured through the language of vagrancy, could justify new colonial projects, as in the case of the Committee for the Relief of the Black Poor and its spearheading of the settlement of Sierra Leone. For example, one report of the Sierra Leone Company uses the typical language of vagrancy to argue for the necessity of moving the “Black Poor” out of London:

About five years since, the streets of London swarming with a number of Blacks in the most distressed situation, who had no prospect of subsisting in this country but by depredations on the public, or by common charity, the humanity of some respectable Gentlemen was excited towards these unhappy objects. They were

29 *Early American Indian Documents*, 17:168.

30 *Ibid.*, 16:227.

accordingly collected to the number of above 400, and together with 60 Whites, chiefly women of the lowest sort, in ill health, and of bad character, they were sent out at the charge of government to Sierra Leone. It was hoped that the necessity of their situation might bring them into some tolerable habits of industry and good order...³¹

Meanwhile, Oliver Goldsmith's protest of the displacement of rural English villagers through enclosure registers conscription into colonial wars as a central symptom of dispossession. Goldsmith's gendered diptych of vagrant experience links a "fallen woman" in London to a soldier in the colonies as they are poetically juxtaposed through their common dispossession, displacement, vulnerability to criminalization, and conscription into dangerous professions. After first directing the reader to consider "where the poor houseless shivering female lies" (325) and imagine that she "with heavy heart deplores that luckless hour, / When idly first, ambitious of the town, / She left her wheel and robes of country brown" (334-36), Goldsmith then invites speculation on whether the enclosed village's population shares her fate:

Do thy fair tribes participate her pain?
Even now, perhaps, by cold and hunger led,
At proud mens doors they ask a little bread! (338-40)³²

Enclosure, however, has scattered the village along the geographic reach of colonial war:

Ah no. To distant climes a dreary scene,
Where half the convex world intrudes between
To torrid tracts with fainting steps they go,
Where wild Altama murmurs in their wo.
Far different here from all that charm'd before,
The various terrors of that horrid shore. (341-46)

In order to link distant spaces, Goldsmith enlists a central formal feature of vagrancy law and discourse: the juxtaposition of disparate and miscellaneous figures, lives, and spaces

31 *Substance of the Report from the Court of Directors to the General Court of the Sierra Leone Company* (London: James Phillips, 1791), 3.

32 Oliver Goldsmith, *The Deserted Village* (London: for W. Griffin, 1770).

under the aegis of a category that could potentially include anything. It is this formal feature of vagrancy that interests me as it travels across legal and literary genres.

Vagrant Figures, Vagrant Forms

The 1714 Vagrancy Act (12 Ann. c. 23) consolidated previous vagrancy laws into one act and provided the basic prototype for British vagrancy law until 1824. This statute declared:

That all Persons pretending themselves to be Patent-gatherers, or Collectors for Prisons, Gaols, or Hospitals, and wandring abroad for that purpose; all Fencers, Bear-wards, Common Players of Interludes, Minstrels, Juglers; all Persons pretending to be Gipsies, or wandring in the Habit or Form of counterfeit *Egyptians*, or pretending to have skill in Physiognomy, Palmestry, or like crafty Science, or pretending to tell Fortunes, or using any subtil Craft, or unlawful Games or Plays; all Persons able in Body, who run away, and leave their Wives or Children to the Parish, and not having wherewith otherwise to maintain themselves ... and refuse to work for the usual and common Wages; and all other idle Persons wandring abroad and begging (except Soldiers, Mariners, or Seafaring Men, licensed by some Testimonial or Writing under the Hand and Seal of some Justice of Peace, setting down the Time and Place of his or their landing, and the Place to which they are to pass, and limiting the Time for such their passage, while they continue in the direct Way to the Place to which they are to pass, and during the time so limited) shall be deemed Rogues and Vagabonds.³³

The long list of categories of people deemed vagrants under the law gathers together a number of social and economic practices: unauthorized and itinerant performance, the economic fraud of “counterfeit *Egyptians*,” fortune-telling, and begging under false pretenses, and the simple refusal to work. The refusal to work is at the heart of the legal definition of vagrancy elaborated here; fraudulent begging, fortune-telling, and unauthorized performance all amount to refusal to work, as these activities threaten to provide sustenance without requiring “honest” or “legitimate” labor.

³³ Vagrancy Act 1714 (12 Ann. c. 23)

The *form* of the list, however, is just as important as its content. While the broader category of vagrancy implies *some* measure of conceptual unity, the statute's long, colorful catalogue of disparate types does not propose an essential theory of vagrancy, but proliferates the many forms that vagrancy might take while leaving open the possibility that the list could expand to include figures and actions not yet imagined. This effect—not one of hierarchically organized taxonomy, but of endlessly proliferating proximities—is produced through the list's parataxis. Parataxis is more commonly thought of as a postmodern figure, after Frederic Jameson's identification of parataxis as an effect of "late capitalism's" fragmentation and "breakdown of the signifying chain"³⁴ In his critique of Jameson's notion of parataxis (as well as Jameson's reading of his poetry), Bob Perelman contests this narrow identification of parataxis with atomized, postmodern decontextualization, linking the catalogues of Walt Whitman to the late twentieth-century proponents of the "new sentence," which he then characterizes in terms strikingly rooted in the kind of social surveillance enabled by vagrancy law, as he argues that a novel's paratactic sentences evoke connections that "can be read as analogous to the way one recognizes individuals in a crowd (and perceptions in a crowded urban setting), giving each a finite but focused moment of attention."³⁵

The paratactic list, as it constitutes a particular kind of crowd (and incites a particular way of looking at individuals in socially assembled spaces), is a key feature of vagrancy statutes throughout the eighteenth century and, as I will show, the literary forms

34 Frederic Jameson, *Postmodernism, Or, The Cultural Logic of Late Capitalism* (Durham: Duke University Press, 1991), 72.

35 Bob Perelman, "Parataxis and Narrative: The New Sentence in Theory and Practice," *American Literature* 65.2 (1993): 317.

with which these statutes were in conversation. One afterlife of this form is central to another Marxian engagement with vagrancy, one quite distinct from the one that forms my epigraph. When Marx reproduces this paratactic form to characterize the *lumpenproletariat* in the *Eighteenth Brumaire*, he constitutes this category as what Peter Stallybrass describes as a "spectacle of heterogeneity."

Alongside decayed *roués* with dubious means of subsistence and of dubious origin, alongside ruined and adventurous offshoots of the bourgeoisie, were vagabonds, discharged soldiers, discharged jailbirds, escaped galley slaves, swindlers, mountebanks, *lazzaroni*, pickpockets, tricksters, gamblers, *macquereaus*, brothel keepers, porters, *literati*, organ-grinders, ragpickers, knife grinders, tinkers, beggars—in short, the whole indefinite, disintegrated mass, thrown hither and thither, which the French term *la bohème*.³⁶

After the first two clauses, which enact the very definition of parataxis ("alongside [...], alongside") the list then echoes the form of vagrancy legislation, journalism, and the many other contemporary genres that, as Stallybrass notes, "endlessly proliferate[] categories to encompass the spectacle of the metropolis."³⁷ In other words, the best way to evoke an "indefinite, disintegrated mass" is not to describe a mass as such, but to list its exemplary members in all their heterogeneity, spectacular juxtaposition, and endless potential for proliferation. In the context of the *Eighteenth Brumaire*, this proliferation serves to emphasize the essentially classless and miscellaneous character of the *lumpenproletariat*. In a vagrancy law, however, it is key for enabling discretionary police power; by evoking the vagrant through endless proliferation rather than the theorization of a particular kind of subject, the parataxis at the heart of vagrancy law grants an equally

36 Peter Stallybrass, "Marx and Heterogeneity: Thinking the Lumpenproletariat," *Representations* 31 (1990): 70; Karl Marx, *The Eighteenth Brumaire of Louis Bonaparte*, ed C. P. Dutt (New York: International Publishers, 1975), 75.

37 Stallybrass, "Marx and Heterogeneity," 72.

expansive discretionary power to police in their attempts to apprehend figures whose form cannot be known in advance. In the chapters that follow, I track this and other formal features of vagrancy law through their legal and literary redeployments, as they enabled and theorized police power while simultaneously producing multiple (and often contradictory) aesthetic and imaginative effects.

Vagrancy law sought to define and criminalize people based primarily on their perceived interior disposition towards labor. The geographical dislocation of vagrant wandering is therefore only one of many ways in which vagrancy provoked questions about what *moves bodies* in all senses. In Jane Barker's *Patch-Work Screen for the Ladies* (1723), a story entitled "The Unaccountable Wife" tells the tale of a woman who allows her maid to share her and her husband's bed, then eventually leaves her husband to live with the maid, establishing a topsy-turvy household in which the maid lives in idleness while the wife takes up domestic labor. Under the capacious rubric of "unaccountable," the story unites gender deviance, class disorder, and economic irrationality. The wife's family repeatedly fails to understand what motivates her; they can only conclude vaguely "that all proceeded from an Interiour thoroughly degenerated."³⁸ The wife and her companion are never accounted for; the narrative can only reiterate their utter opacity.

"The Unaccountable Wife" begins as a more conventional account of a household destroyed by a scheming servant: "Thus they made a pretty handsome Shift in the World, 'till a vile Wretch, her Servant, overturn'd all."³⁹ The maidservant begins an affair with the husband, bearing his children while claiming that they are the product of a secret

38 Jane Barker, *A Patch-Work Screen for the Ladies; or, Love and Virtue Recommended* (London: E. Curll, 1723), 100.

39 *Ibid.*, 97.

marriage with an apprentice. When the wife responds with surprising tolerance, becoming "a perfect Slave to her ... as if she was the Servant, instead of the Mistress," her family believes at first that she is the victim of deception or coercion.⁴⁰ When the husband decides he cannot afford any more children, he attempts to dismiss the servant, but the wife refuses to part with her—a desire her mother-in-law describes as "a Contradiction of Nature."⁴¹

At this, the wife becomes truly unaccountable: no existing narrative can explain or predict her behavior. When the husband forcibly removes the servant, his wife follows her—an action no observers can understand: "when he told them the Manner of her Departure, they would not believe him, the thing in itself being so incredible."⁴² When the wife and the servant establish a household elsewhere, with no means of supporting themselves, the wife's reasons for choosing such a life utterly confound the narrator: "Now what this unaccountable Creature thought of this kind of Being, is unknown, or what Measures she and her Companion thought to take, or what Schemes they form'd to themselves, is not conceivable..."⁴³

As the community's response makes clear, however, these questions never need to be answered; instead, the fact of the pair's unaccountability indicates all one needs to know about the economic and social threat they pose: "But whatever they were, the discreet Neighbourhood put a Period to their Projects; for they got a Warrant to have

40 Ibid., 98.

41 Ibid., 99.

42 Ibid., 102.

43 Ibid., 103.

them before a Justice, in order to prevent a Parish charge."⁴⁴ In other words, they invoke vagrancy laws, which allowed Justices of the Peace to punish or expel people without legal settlement and who they judge likely to require parish poor relief.⁴⁵ After the wife refuses successive offers from her family to restore her to her fortune in exchange for leaving her companion, her mysterious and stubborn desires are made apparent in their extremity; she is reduced to begging in the streets to support her household. The "unaccountable wife" is unaccountable not only because her desires are arranged in a way that render adherence to norms of gender and kinship impossible, but also because she is economically irrational; offered the choice of leisure and material comfort, she chooses instead to persist as a beggar. Begging, vagrancy, economic irrationality, and cross-class affiliation are all associated here with transgressive same-sex affective bonds. All are indicated through the same structure of knowledge and the same rhetoric: not as things to be decoded, but as meaningful gaps in knowledge that signify through their unknowability. Barker's invocation of the wife's unaccountability here does more than simply *represent* a set of cultural and legal norms surrounding vagrancy. Barker is also using the wife's vagrant unaccountability towards formal and aesthetic ends, as this story appears as one among many discontinuous "patches," narratives linked not by a sense of novelistic continuity but in common interest in juxtaposition, discontinuity, and opacity. Literary resignifications of vagrancy do indeed reveal much about the complex meanings of vagrancy as a legal and cultural category, but they also reveal how legal categories functioned as aesthetic and formal categories at the same time.

44 Ibid.

45 For a detailed account of such uses of vagrancy laws, see Hindle, *On the Parish?*

Figuring Police Power

The enforcement of vagrancy law granted wide-ranging discretionary powers to a variety of officials, and Justices of the Peace in particular.⁴⁶ Vagrancy, as a legal category, was never meant to be clearly defined; rather than name a specific criminal act, vagrancy creates a flexible category for naming and criminalizing people read as posing potential threat. For example, Richard Burn's popular instructional manual, *The Justice of the Peace and Parish Officer* (1755), details the preemptive practice of the privy search: "Every justice shall also, on receiving information that rogues and vagabonds are in any place within his jurisdiction, issue his warrant to the constable to search for and apprehend such rogues and vagabonds."⁴⁷ This is not a search for perpetrators of specific, known crimes; rather, it is a preventive search for those who might commit unknown crimes in the future, as deduced through the epistemology of vagrancy law and its link between idleness, unaccountability, and criminality:

[Justices] may examine such person on oath, as to his settlement, and means of livelihood; and the substance of such examination shall be put in writing ... and if such person shall not shew, that he has a lawful way of getting his livelihood, or shall not procure some responsible housekeeper to appear to his character, and to give security (if required) for his future appearance at some other day to be fixed for that purpose, the justices may commit him to some prison or house of correction, for any time not exceeding six days; and in the mean time order the overseers of the poor, to advertise in some publick paper, a description of his person, and any thing that shall be found on him, or in his custody, and which he shall be suspected not to have come honestly by...⁴⁸

46 Norma Landau, *The Justices of the Peace, 1679-1760* (Berkeley: University of California Press, 1984), 24-26; William Blackstone, *Commentaries on the Laws of England* [1765-69] (Chicago: University of Chicago Press, 1974), 1:342, 4:248-279; Rogers, "Policing the Poor," 130-133; Lees, *The Solidarities of Strangers*, 46-51.

47 Richard Burn, *The Justice of the Peace and Parish Officer*, 2 vols. (London: Henry Lintot for A. Millar, 1755), 1:493.

48 Ibid. See also J. M. Beattie, *Crime and the Courts in England 1660-1800* (Princeton: Princeton UP,

Many of these practices and their underlying assumptions were not new to this time period. However, the eighteenth century saw the emergence of a theorization of this preventive power under the rubric of police.⁴⁹ Police consists not only in the containment of disorderly people, but in a broader regulatory stance towards the roots of disorder itself. In his *Commentaries on the Laws of England* (1765-69), for example, William Blackstone explains the necessarily wide-ranging scope of police: "By public police and oeconomy I mean the due regulation and domestic order of the kingdom: whereby the individuals of the state, like members of a well-governed family, are bound to conform their general behaviour to the rules of propriety, good neighbourhood, and good manners; and to be decent, industrious, and inoffensive in their respective stations. This head of offences must therefore be very miscellaneous..."⁵⁰ The offenses described in this chapter, under the heading of "Offences against the Public Health, and the Public Police or Oeconomy," include clandestine marriages, the keeping of bawdy-houses, poaching, and (most prominently), vagrancy.⁵¹ Markus Dirk Dubber emphasizes the centrality of vagrancy, which he terms "Blackstone's police offense par excellence," to both Blackstone's formulation of police power and the legacy of preventive policing that took Blackstone as its guide.⁵² Vagrancy, for Dubber, epitomizes the distinctive function of

1986), on evidence for the use of vagrancy law to incarcerate those suspected of having criminal reputations or the potential for criminality.

49 F. M. Dodsworth, "The Idea of Police in Eighteenth-Century England: Discipline, Reformation, Superintendence, c. 1780–1800," *Journal of the History of Ideas* 69.4 (2008): 586-87. See also Michael Ignatieff, *A Just Measure of Pain: The Penitentiary in the Industrial Revolution, 1750-1850* (New York: Pantheon, 1978), 118-120 for the place of vagrancy law in later eighteenth-century movements towards police reform.

50 Blackstone, *Commentaries*, 4.162.

51 *Ibid.*, 4.162-175.

52 Markus Dirk Dubber, *The Police Power: Patriarchy and the Foundations of American Government*

police power, which is not interested in its object's criminal responsibility, but in its potential for future threat.⁵³

When Blackstone details the powers of justices to demand a recognizance (a legal bond to good behavior) from those deemed suspicious, his illustration of the potential signs of a suspicious person reproduces the picaresque parataxis of vagrancy law:

A man may be bound to his good behavior for causes of scandal, *contra bonos mores*, as well as *contra pacem*; as, for haunting bawdy houses with women of bad fame; or for keeping such women in his own house; or for words tending to scandalize the government ... Thus also a justice may bind over all night-walkers; eaves-droppers; such as keep suspicious company, or are reported to be pilferers or robbers; such as sleep in the day, and wake on the night; common drunkards; whoremasters; the putative fathers of bastards; cheats; idle vagabonds; and other persons, whose misbehaviour may reasonably bring them within the general words of the statute, as persons not of good fame: an expression, it must be owned, of so great a latitude, as leaves much to be determined by the discretion of the magistrate himself.⁵⁴

The expansive list of targets in this passage indicates a discretionary power that seems nearly immune to limitation—discretionary power so great that it leaves Blackstone uneasy. Not only does such power of summary conviction pose the possibility of unjust imprisonment, it also ironically leaves the office of justice of the peace vulnerable to exploitation by the economically disorderly desires that police ought to contain. As Blackstone explains, the office grants extensive powers to all who occupy it, regardless of their virtue, justice, or rank: "This trust, when slighted by gentlemen, falls of course into the hands of those who are not so; but the mere tools of office. And then the extensive power of a justice of the peace, which even in the hands of men of honour is

(New York: Columbia University Press, 2005), 62.

53 Ibid., 68-71.

54 Blackstone, *Commentaries*, 4.253. For more on the recognizance in legal practice, see Landau, *The Justice of the Peace*, 24.

highly formidable, will be prostituted to mean and scandalous purposes, to the low ends of selfish ambition, avarice, or personal resentment."⁵⁵ Even when he wants to, Blackstone ultimately cannot place clear limitations on the discretionary power of the justice to deem a person suspicious; when tasked with defining the scope of this power, Blackstone generates a list of potential targets that indexes the infinitely proliferative nature of potential threat, which in turn demands an equally proliferative indeterminacy of the power called on to contain it.

Just as police power was invoked as the safeguard against undefinable threat, Dubber argues, "the police power's defining characteristic became its very undefinability."⁵⁶ This undefinability is enabled by the formulation of statutes, such as vagrancy laws, as iterative lists that prove increasingly resistant to totality the more they proliferate. While conceptual unity or claims to totality would ultimately limit police power to the named totality constituted as its purview, the disjunctive list refuses limits to police power, which is rendered free to proliferate unpredictably like the lists of disparate threats it may encounter. In his reading of Blackstone and the commentators that followed him, Bryan Wagner points out this proliferative list as a recurring feature in both law and commentary.⁵⁷ As vagrancy is constructed through such parataxis, it is defined not as a knowable identity marked by particular qualities, but as an unpredictable assemblage of anything that might arouse the suspicion of those keeping order. Thus, Wagner argues, "the vagrant can exhibit no properties that matter from the standpoint of

55 Blackstone, *Commentaries*, 4.279.

56 Dubber, *The Police Power*, 120.

57 Bryan Wagner, *Disturbing the Peace: Black Culture and the Police Power After Slavery* (Cambridge: Harvard University Press, 2009), 5.

the law.”⁵⁸ The unaccountability of the vagrant—the figure's opacity, mutability, and resistance to fixed definition—is precisely what enables police power to take on this unpredictable, discretionary power. As Wagner argues, the figures enlisted by the law to name "the vagrant" actually endow police power with the properties it attributes to vagrancy: “Police is not disposed to definition, because it relates to threats whose character cannot be known in advance. [...] It is not the unpredictability of the threat that keeps the police power from being known. It is, rather, the discretionary license in the police power that excludes everything that might be known about its object besides its threat potential.”⁵⁹

When vagrancy, in the law and in political economy, gathers together paratactic catalogues in order to figure the miscellaneous unpredictability of human activity, it links this unpredictability to both the perceived refusal of economic rationality and the potential for future threat. Thus economic rationality becomes the business of police power. This mutually constitutive relation between police power and economic rationality, Bernard Harcourt argues, functions precisely through a logic that asserts that these are separate spheres. Citing François Quesnay's figures of the "*homme pervers*" who is "perverted precisely because he does not abide by the natural order of free exchange," Harcourt traces an emerging 18th-century conception of the limits and powers of the penal sphere as the constitutive outside of the free market.⁶⁰ For Harcourt, police power makes market exchange possible by remaining strictly outside of it and

58 Ibid., 40.

59 Ibid., 6.

60 Bernard Harcourt, *The Illusion of Free Markets: Punishment and the Myth of Natural Order* (Cambridge: Harvard University Press, 2011), 38.

criminalizing those who are "perverse" in their supposed refusal to participate in it. For 18th-century thinkers, vagrancy epitomizes the "homme pervers" that Harcourt notes as both the target and the enabling trope of liberal theories of the penal sphere. Vagrancy is both the most literal, hypervisible instance of this refusal of the "natural order" and becomes metonymic for this refusal as an abstract notion or broad category of deviance. Or, to return to Marx's formulation in the 1844 *Manuscripts*: figures of vagrancy "do not exist for *political economy* but only for other eyes, those of the doctor, the judge, the grave digger, and bumbailiff."

In his "Critique of Violence" (1921), Benjamin, like Marx, theorizes the relations between law and police power by invoking the figure of spectrality. In distinguishing between two theoretical types of violence—law-making and law-preserving—Benjamin first invokes the literary and popular imagination as foundational for the state's narrative about its own violence. Naming the figure of the "great criminal" (and here one might imagine the proliferation of such figures in the eighteenth-century imagination, from real, though heavily fictionalized, figures like Jonathan Wild or thoroughly fictional creations like Macheath), Benjamin posits that the real danger posed by the "great criminal" is to the state's monopoly on violence (and by extension, the power of violence to establish the law): "In the great criminal this violence confronts the law with the threat of declaring a new law."⁶¹ The story of the great criminal conjures the great criminal as a specter outside the domain of law: according to this story, the state, having declared the law through a prior law-making violence, then simply wields law-*preserving* violence in

61 Walter Benjamin, "Critique of Violence" in *Walter Benjamin: Selected Writings, vol 1: 1913-1926* ed Marcus Bullock and Michael W. Jennings (Cambridge: Belknap Press of Harvard University Press, 1996), 241.

order to sustain the law against those whose violence would remake it. For Benjamin, however, the relegation of this threat to the great criminal occludes the true nature of state violence. Police power, he argues, is the true specter here; it is what *actually* poses the threat of law-making violence that it attributes to the criminal, and it is precisely through this attribution that it is able to function: "In a far more unnatural combination than in the death penalty, in a kind of spectral mixture, these two forms of violence [law-preserving and law-making] are present in another institution of the modern state: the police."⁶²

For Benjamin, police is fundamentally defined by its discretionary power, and thus its potential to inflict violence that is not subject to the law, as it continually remakes the law it claims only to enforce: "In this authority the separation of lawmaking and law-preserving violence is suspended. If the first is required to prove its worth in victory, the second is subject to the restriction that it may not set itself new ends. Police violence is emancipated from both conditions."⁶³ This power is figured, again and again, as spectrally resistant to fixity, knowledge, and prediction; in other words, it is defined by the mobility and opacity attributed to its targets: "Unlike law, which acknowledges in the 'decision' determined by a place and time a metaphysical category that give it a claim to critical evaluation, a consideration of the police institution encounters nothing essential at all. Its power is formless, like its nowhere-tangible, all-pervasive, ghostly presence in the life of civilized states."⁶⁴

So which is the specter? Is it the vagrant, Marx's specter outside the domain of political economy? Or is it the police, as in Benjamin? What of the resonance between

62 Ibid., 242.

63 Ibid., 243.

64 Ibid.

the specters of the *1844 Manuscripts* and the much more famous specter of Communism that opens the *Communist Manifesto*? This rhetorical flexibility of the spectral hints at an intimacy between that which haunts power and the modes through which power apprehends what haunts it. Derrida reflects on this ambivalence of the specter when he remarks that "Marx does not like ghosts any more than his adversaries do. He does not want to believe in them. But he thinks of nothing else."⁶⁵ The political potential—and simultaneous danger—of the specter, for Derrida, lies in its strange temporalities and in the possibility that it is "perhaps the hidden figure of all figures," as it is "what one imagines, what one thinks one sees and which one projects—on an imaginary screen where there is nothing to see."⁶⁶ The vagrant figure, in eighteenth century law, literature, and political economy, indexes forms of projected, imagined, and potential disorder, but this figure's relation to resistance is ambivalent; the imagination that lends this figure potential agency to disrupt the realm of the social is precisely the imagination and aesthetic that granted police power the scope to expand beyond its known purview and into an unknown, not-yet-imagined, contingent future. At the same time, however, some authors did take up the imaginative power granted to vagrancy (despite the category's commonplace banality in the everyday practice of criminal justice) towards critical ends.

Caleb Smith describes the penitentiary, in both literature and law, as a scene of ritual mortification: the production of the prisoner as the "living dead" who can then be reborn as a rehabilitated subject.⁶⁷ The administration of vagrancy law, before and during

65 Jacques Derrida, *Specters of Marx: The State of the Debt, the Work of Mourning, and the New International* tr. Peggy Kamuf (New York: Routledge Classics), 57.

66 *Ibid.*, 150; 125.

67 Caleb Smith, "Detention without Subjects: Prisons and the Poetics of Living Death," *Texas Studies in*

the rise of the penitentiary, provides an illuminating contrast to this model of punishment. While a study such as this could not, of course, exist without the influence of Foucault, a focus on vagrancy offers an opportunity to examine something other than the formation of the liberal disciplined subject and the rise of the penitentiary.⁶⁸ With no drama of death and rebirth, no climactic scene of trial judgment, the enforcement of vagrancy law was part of a much more porous, everyday, banal, low-level administration of criminal justice. Even when "vagrants" were incarcerated and subject to work-discipline, such as in bridewells, this was not conceptualized as solitary, individualized moral reform; instead, (as I explore in more detail in my second chapter) this incarceration aimed to contain populations for relatively short periods of time, often repeatedly, in order to inure them to labor or simply clear them off the streets. At the same time, because the question of what motivated labor was so pressing, vagrancy takes on imaginative weight even in its administrative banality. This project aims to heed Smith's call for literary criticism that turns away from the drama of the trial, which too often becomes spectacularly metonymic for the operation of law itself, and instead focuses on more everyday methods of policing and population management.⁶⁹ In vagrancy, I see a legal category intimately bound up with the history of incarceration, yet one whose administrative life was quite distinct from that of the more familiar logics and practices of the penitentiary.

The literary archive of vagrancy is an archive of the forms, genres, and narratives that constitute police power. It is an archive of the imaginative and affective registers of

Literature and Language 50.3 (2008): 248.

68 Michel Foucault, *Discipline and Punish: The Birth of the Prison* [1975] tr. Alan Sheridan (New York: Vintage, 1995)

69 Caleb Smith, "Imprisonment Without Justice," paper presented at Violent Means: Penn Humanities Forum Symposium, (Philadelphia, PA), February 14, 2014.

discretionary power as it constitutes itself through its figuration of its target. It is generally not an archive of the lives, experiences, or identities of those labeled "vagrants." This is where I depart from much literary-critical attention to vagrancy. Patrica Fumerton, for example, has recently attempted to read literary and historical figurations of vagrancy in order to reconstruct a kind of vagrant subjectivity. Reading literary and legal archives of early modern vagrancy, Fumerton seeks to track "a theory of 'low' subjectivity that is itself unsettled: a subjectivity that could invest in multiple types of 'selves' (whether additionally, intermittently, or provisionally) and that itself might be only casually or occasionally held."⁷⁰ This seriality of disjointed identities, signifying mutability and mobility, is indeed a formal feature of vagrancy in the archive, but to assign a kind of subjectivity to this category is, I argue, a misattribution. Vagrancy is so often figured through this kind of disjointed seriality not because "vagrants" experienced life in this way, but because this figuration enables discretionary police power. Because "vagrancy," as a category, does not register personhood or subjectivity before the law, it has much to tell us about the affective and imaginative dimensions of police power, but little to say about the people actually labeled "vagrants." Indeed, what the archive of vagrancy reveals is that the recovery of these experiences, to the extent it is possible, must be done under a category other than "vagrancy," as vagrancy does not name a category of person or a kind of subjectivity; rather, it names a relation to the law and to state violence that can theoretically be occupied by anyone—though, of course, this discretion was more likely to subject some populations to state violence than others. It is

70 Patricia Fumerton, *Unsettled: The Culture of Mobility and the Working Poor in Early Modern England* (Chicago: University of Chicago Press, 2006), 5.

this history of discretionary state violence—and, most centrally, the discursive forms that enable (or, sometimes, contest) it—that is the object of my analysis.

Chapter One, "The Sexuality of Vagrancy," argues for the historical interpretation of vagrancy as a queer category. The chapter focuses on Henry Fielding's *The Female Husband* (1746), a heavily fictionalized account of the real and sensational arrest of Charles Hamilton, tried for vagrancy after the discovery that Hamilton was (in the eyes of the law) a woman married to another woman. Telling Hamilton's story as a rake's progress of itinerant seduction, fraud, and imposture, Fielding consolidates disparate legal signs of vagrancy into one person as he attempts to trace vagrancy to a single interior cause. This text, I argue, portrays vagrancy as a kind of sexuality: a wayward, unpredictable form of economic and sexual desire. Through readings of *The Female Husband* alongside Fielding's writings on poor law and crime, I argue that Fielding sees economic and sexual deviance as mutually constitutive phenomena. In this text and others, vagrancy links non-normative expressions of gender and sexuality to broader notions of economic and social disorder. I then track the afterlife of the sexuality of vagrancy in the work of Michel Foucault, Eve Sedgwick, and other theorists who recast the rhetoric of vagrancy toward queer political ends. Eighteenth-century vagrancy laws characterize vagrancy not as a singular identity, but as an endlessly proliferating collection of shapes that social threat might take. Such spectacular catalogues reappear in texts such as Foucault's "Lives of Infamous Men," which uses this form to invoke queer history as a relation to unknown, uncategorizable, and opaque figures marginal to any notion of coherent identity.

Chapter Two, "Vagrants of Empire," traces how late eighteenth-century British authors use vagrancy to register dispossession and enclosure on a global scale. As London rapidly increased in population, commercial traffic, and imperial power, texts such as Patrick Colquhoun's *Treatise on the Police of the Metropolis* (1796) portray crime and poverty in the capital as threats to the empire as a whole. Vagrancy, in the imaginations of both policy-makers and poets, took on a global scope, bringing the distant dispossessions of colonial exploitation and war into immediate view. Departing from prevailing literary-critical accounts of eighteenth-century vagrancy, which focus almost exclusively on Wordsworth, this chapter reveals Mary Robinson's distinctive political engagement with vagrancy and empire. Her *Lyrical Tales* (1800), I argue, mobilizes the rhetoric of vagrancy to offer a critique of global, colonial divisions of labor. While Wordsworth famously seeks to humanize figures like the "Old Cumberland Beggar" by redeeming them from the charges of idleness, criminality, and valuelessness associated with vagrancy, Robinson embraces these juridical registers of vagrancy, using established links between valuelessness, unaccountability, and unknowable threat as a source of critical poetic and affective power. In her portrayals of displaced figures such as "The Lascar," a destitute sailor from India left to wander and die in England, Robinson preserves vagrancy's rhetorical connections between policing and global commerce, but uses these connections to question whether the metropolis can—or indeed, ought to be—preserved from the violence endemic to labor extraction in the colonial periphery.

Chapter Three, "'Infinite Endowments:' Vagrancy, Mobility, and Early American Whiteness," pursues the transatlantic circuits of vagrancy from yet a different vantage

point—the coding of race, gender, and mobility in postrevolutionary North America. In the early years of the new republic, American writers sought to articulate a culturally and geographically distinct American whiteness—a whiteness that was not European, yet no less white. Mobility through an American wilderness, I argue, was a key marker for this newly distinctive whiteness, but at the same time, this mobility was always haunted by its illegitimate double: vagrancy. This chapter brings together early American theories of race, records of fugitivity recorded in the genre of the runaway advertisement, the archival records of the Philadelphia Almshouse, and Charles Brockden Brown's *Wieland, or, The Transformation* (1798), a novel that uses the mysterious capabilities of a vagrant's body to stage key anxieties about the metaphysically unstable category of whiteness. The mysterious threats posed by the novel's vagrant figure, Carwin, reveal an uncanny inextricability of vagrancy from the social, economic, and physical mobility idealized as the marker of the newly independent white American man. This dual valence of mobility, I argue, persists throughout a long history of American figurations of freedom, as I trace the tropes structuring *Wieland* through the writings of Thoreau and the U.S. Supreme Court's 1972 ruling striking down vagrancy laws as unconstitutional.

Chapter Four, "Vagrancy, Slavery, and Emancipation: Obeah at the Limits of Free Labor," traces the powerful influence of vagrancy on debates surrounding slavery in the Caribbean, and argues that vagrancy came to signify a theory or practice of freedom that exceeded the dictates of "free labor." First, I read Edward Long's influential *History of Jamaica* (1774), which uses the rhetoric of vagrancy to figure blackness as resistance to labor. Mainstream abolitionists, I argue, accepted this tenet of pro-slavery reasoning as

they sought to reconcile moral and religious appeals with pragmatic concerns about how to base a colonial economy on free labor. Vagrancy laws were suggested and later implemented to ensure (in the words of the 1833 Abolition Act) "habits of industry" among those formerly enslaved. Following Saidiya Hartman, David Brion Davis, and others, I ask what forms of activity are signified by this racialized mobilization of vagrancy in a supposedly post-slavery society—in other words, what forms of freedom cannot be legitimated as such? For one possible answer, I turn to the criminalization of the syncretic religious practice of obeah in the British Caribbean (which was, after emancipation, reclassified as vagrancy in most colonies) and its portrayal in William Earle's 1800 abolitionist novel *Obi, or, The History of Three-Fingered Jack*. Obeah, I argue appears in literary texts as a form of bodily animation that exceeds the dictates of economic rationality, political legibility, or liberal notions of freedom.

Finally, in an epilogue, "Historiographic Dispossession," I consider how narrative figures of vagrancy structure historiographic engagement with vagrancy's archive, and ask how literary-critical engagement with these figures might offer methodological insight for future historical work on dispossession.

CHAPTER ONE

The Sexuality of Vagrancy

In September of 1746, a quack doctor by the name of Charles Hamilton was tried at the Somerset quarter-sessions for vagrancy. In the eyes of the law, Hamilton was a woman with the birth name of Mary Hamilton, and it was Hamilton's marriage to a young woman named Mary Price that precipitated the arrest.⁷¹

This was not an ordinary case of vagrancy. "Vagrancy," in the press surrounding this case, alluded to a sensational tale of fraudulent marriage, gender transgression, and sexual deception, a story picked up first by a local gossip paper and then by periodicals throughout the country. Hamilton was not simply arrested on the authority of a local Justice of the Peace responding to a complaint of an unknown beggar or suspected thief; instead, a group called the Corporation of Glastonbury (which included many of the town's wealthiest and most powerful inhabitants) conducted the prosecution on behalf of Mary Price, who likely had neither the financial means nor social influence required to bring such a prosecution herself.⁷² It is difficult to tell, from the sources that remain, exactly what role Mary Price had in the prosecution and what motivated her involvement.

As newspapers began to reprint accounts of the case, the story caught the attention of Henry Fielding. Fielding took the story presented by the newspapers and spun it into

71 Contemporary scholarship is nearly unanimous in referring to Hamilton with female pronouns, implicitly promoting an assumption that certain kinds of bodies are transparently and transhistorically female. Fielding's text certainly relies on such an assumption, but I wish to interrogate this assumption, not reproduce it. Thus, I avoid the use of gendered pronouns altogether when I refer to Hamilton. This solution is not perfect, but given the paucity of evidence regarding Hamilton's gender identity and the methodological complications inherent to such speculation, it seems to be the best option available.

72 Caroline Derry, "Sexuality and Locality in the Trial of Mary Hamilton, 'Female Husband.'" *King's Law Journal* 19.3 (2008): 600. Derry notes that the involvement of a group like the Corporation, especially for such a common crime as vagrancy, marks this case as unusual.

The Female Husband (1746), a picaresque criminal biography that expands Hamilton's story to include numerous fictional adventures and sexual intrigues. By reading *The Female Husband* as the story of a vagrant, not just the story of a "lesbian" or "female husband," I pursue a dual aim: to provide a richer understanding of what vagrancy meant for Fielding and his contemporaries and to propose an approach to eighteenth-century histories of sexuality that refuses to understand sexuality in isolation from other interlocking modes of apprehending and disciplining bodies, desires, and animation. The logic naming a "female husband's" crime as vagrancy reveals a fundamental connection between eighteenth-century ideologies of labor and class mobility and the discourses and practices of gendered embodiment we now study under the rubric of the history of sexuality. Labor, I aim to show, ought to be a central concern for histories of sexuality and for queer readings of eighteenth-century texts, even if these texts' engagement with sexual ideology seems to outweigh or obscure any obviously economic concerns. I therefore read *The Female Husband* for what it reveals about the epistemological and formal structure of vagrancy laws as they sought to contain socially, economically, and sexually disruptive bodies.

This chapter thus traces vagrancy, in Fielding and others, as a kind of sexuality: a particular, wayward, unpredictable, and opaque form of desire and bodily animation. I then track an afterlife of the sexuality of vagrancy, as I read how Foucault, Sedgwick, and other theorists resignify the rhetorical forms central to vagrancy law as they mobilize picaresque lists and paratactic, motley assemblages to invoke the anti-identitarian reclamation of marginality signified by "queer."

Queer Vagrancy

The Female Husband depicts Hamilton as a tireless trickster, driven by both desire and habit to enter into new schemes of impersonation, fraud, and sexual conquest despite repeated failure—a comic evocation of a personality one might imagine illustrating the legal category of “incorrigible rogue.” While the Hamilton of the newspaper reports is a local curiosity, whose arrest, trial, and imprisonment all occur in close geographical proximity, Fielding’s Hamilton is born on the Isle of Man and follows a circuitous route throughout England and Ireland before eventually arriving in Somerset, the location of the historical Hamilton’s arrest. And while some of the newspaper reports hint vaguely at rumors that Hamilton had multiple wives, Fielding does much more than hint; he tells Hamilton’s story as a rake’s progress of repeated seduction and sexual misadventure.

Mary Hamilton, Fielding’s story goes, was a virtuous young woman until seduced into both Sapphism and Methodism by an older friend named Anne Johnson. When Anne eventually renounces their relationship in favor of marriage to a man and urges Hamilton to do the same, Hamilton instead runs away, begins dressing as a man, and decides to become a Methodist preacher in Ireland. There, upon catching the attention of the wealthy and lustful Widow Rushford, Hamilton decides to seduce and marry her for her fortune. Over the objections of her nephew, who stood to inherit her wealth, the Widow Rushford becomes Hamilton’s first wife, and Hamilton’s plan to obtain her fortune depends on the use of a dildo (which the text never names but constantly references

elliptically) to consummate the marriage. But after a series of comic near-misses, Rushford discovers the dildo and Hamilton is forced to flee. Upon returning to England, Hamilton begins working as a quack doctor and quickly marries a young patient named Miss Ivythorn. Once again, Hamilton's wife discovers the dildo. Rejecting the promise of "all the pleasures of marriage without the inconveniences," Miss Ivythorn declares the marriage invalid and threatens to expose Hamilton as a fraud.⁷³

Hamilton then flees to Somerset and courts Mary Price, whom Fielding lampoons as barely literate, comically naive, and questionably virtuous in her eagerness to marry Hamilton despite many hints that Hamilton is not "really" a man (or at least not the right *kind* of man). Price's earnest boasts of her sexual satisfaction with her husband ironically convince her mother that Hamilton is a woman, and it is on those grounds that Price's mother complains to a magistrate and sets Hamilton's prosecution into motion. At this point, Fielding's story realigns with the historical case: Hamilton is tried for vagrancy and sentenced to public whipping and six months' hard labor. The text concludes with a voyeuristic account of Hamilton's whipping and a caution against the consequences of "unnatural affections" in both sexes (51).

Since Terry Castle's foundational reading, *The Female Husband* has been approached most often as a source text for histories of gender ideology and sexuality in 18th-century Britain.⁷⁴ Castle emphasizes Fielding's repeated euphemisms—his constant references to Hamilton's sexual encounters as "transactions not fit to be mention'd" (31)

73 Henry Fielding, *The Female Husband* [1746] ed. Claude Jones (Liverpool: Liverpool University Press, 1960), 42. Hereafter cited parenthetically.

74 Terry Castle, "Matters Not Fit To Be Mentioned: Fielding's *The Female Husband*," *ELH* 49.3 (1982): 602-622.

and his coy allusions to Hamilton's dildo as "wherewithal" or "means which decency forbids me even to mention" (39; 37). She notes that the text's preoccupation with disguise structures both form and content; Fielding's euphemisms, she argues, "work to recapitulate on a textual level those 'disguises' which occupy him thematically. The euphemism—a 'pure' term which stands in for one less pure, less decorous—is analogous in this sense to Hamilton herself, a member of the 'fair sex,' who is also a stand-in for the perennially indecorous phallicized male."⁷⁵ The result, according to Castle, is a text whose narrative and syntax is fundamentally structured by the anxiety provoked by destabilized gender epistemology and unfettered sexual deviance.

Following Castle, a number of scholars have turned to *The Female Husband* to tease out the contradictions of Fielding's gender ideology. Furthermore, scholars have also taken up Castle's interest in the possibility of recovering lesbian or queer histories from this vexed and often hostile narrative. Emma Donoghue, for example, argues that the text's preoccupation with sexuality and gender transgression provides a corrective for what she views as an overly desexualized narrative of lesbian history.⁷⁶ Meanwhile, Jack Halberstam affirms the investments that animate lesbian readings of *The Female Husband*, but cautions against the elision of historical specificity, especially when such identification occludes other histories, such as those of transgender identification and other forms of gender crossing.⁷⁷ Jill Campbell situates *The Female Husband* in a larger argument for consideration of Fielding's works as complex articulations of eighteenth-

75 Ibid., 610.

76 Emma Donoghue, *Passions Between Women: British Lesbian Culture 1668-1801* (New York: Harper Perennial, 1996), 73-80.

77 Judith Halberstam, *Female Masculinity* (Durham: Duke University Press, 1998), 50-53; 67.

century conflicts about gender and its performance.⁷⁸ Scholars interested in cultural histories of gender crossing have situated *The Female Husband* in generic traditions such as the “passing-woman narratives” tracked by Fraser Easton through the popular press.⁷⁹ Such readings have done much to illuminate the complexity and contradiction of Fielding’s figurations of gender and desire. Queer readings in particular have carried out an important and ongoing conversation about queer historiographic methodology and its accompanying political investments. Existing scholarship on *The Female Husband*, however, has engaged far less with the text’s interest in labor, class, and economic desire.⁸⁰

Fielding’s rhetorical engagement with gender and sexuality is simultaneously a rhetorical engagement with class and labor. After all, Hamilton is arrested under vagrancy law—a wide-ranging tool of social regulation that was most centrally concerned with poor law administration, the policing of lower-class social and economic behavior, and the expression of widespread anxiety about the threat of idleness.⁸¹ What

78 Jill Campbell, *Natural Masques: Gender and Identity in Fielding's Plays and Novels* (Stanford: Stanford University Press, 1995), 55-60.

79 Fraser Easton, “Covering Sexual Disguise: Passing Women and Generic Constraint.” *Studies in Eighteenth Century Culture* 35 (2006): 98. See also Lynn Friedli, “‘Passing Women’ – A Study of Gender Boundaries in the Eighteenth Century” in G. S. Rousseau and Roy Porter (eds.) *Sexual Underworlds of the Enlightenment* (Manchester: Manchester University Press, 1987), 234-260; and Theresa Braunschneider, “Acting the Lover: Gender and Desire in Narratives of Passing Women,” *The Eighteenth Century: Theory and Interpretation* 45.3 (2004): 211-230.

80 Important exceptions include Easton, who contextualizes *The Female Husband* in a broader engagement of “passing-woman” narratives with representations of both industrious and disorderly plebian behavior, as well as with concerns surrounding the economics of property transfer in marriage (“Gender’s Two Bodies,” 151-167) and Susan Lanser, who relates *The Female Husband* to the “sapphic picaresque,” a genre that “underscore[s] the relationship between sexual liberty and economic means” (“Sapphic Picaresque, Sexual Difference and the Challenges of Homo-adventuring,” *Textual Practice* 15.2 [2001]: 251-268).

81 For overviews of vagrancy law and its social function, see A. L. Beier, *Masterless Men: The Vagrancy Problem in England, 1560-1640* (London: Methuen, 1985); Nicholas Rogers, “Policing the Poor in Eighteenth-Century London: The Vagrancy Laws and their Administration,” *Histoire Sociale / Social History* 24 (1991): 127-147; Lynn Hollen Lees, *The Solidarities of Strangers: The English Poor Laws*

does *The Female Husband* look like when we take vagrancy as the central category of analysis? If this is the story of a vagrant, then what might *The Female Husband* illuminate about what “vagrant” meant for Fielding and his contemporaries?

This chapter does not aim to replace gender or sexuality with class as a locus of interpretation. Indeed, vagrancy in this text is inseparable from sexual transgression. Like gender, vagrancy is central to *The Female Husband* as both a thematic and formal concern. Thus, sustained queer analysis of a category like “vagrant” can work to expand the scope of queer history by centering concerns like labor, class, and police power—concerns that are in fact *already* historically implicated in the dynamics of bodily sensation and knowledge that we apprehend under the name of “sexuality.”

My argument thus builds on a small but crucial body of scholarship on class and sexuality in eighteenth-century Britain. This scholarship has shown the necessity of expanding inquiry on the history of sexuality beyond acts and relations immediately legible to contemporary readers as “sexual,” revealing how sexuality shapes and is inflected by economic concerns as diverse as domestic servitude, the professional identities of actors, and the transgressive potential of writing pastoral as a laboring-class poet.⁸² Work on class and sexuality illuminates how economic and sexual identities,

and the People, 1700-1948 (Cambridge: Cambridge University Press, 1998); and Steve Hindle, *On the Parish? The Micropolitics of Poor Relief in Rural England, c. 1550-1750* (Oxford: Oxford University Press, 2004).

82 Kristina Straub, *Domestic Affairs: Intimacy, Eroticism, and Violence Between Servants and Masters in Eighteenth-Century Britain* (Baltimore: Johns Hopkins University Press, 2009) and *Sexual Suspects: Eighteenth-Century Players and Sexual Ideology* (Princeton: Princeton University Press, 1992); Bridget Keegan, “Queer Labor: Genius and Class in Eighteenth-Century Pastoral,” in *Queer People: Negotiations and Expressions of Homosexuality, 1700-1800* ed. Chris Mounsey and Caroline Gonda (Lewisburg: Bucknell University Press, 2007), 210-225. See also Sally O’Driscoll, “Queerness, Class, and Sexuality,” in Mounsey and Gonda, *Queer People*, 69-85; Susan S. Lanser, “Befriending the Body: Female Intimacies as Class Acts,” *Eighteenth-Century Studies* 32.2 (1998-99): 179-98; Lanser, “Tory

logics, and epistemologies constitute each other. Vagrancy offers another rich resource for understanding this relationship; as I will argue, eighteenth-century commentators figured vagrancy as a sign of the dangers posed by desire to both sexual virtue and industrious labor among the "lower sort." Furthermore, vagrancy law and its surrounding discourses generate a set of reading practices that categorize people as suspicious by simultaneously employing gender norms, expectations of class deference, and distinctions between legitimate and illegitimate forms of labor.⁸³ Vagrancy law relied on complex imbrications of gender, sexuality, labor, and class. As a category of analysis, therefore, it can further expand the scope of queer history to include these relations.

At the same time, a queer analysis can provide crucial revisions to both classic and recent work on vagrancy. Addressing the common early modern cultural association between vagrancy and sexual disorder, A. L. Beier claims that while those labeled vagrants often "broke with the accepted norms of family life" by living outside of patriarchal families, "the main reason is undoubtedly poverty."⁸⁴ Here, Beier highlights the unreliability of rogue pamphlets as historical documents about vagrants, but in doing so, he relies on an implicit assertion of the normalcy of vagrants' desires.⁸⁵ More recently, Patricia Fumerton cites early modern records of vagrancy arrest as indicating "the

Lesbians: Economies of Intimacy and the Status of Desire," in *Lesbian Dames: Sapphism in the Long Eighteenth Century* ed. John C. Beynon and Caroline Gonda (Farnham: Ashgate, 2010), 173-190; and Scarlet Bowen, *The Politics of Custom in Eighteenth-Century British Fiction* (New York: Palgrave, 2010), 23-52.

83 The distinction between legitimate and illegitimate labor could simultaneously be a distinction between legitimate and illegitimate sexuality, as prostitutes were a common target of vagrancy laws and, starting in the mid-eighteenth century, of campaigns aiming to incite moral reform through legitimate labor. See Laura Rosenthal, *Infamous Commerce: Prostitution in Eighteenth-Century British Literature and Culture* (Ithaca: Cornell University Press, 2006) 8, 44-57; and Rogers, "Policing the Poor," 133.

84 Beier, *Masterless Men*, 51.

85 Linda Woodbridge makes similar assertions in *Vagrancy, Homelessness, and English Renaissance Literature* (Champaign: University of Illinois Press, 2001), 3; 16.

common detachment of the urban itinerant from any sense of stable community.”⁸⁶ The record of a pregnant woman traveling alone suggests "detachment not only from any stable community but also, as in the case of Margaret and her unborn child, from any complete family.”⁸⁷ A queer analysis pushes us to unpack several assumptions: that an official record of traveling alone actually indicates social detachment, that we might know what social attachment or detachment looks like, and that a pregnant woman with no visible husband or male partner is necessarily deprived of a "complete family." While Fumerton approaches the archive of vagrancy as a source for "a theory of 'low' subjectivity that is itself unsettled," I depart from her formulation of vagrancy as a kind of subjectivity, turning instead to the role of vagrancy as a structure of knowledge.⁸⁸ *The Female Husband* uses vagrancy as an opportunity to speculate on the nature of wayward interiority, revealing that vagrancy, like sexuality, is a category constituted and reconstituted through the very discourses that claim to merely describe it.

"False and deceitful practices:" Labor and Vagrancy in The Female Husband

The Female Husband, long approached as a text that most centrally dramatizes concerns about the stability of gender, is deeply concerned with questions of class, labor, and economic transgression. The features of the text that appear to be most purely about sexuality—the constant allusions to Hamilton's dildo and the narrative of Hamilton's relationships with many successive women—are simultaneously implicated in anxieties

86 Patricia Fumerton, *Unsettled: The Culture of Mobility and the Working Poor in Early Modern England* (Chicago: University of Chicago Press, 2006), 7.

87 Ibid.

88 Ibid., 5. See also Fumerton, "Making Vagrancy (In)visible: The Economics of Disguise in Early Modern Rogue Pamphlets" *English Literary Renaissance* 33.2 (2003): 211-227.

and concerns about labor. Not only does this text continually link the sexual and the economic, it also reveals the extent to which these two categories were never separate categories to begin with. Indeed, Susan Lanser has persuasively argued that class and sexuality in eighteenth-century Britain are always mutually constitutive.⁸⁹

The dildo—that most spectacular yet most unmentionable sign of Hamilton's sexual deviance—serves importantly as the most conclusive evidence that Hamilton is guilty of fraud and vagrancy:

The whole truth having been disclosed before the Justice, and something of too vile, wicked and scandalous a nature, which had been found in the Doctor's trunk, having been procured in evidence against her, she was committed to *Bridewell*, and Mr. *Gold*, an eminent and learned counsellor at law, who lives in those parts, was consulted with upon the occasion, who gave his advice that she should be prosecuted at the next sessions, on a clause in the vagrant act, *for having by false and deceitful practices endeavoured to impose on some of his Majesty's subjects.* (49)

At the beginning of the paragraph, the reader must infer that the “vile, wicked and scandalous” object can only mean the dildo. At the end, the reader must then interpret exactly what “false and deceitful practices” are at issue here. The dildo, of course, answers the question; only by successfully reading the coy ellipsis of Fielding's sexual comedy can the reader make sense of the legal reasoning presented here. In other words, the reader must learn the rhetorical codes of sexual legibility in order to follow the reasoning of a lawyer as he prosecutes a case of vagrancy. The scandal here is not just that someone understood to be a woman is having sex with another woman, or that Hamilton is using a sexual technology regarded as inherently perverse, but also that the sex act constitutes an act of economic and legal fraud; the dildo leads to Hamilton's

89 Lanser, “Befriending the Body,” 192.

prosecution under a statute that lists fraudulent imposture alongside other economically "dishonest" acts including gambling, fortune-telling, unlicensed peddling, and begging under false pretenses.⁹⁰

This is not the first instance in which the dildo is associated with economic transgression. In Fielding's account, it is a scheme to defraud the Widow Rushford of her wealth that prompts Hamilton to consider use of a dildo for the first time. To obtain the widow's fortune, Hamilton schemes to marry her, but for the marriage to be legally valid and enable this transfer of property, it must be consummated. Hamilton, Fielding narrates, had previously sought only affection from women,

...but with this old lady, whose fortune only she was desirous to possess, such views would have afforded very little gratification. After some reflection, therefore, a device entered into her head, as strange and surprizing, as it was wicked and vile; and this was actually to marry the old woman, and to deceive her, by means which decency forbids me even to mention. (37)

The dildo enters the story as an instrument of financial fraud; it may not be necessary to win the affections of a woman, but it is necessary if one wishes to win her fortune.

Fielding's insistent links between fraud and seduction resonate with larger discourses linking economic and sexual regulation. The Societies for the Reformation of Manners (which targeted prostitution, sodomy, and other forms of sexual deviance) linked their aims to the concerns about labor that underpinned anti-vagrancy rhetoric and legislation; such campaigns explicitly hoped to improve the nation's labor force through the regulation of reproduction and the encouragement of sexual virtue.⁹¹ The sexuality and kinship structures of the poor were a constant object of surveillance and regulation by

⁹⁰ Vagrancy Act, 1744, 17 Geo. II c. 5.

⁹¹ Donna T. Andrew, *Philanthropy and Police: London Charity in the Eighteenth Century* (Princeton: Princeton University Press, 1989), 25.

the administrators of parish poor relief. Officers and magistrates reconstituted households and family structures by mandating some living arrangements and prohibiting others, by alternately preventing marriages and coercing them, and by apprenticing out the children of the poor as a requirement of receiving aid.⁹² Furthermore, reproduction among the poor was continually invoked alongside their supposed idleness and disorder; the refusal of labor so central to conceptions of vagrancy was linked to rhetoric accusing the poor of irresponsible sexuality, the production of too many children, and the rearing of these children into habits of idleness—all leading to a drain on the parish coffers in excess poor relief.⁹³

The connections in *The Female Husband* between the sexual and the economic challenge us to complicate the terms by which we recognize a text's engagement with sexuality. In this text (as elsewhere) the dildo has been most immediately legible to scholars as a sign of gender and sexual transgression; we think of it as an object for sexual use, and as one fundamentally charged with gendered meaning—which indeed it is. But rhetorically, the dildo does more than this. It also works as an instrument of financial fraud, and the ellipsis that indexes it presents the reader with a gap in signification that must be imaginatively resolved to reveal the legal reasoning of a vagrancy case. This process draws the reader to make constant interpretive connections between sex acts and legal or economic acts. *The Female Husband* cannot be about sexuality alone, and the moments when it seems to be talking most exclusively about sexuality are, through its engagements with vagrancy, precisely the moments when it

92 Hindle, *On The Parish?*, 57.

93 *Ibid.*, 225.

most urgently raises questions about economic disorder, criminality, and legal reasoning.

Recognizing the economic register of sexuality in this text allows us to expand our sense of what the history of sexuality might look like and who our objects of queer historical attachment might be. For example, a recent article on *The Female Husband* declares Hamilton an object of historical interest “...whether she cross-dressed for sexual pleasure or for social ambition, or whether she was an early modern gender outlaw ... or simply 'an uncommon, notorious cheat.’”⁹⁴ This either/or formulation posits gender transgression and vagrancy as mutually exclusive possibilities, listing binaries—sexual pleasure and economic gain, gender transgression and economic fraud—that do not actually work as binaries in the text. If we try to redeem past “gender outlaws” by distinguishing them from the “real” outlaws, we not only miss the nuances of past ideologies of gender and sexuality, but also risk constructing a contemporary queer politics that separates good from bad objects of queer historical attachment along class lines. Therefore, instead of framing queer history as something to be extracted from a narrative of vagrancy, I investigate how vagrancy forms a queer category in this text.

Vagrancy is, after all, a major presence in *The Female Husband*. Fielding’s characterization of Hamilton insistently echoes vagrancy law, a topic of recurring interest to Fielding in his everyday work as a magistrate and in his writings on law, crime, and social policy.⁹⁵ Like the dildo, vagrancy rarely appears explicitly in the text, yet structures the entire narrative. It is cited only once, in the scene (quoted above) that

94 Emily Bowles, “You Have Not What You Ought: Gender and Corporeal Intelligibility in Henry Fielding’s *The Female Husband*,” *Genders* 52 (2010): 35.

95 Lance Bertelsen notes, for example, that vagrancy was the crime Fielding dealt with more than any other in his tenure as magistrate for Westminster and Middlesex (*Henry Fielding at Work: Magistrate, Businessman, Writer* [New York: Palgrave, 2000], 16.)

occurs after Mary Price's mother has asked a magistrate to investigate Hamilton and evidence is found to support a prosecution. A lawyer named Mr. Gold (a veiled reference to Henry Gould, Fielding's cousin, who did in fact advise the real prosecution) recommends Hamilton's prosecution "on a clause in the vagrant act, *for having by false and deceitful practices endeavoured to impose on some of his Majesty's subjects*" (49).⁹⁶ Fielding's citation of the 1744 Vagrancy Act characterizes Hamilton as one particular kind of offender among the many that fall under its purview: a fraudulent impostor. Instrumental to Hamilton's prosecution as an impostor is the discovery of Hamilton's dildo, which assists in the illegitimate transfer of property, legal powers, and status.

The transfer of money or subsistence outside of legitimate means is central to the eighteenth-century meaning of vagrancy. The Vagrancy Act of 1744 criminalizes as "idle and disorderly Persons" a long list of people identified with the refusal to work:

...all Persons who threaten to run away and leave their Wives or Children to the Parish; and all Persons who shall unlawfully return to such Parish or Place from whence they have been legally removed by Order of Two Justices of the Peace, without bringing a Certificate from the Parish or Place whereunto they belong; and also all Persons who, not having wherewith to maintain themselves, live idle without Employment, and refuse to work for the usual and common Wages given to other Labourers in the like Work, in the Parishes or Places where they then are; and also all Persons going about from Door to Door, or placing themselves in Streets, Highways, or Passages, to beg or gather Alms...⁹⁷

Furthermore, the Act deems "Rogues and Vagabonds" those who engage in a broad array of behaviors that also amount to the refusal to work, as most are construed as fraudulent or otherwise illegitimate means of obtaining money or subsistence:

96 On Henry Gould's involvement in the case see Derry, "Sexuality and Locality," 595-598, 614-616; and Sheridan Baker, "Henry Fielding's *The Female Husband*: Fact and Fiction," *PMLA* 74.3 (1959): 213-224.

97 Vagrancy Act, 1744, 17 Geo. II c. 5.

... all Persons going about as Patent-gatherers, or Gatherers of Alms, under false Pretences of Loss by Fire, or other Casualty; or going about as Collectors for Prisons, Gaols, or Hospitals; all Fencers and Bearwards ... all Minstrels, Jugglers; all Persons pretending to be Gypsies, or wandering in the Habit or Form of Egyptians, or pretending to have Skill in Physiognomy, Palmistry, or like crafty Science, or pretending to tell Fortunes, or using any subtle Craft to deceive and impose on any of His Majesty's Subjects, or playing or betting at any unlawful Games or Plays; and all Persons who run away and leave their Wives or Children, whereby they become chargeable to any Parish or Place; and all Petty Chapmen and Pedlars wandering abroad, not being duly licensed, or otherwise authorized by Law; and all Persons wandering abroad and lodging in Barns and other Outhouses, not giving a good Account of themselves...⁹⁸

Practically every identifying characteristic of Fielding's Hamilton is a characteristic or practice associated with vagrancy. Hamilton wanders throughout England and Ireland, works in the dubious profession of quack doctor, lives in disguise, and commits acts of financial fraud through imposture. Meanwhile, Hamilton's serial abandonment of wives recalls the Act's criminalization of men who abandon their wives and children to reliance on parish relief:

The disreputable and mobile profession of quack doctor places Hamilton squarely in the company of the itinerant performers, fortune-tellers, and unlicensed peddlers targeted by vagrancy legislation. In fact, the *Bath Journal's* first notice of the case grants more attention to Hamilton's profession than to the marriage to Price, noting that "there are great Numbers of People flock to see her in Bridewell, to whom she sells a great Deal of her Quackery."⁹⁹ In *The Female Husband*, Fielding expands this interest in Hamilton's profession into what Bonnie Blackwell calls "a tale about perversion in, and perversion of, the medical profession."¹⁰⁰ Fielding portrays Hamilton's profession as a hastily

98 Ibid.

99 Bath Journal, 22 Sept 1746.

100 Bonnie Blackwell, "An Infallible Nostrum": Female Husbands and Greensick Girls in Eighteenth-

assumed disguise taken up after an escape from the threat of discovery: “At length she landed at Dartmouth, where she soon provided herself with linnen, and thence went to Totness, where she assumed the title of a doctor of physic, and took lodgings in the house of one Mrs. Baytree” (40). Here, Hamilton’s mobility is rhetorically yoked to the quick accumulation of goods and identities; one need only arrive in a new place and assume the appearance and comportment of a doctor in order to act as one. Hamilton’s new profession also offers immediate access to a new sexual conquest: Miss Ivythorn, we are told, suffers from “the green sickness; a distemper which the doctor gave out he could cure by an infallible nostrum” (40-41). As “greensickness” was commonly thought to be caused by lack of sex and thus cured by marriage, this is both a bawdy joke and an allusion to more widespread anxieties that quack doctors posed a danger to the sexual virtue of young women.¹⁰¹

Even Fielding's religious mockery, in which he joins the ranks of anti-Methodist satirists by proposing Methodism as the explanation for Hamilton's conversion from virtuous to aberrant sexuality and as the first enabler of Hamilton's itinerancy, resonates deeply with the discourse of vagrancy. According to Misty Anderson, anti-Methodist critique throughout the eighteenth century consistently associated Methodism with the refusal to work, the disruption of industry, and "a threatening version of class mobility."¹⁰² Fielding's explanation of Hamilton's sexual deviance as Methodist in origin thus also yokes problems of gender and desire to the many broad concerns that vagrancy

Century England.” *Literature and Medicine* 21.1 (2002): 71.

¹⁰¹ Ibid., 69.

¹⁰² Misty Anderson, *Imagining Methodism in Eighteenth-Century Britain: Enthusiasm, Belief, and the Borders of the Self* (Baltimore: Johns Hopkins University Press, 2012), 18.

laws were designed to address: refusal of labor or productivity, unpredictable behavior, and the performance of an illegible social identity.

Fielding's Hamilton is, therefore, a composite of many different kinds of vagrant. Fielding ties multiple forms of vagrancy together by narrating their simultaneous display by one person. He then takes this premise further by implying that they are all traceable to one common, interior cause. Just as vagrancy law gathers many disparate practices together as signs of a common refusal to work, Fielding gathers Hamilton's many aberrant behaviors under one particular kind of motivation: a repeated impulse that remains stubbornly untraceable to any origin, incites a wide array of unpredictably disparate behaviors, and is rendered most visible through Fielding's expressions of its utter opacity.

Early in the story, after Anne Johnson has ended their relationship, Hamilton "began to consult what course to take, when the strangest thought imaginable suggested itself to her fancy. This was to dress herself in mens cloaths, to embarque for Ireland, and commence Methodist teacher" (33). This decision to dress as a man and enter a disreputable, itinerant profession is described in exactly the same terms as Hamilton's later decision to begin using a dildo with the Widow Rushford: "After some reflection, therefore, a device entered into her head, as strange and surprizing, as it was wicked and vile; and this was actually to marry the old woman, and to deceive her, by means which decency forbids me even to mention" (37). These passages, which promise to explain Hamilton's unaccountable behavior, can in fact only reiterate this behavior's resistance to explanation. Hamilton is never the subject of the sentences in which the impulses to

vagrancy appear. Instead, these impulses seem to act on their own opaque agency as one thought “suggest[s] itself” and another “enter[s] into her head.” These thoughts are “strange,” in that they are unusual, but also in that they come from some other, unknown place. The psychic mechanisms that result in itinerancy, unauthorized mobility, Methodism, cross-dressing, and dildo use are marked by the same obscurity and indexed by the same rhetorical structures.

Vagrant Bodies, "Carnal Appetites"

In *The Female Husband* and in his commentaries on poverty, law, and crime, Fielding's interest in vagrancy is motivated by the same concerns that we, as contemporary readers, associate with discourses we call sexuality: the theorization of affect, interiority, desire, and the invisible causes that move bodies. Ultimately, the attempt to trace why a laborer refuses to work and the attempt to explain why Hamilton lives and desires the “wrong” genders both concern themselves with the same broad questions.

Hamilton, for Fielding, provides an opportunity to represent a vagrant as a kind of person, and vagrancy as a pattern of behavior that results from a characteristic kind of thought. The narrative's concern with the interior mechanisms of cause and effect is laid out at the very beginning, in a meditation on the nature of “carnal appetites” and their results:

That propense inclination which is for very wise purposes implanted in the one sex for the other, is not only necessary for the continuance of the human species; but is, when govern'd and directed by virtue and religion, productive not only of corporeal delight, but of the most rational felicity. But if once our carnal appetites

are let loose, without those prudent and secure guides, there is no excess and disorder which they are not liable to commit, even while they pursue their natural satisfaction; and, which may seem still more strange, there is nothing monstrous and unnatural, which they are not capable of inventing, nothing so brutal and shocking which they have not actually committed. (29)

The unregulated pursuit of desire's "natural satisfaction" is what leads, paradoxically, to the "monstrous and unnatural" acts that this narrative promises to reveal. If, as Fielding says of those driven by unregulated "carnal appetites," "there is no excess or disorder, which they are not liable to commit," then such appetite is endlessly protean. The capability to commit one kind of "disorder" implies the capability to commit any other disorder that can be imagined. Appetite's ability to incite behavior and animate the body in fact exceeds the imaginative capacity of Fielding or anyone who might seek to criminalize, warn against, or explain the resulting "disorder;" the limitless potential of appetite can only be invoked through the negation of imaginative limits.

This logic is not limited to acts that Fielding categorized under the purview of "carnal appetites." In fact, a similar reasoning informs his discussions of crime and vagrancy in his commentaries on poverty and vagrancy law. In his *Proposal for Making an Effectual Provision for the Poor* (1753), Fielding argues that without stricter vagrancy laws, the poor are sanctioned to act on a dangerous, generalized appetite. In a defense of his proposed criminalization of all wandering among the poor, he argues that the impulse to wander can also spur any other kind of social disorder, from robbery to murder:

I should scarce apprehend, though I am told I may, that some persons should represent the restraint here laid on the lower people as derogatory from their liberty. Such notions are indeed of the enthusiastical kind, and are inconsistent with all order and government. They are the natural parents of that licentiousness ... which among the many mischiefs introduced by it into every society where it prevails, is sure at last to end in the destruction of liberty itself. But if we must on

no account deprive even the lowest people of the liberty of doing what they will, and going where they will, of wandering and drunkenness, why should we deny them that liberty which is but a consequence of this? I mean that of begging and stealing, of robbing or cutting throats at their good pleasure...¹⁰³

"Licentiousness" here acts like the "carnal appetites" invoked in *The Female Husband* as well as the "strange and surprizing" ideas that animate Hamilton in Fielding's narrative: it is itself unrepresentable because it exceeds the imaginative capacity of law, policy, and narrative. Yet its results can be illustrated by invoking the form of the list: a list of actions (or, in Hamilton's case, the succession of events) reveals the possibility of what "licentiousness" *could* set loose, while the repetition serves as a sinister hint that no list could ever be complete enough to show all that is possible. What Fielding says of "carnal appetites" in *The Female Husband* is equally true of vagrant impulses in his writings on crime and policy: "there is no excess and disorder which they are not liable to commit" (29).

Such "licentiousness," Fielding implies, can be activated by even the most sanctioned and legitimate forms of economic participation. In his *Enquiry Into the Causes of the Late Increase of Robbers* (1751), Fielding blames the proliferation of crime on a new structure of desire, attributed to the pleasures of commercial society. With the end of vassalage and the introduction of trade, he argues, the character of the poor was transformed: "The Narrowness of their Fortune is changed into Wealth; the Simplicity of Manners into Craft; their Frugality into Luxury; their Humility into Pride, and their Subjection into Equality."¹⁰⁴ Instead of force or subjection, money is now both the cause

103 Henry Fielding, *Proposal for Making an Effectual Provision for the Poor* in *The Complete Works of Henry Fielding*, vol. 13, ed. William Ernest Henley (New York: Croscup & Sterling, 1902), 181.

104 Henry Fielding, *Enquiry into the Causes of the Late Increase of Robbers* (London: A. Millar, 1751), xi.

and object of labor. Wages, however, cannot secure the deference or industry of those who work for them, as “none is more rebellious in its Nature, or more difficult to be governed, than that of the Purse or Money.”¹⁰⁵

Fielding’s invocation of “licentiousness” as a dangerously protean force that opposes industry and order on all fronts reveals a central contradiction of vagrancy law and discourse. Hamilton’s impulses to vagrancy are characterized as strange and unaccountable thoughts that seem to enter Hamilton’s mind from somewhere external and inspire practices as diverse as Methodist preaching and the use of a dildo. But money, in Fielding’s own rhetoric, works exactly the same way for even the most virtuously industrious worker. If, as he argues, the poor are corrupted by their contact with money and its endlessly mutable purchasing power, then wages seem to act like Hamilton’s vagrant impulses: as externalized, unaccountable, and ultimately ungovernable forces that enter the mind from somewhere else and animate the body in ways that predictive causality cannot trace. Even as vagrancy is posited as the enemy of wage labor, wage labor itself contains the protean bodily incitement that vagrancy law claims to isolate and contain. By the same logic, sexual virtue and sexual deviance prove difficult to separate in *The Female Husband*; the “propense Inclination” that produces “rational felicity” and reproduction is what also leads to “unnatural” acts as it pursues its “natural ends” (29). Fielding’s investigations of vagrancy and sexual deviance lead him to the same paradox: that virtuous and unvirtuous behaviors appear to share the same opaque cause.

Fielding's portrayal of Mary Price, Hamilton's last wife, expands these intertwined

¹⁰⁵ Ibid., xiii.

questions of labor and sexuality beyond the focus on one particular vagrant and onto a broader network of economic and social relations. Indeed, the ambivalent implication of Mary Price in Hamilton's fraud further suggests that vagrancy may not be containable under the discourse that Fielding enlists to contain it. While the text claims to isolate Hamilton as one singular and remarkable (yet also representative) vagrant, the economic and sexual disorder indexed by vagrancy refuses to stay contained within Hamilton's mind or body. Mary Price, in particular, suggests this possibility; while the narrative hints that Hamilton's disorderly volition may have a counterpart in Price's desires, Price's interiority ultimately remains unaccountable, elusive, and resistant to explanation or knowledge.

While Fielding performs narrative authority by claiming to produce Hamilton as an object of surveillance and knowledge, Price is not in the position to observe, know, or understand the vagrant she encounters. Her inability to "read" Hamilton's body correctly, both before and after their marriage, is made the butt of repeated jokes. For example, when her choice of husband is challenged by those who doubt Hamilton's credentials in fulfilling such a role, Price earnestly attempts to defend the legitimacy of their marriage by lauding Hamilton's sexual performance. Her descriptions, however, unwittingly reveal the "truth" of Hamilton's sexual practice to her listeners even as Price herself remains oblivious, as when her mother responds to her descriptions with the exclamation, "O child, there is no such thing in human nature" (48). Mary Price's descriptions of her sexual experience, in Fielding's narrative, render her a kind of instrument through which sexual knowledge may be perceived; she can convey this knowledge, but she cannot

assimilate or understand it herself.¹⁰⁶ The narrative therefore treats her much like Hamilton: as the object, not the subject, of interpretation, observation, and embodied knowledge.

As Liberty Smith has noted, Price's attraction to Hamilton does not escape Fielding's imputations of sexual deviance; her excessive desire and attraction to the "wrong" kind of man, Fielding implies, at least partially implicate her in sexual transgression.¹⁰⁷ Fielding also attributes Price's supposed failure of perception to her lack of education, which also bleeds into a general imputation of class-marked ignorance and simple-mindedness. For example, the text (falsely) claims to reproduce an "exact copy" of a letter sent from Price to Hamilton. In this letter, rife with misspellings, awkward formulations, and other signs of minimal literacy, Price attempts to determine if Hamilton intends marriage or seduction: "I kan nut beleef you wul desgrace yourself by marring such a yf as mee, and Sur I wool nut be thee hore of the gratest man in the kuntry" (45). The joke is one of laughably incompetent imposture; in presenting such a letter as an attempt to "be so distant and cool, that the woman of the strictest virtue and modesty in

106 I want to note that while this is how Fielding frames the story, it's not the only way to read Price's relation to "knowledge." Indeed, Price could be read as a much more disruptively queer character than Fielding intends; her earnest defense of her marriage poses a powerful challenge to what the story presents as sexual "knowledge," and it's worth taking this seriously. When I have described this project in conversation, I have been asked repeatedly, of the real Mary Price, "How could she not know that Hamilton was a woman?" Implied in this question is an assumption that Hamilton's bodily configuration means that Hamilton was "really" a woman, that this gender assignment is the product of "knowledge" and not of any other form of discourse, and that a sexual encounter would of course produce this knowledge because presumably, Mary Price would discover that Hamilton did not have a penis. I want to challenge these assumptions: first, we do not know much about how Price understood or thought about the relation between sexual intercourse and the gendered body, and while eighteenth-century ideologies of gender, as we know them, overlap with contemporary normative understandings in their assignation of the penis as a sign of maleness, I also want to leave room for historical experiences and understandings of gender that may have contested or complicated this notion.

107 Liberty Smith, "Listening to the 'Wives' of 'Female Husbands': A Project of Femme Historiography in Eighteenth-Century England," *Journal of Lesbian Studies* 6.2 (2002): 115.

England might have no reason to be ashamed of having writ it," Fielding highlights Price's inability to "pass" successfully as both a woman who is less thoroughly infatuated than she actually is and (the language implies) as one who might write in an epistolary genre above her station. Furthermore, Sheridan Baker has noted the similarities between this letter and Shamela's response to a similar proposal, and speculates that Price's misspelling of "mi vartu" is an echo of Shamela's famous (and famously calculating) invocations of her "virtue."¹⁰⁸ The possibility of a link between Mary Price and Shamela raises the possibility that Price's ignorance, like any claim of artlessness, might not be distinguishable from its willfully performed simulacrum.

Mary Price's relation to sexual knowledge thus makes her culpability difficult to determine. On the one hand, she is characterized as one who does not understand her own words, or even her own sexual experience—such an extreme lack of knowledge or perception would seem to mitigate any culpability. Fielding even decries "the cruel treatment which the poor innocent wife received from her own sex, upon the extraordinary accounts which she had formerly given of her husband," though this is also somewhat disingenuous, as the narrative also holds up these very "extraordinary accounts" as objects of ridicule (49). At the same time, Fielding implies that the very ignorance that secures Price's innocence may be a symptom of her sexual desires or her plebeian unruliness—both of which, in Fielding's rhetoric, serve to render a woman at least suspicious, if not definitively criminal. Ultimately, the narrative cannot decide if Price is a victim of Hamilton's vagrancy or a participant in vagrancy's incitement of disorderly social relations. The terms of undecidability here should be familiar to anyone

¹⁰⁸ Baker, "Henry Fielding's *The Female Husband*," 215.

conversant in eighteenth-century ideologies of female sexuality; this is the same undecidability between victim and participant that, as Toni Bowers argues, forms the constitutive tension of seduction narrative throughout the century.¹⁰⁹

Understanding vagrancy discourse through the lens of gender and sexuality allows us to understand how rhetoric and narrative are used to construct a gendered, economically legible subject and its gendered obverse. It shows us how simply “reading” a person’s gender relies on certain rhetorical and epistemological tools that are also the same tools used to monitor economic transgression. The importance of vagrancy and economic illegibility to Fielding’s characterization of Hamilton is highlighted by comparison with another “female husband” story that appeared in the *London Chronicle* in 1766. While Fielding’s characterization insistently links Hamilton’s status as “female husband” to economic disruption, this account reminds us that not all “female husbands” were necessarily perceived as economically suspect or presumptively criminal, and that a “female husband’s” economic behavior could determine whether their gender or sexuality were subject to scrutiny or criminalization.¹¹⁰

This piece echoes both Fielding’s title and his claims to knowledge and entertainment, as it appears under the title, “The FEMALE HUSBAND; or a circumstantial Account of the extraordinary Affair which lately happened at POPLAR”¹¹¹ This account, however, ends very differently than all accounts of the Hamilton case,

109 Toni Bowers, *Force or Fraud: British Seduction Stories and the Problem of Resistance, 1660-1760* (Oxford: Oxford University Press, 2011).

110 This dynamic is emphasized in Patricia Crawford and Sara Mendelson’s account of the legal fate of an upper-class “female husband” in the seventeenth century (Crawford and Mendelson, “Sexual Identities in Early Modern England: The Marriage of Two Women in 1680.” *Gender & History* 7.3 [1995]: 363-77)

111 *London Chronicle*, 7-9 August 1766. Reprinted in *The Merry Droll, or Pleasing Companion* (London: for C. Parker, 1769), 36-41.

lauding the “female husband” James How for virtuous conduct in personal and professional life and even portraying How as the *victim*, not the perpetrator, of economic disorder at the hands of itinerant criminals.

The story begins with a young woman named Mary East, who resolves, after the execution of her lover for robbery, “ever to remain single.”¹¹² She and another female friend (whose name is not given) “being intimate, ... communicated their minds to each other, and determined to live together ever after; after consulting on the best method of proceeding, they agreed that one should put on man’s apparel, and that they would live as man and wife in some part where they were not known.”¹¹³ When they must decide who will be the husband, they determine the choice by tossing a halfpenny, and it is this act of chance that leads to Mary East’s reinvention as “female husband” James How. In a crucial difference from Fielding’s *Hamilton*, Mary East/James How’s impetus to become a man does not come from within; it has nothing to do with desire and everything to do with the intertwining of chance and economic necessity indicated by the toss of a halfpenny. They live together for more than thirty years as successful proprietors of an inn, and the narrative characterizes them as productive and valued members of their community.

Their harmonious life is interrupted only by the occasional appearance of a woman named Mrs. B., who knows James How’s “true” sex and intermittently blackmails the couple with threats of exposure. After How’s wife dies, Mrs. B. attempts to frighten How into surrendering a substantially larger sum than before:

112 *Ibid.*, 36.

113 *Ibid.*

The supposed wife of *James How* now died, and the same consciounable Mrs. *B.* now thought of some scheme to enlarge her demand; for this purpose she got two fellows to execute her plan, the one a mulatto, who was to pass for one of Justice *Fielding's* gang, the other to be equipped with a short pocket staff, and to act as Constable; in these characters they came to the *White Horse*, and enquired for Mr. *How*, who answered to the name; they told her that they came from Justice *Fielding* to take her into custody, for a robbery committed by her thirty-four years ago, and moreover that she was a woman.¹¹⁴

In this narrative, it is the vicious and unscrupulous Mrs. *B.* who links *How's* gender to criminality by simultaneously accusing *How* of robbery and stating “moreover that she was a woman.” While *Fielding's* narrative works hard to reinforce the link between gender crossing and criminality, the author of this account projects all criminality, imposture, and economic illegitimacy onto Mrs. *B's* gang while defending *How* against their charges. The narrative ends with an assurance that the “female husband's” gender crossing can be neatly detached from any imputation of criminality or economic dishonesty, as the narrative lauds the couple for their industriousness and productivity:

To conclude, during the whole course of their cohabiting together as man and wife, which was thirty-four years, they lived in good credit and esteem, having during this time traded for many thousand pounds, and to a day punctual to their payments; and had by honest means saved up between 4000l. and 5000l. between them.¹¹⁵

Though the *How* marriage is acknowledged to be technically fraudulent (they were not legally married but claimed they were), the marriage is narratively yoked to economic honesty; all economic dishonesty is located in the criminality, imposture, and racialized otherness associated with Mrs. *B* and her minions. *James How*, in this

114 *Ibid.*, 38. The “Justice *Fielding*” referred to here is almost certainly John *Fielding*, Henry *Fielding's* half-brother, who shared Henry's interest in police and penal reform. For a brief overview of John *Fielding's* career and influence, see Philip Rawlings, ‘*Fielding, Sir John (1721–1780)*’, *Oxford Dictionary of National Biography*, Oxford University Press, 2004 [http://www.oxforddnb.com/view/article/9402, accessed 18 Nov 2013].

115 *Ibid.*, 41.

narrative, uses gender crossing to achieve an economic autonomy largely denied to women, and yet uses this economic agency to achieve prosperity and to “[live] in good credit and esteem.” Such a result projects legitimacy backwards from the state of “good credit” to the gender crossing that enabled it. If the result was a life “lived in good credit and esteem,” the narrative implies, then was How’s social gender really so dishonest? The account’s final sentence asserts How’s economic virtues as cause for unequivocal approbation; the gender crossing and nonheteronormative alliance that render How’s life an object of interest are of no concern, not even as minor flaws that economic virtue might mitigate. Instead, How is entirely virtuous: “After her house is lett or sold, and her affairs settled, she intends retiring into another part to enjoy with quiet and pleasure that fortune she acquired by fair and honest means, and with an unblemished character.”¹¹⁶

Of course, the difference between How and Hamilton is not *only* a question of economic virtue; How’s wife, in this story, is characterized as a knowing participant in How’s gender crossing rather than as a victim of deception, and there is no narrative implication that their marriage involves a sexual relationship. Clearly, the lack of any suspicion that the How marriage was a sexual relationship contributes to the assertion of How’s “unblemished character.” This fits a pattern seen both in “passing woman” narratives and in actual criminal cases; “passing women” portrayed positively may sometimes flirt with or court other women but never have sex with them, while evidence of sex between women (usually signified by a dildo) almost always leads to criminalization and negative portrayal.¹¹⁷

116 Ibid.

117 Easton, “Gender’s Two Bodies,” 133; Braunschneider, “Acting the Lover,” 219.

But while the perceived asexuality of the How marriage contributes to the positive valuation of the alliance and the gender crossing that allowed it, I also want to suggest that How's economic virtue is part of what contributes to this perception of sexual propriety in the first place. Class, gender, and sexuality all work here as mutually constitutive sites of epistemology and perception. The tale of the "female husband" with an "unblemished character" also tells us something about the kind of economic subjectivity of which vagrancy is the obverse or the constitutive outside. While gender crossing, in Hamilton's case, became grounds for vagrancy arrest, some instances of gender crossing could also be incorporated into the forms of economic subjectivity that vagrancy law claimed to protect.

Vagrancy's "complex Signification:" The Rhetoric of Police Power

As Anne Middleton reminds us in her analysis of the 1388 Statute of Laborers, vagrancy was "from the outset a highly overdetermined discourse."¹¹⁸ Middleton's account of medieval vagrancy law identifies its central aim as the imposition of social intelligibility:

The 1388 petition understands vagrancy ... as a social threat not merely in practical or economic terms, but as what one might call an ontological and epistemological problem, as a kind of solecism in social semantics and grammar that threatens the universal and common intelligibility of personal design and social telos. To the disturbing performative indeterminacy of vagrant populations, the countermeasure proposed is similarly a universal legal mechanism: that of documentary fixity and accountability, a project of textualizing and authorizing identity.¹¹⁹

118 Anne Middleton, "Acts of Vagrancy: The C Version 'Autobiography' and the Statute of 1388," in *Written Work: Langland, Labor, and Authorship* ed. Steven Justice and Kathryn Kerby-Fulton (Philadelphia: University of Pennsylvania Press, 1997), 243.

119 *Ibid.*, 222.

Middleton highlights concepts that remain central to the 18th-century discussion of vagrancy in which Fielding participates; her account of a legal attempt to counter "performative indeterminacy" with "documentary fixity" that may restore a "common intelligibility of personal design" could easily be a gloss of Fielding's commentary on vagrancy in the *Enquiry* and the *Proposal*.

Of course, I do not want to overemphasize a transhistorical notion of "vagrancy." While vagrancy laws and their surrounding discourse have tended to invoke as their target failures of predictive causality, epistemology, and "documentary fixity," the specific populations and behaviors targeted by these laws, as well as the justifications, interests, and systems that mobilize their enforcement, change significantly across time and space. However, I want to suggest that to name a certain population or behavior as grounds for vagrancy arrest is to render that population or behavior metonymic for the generalized "licentiousness" that Fielding decries in the *Proposal*. The conceptual indeterminacy of this "licentiousness" and the wide discretionary leeway granted to the enforcers of vagrancy law ultimately works against the attempts of texts, such as *The Female Husband*, to consolidate vagrancy as a cohesive and representable problem and bring "vagrants" into the "documentary fixity" of explanation, prediction, or account.

If the vagrant is nothing more than an anticipatory sign of potential threat, cost, disruption, or obstruction, even as the law claims to name "vagrant" as a legible social type, then literary representation necessarily stands in paradoxical relation to this figure. To be named a vagrant is to be rendered the object of diffuse, proliferative anticipation, not the object of knowledge, narrative, or characterization. Rendering the vagrant an

object of knowledge would in fact limit and demarcate the protean threat that vagrancy indexes. In a sense, *The Female Husband's* failure to explain or trace Hamilton's "strange" thoughts actually reinforces the discretionary power underpinning vagrancy law; instead of limiting the scope of vagrancy to a discrete set of thoughts, motivations, or behaviors, the narrative keeps its object relentlessly opaque, undefined, and virtually limitless—and thus in need of an equally limitless juridical response. Vagrancy is therefore less an object of representation than a formal structure of knowledge, rhetoric, and discretionary power.

Fielding's critique of vagrancy laws in the *Enquiry* and his portrayal of their operation in *The Female Husband* inhabit some of the central contradictions of vagrancy as a formal structure. In the *Enquiry*, he speculates that the ineffectiveness of vagrancy laws lies in the ultimate impossibility of their goal: to identify and detain those who refuse to work. Instead of targeting the many behaviors that signal idleness, he argues, vagrancy laws ought to simply criminalize wandering:

...the Disease seems to be no other than *Idleness*, so here *Wandering* is the Cause of the Mischief, and that alone to which the Remedy should be applied. This, one would imagine, should be the chief, if not sole Intent of all Laws against Vagabonds, which might, in a synonymous Phrase, be called Laws against Wanderers. But as the Word itself hath obtained by vulgar Use a more complex Signification, so have the Laws on this Head had a more general View than to extirpate this Mischief; and by that means, perhaps, have failed of producing such an Effect.¹²⁰

Idleness here is reliably indexed by wandering; if one is idle, one will necessarily wander, and if one is wandering, one is therefore idle. To apprehend the idle, one simply needs to criminalize all wandering and forget the other meanings of vagrancy as encoded in the

120 Fielding, *Enquiry*, 85-86.

law.

And yet, the “complex Signification” of vagrancy is still at work in *The Female Husband*. Hamilton is, in fact, arrested for vagrancy not because of wandering, but because of acts interpreted as imposture and fraud—in other words, Hamilton is caught precisely because vagrancy laws criminalize far more than just wandering. Though Fielding argues, in the *Enquiry*, that this far-reaching scope undermines the laws’ efficacy, *The Female Husband* seems to imply that it is this very scope that allowed Hamilton to be apprehended at all.

While Fielding attempts, in the *Enquiry*, to impose conceptual totality on vagrancy law by naming its common denominator (idleness), he also recognizes that vagrancy exceeds this supposedly totalizing conception of it. After all, idleness is not itself a behavior or a bodily characteristic that can be directly criminalized, prosecuted, or even seen; it is not an action, but an interior disposition toward action. Since idleness can manifest itself in relation to many different kinds of conduct, any attempt to apprehend it must then fall back on the long lists of behaviors forming vagrancy's "complex Signification." Idleness can also, as Fielding states, set loose a "licentiousness" that could potentially do *anything*. As such licentiousness exceeds the imaginative capacity of those who might seek to anticipate its effects, it is bound to exceed both these lists *and* the conceptual unity that, in seeking to comprehend vagrancy in its totality, risks delimiting the juridical discretion needed to combat it. Hamilton is ultimately arrested neither for wandering *nor* for a specific behavior listed in the 1744 Act; the magistrates must, with some difficulty, interpret the Act's proscription of "subtle Craft" as applicable to

Hamilton's marriage and sexual practices.

The Female Husband, therefore, does more than represent a vagrant. It inhabits, tests, and theorizes the rhetorical structures through which vagrancy is constituted as a category. Fielding's narrative spins out the "complex Signification" of vagrancy by representing one behavioral index of vagrancy after another, yet fails to represent or explain the idleness that Fielding identifies as vagrancy's conceptual basis. This text, framed by its paradoxical inquiry into the nature of "carnal appetites," roots its rhetorical construction of vagrancy in a theory of sexuality, desire, and bodily animation; the sense of opacity that Fielding draws from his theory of desire is crucial to this text's refusal to explain or demarcate the "strange" sources of vagrant behavior, which in turn pushes against the limitation of the scope of vagrancy law or its application. Ironically, it is the *queerness* of vagrancy in this text—its strangeness, its mutability, its origins in somewhere unknown and marginal to normative social existence—that underpins Fielding's call for wide-ranging punitive responses to bodies marked as unaccountable.

Vagrant Figures of Queer History

What do we gain by reading Fielding's portrayal of vagrancy as "queer?" How do the concerns of contemporary queer scholarship and politics resonate with this eighteenth-century text's formulation of vagrancy as simultaneously sexual and economic transgression?

One answer may lie in queer scholarship's current attention to histories of capitalism. The long histories of dispossession and criminalization indexed by vagrancy

are becoming increasingly central to the project of contemporary queer studies. Christina Hanhardt, for example, has recently evoked Marx's formulation of the *lumpenproletariat* as a model for tracing what has historically been ejected from mainstream LGBT politics:

In addition to tracing the history of queer politics on the left, we might also think about the history of those who have been left queer—as in, those individuals who remain outside of dominant norms—within a variety of social movements. Why and how are some individuals recuperated—or rejected—not only by the mainstream but also by radical social movements? Here we might consider the construction of the “lumpen proletariat” so famously demeaned by Karl Marx, or the “submerged tenth” by W.E.B. Du Bois: those who are considered to have no capacity for class-consciousness or formal political strategy, outside organization, stuck in place, and even representative of a counter-revolutionary position. These are familiar figures, not only because they have been maligned in leftist movements and liberal politics, but also because features of these abstract categorizations have been increasingly celebrated within queer studies: subjects described as outside, abject, unproductive, and with no future...¹²¹

In calling for queer studies to consider subjects and formations that have been "left queer," Hanhardt resignifies "queer" to index the outside of legible political identity, and it is the vagrant non-collectivity of Marx's *lumpenproletariat* that provides Hanhardt with a model to conceptualize a category that is rhetorically excluded from being a category, an assemblage brought together not by common identity, but by dispossession. Hanhardt joins an established line of inquiry in queer studies that seeks to center as the object of queer inquiry not antecedents of recognizable "queer" identities, but the forces of economic and racial dispossession that render so many expressions of gender and desire unassimilable into what is politically recognizable as a "queer" subject position. For example, Cathy Cohen's groundbreaking "Punks, Bulldaggers, and Welfare Queens" rejects a narrow frame of queer politics that takes same-sex sexuality as its center and

121 Christina Hanhardt, "Left Queer," *Scholar & Feminist Online* 11.1/11.2 (2012-2013) <<http://sfonline.barnard.edu/gender-justice-and-neoliberal-transformations/left-queer/#sthash.5Iu0KN7k.dpuf>>

proposes that "queer" ought to encompass the disparate, heterogeneous array of identities and practices that are united only by their labeling as sexually deviant.¹²² Meanwhile, Roderick Ferguson's *Aberrations in Black* takes up Marx's notion of surplus populations as those which "fulfill *and* exceed the demands of capital" to argue that "nonheteronormative racial formations take up interstitial positions enabled by the forces of capital that transgress both the state and heteronormative logics of reproduction."¹²³

However, beyond these engagements with material histories of dispossession and criminalization, there is another register of vagrancy, evoked by Hanhardt, that has been latent in some of the more canonical touchstones of queer theory for a long time: the "figures" that have been present in queer thought as what she describes as "abstract categorizations" of "subjects described as outside, abject, unproductive, and with no future." This engagement with material histories of dispossession is more ambivalent: it's one thing for queer studies to celebrate cultural discourses that flout the future, but quite another to engage with the histories of populations materially denied access to that future (as José Muñoz articulates in his critique of Lee Edelman.)¹²⁴ In addition to directing historical attention to subjects labeled vagrants, foundational texts in queer historiography have deployed vagrancy as a rhetorical mode, drawing on the language that registers unaccountable bodies as "abject" and "unproductive."

The ends of this deployment are more complex and ambivalent than the simple

122 Cathy Cohen, "Punks, Bulldaggers, and Welfare Queens: The Radical Potential of Queer Politics?" *GLQ* 3 (1997): 437-465.

123 Roderick Ferguson, *Aberrations in Black: Toward a Queer of Color Critique* (Minneapolis: University of Minnesota Press, 2004), 15.

124 José Esteban Muñoz, *Cruising Utopia: The Then and There of Queer Futurity* (New York: NYU Press, 2009), 11-22.

recovery of historical "vagrants" as newly recognized queers. Even when texts attempt to claim these unaccountable others as kin to contemporary queer subjects, affects, or desires, much of their argumentative and affective power draws on the *rhetoric* of vagrancy and its formal resonances—a rhetoric whose power lies in its intimacy with histories of police, surveillance, and the regulation of bodies and desires. If we read these contemporary texts' redeployment and resignification of the logics of police power, we can learn more about the richly intertwined histories of police power and sexuality.

In other words, Fielding can teach us something about how to read Foucault. In *The Female Husband*, vagrancy takes on a potent queerness—but this queerness does not necessarily trouble hierarchies of gender, class, or sexuality. Rhetorically, it serves to strengthen Fielding's call for flexible, discretionary police power (even as it also encodes histories of resistance at the same time.) The "vagrant figure," in other words, is a rhetorical mode whose political effects are not necessarily the deviance or resistance that this mode ascribes to the subjects it claims to name. And it is precisely this ambivalence and contingency that Foucault attempts to harness as an unlikely vehicle for queer desire in the archive. His 1977 essay, "Lives of Infamous Men," which was intended as a preface to a collection of fragments encountered in the archives of seventeenth- and eighteenth-century penal regimes, has become somewhat of a touchstone for contemporary theorists of sexuality, history, and affect. This essay and its afterlives build theories of queer historical desire on vagrant figures and the discretionary police power these figures both justify and elude.

In "Lives of Infamous Men," Foucault recounts an affective, even erotic encounter

with the past that does not attempt to reclaim subjects from abjection or bring them into the realm of the representable; instead, the intensity of this encounter is rooted precisely in the contact with intractable absence, violence, and loss. It is this affective intensity and its impress on historical narrative that has proven compelling for recent works in queer historiography; for example, the essay plays a key role in the arguments of Carolyn Dinshaw's *Getting Medieval* and Heather Love's *Feeling Backward*.¹²⁵

Like Fielding, but towards opposing ends, Foucault brings together a range of disparate characters and acts, only to reveal how these things ultimately resist conceptual unity. Faced with the chance juxtaposition of two notices of incarceration, he experiences sensations that cannot be accounted for in standard historical analysis, but inspire him to compile the texts that move him into "a kind of herbarium."¹²⁶ The two figures he claims sparked his idea were one man whose "madness was always to hide from his family, to lead an obscure life in the country, to have actions at law, to lend usuriously and without security, to lead his feeble mind down unknown paths, and to believe himself capable of the greatest employments" and a "seditious apostate friar . . . sodomite, atheist if that were possible."¹²⁷ Wandering "down unknown paths" both literal and metaphorical, lending without security, madness, sodomy, and apostasy—all these forms of social aberration are brought together in Foucault's "herbarium." Just as vagrancy law juxtaposes disparate forms of social aberration by using endlessly proliferative catalogues to link marginal

125 Carolyn Dinshaw, *Getting Medieval: Sexualities and Communities, Pre- and Postmodern* (Durham: Duke University Press, 1999); Heather Love, *Feeling Backward: Loss and the Politics of Queer History* (Cambridge: Harvard University Press, 2007),

126 Michel Foucault, "The Lives of Infamous Men" in *Power* ed. James D. Faubion tr. Robert Hurley et al (New York: The New Press, 2000), 157.

127 *Ibid.*, 158.

existence to both idleness and threat, Foucault catalogues lists of figures that are united only in their opacity and unaccountability: "So I excluded everything in the way of imagination or literature: none of the dark heroes that the latter have invented appeared as intense to me as these cobblers, these army-deserters, these garment-sellers, these scriveners, these vagabond monks, all of them rabid, scandalous, or pitiful."¹²⁸

It is this unpredictable and utterly unsystematic proliferation of figures, Carolyn Dinshaw argues, that makes Foucault's project fundamentally queer. Uniting his figures under the rubric of his own desire rather than by methods established by standard historiographic practice, Foucault's collection is *disciplinarily* queer. Simultaneously, it also reaches towards collectivity for subjects that deviate from norms in ways that mark these subjects as queer; the feeling that moves him, Dinshaw claims, is "the beauty and terror, perhaps, of queer community, constituted by nothing more than the connectedness (even across time) of singular lives that unveil and contest normativity."¹²⁹

Foucault's affective juxtapositions rely on the juxtapositions inherent to the legal practice and rhetoric of vagrancy law. For example, in one notice that Foucault quotes as exemplary of the affectively charged style of this "emphatic theater of the quotidian," he cites precisely the kind of arrest made under vagrancy laws, justified by the same logic employed by Fielding in his condemnations of both idleness and sexual deviance: "If some caster of horoscopes is locked up, this is because 'there are few crimes she has not committed, and none of which she is not capable...'"¹³⁰ His intellectual engagement in these materials, he narrates, arose as he "looked for the reason why people were so

128 Ibid., 160.

129 Dinshaw, *Getting Medieval*, 138.

130 Foucault, "Lives," 165.

zealous to prevent the feeble-minded from walking down unknown paths."¹³¹

The appearance of vagrancy in this essay is more than a happy coincidence. If, as I have argued, vagrancy is a key locus for the development of eighteenth-century theories of discretionary police power, then vagrancy's presence should come as no surprise in a text so concerned with the resonance of police power as it generates archives and incites queer historical desires. Police power, by rhetorically providing for the open-ended inclusion of unknown and unknowable forms of deviance in categories such as vagrancy, generates a non-identitarian theory of deviance. This theory of deviance creates a category that is, like "queer," open to what cannot be known in advance.¹³² Even when vagrancy laws and queer histories take opposing stances towards their objects of scrutiny, they both rely on this feature of anticipatory logic and open-ended, flexible categories of deviance. Indeed, for Foucault, it is precisely the discretionary nature of police power that generates the strange archival juxtapositions that are the stuff of queer history. Of the necessary conditions for the generation of his archival materials, he writes:

It first required a combination of circumstances that, contrary to all expectations, focused the attention of power and the outburst of its anger on the most obscure individual, on his mediocre life, on his (after all, rather ordinary) faults: a stroke of misfortune that caused the vigilance of officials or of institutions, aimed no doubt at suppressing all disorder, to pick on this person rather than that, this

¹³¹ Ibid., 158.

¹³² Foucault's engagement with the proliferative potential of the list resonates with queer theoretical interest in the list as a formal feature, even in texts quite distant from the juridical archive that Foucault reads here. Eve Kosofsky Sedgwick, for example, locates in Silvan Tomkins's expansive lists an "analog model" of affect: "The items on the lists gesture toward the possibility of random, virtually infinite permutation, some of it trivial, some of it highly significant; the suggestion of sheer, unlimited extent marks the impress of radical contingency on the possible outcomes" (Eve Kosofsky Sedgwick with Adam Frank, "Shame in the Cybernetic Fold: Reading Silvan Tomkins" in Sedgwick, *Touching Feeling: Affect, Pedagogy, Performativity* [Durham: Duke University Press, 2003], 105-6). For Sedgwick, the queer potential of the list is not that it gathers people or types that might stand in queer genealogical relation to contemporary sexual dissidence; rather, it is in the formal power of the list to index proliferation without an organizing principle.

scandalous monk, this beaten woman, this inveterate and furious drunkard, this quarrelsome merchant, and not so many others who were making just as much of a ruckus.¹³³

It is discretionary power, Foucault claims, that constitutes this archive in its non-systematic (one might say queer) state. The discretionary enforcement of laws meant to keep (as Foucault puts it) "the feeble-minded from walking down unknown paths" is, paradoxically, precisely what generates an archive inviting unknown, erratic, aimless, and nonlinear paths across time: "That is another trait of this dark legend. It has not been transmitted like one that was gilded by some deep necessity, following continuous paths. By nature, it is bereft of any tradition; discontinuities, effacement, oblivion, convergences, reappearances: this is the only way it can reach us. Chance carries it from the beginning."¹³⁴

While for Fielding, the "strange" thoughts of vagrancy are a call to arms, a threat that demands increasingly flexible police power, Foucault evokes this very opacity in order to imagine the historical force of discretionary power as an unwitting collaborator in the writing of queer history. This collaboration is an ambivalent one. While Dinshaw emphasizes Foucault's intense feeling for his subjects, characterizing it as the creation of a community that exists across time, Heather Love characterizes Foucault's desire as one incited just as much by the violence of the state as by contact with those that suffer under it: "His investment is not so much in these infamous men themselves but rather 'in the darkness in which they could, perhaps should, have remained.'"¹³⁵

Emphasizing that "the sensation—the cross-historical touch—that Foucault feels

133 Foucault, "Lives," 163.

134 Ibid.

135 Love, *Feeling Backward*, 48.

in the archive may be as much a mauling as a caress," Love proposes a historiography in which the most intense relation between the scholar and their historical ghosts might not be not one of touch, but of disconnection and loss: "Turning back toward them seems essential, but it also demands something that is, in the end, more difficult: allowing them to turn their backs on us."¹³⁶ In calling on scholars to allow our historical subjects "to turn their backs on us," Love complicates any notion that historical recovery or contact might redress or repair the violence that constitutes an archive such as Foucault's "herbarium." Indeed, in her reading of Foucault, there is no rescuing his "scriveners" or "vagabond monks" from the touch of power, as this is all that constitutes these textual figures in the first place. In the context of *The Female Husband*, a reminder to allow the dead "to turn their backs on us" also serves as a reminder of the ways in which historical narrative, even when it sets out to reclaim or revalue the "infamous," can work in ways that resonate uncomfortably with vagrancy laws in their demand that unknown figures make themselves available to be categorized, recorded, and reshaped into knowable subjects.

136 Ibid., 48-49; 43.

CHAPTER TWO

Vagrants of Empire

When Henry Fielding, the subject of my first chapter, reflects on the changing geography of London and its supposed propensity to foster crime, he enlists a metaphor that links the city to more distant locales:

Whoever indeed considers the Cities of *London* and *Westminster*, with the late vast Addition of their Suburbs; the great Irregularity of their Buildings, the immense Number of Lanes, Alleys, Courts and Bye-places; must think, that, had they been intended for the very Purpose of Concealment, they could scarce have been better contrived. Upon such a view, the whole appears as a vast Wood or Forest, in which a Thief may harbour with as great Security, as wild Beasts do in the Desarts of *Africa* or *Arabia*.¹³⁷

By likening the streets of London to the “Desarts of *Africa* or *Arabia*,” Fielding’s analogy draws on a familiar colonial geography that imagines “savage” spaces as real, locatable instantiations of the state of nature.¹³⁸ Africa and Arabia become metonymic for the as-yet ungoverned, uncivilized criminal underworld, which exists among the English body politic but is not of it, as he characterizes crime as an “Invasion” by “a few of the lowest and vilest among us,” which places the nation in the same predicament as “the most enslaved Countries.”¹³⁹

This racialized metonymy has a very long afterlife in figurations of poverty in London, as made perhaps most apparent in the nineteenth-century designation of

137 Henry Fielding, *Enquiry into the Causes of the Late Increase of Robbers* (London: A. Millar, 1751), 76.

138 Here, I’m drawing on Charles Mills’s foundational account of Locke conceptualizing the state of nature as simultaneously a hypothetical condition and (in North America) an actually existing one (Mills, *The Racial Contract* [Ithaca: Cornell University Press, 1997]). For Mills, this formulation means that under social contract theory, whiteness is what grants access to the ability to enter the social contract (as for whites, the state of nature is a hypothetical condition) while those racialized as embodying the state of nature are defined in essential opposition to the ability to enter social contract (87).

139 Fielding, *Enquiry*, 2.

homeless children as “street Arabs.” However, even as this geographical imaginary persisted, another mode of imagining—and policing—London’s geography came to prominence towards the end of the eighteenth century, as a new generation of police reformers pushed for the establishment of what has come to be seen as a “modern” penal apparatus: centralized, professional police forces, the penitentiary as default mode of criminal punishment, and a robust and comprehensive theorization of police as a system of crime prevention.

For example, in his influential *Treatise on the Police of the Metropolis* (1796), Patrick Colquhoun, like Fielding, places London in a global setting. Here, however, the ties that connect London to distant locales is not analogical, but economic:

LONDON, from being a great *depot* for all the manufactures of the country, and also the goods of foreign nations as well as colonial produce, is not only the first commercial city that is known at present to exist, but is also one of the greatest and most extensive manufacturing towns, perhaps in the universe; combining in one spot every attribute that can occasion an assemblage of moving property, unparalleled in point of extent, magnitude, and value, in the whole world.¹⁴⁰

For Fielding, the problem with London’s growth is that it has become savage; the sheer proliferation of streets has expanded beyond the reach of surveillance. For Colquhoun, however, what makes London so vulnerable to crime is that it is so *civilized*; its unprecedented commercial expansion brings together so many populations with such a massive “assemblage of moving property,” he argues, that there is simply more to be stolen, and more opportunities to steal it.

This status of London as a global “assemblage of moving property,” whose

140 Patrick Colquhoun, *A Treatise on the Police of the Metropolis; Containing a Detail of the Various Crimes and Misdemeanors by which Public and Private Property and Security are, at Present, Injured and Endangered: and Suggesting Remedies for their Prevention*, 3rd edition (London: H. Fry for C. Dilly, 1796), 410.

wealth, it was increasingly asserted, was generated precisely *through* this movement, was central to the theories and arguments of those advocating for police reform at the end of the eighteenth century. While Fielding's theory of crime largely hinges on a traditionalist critique of luxury—the poor try to emulate the rich and thus are tempted to seek pleasures they cannot afford—Colquhoun follows in the footsteps of classical economic thinkers such as Adam Smith, arguing that the trade in “moving property,” including luxuries, is a productive engine of wealth that must be protected from crime, which he figures as dangerous less to the nation's virtue than to its economy.

And so while my first chapter focused on the theories of desire and interiority articulated through Henry Fielding's attempts, as both novelist and magistrate, to imagine the motives animating the individual vagrant, this chapter investigates how authors at the end of the eighteenth century figured vagrant *populations* in an expanded geographical scope. More specifically, I trace vagrancy across two genres: poetry and police reform tracts—most centrally the writings of Patrick Colquhoun. At first, these two modes of engaging vagrancy might seem diametrically opposed; as critics such as Catherine Gallagher and Philip Connell have argued, we have inherited from the Romantics themselves a sense of literature—and particularly poetry—as indexing a fundamentally incommensurate sense of value than that provided by the logic of political economy (and by extension, the modes of social reform that built upon this logic.)¹⁴¹

Indeed, Wordsworth—whose treatments of vagrancy have received the lion's share of literary-critical attention on vagrancy in the eighteenth century—repeatedly

141 Catherine Gallagher, *The Body Economic: Life, Death, and Sensation in Political Economy and the Victorian Novel* (Princeton: Princeton University Press, 2008), 7-35; Philip Connell, *Romanticism, Economics and the Question of 'Culture'* (Oxford: Oxford University Press, 2001).

stages this very divide. Exclusive focus on Wordsworth leads us to see vagrancy too much from the vantage point set up by his poems. By looking at a wider variety of authors—and Robinson in particular—we are able to better grasp how, why, and to what effect poetry in this period took up vagrancy as a structure of knowledge. Scholarship on vagrancy in Wordsworth tends to characterize "the vagrant" as a kind of person, and then ask how poetry represents that kind of person or subjective experience. This is unsurprising, as Wordsworth himself is invested in defining vagrancy in this way. However, my study of vagrancy law and its surrounding rhetoric in the long eighteenth century reveals that vagrancy is not a kind of subjectivity, but a juridical structure of knowledge that enables police power. Vagrancy is a way of seeing the world from the vantage point of police. To use the language of vagrancy is to use the language of police power. This is not to say that poetry cannot also *critique* police power in taking up the language of vagrancy. Indeed, Mary Robinson (I will argue) does just that. But the poetry of vagrancy does not establish poetry as the *opposite* of police power or of the juridical gaze. Rather, Robinson's poetics of vagrancy resists any claim that poetry exists outside the circuit of juridical or economic logic. Especially in her critiques of empire, war, and global commerce, Robinson deploys the logic and language of police power against itself.

However, even as many poets explicitly critiqued prevailing modes and theories of police power, I am interested in tracing these critiques alongside moments of convergence between the genres of poetry and social analysis. This chapter thus reads Colquhoun and others alongside Mary Robinson's *Lyrical Tales* (1800), which gathers vagrant figures along the lines of Colquhoun's global geography, but in a text avowedly

critical of the economic and political systems constituting this geography and rendering the subjects of these poems the “redundant populations” (in Malthusian terms) who move along lines of “assemblages of moving property.”¹⁴²

Poetic Vagrancy

In the pages of Daniel Stuart's reform-minded newspaper the *Morning Post*, between 1797 and 1800, Robert Southey, William Wordsworth, and Mary Robinson carried on an extended poetic conversation about poverty, politics, and vagrancy.¹⁴³ Alongside many of the poems that would later comprise Robinson's *Lyrical Tales*, including "The Poor Singing Dame," "Agnes" (which would appear, in revised form, in the *Lyrical Tales* as "Edmund's Wedding"), "The Deserted Cottage," and "Poor Marguerite," Wordsworth and Southey published their own poetic engagements with dispossession, dislocation, war, and poverty.¹⁴⁴ The poems form a rich, intertextual network. For example, Southey's unsigned poem, "The Circumstance on Which the Following Ballad is Founded, Happened Not Many Years Ago in Bristol" begins with a traveler's encounter with a strange, apparently homeless woman sitting in a snowy graveyard. When she refuses his offer of help, he asks the proprietor of a local inn who she is. He responds by telling her story: she murdered her infant child and burned his corpse, and has been punished ever since with madness, manifested in her inability to feel

142 Thomas Malthus, *Essay on the Principle of Population* (London: J. Johnson, 1798).

143 For a detailed account of Robinson's relationship with the *Morning Post*, see Daniel Robinson, *The Poetry of Mary Robinson: Form and Fame* (New York: Palgrave Macmillan, 2011), 155-195.

144 All of Robinson's publications in the *Morning Post* are detailed in Daniel Robinson (ed), *Poems*, vol 2 of *The Works of Mary Robinson* (gen. ed. William Brewer), 8 vols (London: Pickering & Chatto, 2009); Wordsworth's are compiled in R. S. Woof, "Wordsworth's Poetry and Stuart's Newspapers," *Studies in Bibliography* 15 (1962): 149-189 and Southey's in Kenneth Curry (ed), *The Contributions of Robert Southey to the Morning Post* (University, AL: University of Alabama Press, 1985).

the cold:

Would I could feel the winter wind,
 Would I could feel the snow,
 I have fire in my head, poor Martha cri'd,
 I have fire in my heart also.¹⁴⁵

The story (as well as the name of Martha) echo Wordsworth's "Goody Blake, and Harry Gill" and "The Thorn;" all three poems offer variations on themes of supernatural terror, the ballad form, oral tradition, and opaque mystery as signified by figures of rural poverty and dispossession. The *Morning Post* also featured poetic evocations of vagrancy as a resource for theorizing poetry itself, as Wordsworth would go on to do throughout his career. For example, Wordsworth's 1800 "Inscription for a Seat by a Road Side, Half Way Up a Steep Hill, Facing the South," published in the *Morning Post* under the name of "VENTIFRONS," exhorts the non-impooverished traveler "who in youthful vigour rich, and light / With youthful thoughts, dost need no rest" to imagine the poorer travelers and vagrants who share his path:

...Should e'er thine eye
 Glance on this sod, and this rude tablet, stop!
 'Tis a rude spot; yet here, with thankful hearts,
 The foot-worn soldier and his family
 Have rested, wife and babe, and boy, perchance,
 Garb'd like his father, and already bound
 To his poor father's trade!¹⁴⁶

This contemplation of those who rest upon this seat by the road, the poem asserts, should create within the youthful traveler "a seat / Not built by hands, on which thy inner part, / Imperishable, many a grievous hour, / Or bleak, or sultry, may repose."¹⁴⁷ The poem

¹⁴⁵ "Original Poetry," *Morning Post*, June 11, 1799.

¹⁴⁶ "Original Poetry." *Morning Post*, October 21, 1800

¹⁴⁷ Ibid.

draws on vagrancy as a poetic resource to signify imaginative mobility.

This was the context from which emerged Robinson's *Lyrical Tales*. Just as the title of the *Lyrical Tales* establishes the collection as a riposte to (but also a poetic peer of) the *Lyrical Ballads*, the poems that comprise the *Lyrical Tales* were composed as part of a vigorous, interconnected coterie that included Wordsworth, Coleridge, and Southey, and that played out on the pages of the *Morning Post*, where all four poets published mutually referential works commenting on war, poverty, displacement, labor, and dispossession.

Since Stuart Curran's foundational essay on the *Lyrical Tales* and Robinson's centrality to the coterie that was not yet known as the "Lake School," scholarly accounts of the *Lyrical Tales* have traced its many intertextual resonances with these poets, furthering the recovery of Mary Robinson as an important Romantic poet.¹⁴⁸ However, when contemporary scholars investigate the poetic register of *vagrancy* in the Romantic period, this rich context is lost to a nearly exclusive focus on Wordsworth.

Celeste Langan's *Romantic Vagrancy* has been particularly influential in shaping the critical conversation around vagrancy in Romantic poetry. In Wordsworth's poetry, she reads the figure of the vagrant as a poetic "simulation" of the mobility, economic circulation, and self-expressive capability she attributes to the modern liberal subject.¹⁴⁹

148 Stuart Curran, "Mary Robinson's *Lyrical Tales* in Context" in *Re-Visioning Romanticism: British Women Writers 1776-1837* ed. Carol Shiner-Wilson and Joel Hafner (Philadelphia: University of Pennsylvania Press, 1994). See also Daniel Robinson, *The Poetry of Mary Robinson*, 153-240; Judith Pascoe, "Introduction" to Mary Robinson, *Selected Poems*, ed. Pascoe (Peterborough: Broadview, 2000), 54-61; Ashley J. Cross, "From *Lyrical Ballads* to *Lyrical Tales*: Mary Robinson's Reputation and the Problem of Literary Debt" *Studies in Romanticism* 40.4 (2001): 571-605; Lisa Vargo, "Tabitha Bramble and *Lyrical Tales*," *Women's Writing* 9 (2002): 37-53.

149 Celeste Langan, *Romantic Vagrancy: Wordsworth and the Simulation of Freedom* (Cambridge: Cambridge University Press, 1995)

Above all, Langan is concerned with how Wordsworth takes up vagrancy as a vehicle for the self-definition of the poet as a particular kind of speaking subject:

Romantic vagrancy is the Romantic representation of vagrancy, a representational practice particularly concerned with those aspects of vagrancy susceptible to analogy and subsequent idealization: first, the mobility that appears to guarantee the vagrant a residual economic freedom, despite his or her entire impoverishment; second, the speech-acts that appear to consolidate a residual political identity. The poet and the vagrant together constitute a society based on the twin principles of freedom of speech and freedom of movement.¹⁵⁰

She argues that in Wordsworth's poetry, "the vagrant's mobility and expressivity are abstracted from their determining social conditions."¹⁵¹ This twinned mobility and expressivity are analogous to the circulation of capital from which "the vagrant" is simultaneously abstracted: "Insofar as the circulation of capital entails infinite expansion, its movements correspond with the vagrant's, whose comings and goings are similarly without end."¹⁵² Thus, for Langan, "the vagrant" functions as an individual and abstract figure of mobility (both spatial and conceptual).

Meanwhile, a number of other scholars have built more locally historicist arguments about Wordsworth and vagrancy, as they seek to evaluate Wordsworth's political stances on dispossession and poverty in the context of vagrancy's changing stakes in the tumultuous political world of the 1790s. While they offer different opinions on Wordsworth's specific politics, they tend to assess his politics in light of an emphasis on individual subjectivity as a ground for empathy and understanding. For Quentin Bailey, Wordsworth sought to "create[] a 'Romantic' sensibility that emphasized the

150 Ibid., 17.

151 Ibid.

152 Ibid., 62.

valuable and almost unknowable individuality of every 'outcast of pity.'"¹⁵³ Gary Lee Harrison, meanwhile, disagrees with Bailey on Wordsworth's political stance, but shares a similar focus on the individuality of "vagrant" subjects: "Wordsworth's poetry presents the reader with the possibility for an engagement with the laboring poor as subjects, rather than as objects... Wordsworth's poetry subverts, even as it appeals to, the expectations of readers steeped in the conventions of sensibility and the discourse on poverty."¹⁵⁴

Toby Benis, meanwhile, argues that the figure of the vagrant allows Wordsworth to imagine forms of freedom, resistance, and marginality to the powerful institutions vagrancy was thought to endanger: "Vagrancy law was designed to arrest the wanderer on the road but also the more general mobility of mind, the openness to new, unsettling ideas, that he or she embodied."¹⁵⁵ Discussing the Salisbury Plain poems, from which "The Female Vagrant" would later be excerpted and published in the *Lyrical Ballads*, Benis casts the exchange between the Female Vagrant and her interlocutor in opposition to the juridical encounters mandated by vagrancy laws: "In this conversation, the examination mode of presenting the homeless used in the vagrant pass is supplanted by a form of storytelling. [...] Examination grows out of an ethic of detached surveillance; storytelling assumes an environment of engaged exchange."¹⁵⁶ Poetry, Benis implies, can portray an encounter between two individual subjects, in which each accesses the other's

153 Quentin Bailey, *Wordsworth's Vagrants: Police, Prisons, and Poetry in the 1790s* (Farnham: Ashgate, 2011), 30.

154 Gary Lee Harrison, *Wordsworth's Vagrant Muse: Poetry Poverty, and Power* (Detroit: Wayne State University Press), 80.

155 Toby Benis, *Romanticism on the Road: The Marginal Gains of Wordsworth's Homeless* (New York: St. Martin's Press), 2.

156 *Ibid.*, 66.

unique interiority and therefore deals empathetically and justly with the person in front of them. Thus, the violence of the juridical encounter is attributed to its supposed lack of feeling, its systematicity, and its refusal to acknowledge the depth (and thus humanity) of the person labeled “vagrant.”

While they have drawn out many nuances of the political context surrounding Wordsworth's engagement with vagrancy, such readings too often rely on a set of assumptions about categorical and ethical distinctions between literary and quantitative modes of thinking about human identity, population, and experience. As Catherine Gallagher has argued, the relationship between "the literary" as it emerged as a privileged category in the Romantic period was in fact in extended conversation with the quantitative disciplines (such as political economy) against which it is often positioned.¹⁵⁷ Building on the work of scholars such as Gallagher, I am interested in its converse: the *affective* and *aesthetic* dimensions to genres such as the juridical examination, the quantitative police-reform tract, the inventory, the list. When critics characterize “the vagrant” as a kind of subject, they risk critiquing police reformers like Bentham in uncritically eighteenth-century terms: as an unfeeling, overly mechanized, and de-individuating approach that leaves no room for discretion or mercy. Furthermore, discretion and affect did not leave the system with the advent of reforms that culminated in the emergence of the modern penitentiary and the foundation of centralized police forces like Peel’s New Police.

John Thomas Smith’s *Vagabondiana* (1817) illustrates some of the ongoing conversations between aesthetics, space, and police power as vagrancy circulated as

¹⁵⁷ Gallagher, *The Body Economic*, 8.

simultaneously a social problem, a legal category, and a literary figure. Anticipating the method of Mayhew's *London Labour and the London Poor*, Smith gathers engravings and narratives of exemplary London vagrants to illustrate a taxonomy of vagrant types. Preemptively nostalgic about the vagrants that will supposedly disappear with the introduction of the workhouse system that would eventually be mandated under the New Poor Law of 1834, the text converts "nuisances" into spectral emblems of a London soon to be in the past: "Concluding, therefore, from the reduction of metropolitan beggars, that several curious characters would disappear by being either compelled to industry, or to partake of the liberal parochial rates, provided for them in their respective work-houses, it occurred to the author of the present publication, that likenesses of the most remarkable of them, with a few particulars of their habits, would not be unamusing to those to whom they have been a pest for several years."¹⁵⁸

One portrait in particular exemplifies Smith's approach to those he memorializes as vagrants. His portrait of Charles M'Gee identifies this man as an exemplar of a particular vagrant type, but also as an identifiable person with particular habits and personal geographies. He is simultaneously a particular case and the representative of a population: in his habitual movements through space, he lends particularity and character to London, while simultaneously representing the much broader global networks of empire that constitute the city and its populations: "The following plate presents the portrait of another black man of great notoreity, Charles M'Gee, a native of Ribon, in Jamaica, born in 1744... This singular man usually stands and the Obelisk, at the food of

158 John Thomas Smith, *Vagabondiana: or Anecdotes of Mendicant Wanderers through the Streets of London; With Portraits of the Most Remarkable, Drawn from Life* (London: J. McCreery, 1817), v-vi.

Ludgate-Hill. He has lost an eye, and his wooly hair, which is almost white, is tied up behind in a tail, with a large tuft at the end, horizontally resting upon the cape of his coat. Charles is supposed to be worth money.”¹⁵⁹ Smith details the sedimented history of the location where M'Gee posed to be drawn: “This man’s portrait, when in his 73d year, was drawn on the 9th of October, 1815, in the parlour of a public-house, the sign of the Twelve Bells, opposite to the famous well of St. Brigit, which gave name to the ancient palace of our Kings, Bridewell; but which has, ever since the grant of Edward VI., been a house of correction for vagabonds, &c.”¹⁶⁰

While, according to the text, the portrait was drawn in a public-house, the image itself includes no indication that this was a posed portrait; he stands with his hat in his hand, arm outstretched, as if begging on the street, and there is no background at all to indicate his location. His pose, by enacting his daily practice of subsistence, implies the location of that practice—the streets of London—even as that location is not depicted, and as (the text reveals) this is a pose performed for an artist in a pub, not a documentation of the man’s appearance while actually begging. The individual figure necessarily implies a space—but that space is constructed both through formal convention and aesthetic choices. Furthermore, while the image invites the viewer to imagine a generic location for this figure—a street somewhere in London—the accompanying text places him in a geography that is at once more specific and more expansive. By noting both the man's origins in Jamaica and the pub's proximity to Bridewell, the text suggests that vagrancy is not the same as unmoored, unpredictable,

159 Ibid., 33.

160 Ibid., 34.

and wayward movement; instead, the text portrays vagrancy as a set of historically sedimented trajectories through which dispossessed populations move, or are moved. Mobility between Jamaica and London, proximity to Bridewell: these displacements are not the products of one individual's unregulated desires (as Henry Fielding characterizes Hamilton's movements in *The Female Husband*); they gesture towards mass containment and displacement of populations over more than one lifetime. Furthermore, this one sketch is not contained to one individual's life in one city, as the description of the original Bridewell necessarily invokes the generic name of the kind of prison for which this site had long been metonymic.

Modes of policing and literary form both use vagrancy as a way of imagining *space*, not just human individuals who move (or fail to move) through space. This chapter is concerned with how late eighteenth-century police reform characterized vagrancy—and the police power deployed against it—not as an individual disposition, but as a problem on the scale of population and the structure of urban space. Police, according to its key eighteenth-century theorists, is less about the criminal responsibility of individuals and more about reimagining and rearranging the space through which bodies move. The idea of vagrancy, as it underpins police power in the 18th century and beyond, is an idea that encompasses *both* a discretionary engagement with individual feeling and interiority *and* a systematic attempt to manage populations and spaces. These two projects are not actually opposed. Furthermore, poetry doesn't necessarily depart so insistently from the juridical gaze; it does not just show the "individual vagrant" but also engages, in many different ways, with the kinds of geographies that this figure calls into being and is

invoked to incite. Rather than tracking how “the vagrant” moves through spaces, both poetic and geographical, I am interested in what kinds of spaces and geographies the invocation of “the vagrant” calls into being. How does policing imagine and transform geography? And how does poetry do the same—even towards opposing ends?

Vagrant Spaces and the *Lyrical Tales*

The *Lyrical Tales*, one might say, begins with vagrancy. With no prefatory material like the manifesto that had graced the 1798 *Lyrical Ballads*, the *Lyrical Tales*’ opening image is a homeless child in a churchyard, disturbing his poet-interlocutor with his insistence on remaining unincorporated into community or narrative—on remaining out of place. The opening lines of the first poem, “All Alone,” voice the speaker’s attempt to hail a singular figure into a sentimental narrative of recognition and sympathy:

Ah! Wherefore by the Church-yard side,
Poor little LORN ONE, dost thou stray?¹⁶¹ (1-2)

The speaker asks the boy why he weeps, positioning their encounter and the aestheticization of the boy’s suffering as a potential reincorporation into the social world:

Thou art not left alone, poor boy,
The Trav’ler stops to hear thy tale;
No heart, so hard, would thee annoy!
For tho’ thy mother’s cheek is pale,
And withers under yon grave stone,
Thou art not, Urchin, left alone. (7-12)

The speaker’s long description of the boy’s material and affective deprivation—noting that his “eyes are dim, [his] looks forlorn” (21) and that his “naked feet are wounded sore / With naked thorns” (25-26) ends with a command to end his mourning and rejoin the

161 All quotations from the *Lyrical Tales* are taken from Pascoe (ed), *Selected Poems*.

social world from which he has been totally unmoored:

Weep, weep no more; on yonder hill
 The village bells are ringing, gay;
 The merry reed, and brawling rill
 Call thee to rustic sports away.
 Then wherefore weep, and sigh, and moan,
 A truant from the throng—alone? (43-48)

The boy begins his response with a refusal to seek the kind of life that might lead him away from the temporal and physical stasis that condenses his entire world to the time of his mother's death and the space of her grave:

'I cannot the green hill ascend,
 I cannot pace the upland mead;
 I cannot in the vale attend,
 To hear the merry-sounding reed:
 For all is still, beneath yon stone,
 Where my poor mother's left alone! (49-54)

By refusing the "village bells," the "rustic sports," and the "merry-sounding reed," the boy refuses to participate in a poetic idyll of rural childhood.

Police reform texts are especially concerned with such idylls of rural life, as rural poverty serves as a convenient foil for their portrayals of London's dual expansion in both commerce and crime. For example, one such text draws explicitly on poetic evocations of rural poverty in its attempt to paint the ideal of a rural laborer who manages to be capable of human desire and interiority without having the capacity to want anything beyond his reach:

Nature does for *him* what philosophy and reflection ought to do for you. It teaches him, that *moderation is the boundary of human felicity*; it gives him a sufficient degree of sensibility fully to enjoy the happiness within his reach, and of reason to be content with that enjoyment. He has pleasures and desires, but they exceed not the possibility of gratification; and on this basis stands his happiness. In youth, the highest object of his ambition is to excel in the labours of the field or in the sports

of the green; to bear away the prize due to superior skill, strength, or agility, gives him more heartfelt satisfaction than victorious heroes derive from trophies stained with slaughter, and laurels blasted with envy.162

Echoing (and later quoting) Gray's "Elegy Written in a Country Church-Yard," Luson pits an organic vision of healthy, rural childhood, through which peasants are "formed for health, strength, and labour" (26), against the corrupting influences of urban commerce, crime, and idleness.

In "All Alone," the boy refuses this relation with nature and proposes another one. Instead of allowing "nature" to signify leisure as the healthy integration of pleasure into an unthreatening disposition towards labor and its reproduction, the boy resignifies the landscape around him as something that nurtures only death, stasis, and the refusal of productive futurity. The entire landscape exists only with reference to the immovable focal point of his mother's grave:

See how the stars begin to gleam
 The sheep-dog barks; 'tis time to go;—
 The night-fly hums, the moonlight beam
 Peeps through the yew-trees' shadowy row—
 It falls upon the white grave-stone,
 Where my dear mother sleeps alone.— (61-66)

The boy's vagrancy does not ultimately consist of wandering, displacement, or motion; it is his refusal to leave his mother's grave, his insistence in remaining motionless and out of place, and his refusal to live a legible life. While Colquhoun figures vagrancy as the infinitely mutable potential of the unknown body to do *anything*, the boy in "All Alone" resists all attempts to predict his future actions by refusing to do anything at all. If policing approaches vagrancy as an obstacle for its predictions of future activity, "All

162 Hewling Luson, *Inferior Politics: Or, Considerations on the Wretchedness and Profligacy of the Poor* (London: 1787), 24.

Alone" positions vagrancy as the negation of that future.

In this lies the poem's most potent challenge to the poem it cannot help but echo: Wordsworth's "We Are Seven." While "We Are Seven" also uses the voice of a child to stage disruptive relations between the living and the dead, Wordsworth's "little cottage girl" insists on the continuation of both familial ties and poetic reflections on the proximity of life to death, opening out into futures that even death cannot disrupt. The child in "All Alone," by contrast, refuses to be incorporated into any general philosophical speculation or any calm reflection on the human condition. While the poet-traveler in "All Alone" insists that the boy's presence in the consciousness and observation of another reincorporates him into some form of social belonging, the boy pointedly responds that the speaker who stands before him, describing him to himself, should not be mistaken for a friend:

No friend shall weep my destiny
 For *friends* are scarce, and *tears* are few;
 None do *I* see, save on this stone
 Where I will stay, and weep alone! (141-44)

He does not say how he might be valued. He persists as a problem and refuses to be solved.

The *Lyrical Tales* are densely populated with such solitary figures: people who have disappeared from somewhere else, only to end up here. From "The Alien Boy," who "lives / A melancholy proof that Man may bear / All the rude storms of Fate, and still suspire / By the wide world forgotten" (137-40) to the "Poor, Singing Dame," who dies in prison, and "The Fugitive" and "Poor Marguerite," the *Lyrical Tales* portray countless figures displaced by war, the administration of the law, and simple social abandonment.

When the "wan Youth" of "Edmund's Wedding" makes himself and his reasons for "sighing so deeply" and "frantickly raving" known, it is to court his own prosecution and execution for desertion (2-3), while the protagonists of "The Shepherd's Dog" are saved only by their total disappearance from the social world:

The Shepherd has no other friend—
 No Lordly home, no bed of state!
 But on a pallet, clean and low,
 They hear, unmov'd, the wild winds blow,
 And though they ne'er another spring may see,
 The Shepherd, and his Dog, are chearful company. (155-60)

Locodescriptive Policing

Vagrancy, in the era of police reform, was caught between new imperatives towards a penitentiary system and the persistence of the discretionary practices and less reform-oriented incarceration that authors such as Colquhoun and Bentham characterized as outdated. The transition to the "age of the penitentiary" is less complete and far-reaching when you focus on vagrancy. Policing was just as much about trying to clear the streets, fields, and other common spaces of "redundant populations" as it was about reforming the "criminal" individual.

In his *Treatise on the Police of the Metropolis*, Patrick Colquhoun argues that all crimes, no matter how petty, ought to be regarded as "*public wrongs*" rather than singular, private offenses. In his critique of the existing system of night watchmen, constables, and other officers—a patchwork of many different organizations who employ very few salaried, full-time officers—Colquhoun contrasts two visions of how bodies make up the body politic:

There can indeed be no manner of doubt, but that great advantages arise from dividing the labour, where all the benefits of local knowledge enter into the system.—So far as this goes, it ought not to be disturbed.—But it is also necessary to consider the Metropolis as a *great Whole*, and to combine the organs of Police which at present exist, in such a manner by a general superintendance, as to give equal encouragement, and to instil one principle of universal energy into all its parts.¹⁶³

In his concession that the decentralized system allows “the benefits of local knowledge” to respond to specific circumstances that may not be foreseen by any one centralized planner, he specifically invokes the division of labor and the economic reasoning that accompanies it. The benefits of “dividing the labour,” in Colquhoun’s description here, evoke Adam Smith’s logic of diffused agency, in which individuals pursuing their self-interest collectively generate social order. But Colquhoun does not believe that individual self-interest or desire for private gain are necessarily adequate forces for organizing a system that might successfully police a global metropolis like London. He subordinates this vision of divided labor to one that is simultaneously older and newer: the metaphor of the body politic. To comprehend the city as “a *great Whole*,” he argues, a system of police must act as one body, with its many “organs” subordinated by “a general superintendance” and suffused with “one principle of universal energy” that animates it.

Colquhoun’s suspension of these two metaphors for social organization evokes a broader tension traced by Bernard Harcourt through eighteenth-century jurisprudence and its interactions with emerging economic theory. On the one hand, thinkers such as Beccaria—much admired and often cited by Colquhoun throughout the *Treatise*—sought “to impose economic rationality on the barbaric sphere of punishment; to civilize and

163 Colquhoun, *Treatise on the Police of the Metropolis*, 214.

tame punishment the way that commerce had tamed man.”¹⁶⁴ On the other hand, however, the penal sphere emerged, according to Harcourt, as the structure that makes the free market possible precisely by remaining *outside* of it—the “repository for necessary, legitimate, and competent government intervention” that allows the unregulated exchange of the market by criminalizing those who threaten its ground rules or refuse to participate altogether.¹⁶⁵ The centrality of labor regulation and its attendant ideologies to Colquhoun's writing is apparent in some of the contemporary responses he provoked. One critic, for example, accuses Colquhoun of characterizing every form of human animation that is not labor as potentially criminal idleness:

When it is held forth that every relaxation from hard labour (even sickness sometimes) is deemed idleness—every exercise, dissipation—every enjoyment of the rare but scanty comforts of life, is called luxury—every complaint excited by the difficulties they labour under is termed ‘licentious clamour’—and every opposition, whether by expression or action, is called the ‘turbulent effusions of vulgar life’ and punished with a severity only known in modern times, the author must admit there has been some change or addition in the penal laws.¹⁶⁶

Colquhoun understands policing as a mode of perception concerned with prediction, contingency, and futurity. He draws on the methods and founding assumptions of political economy to articulate this mode of perception. After asking the reader to contemplate London as an “assemblage of moving property,” he then turns to the potentially criminal types that pose a threat to this property:

Let the mind pass from the contemplation of this vast aggregate of floating wealth, exposed to depredation in ten thousand different ways, and examine the

164 Bernard Harcourt, *The Illusion of Free Markets: Punishment and the Myth of Natural Order* (Cambridge: Harvard University Press, 2011), 58.

165 *Ibid.*, 48-9.

166 A Citizen of London: But no Magistrate [R. Shaw], *Observations on a late Publication: intituled A Treatise on the Police of the Metropolis by P. Colquhoun, Esq* (London: R. Shaw, 1800), 7; quoted in Andrew Harris, *Policing the City: Crime and Legal Authority in London, 1780-1840* (Columbus: Ohio State University Press, 2004), 58.

present state of the morals of the Metropolis by a reference to the various classes of individuals who live idly and support themselves by pursuits that are either criminal, illegal, dissolute, vicious, or depraved; it will then be discovered that acts of delinquency and the corruption of manners, have uniformly kept pace with the increase of the riches of the Capital.¹⁶⁷

The long, miscellaneous catalogue of people that follows, including categories like “Strangers out of work who have wandered up to London in search of employment,” “Strolling Minstrels, Ballad Singers, Show Men, Trumpeters, and Gipsies,” “Unfortunate Females of all descriptions, who support themselves chiefly or wholly by prostitution,” and “Common Beggars and Vagrants asking alms,” resembles a vagrancy law in its form and content, but with a key difference: each type is quantified, and the different classes of criminalized people are then aggregated into a single figure of 115,000 people.¹⁶⁸ In another text, he similarly harnesses the argumentative force of the quantitative to consolidate many instances of property crime into one ledger item, signifying a loss to Britain’s colonial trade; after claiming that West Indies planters and merchants lose £250,000 per year to crime, he extrapolates this into a larger claim that encompasses the globe: based on the percentage of trade represented by the West Indies, he assumes that all other trade must suffer losses of at least £250,000 more.¹⁶⁹

This consolidation on the ledger—theft of any commodities from anywhere in the world can be brought together in one sum—leads to a particular conceptualization of the geography of London. In the *Treatise on the Police of the Metropolis*, Colquhoun reiterates the longstanding commonplace that London is the marketplace for all the

167 Colquhoun, *Treatise on the Police of the Metropolis*, vi.

168 Ibid., x-xi.

169 Colquhoun, *A General View of the Depredations Committed on West-India and Other Property in the Port of London* (London: H. Baldwin and Son, 1799), 2.

world's goods, "combining in one spot every attribute that can occasion an assemblage of moving property, unparalleled in point of extent, magnitude, and value, in the whole world."¹⁷⁰ An unprecedented scale of "moving property," Colquhoun argues, thus occasions a corresponding incitement for theft and disorder. But London's status as global metropolis also offers new imaginative and strategic possibilities for advocates of more centralized police power: policing the docks of the Thames promises, in this account, to police both London and the West Indies, as well as the ships that connect the two.

In his tract praising the Marine Police, a private police force established for the docks of the Thames by a consortium of West-Indies merchants and planters in 1798, Colquhoun holds up this organization as a model for police as a whole. In a footnote, he explains why he hopes this example will increase public support for a metropolitan police force:

Police as recently exemplified, may be said to be a new science, not yet perfectly understood ... Wherever a proper Police attaches, good order and security will prevail; where it does not, confusion, irregularity, outrages, and crimes must be expected; wherever great bodies of aquatic labourers are collected together, risque of danger from turbulent behaviour, will be greater in proportion to the number of depraved characters, who, from being collected in one spot, may hatch mischief, and carry it into effect much easier in Docks than on the River. A Police only can counteract this; and to the same preventive system will the commerce of the Port be indebted for securing both the Docks and the Pool against Conflagration.¹⁷¹

Police here responds to a geographical contraction that London's global commerce has instigated: by concentrating so many valuable goods *and* so many sailors in one place, Colquhoun argues, London creates conditions for crime unprecedented in their scope, and thus requiring an unprecedented response.

170 Colquhoun, *Treatise on the Police of the Metropolis*, 410.

171 Colquhoun, *General View of the Depredations*, 5.

Colquhoun's taxonomy of criminals goes on to detail an extensive illicit colonial trade; by stealing or embezzling sugar, coffee, ginger, and cocoa from docked ships, these criminals, he argues, shift the profits of empire away from its legitimate trajectory.¹⁷² By policing the docks of the Thames, Colquhoun implies, the Marine Police also impose order on a web of commerce that permeates not only all of London, but also the complex geography of colonial territory and commerce that stretches across the globe. In other words, policing redraws the map. It redraws the map of London, but also rearranges spatial relations between London and more distant locales. To police the docks of London, Colquhoun seems to say, is also to impose order in Jamaica, and on the ships that connect Jamaica back to London.

London, through the spatial contractions of global commerce and British naval power, also becomes a microcosm of an empire, as the objects, people, and flows of capital coming through the city are rendered metonymic for the itineraries that brought them there. It's an established trope by the end of the eighteenth century, one that had become a literary touchstone for an earlier generation. One particularly powerful and canonical expression of this trope is central to Pope's *Windsor Forest*, which renders the Thames metonymic for the imperial reach its traffic enables:

The time shall come, when free as seas or wind
Unbounded Thames shall flow for all mankind,
Whole nations enter with each swelling tide,
And seas but join the regions they divide. (397-400)¹⁷³

This synechdochal geography of empire reaches into an anticipated futurity, as on the

¹⁷² Ibid., 10.

¹⁷³ Alexander Pope, "Windsor Forest" [1714], *Selected Poetry* ed. Pat Rogers (Oxford: Oxford World's Classics, 2008).

banks of the Thames: "where towering oaks their growing honours rear, / And future navies on thy shores appear" (221-22). Police, for Colquhoun, has a temporal logic: it is necessarily about anticipation and prediction of future probable threat. But it is also just as essentially about space. Police must be based on intimate knowledge of the city as it is, but also aims to reshape the city's geography in sweeping ways by redistributing its populations, regulating its businesses, and altering its infrastructure.

The idea of police as the management of urban space, population, and infrastructure was not new to the late eighteenth century. J. M. Beattie characterizes the major goals of London policing during the Restoration as crowd control, the maintenance of moral order (including preventing vagrancy), and the prevention of crime through surveillance.¹⁷⁴ Early eighteenth-century policing in London was highly local, decentralized, and discretionary; petty crimes were rarely brought to trial, resulting instead in incarceration of offenders through officials' powers of summary conviction.¹⁷⁵ This level of discretion, for late eighteenth-century police reformers, was not a beneficial level of local knowledge or flexibility; instead, it indicated an inefficient, irrational, and easily corruptible system unable to meet the demands of keeping order in an increasingly populous city.¹⁷⁶ In an attempt to move away from this system, reformers like Colquhoun and Bentham pushed for the establishment of centralized, professional police forces, whose uniformity and centralized regulation, they hoped, would ensure the more efficient imposition of predictable and consistent punishment for crimes.

174 J. M. Beattie, *Policing and Punishment in London, 1660-1750: Urban Crime and the Limits of Terror* (Oxford: Oxford University Press, 2001), 82.

175 Ibid., 50-51.

176 Harris, *Policing the City*, 5.

The late eighteenth century is thus commonly periodized as the era that ushered in the penitentiary and the idea of "the police" as the institution we know today. This is true, of course, but attention to vagrancy reveals the simultaneous persistence of older models of both policing and incarceration. Discretion is still at the heart of police power, even as its institutional administration changes significantly. Meanwhile, even as the penitentiary calls for a particular mode of rehabilitative justice, the treatment of vagrants shows that not all incarceration used rehabilitation as its rationale; instead, the incarceration of vagrants could be much more oriented towards incapacitation of those who might pose a threat or the spatial management of populations in order to produce less obstructed and more orderly public space. The rehabilitation of the solitary prisoner through the discipline of the penitentiary is not the only ideal for incarceration in the late eighteenth century; as Colquhoun's police-reform writings reveal, this movement was just as concerned with the population as it was with the individual criminal.

Indeed, Colquhoun's quantitative tallies of vagrants and disorderly people in the *Treatise* suggest a *newly* population-centered attitude towards petty crime. Early eighteenth-century policing was often predicated on a biographical theory of crime, like the kind of narrative that structures criminal biographies and execution speeches: small offenses like drunkenness, neglect of work, and keeping bad company lead inexorably down a path of increasing criminal depravity that can only end at the gallows.¹⁷⁷ Colquhoun's tally of petty offenders, however, asserts no such narrative sequence; while offenses like prostitution, vagrancy, and public disorder are, as before, linked to the threat

¹⁷⁷ Beattie, *Policing and Punishment*, 51. See also Hal Gladfelder, *Criminality and Narrative in Eighteenth-Century England: Beyond the Law* (Baltimore: Johns Hopkins University Press, 2001).

of more serious crime, the link does not take the form of narrative sequence or biography, but rather aggregation, probability, and contingent simultaneity. He does not claim to predict which particular vagrants will commit which particular crimes as part of any particular criminal biography, but he does claim that any city with such a high *population* of vagrants must necessarily be at risk.

In a very different time and place—late twentieth-century California—geographer Ruth Wilson Gilmore describes the rise of mass incarceration in spatial terms. The “prison fix,” she argues, is a spatial solution to the problem of surplus populations, as the state redistributes overwhelmingly urban populations to rural prisons, just as industry has left these cities and created the conditions for mass unemployment, underemployment, and poverty.¹⁷⁸ In her overview of the standard legal common sense about punishment, Gilmore names the four aims of punishment, many of which date back to eighteenth-century thinkers like Beccaria and Blackstone: retribution, deterrence, rehabilitation, and incapacitation. Gilmore emphasizes the *spatial* logic of incapacitation, noting that it “doesn’t pretend to change anything about people except where they are.”¹⁷⁹ Similarly, in her recent study of misdemeanor adjudication in New York City, Issa Kohler-Hausmann links the spatial logic of “broken-windows” policing to the rise of what she calls the “managerial model” of criminal justice: one concerned not with the adjudication of individual guilt or innocence of specific crimes, but rather with “managing potentially risky populations with record-keeping and sorting.”¹⁸⁰ What we see in Colquhoun, then,

178 Ruth Wilson Gilmore, *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California* (Berkeley: University of California Press, 2007), 87.

179 *Ibid.*, 14.

180 Issa Kohler-Hausmann, “Managerial Justice and Mass Misdemeanors,” *Stanford Law Review* 66

is an early formation of this logic of police as the spatial management of populations and the restructuring of urban space to accommodate global circulations of capital.

In the 1815 *Report on the Committee on the State of Mendicity in the Metropolis*, commissioned by the House of Commons, the tension between incapacitation and rehabilitation becomes apparent. The report is motivated by the kind of reform impulse pushed for by Colquhoun, Bentham, and others: arguments for more centralized and rationalized system of police went hand in hand with the push to centralize the system of parish poor relief. On the other hand, however, those interviewed in the *Report* as authorities on begging overwhelmingly characterize beggars not as targets for reform, but as incorrigible populations to be removed or contained rather than transformed. For example, when William Dorrell, who describes himself as “Inspector of the pavement of St. Giles and St. George,” is asked his opinion of the character of beggars, he responds simply: “I think their character is idleness.”¹⁸¹ John Daughtry, who keeps a carpet warehouse and visits the poor as an act of independent philanthropy, is skeptical of any efforts to reform beggars' character:

Have you found it practicable to persuade persons to forsake this degrading way of life; and to prevent children from becoming beggars?—In most cases, idleness and hypocrisy are so wrought into their natures, that they are absolutely incurable. Living by hourly deception they have less character than even thieves, and are more hopeless as to moral reformation: they are known to be too idle even to beg when they have a shilling left to spend, or can find a public-house or chandler's shop that will trust them.¹⁸²

His proposed solution to the problem is a kind of Malthusian check on the population,

(2014): 617.

181 *Report from the Committee on the State of Mendicity in the Metropolis* (London: House of Commons, 1815), 65.

182 *Ibid.*, 74.

rather than the sort of institutional orientation towards individual reform championed by an earlier generation of philanthropists such as Jonas Hanway; he states that the city must "check the injudicious benevolence which supports and encourages such vagrants."¹⁸³

This attitude is not the only one on display in the *Report*. Matthew Martin, one of the earliest backers of the inquiry and a member of the Society for Bettering the Conditions of the Poor, takes a more moderate view in his testimony, arguing that "beggary is in very many cases, perhaps in about half the cases of those who beg, the effect rather of real distress than of any voluntary desire to impose."¹⁸⁴ The conflicting conclusions about the possibility of reforming vagrants, as captured by the 1815 *Report*, reveal a tension between theories of police and punishment that emerged together in an era of reform. Writers like Colquhoun characterized police reform as going hand in hand with emerging calls for reform in punishment. However, if the penitentiary is premised on the idea that the individual criminal can be reformed through seclusion, confinement, and labor, then the policing that apprehends this criminal is not necessarily so easily aligned with such a goal.

Instead, with vagrancy as its paradigmatic offense, police power, as theorized by Colquhoun and others, is not one that seeks to reform the individual. Rather, police power seeks to harness, systematize, and gather the discretion of officers as a collective tool to reshape space, manage the movements of goods and people, and relocate populations that index future threat. Some populations, these texts imply, are not fit for rehabilitation; they simply need to *disappear*. This fantasy of disappearance also

183 Ibid.

184 Ibid., 6.

intersects with the management of global geographies like those evoked in Colquhoun's promotion of the Marine Police. For example, Samuel Roberts, “watchhouse keeper of St. Giles’s and St. George’s Bloomsbury,” reports:

There is a little black man who has frequently been brought into the watchhouse for begging. I have seen him have a bag with silver, and another bag with copper; and at other times he has come to fetch me to take up people who have robbed him of a great deal of money, as he stated: And I have been told at the public-house, he would spend fifty shillings a week for his board: he would spit his own goose or his own ducks, and live well.

[...] Is this a Lascar?—Yes.

Is he addicted to spirits?—Yes, he would drink half a pint of spirits off at a time. And a number of Lascars I have seen, who live by begging, who have got money by them. [...] We could very easily keep the streets clear of those people, and of prostitutes; we could take them up: But the magistrates discharge them; and then they are back again upon the streets immediately. In Drury-lane I have had complaints of the streets being infested: but it is impossible to prevent it, without the magistrates doing more than they do.¹⁸⁵

In this account, the lascar—an Indian sailor hired by the East India Company to man a ship returning to England—indexes an entire set of populations (“those people,” i.e. lascars, and “prostitutes”) that obstruct the streets. The lascar’s status as discarded labor for the East India Company, displaced and idle in England, registers a specifically global scale of dispossession and population management. Lascars, as I will show, became a flashpoint for a series of debates about vagrancy, policing, the East India Company, and maritime labor. The layered and charged geographies invoked by this figure are part of what Mary Robinson draws on when she makes a lascar the subject of one of the *Lyrical Tales*’s most critical poems.

The Sentimental Lascar and the Scandal of Empire

185 Ibid., 84.

In late eighteenth-century London, two competing modes of description characterized lascars either as dangerous, vagrant nuisances to be cleared away, or as objects of pity, prompting the condemnation of the East India Company's commercial greed. Either way, lascars were figures that stood in for an entire geography of *global* dispossession.

In an anonymously published it-narrative of 1788, *Adventures of a Watch!*, one of the many social types on display is the figure of Philanthropos, the embodiment of charitable sympathy. In an almost throwaway line, one figure in particular is mobilized to display the universal scope of his charitable feeling: "Each quarter of the globe presents the commiserating heart with objects of compassion: universal benevolence feels alike the distress of the oppressed Lascar, (who droops amidst the more than Egyptian slavery of the luxurious Nabob) equally with the indigent inhabitant of other countries."¹⁸⁶ Here, the lascar is presented not as a character with a specific history, but as an exemplary figure whose place as an object of compassion demonstrates the global universality of sympathy. The lascar is the perfect "object of compassion," as his difference with the presumed reader of this passage is overcome by the power of sympathy. This sympathy also resolves into a critique of avarice as embodied by the nabob, a figure that allows the British man or woman of feeling to displace the broad-ranging complicities of empire onto the orientalized East India Company profiteer.

This invocation of the lascar as the perfect object of "universal benevolence" is a recurring feature of late eighteenth-century British representations of destitute Indian sailors. Even as begging was, as demonstrated above, an object of increasing scrutiny,

¹⁸⁶ Anon., *The Adventures of a Watch!* (London: 1788), 131-32.

anxiety, and criminalization, representations of lascars are somewhat of an anomaly in their consistent appeals to sympathy for a beggar despite—or perhaps because of—racial difference. I want to be clear that I am not holding up these representations as exemplars of anticolonial or antiracist thought. Their interactions with the racial ideologies of empire are in fact much more complex than simple opposition. Rather, these representations mobilize the figure of the lascar as a locus for what Sara Ahmed terms “stranger fetishism:” the reduction of the “stranger” to an emblem of knowable, embodied difference. This dynamic is one of reduction and objectification, whether the “stranger” is portrayed as a body to be feared or a body to be embraced; either way, she argues, the body is made to speak a kind of absolute difference that this encounter produces rather than describes.¹⁸⁷ While police reformers called for ever more vigilance and organization in enjoining vagrants to give accounts of themselves, many representations of lascars present such a demand as unnecessary, as the lascar’s body gives this account *for* him, ensuring his place as an *object* of a real or hoped-for “universal benevolence” that aggrandizes Britain as a locus of *doux commerce*.

For example, an anonymous account entitled “The Lascar,” which appeared in the *Newcastle Magazine* in 1785, retells the story of the Good Samaritan by rendering a unnamed lascar the occasion for reflections on national charity. As the narrator observes two wealthy passers-by refuse to relieve the lascar’s suffering, but then witnesses an impoverished prostitute share her earnings with him, he is moved to reflect on the state of

187 Sara Ahmed, *Strange Encounters: Embodied Others in Postcoloniality* (New York: Routledge, 2000), 5-15.

sympathy in a center of imperial wealth.¹⁸⁸ The account begins by linking sympathy to a bygone era of global ties of feeling, threatened now by a new commercial rapacity:

“Benignity! thou source of our sublimest feeling, of our most permanent gratification, whither at present art thou fled?— Thou who canst connect the inhabitants of either pole in ties of the most tender affection;—thou who wert once a nobler characteristic of this nation, than its opulence or its power could affix, how long shall we now mourn thy absence?”¹⁸⁹

The lascar's racial difference is transformed here into a spectacle that condenses the narrator's indulgence in sympathetic feeling: “The poor shivering wretch, who occasioned this apostrophe, remained bowing reverently while I spoke; in his expressive countenance—for expression there was, 'even through the veil of black,' and of the strongest kind—there appeared such humility, and so much anguish—” The lascar is the “occasion” for the narrator’s oration; instead of using speech, the lascar communicates his suffering with his body. The transmission of feeling here is figured as a powerfully transparent process—the narrator immediately recognizes, beyond a doubt, that the lascar’s expression displays “such humility, and so much anguish.” And yet the transparency of sympathy here is paradoxically evoked through a metaphor of veiling. The lascar’s racial difference, evoked as a “veil of black,” surprises the narrator in that it does *not* block the transmission of feeling or the easy decoding of the man’s expression.

Sympathy, therefore, demonstrates its most potent power to “connect the

188 "The Lascar," *The Newcastle Magazine: or, Monthly Journal* (1785): 532-533.

189 *Ibid.*, 532. For the long history of this trope and its ideological deployment, see A. O. Hirschman, *The Passions and the Interests: Political Arguments for Capitalism Before its Triumph* (Princeton: Princeton University Press, 1977), 56-62.

inhabitants of either pole in ties of the most tender affection” precisely when it crosses visible markers of national, geographic, or racial difference. In doing so, of course, these portrayals of sympathy must solidify and spectacularize the very boundaries that sympathy purports to cross; the power of sympathy to transmit across bodily difference *requires* the “veil of black” in order to be legible as such. Blocked sympathy becomes the explanation for racial animosity, as the speaker critiques those “on whose hearts squalid wretchedness made no impression...” and who cannot feel pity “because Providence had given him a colour different from their own.”¹⁹⁰

In addition to further illuminating our understanding of race, empire, and sympathy, these sentimental representations are also significant for what they do *not* show: the recurring conflicts between lascars, ghat serangs (labor recruiters and brokers), and the East India Company in both India and Britain as the Company tried repeatedly, with limited success, to expand their control over these laborers. Devleena Ghosh contrasts the dominant British representation of lascars as “helpless, abandoned, and pitiful victims of exploitation” with the more complex picture revealed by historical records of these sailors' lives: “people who are neither threats nor victims, but instead an interacting, assertive and complex body who were beyond the control of imperial supervision and regulation.”¹⁹¹ In India, lascars refused to work when the Company attempted to drive down wages, while ghat serangs refused to supply lascar labor when the Company tried to impose new regulations on them.¹⁹²

190 "The Lascar," 533.

191 Devleena Ghosh, "Under the Radar of Empire: Unregulated Travel in the Indian Ocean," *Journal of Social History* 45.2 (2011): 508.

192 Michael H. Fisher, *Counterflows to Colonialism: Indian Travellers and Settlers in Britain, 1600-1857*

Meanwhile, upon arrival in England, disputes between lascars and Company agents over pay and lodging were common, and the records of official inquiries—such as debate surrounding the renewal of the East India Company’s charter in 1793—reveal a very different view of lascars than the sentimental representations that circulated in poems, tales, and letters to the newspapers. The Company, which had a long history of trying to shirk any responsibility for lascars upon arrival in Britain because of the cost—tried over and over to blame lascars for their own poverty, adopting the language of vagrancy and poor law reform that was so common in contemporary political discourse. Their terrible living conditions, representatives argued, stemmed from their immoral habits; they were inadequately clothed because they sold their clothing for alcohol; they refused the help that was offered and thus chose to beg.¹⁹³ In other words, these were the standard critiques of London’s poor in general, and Company officials tried to attach these ideas to lascars.

While there are more legislative attempts to prevent lascars from remaining, unemployed, in Britain, the dominance of the sentimental representation of the lascar suggests that the Company’s attempt to blame lascars for their own poverty was not always successful. This is unsurprising; by the end of the eighteenth century, the East India Company was embroiled in a series of high-profile scandals and had become a flashpoint for critiques of an older model of colonialism and the insistence on a newer, less nakedly commercial kind.¹⁹⁴ The sentimental lascar appears in these texts as an

(Delhi: Permanent Black, 2004), 66-70

193 Fisher, *Counterflows*, 146-63.

194 See, for example, Nicholas Dirks, *The Scandal of Empire: India and the Creation of Imperial Britain* (Cambridge: Harvard University Press, 2006)

embodied “scandal of empire,” his body speaking a traditionalist critique of avarice combined with a longstanding disdain for the figure of the nabob, inciting Britons to imagine themselves in a more benevolent, paternalist relation to the world.

For example, when the lascar described in the *Newcastle Magazine* finally speaks, he ventriloquizes a critique of luxury and inequality—one that hints at the East India Company’s business practices as an example of economic immorality but that distances itself from any account of the specific patterns of migration, labor extraction, and conflict that form the historical backdrop for his presence in England: “The poor *isolated* being, still shrinking from the breeze—told me that he had been *betrayed*—betrayed by the hope of gain—by the prospect of a speedy return—by the idea that this metropolis, famed for its opulence and its charity, would not, should all his prospects fail, suffer a fellow being, formed of the same materials, and organized by the same hand, to perish, without that relish for which a portion taken from their luxuries would fully suffice.”¹⁹⁵ In this account, the lascar poses none of the potential threats of criminality, violence, deception, or immorality that were so insistently associated with vagrancy in law and public policy. His wretchedness as a “poor *isolated* being” who bows “reverently” before the narrator seems to neutralize the potential power he might hold. Sympathy, after all, is not without its dangers. The narrator asks the lascar to give an account of himself, but his sympathy moves him to offer money before he even finishes the question, let alone considers whether the answer renders the lascar a “worthy” object of charity: “How, my good fellow, said I, in accents harmonized by compassion, while my hand moved involuntarily towards my purse; how camest thou to leave thy kindred and connections, and to cast

195 “The Lascar,” 533.

thyself upon the present situation?"¹⁹⁶ The ability to make a man's hand "move[] involuntarily towards [his] purse" is figured over and over as one of the more pernicious powers held by vagrants over the body politic, and yet here, this power leads to no consideration that this man's begging might be illegitimate or criminal.

This sentimental representation of the lascar recurs throughout the late eighteenth-century British press. For example, a man writing to the *Public Advertiser* as "Senex" similarly mobilizes the image of helpless suffering towards a generalized critique of greed and luxury: "I am an old man just arrived from the country, and am shocked at the number of miserable objects, Lascars, that I see shivering and starving in the streets. The little attention hitherto paid to these poor wretches, is a striking instance of the hard-heartedness and insensibility that distinguish the present times."¹⁹⁷ He calls on established philanthropist Jonas Hanway by name, encouraging the formation of an organization to assist "a race of human beings, who, though different in religion, and country from ourselves, are still our fellow-creatures, and who have been dragged from their warmer and more hospitable climates by our avarice and ambition."¹⁹⁸ An account of a court case in which lascars sued to receive their wages similarly invokes the image of self-evident helplessness, even as the article's actual subject—a group of lascars who successfully sought legal redress for their mistreatment—contradicts this image of the lascar as abject and isolated sufferer: "On Thursday Sir Watkin Lewes put on his gown,

196 Ibid.

197 *Public Advertiser*, 3/16/1785.

198 Ibid. Hanway did indeed do just this, as he was instrumental in forming the Committee for the Relief of the Black Poor, which initially organized with the intent of aiding lascars before becoming the driving force behind the effort to resettle free blacks in Sierra Leone. See Stephen Braidwood, *Black Poor and White Philanthropists: London's Blacks and the Foundation of the Sierra Leone Settlement, 1786-1791* (Liverpool: Liverpool University Press, 1994).

and humanely appeared as counsel on behalf of a Lascar, one of those miserable natives of India, whom we daily see in our streets exposed to every degree of want and distress.”¹⁹⁹

Why could these particular beggars be represented as such self-evident objects of pity? I want to suggest that there’s a very particular form of “stranger fetishization” at work here. While vagrancy discourse enjoins passers-by to question the stories, origins, and moral characters of beggars they meet, these representations of lascars render such questioning irrelevant, as the seemingly self-evident mark of racial difference tells the lascar’s story *for* him. Thus this figure becomes an occasion for the demonstration of sympathy as a force that transcends racial difference and counteracts the moral ill effects of global commerce. But at the same time, the racialized body of the lascar is rendered transparent and knowable before the gaze of alms-giver and constable alike; these texts claim to know precisely what lies behind the “veil of black.” The body of the lascar is made to tell a singular story of distant harms brought into view—whether those harms are the depredations linked to the East India Company through media spectacles like the trial of Warren Hastings or the doubly spectral figures of British sailors replaced by lascars when lost to death, desertion, or conscription into the Navy.

Mary Robinson and the Poetics of Surplus Population

In the *Lyrical Tales*, “The Lascar” takes up this figure of global dispossession as it dramatizes the encounter between vagrant and settled. But in Robinson’s poem, this encounter is a fundamentally violent one; as the poem places in proximity vagrant and

199 "Foreign Intelligence, Domestic Occurrences, &c." *New London Magazine* (Mar 1787): 163.

settled, poor and rich, colony and metropole, it renders the “invisible hand” of global imperial commerce and divisions of labor literal, immediate, and embodied. Like Goldsmith’s “The Deserted Village” (1770), it insists that the English countryside is just as thoroughly integrated into colonial economies and landscapes as anywhere else in the empire. Goldsmith evokes enclosure, colonization, and war as mutually dependent forces that dispossess the English rural poor and extract their labor (and reproduction of labor) in order to sustain colonial expansion while draining the countryside of life. Meanwhile, Robinson figures the English rural “home” a place of exile and dispossession, highlighting the *complicity* of all English life—even in the country—with the extraction of labor and dispossession of colonial subjects. The villagers in “The Lascar” are not agents of the East India Company or nabobs living in opulence in London, and yet, Robinson argues, their economic existence depends on a system that must, in order to function, regard the lascar as an expendable labor source and nothing more.

In her narrative of a lascar who escapes the city only to be denied charity and finally killed by a fearful, confused traveler in the English countryside, Robinson’s poem takes up the tropes of the sentimental lascar, invoking sympathy to both cross and define racial difference. The lascar’s plight is framed as a problem of blocked sympathy; his suffering serves to highlight the moral distinction between those who can respond feelingly to his pain and those who cannot:

Alone, amid the race of man,
 The sad, the fearful alien ran!
 None would an Indian wand’rer bless;
 None greet him with the fond caress;
 None feed him, though with hunger keen
 He at the Lordly gate were seen... (113-118)

As he is turned away by a porter at a rich man's door, and then by a hypocritical pastor who rebuffs him and then returns inside "to preach of CHARITY—and PRAY!" (168), this failure of sympathy is ascribed specifically to racial difference:

Where'er I turn my sleepless eyes,
 No cheek so dark as mine, I see;
 For Europe's Suns, with softer dyes
 Mark Europe's favour'd progeny!
 Low is my stature, black my hair,
 The emblem of my Soul's despair!
 My voice no dulcet cadence flings,
 To touch soft pity's throbbing strings!
 Then wherefore cruel Briton, say,
 Compel my aching heart to stay?
 To-morrow's Sun—may rise, to see—
 The Famish'd LASCAR, blest as thee!' (73-84)

This passage implicates the reader in its reach toward sympathy and its evocation of the problem of sympathy's (racialized) mediation. The lascar's description of his "low ... stature" and "black ... hair" reads at first as if it were an empirical description of the supposedly non-subjective physical properties of height and color, but his declaration that these features are "the emblem of my Soul's despair" calls upon the power of the adjectives "low" and "black"—and by extension, the body to which they refer here—to signify a deeply rooted set of associations that resolve into racial hierarchy at the very level of perception. This argument expands to implicate the reader in the following lines, as he declares that his "voice no dulcet cadence flings, / To touch soft pity's throbbing strings!" The reader is left unable to definitively decide the status of this description: is the lascar saying that his voice's lack of "dulcet cadence" is a property of the sound, or that his *listeners* perceive his voice as harsh and therefore refuse to respond? Of course, a

voice has a cadence *only* in the ears of a listener, and so the fact that this must, of course, be perception and not some objective reality is in tension with the declarative grammar of the sentence.

By marshaling the bodily signs of suffering and arranging them as stimuli for the reader's sympathy, while simultaneously describing how "tears had little pow'r to speak / When trembling, on a sable cheek" (155-56), Robinson transforms the problem of sympathy and mediation into a specifically racial one. As both language and sensory perception—the media through which sympathy for the lascar must travel—are complicit in racial hierarchy, Robinson calls into question both the ability of sympathy to cross racial or national boundaries *and* the assumption that those boundaries preceded the call to sympathy in the first place. In other words, while the author of "The Lascar" in the *Newcastle Magazine* praises the ability of sympathy to transport the lascar's feelings to the narrator through a "veil of black," Robinson proposes that both the "veil" *and* the possibility of sympathetic response are constructed through the same circuit of mediated perception.

Of course, Robinson herself is also bound to these tropes if she wants to call for the reader's sympathy. While I read in her evocations of sympathy a more complex stance than the calls to "universal benevolence" seen in the representations above, I don't want to discount the ways in which she is also necessarily complicit in these representations' ideologies. For example, as Humberto Garcia argues, Robinson's evocations of cross-racial sympathy draw on the tropes of white women's antislavery writing as a way of mobilizing sympathy as the primary mode for a critique of racism

while also shoring up her own moral and poetic authority as a female poet.²⁰⁰ The lascar's protest takes the form of the ventriloquized plea of "Am I not a man and a brother?" that circulated as the signature appeal of British antislavery:

'What have I done?' the LASCAR cried—
 'That Heaven to me the pow'r denied
 To touch the soul of man, and share
 A brother's love, a brother's care?
 Why is this dingy form decreed
 To bear oppression's scourge and bleed?— (245-50)

At the same time, however, Robinson also struggles to make space for the possibility of poetry to represent the problem of global, racialized divisions of labor as something more than a problem of blocked individual sympathy. The lascar's dying words juxtapose the one-dimensional representation of lascars as "melancholy objects" whose bodies tell a simple story of East India Company avarice with the possibility of more specific stories of loss and displacement that implicate a much broader net of complicity:

Here, in this smiling land we find
 Neglect and mis'ry sting our race;
 And still whate'er the LASCAR's mind,
 The stamp of sorrow marks his face!
 He ceas'd to speak; while from his side
 Fast roll'd life's swiftly-ebbing tide... (253-58)

The lascar's statement that "whate'er the LASCAR's mind, / The stamp of sorrow marks his face" explicitly juxtaposes the uniform and narrow signification of the racialized "face" with the possibility that his "mind" holds a much more variable, nontransparent,

200 Humberto Garcia, "The Transports of 'Lascar Slaves': Dispossessed Indian Sailors in Women's Romantic Poetry." Paper Presented at the North American Society for the Study of Romanticism (Boston, MA), August 9, 2013. See also Ashley Cross, who argues that Robinson evokes cross-racial sympathy in order to shore up her own moral and poetic authority as a female author (Cross, "From *Lyrical Ballads* to *Lyrical Tales*."

and complex interiority. Robinson's answer, however, is not for poetry to show his "true" interiority in all its multidimensional complexity; indeed, the negation of this possibility marks the end of the lascar's ability to speak at all, and the poem closes with the villagers' encounter with his dead body. He is, in the end, still reduced to the lifeless body and its signification only as a thing out of place, a "melancholy object."

This indictment of common complicity—a guilt that extends far beyond the nabobs, Company agents, politicians, and unfeeling pedestrians condemned in other representations of lascars—becomes most clear when we investigate how this poem engages the idea of vagrancy. While sentimental representations of lascars seek to evoke sympathy by implying that they are *not* idle vagrants, but rather appropriate objects of charity, Robinson's critique of colonial labor extraction is most radical when she argues that the lascar *is* a vagrant. By identifying the lascar with the juridical and epistemological structures of vagrancy, Robinson expands her critique of failed sympathy to encompass a broader indictment of the structures of knowledge that render bodies out of place enemies of the "police of the metropolis" and figure the preservation of public order as the common business of being British.

For example, the lascar's fatal encounter with a traveler in the woods brings into sharp relief the violence of the system that underpins his experience in England. The failures of sympathy the poem documents are not simply cases of hard-heartedness, indifference, or individual prejudice; rather, they are a necessary element of a structure of knowledge that defines some bodies as proper objects of preemptive violence. The encounter begins with the reiteration of the same features that block British sympathy

when the lascar describes his “black hair” and lack of “dulcet cadence” above:

And now again the cavalcade
 Pass'd slowly near the upland glade;—
 But HE was dark, and dark the scene,
 The torches long extinct had been;
 He call'd, but, in the stormy hour,
 His feeble voice had lost its pow'r,
 'Till, near a tree, beside the flood,
 A night-bewilder'd Trav'ler stood. (221-238)

The description here—that the traveler supposedly cannot see the lascar in the darkness because his skin is also dark, and that the lascar cannot be heard because he has lost his voice through thirst or exhaustion—literalizes the lascar’s earlier complaint that his skin and voice fail to achieve sympathetic recognition from passers-by. The material conditions of his deprivation here render him invisible, and, as Robinson reminds us, this deprivation is structured by race. But, as above, the ability of the lascar’s dark skin to “disappear” him into the dark landscape is not necessarily an empirical statement; rather, this is a reflection of the traveler’s perception of the scene in front of him. And it is the traveler’s (racially inflected) perception that turns this encounter violent:

The LASCAR now with transport ran
 ‘Stop! stop!’ he cried—with accents bold;
 The Trav'ler was a fearful man—
 And next to life he priz'd his gold!—
 He heard the wand'rer madly cry;
 He heard his footsteps following nigh;
 He nothing saw, while onward prest,
 Black as the sky, the Indian's breast;
 Till his firm grasp he felt, while cold
 Down his pale cheek the big drop roll'd;
 Then, struggling to be free, he gave—
 A deep wound to the LASCAR Slave. (229-240)

The racialized invisibility of the lascar here is reiterated; to the traveler, he is utterly

invisible, and then suddenly, terrifyingly present as he hears the lascar's cries but cannot track them, seeing only “nothing” as the lascar, “black as the sky,” cannot be distinguished from the landscape. The traveler fears for his property, identifies the formless, unseen figure as an unknowable threat, and responds with the discretionary violence that considers a literal stab in the dark a legitimate form of self-defense. Everywhere and nowhere at once, unknown and thus carrying potentially unknowable threat, the embodiment of every danger that might befall a propertied traveler on the road: the lascar here is perceived by the traveler as the quintessential vagrant according to police power.

The lascar’s “transport” and its effect on the traveler acquires a rich resonance with these practices of policing the global metropolis when read through Miranda Burgess’s recent inquiry into “transport” as a romantic theory of circulating affect that condenses what Adela Pinch terms the “vagrancy of emotions” into “removals of the body both imaginative and physical.”²⁰¹ These removals, Burgess argues, link the material capacities of transport—the ever-increasing mobility of goods, people, and information between colony and metropole, and throughout the globe—to the particular anxieties attending the possibility of being emotionally moved against one’s will: “In the late eighteenth and early nineteenth centuries, new transportation technologies, with the associated potential for circulating texts and feelings, made the prospect of global traffic newly available as an object of anxious representation, an overwhelmingly spatial version

201 Adela Pinch, *Strange Fits of Passion: Epistemologies of Emotion, Hume to Austen* (Stanford: Stanford University Press, 1996), 10; Miranda Burgess, "Transport: Mobility, Anxiety, and the Romantic Poetics of Feeling," *Studies in Romanticism* 49 (2010): 235.

of the they who are not-I.”²⁰²

When the lascar runs “with transport,” his transport is thus richly multivalent. After the slow, plodding movement of the previous stanza, the lascar’s run is indeed a sudden removal of the body from one place to another. At the same time, his sight of the traveler—the last chance he has to seek help—is a sight that moves the lascar rapidly from one emotional state to another, as his “feeble voice” is transformed into “accents bold.” But might we also, following Burgess, read this “transport” as the lascar’s capacity to incite unwilling affect in the traveler, and in the reader? His very bodily presence in the English countryside and the perceptual frames available through which Britons might interpret that presence all point to the unbreakable link between his body’s capacity to incite feeling (whether pity, terror, or disgust) and the global transports of goods and labor through the geographies of colonial extraction that dislocated him.

The anxiety of transport, I want to suggest, is an affect that also draws on the geographic imaginary of the emerging project of policing the imperial metropolis. Bodies out of place, as writers like Colquhoun stress, signify a protean threat that could have originated anywhere, and that threatens to disrupt the processes of global commerce, colonial extraction, and enclosure that dislocated these bodies in the first place.

Of course, the metropolis is not the scene of most of “The Lascar.” Robinson places the figure of colonial dispossession squarely in the picturesque English countryside, allowing his death to intrude where “the Lark, on flutt’ring wings, / Its early Song, delighted sings” and “the Swains their flocks to shelter lead” (293-94; 296). But

202 Burgess, “Transport,” 249. See also Karen Swann, “Public Transport: Adventuring on Wordsworth’s Salisbury Plain,” *ELH* 55.4 (1988): 811-834.

Robinson also *narrates* the movement from city to country, dramatizing in the account of one body's dislocations a dizzying permeability between city and country, colony and metropole. The paths taken by the lascar are not determined by momentary impulses, desires, or wayward volition. Instead, as Robinson shows, vagrancy is not the kind of frictionless free movement that Celeste Langan evokes in her description of Wordsworth's "romantic vagrancy;" rather, "vagrancy" just as often names dispossession, expulsion, and forced movement along paths that have been determined in advance by the very logics and forces that were behind this dispossession in the first place. The lascar's choice to leave the city, for example, is hardly a choice made under free circumstances:

What is, to me, the City gay?
 And what, the board profusely spread?
 I have no home, no rich array,
 No spicy feast, no downy bed!
 I, with the dogs am doom'd to eat,
 To perish in the peopled street,
 To drink the tear of deep despair;
 The scoff and scorn of fools to bear! (25-33)

Even the natural world, for Robinson, is implicated in the structures of commerce and power that determine the lascar's movements. Nature is no refuge here, as Robinson emphasizes the bodily suffering of being left outside:

He saw the lightning flashing round;
 He heard the crashing thunder roar;
 He felt the whelming torrents pour;
 And, now beneath a shelt'ring wood
 He listen'd to the tumbling flood—
 And now, with falt'ring, feeble breath,
 The famish'd LASCAR, pray'd for Death. (210-16)

Just as there is no space innocent of causing the lascar's suffering, there is also no space,

in this poem, that is not mingled with another space through his experience of dislocation. The lascar's global vagrancy—both his geographic displacement and his exclusion from economic personhood and survival—renders him a force that blends disparate spaces together:

Shut out the Sun, O! pitying Night!
 Make the wide world my silent tomb!
 O'ershade this northern, sickly light,
 And shroud me, in eternal gloom!
 My Indian plains, now smiling glow,
 There stands my Parent's hovel low,
 And there the tow'ring aloes rise
 And fling their perfumes to the skies!
 There the broad palm Trees covert lend,
 There Sun and Shade delicious blend;
 But here, amid the blunted ray,
 Cold shadows hourly cross my way! (37-48)

The lascar's descriptions here bring metropole and colony into the same frame; he registers both the immediate imaginative presence of his "Indian plains" that "now smiling glow" and their immense distance from where he stands under the "blunted ray" and "cold shadows" of England. These geographies are further mingled later; suffering under the heat of the midday sun in a "sultry waste" (108), he wanders through an English countryside rendered in terms that could equally call to mind colonial figurations of India.²⁰³

While, in the earlier poetic critique of dispossession that is Goldsmith's "The Deserted Village," the permeability between spaces—city and country, metropole and colony—is a symptom of the enclosure that has destroyed the Edenic integrity of the

²⁰³ This palimpsestic contraction of space is an effect Kevis Goodman identifies with nostalgia "as a disability of wartime and colonial mobility, a somatic and psychological protest against forced travel, depopulation, emigration, and other kinds of compulsory movement" (Goodman, "'Uncertain Disease': Nostalgia, Pathologies of Motion, Practices of Reading," *Studies in Romanticism* 49 [2010]: 99-100.)

English countryside, Robinson's account implies that this space has never been so innocently bounded to begin with. The speaker of "The Deserted Village" paints a fantasy of rural retirement innocent of the commercial depredations of urban life:

How blest is he who crowns in shades like these,
 A youth of labour with an age of ease;
 Who quits a world where strong temptations try,
 And, since 'tis hard to combat, learns to fly.
 For him no wretches, born to work and weep,
 Explore the mine, or tempt the dangerous deep;
 No surly porter stands in guilty state
 To spurn imploring famine from his gate... (99-106)²⁰⁴

In Goldsmith's account, refraining from greed—that is, the consumption of imported luxury goods and the enclosure of the commons—proffers a fantasy of extracting oneself from capitalism, as indexed by the protection of private property by the "surly porter" or the global divisions of labor represented by miners and sailors.

Robinson, by contrast, places the lascar in this supposedly innocent landscape in order to implicate the economic geography of the entire nation. He encounters the denial of charity condemned by Goldsmith, but not as an aberrant encounter with pathological greed; rather, the "surly porter" is systematic, as necessary to the everyday functioning of the world around him as is the circulation of silver and other products of the mine, or the unending supply of maritime labor to fuel both naval and commercial shipping. Indeed, as Robinson emphasizes, one could not live in England and be innocent of the shipping industry's endless hunger for labor, and it is this demand—as well as the danger that led to the loss of so many English sailors to death, desertion, or impressment on the way to India—that has brought the lascar to England in the first place:

²⁰⁴ Oliver Goldsmith, *The Deserted Village* (London: for W. Griffin, 1770).

Was it for this, that on the main
 I met the tempest fierce and strong,
 And steering o'er the liquid plain,
 Still onward, press'd the waves among?
 Was it for this, the LASCAR brave
 Toil'd, like a wretched Indian Slave;
 Preserv'd your treasures by his toil,
 And sigh'd to greet this fertile soil? (49-56)

The apostrophe here—as he insists that he has “preserv'd your treasures by his toil”—leaves the object of address open and nonspecific; all who live on English “soil,” the lines imply, are the beneficiaries of the colonial extraction of his labor: the “toil” that appears in quick succession, beginning and ending successive lines and rhyming with the evocation of English earth that is in no way innocent of the exploitation carried out by its agents abroad.

Finally, “The Lascar” attempts a poetic evocation of the dehumanization of the “idle” that is at the center of so many contemporary political and legal definitions of vagrancy. In poems like “Expostulation and Reply” and “The Old Cumberland Beggar,” Wordsworth's engagements with idleness serve as reclamations of a maligned (non-)activity; idleness, he often argues, is actually an activity of incalculable, extra-economic value.²⁰⁵ Robinson, however, leaves idleness *idle*. Instead of attempting to reclaim idleness as an activity of value, she evokes a subjective experience of valuelessness. If vagrants, as Marx proposes in the 1844 *Philosophical and Economic Manuscripts*, “do not exist for political economy,” but are instead “specters outside its domain,” then

205 See also Anne D. Wallace, who argues in *Walking, Literature, and English Culture: The Origins and Uses of the Peripatetic in the Nineteenth Century* (Oxford: Clarendon, 1993) that Wordsworth uses walking as a resignification of Virgilian georgic, thus transmuting agricultural to imaginative labor (9).

Robinson seeks to portray what it feels like to be such a specter.²⁰⁶ If political economy can only recognize life as the animation of the body to labor and its reproduction, then claims of activities' productive value—even if that value is asserted to be noneconomic—run the risk of instituting another such remainder, in which life outside of productivity is expelled from the social and material possibility of living. Robinson literalizes this dynamic. Instead of assigning idleness value as productive activity of another order, she evokes idleness as a kind of living death—which, for capital, it is.

The poem's opening, for example, establishes the lascar's enforced idleness as a stalled, suspended temporality:

‘Another day, Ah! me, a day
Of dreary Sorrow is begun!
And still I loathe the temper'd ray,
And still I hate the sickly Sun! (1-4)

In this stasis, in which he “waste[s] the vapid hours away” (16), all times are confused and yet nothing changes at all:

O! darkness come! come, deepest gloom!
Shroud the young Summer's op'ning bloom;
[...] Or, hence, broad Sun! extinguish'd be!
For endless night encircles Me! (17-18; 23-24)

Only through dying can the lascar attain the audience he has sought all along. At the poem's conclusion, the villagers gather to hear and see him: "They hear the wounded LASCAR groan! / Far off they mark the wretch, as he / Falls senseless, from the tall Elm tree!" (306-8) The lascar's only possible incorporation into the countryside that so insistently indexes England is as a dead body: an abandoned byproduct of the global

²⁰⁶ Karl Marx, *The Economic and Philosophic Manuscripts of 1844* tr. Martin Milligan, ed. Dirk Struik (New York: International Publishers, 1964), 121.

commerce that even the most poetically idyllic rural villagers inhabit.

This figuration of living death is at the heart of Robinson's poetic engagement with surplus populations. The Lascar is just one of many figures of dispossession, disappearance, and displacement that populate the *Lyrical Tales*. But he is perhaps its most extreme example of the condition of being part of a redundant or surplus population. The Lascar's abandonment to enforced idleness and death marks him as what Grace Kyungwon Hong terms "existentially surplus."²⁰⁷ While Marx's surplus populations are produced as a proletariat, made available for exploitation in wage labor, Hong characterizes the existentially surplus as specifically racialized and gendered populations produced "as *nonlaboring* subjects, that is, the populations that are surplus not to production but to speculation and circulation."²⁰⁸ The existentially surplus, she argues, "are not necessary to capital as potential sources of labor, but instead are useful for their intrinsic lack of value."²⁰⁹ Hong's example is a contemporary one, but one rooted in much longer histories of racialized criminalization and carceral logics; she argues, following Ruth Wilson Gilmore, that "prison populations function within the prison-industrial complex not as *labor* but as raw material."²¹⁰ For Hong, racialized "criminalization ... is not only a way to relegate subjects to surplus labor pools but also a way to relegate to surplus existence. ... To be 'surplus' in this moment is to be valueless,

207 Grace Kyungwon Hong, "Existentially Surplus: Women of Color Feminism and the New Crises of Capitalism," *GLQ* 18.1 (2011): 87-106. For more analysis of surplus populations and contemporary logics of racialization, sexuality, and space, see Roderick Ferguson, *Aberrations in Black: Toward a Queer of Color Critique* (Minneapolis: University of Minnesota Press, 2003).

208 *Ibid.*, 92.

209 *Ibid.*

210 *Ibid.*

unprotectable, vulnerable, and dead."²¹¹ A racialized and criminalized nonlaboring subject, relegated by capital not to alienated labor, but to abandonment and living death: Robinson's vision in "The Lascar" imagines a vagrant not as the *vogelfrei* dispossessed, but as the existentially surplus.

Hong's engagement here is with contemporary neoliberal capitalism in the United States, and so both the racial logics and economic structures are necessarily quite different than those in operation in the British Empire at the end of the eighteenth century. Nonetheless, her analysis resonates with the histories of populations, such as lascars in England, who even in the midst of a production-based, proto-industrial economy, were produced as racialized surplus populations, marked for abandonment rather than for incorporation into wage labor. This necropolitics—ensuring the life of population through abandoning surplus populations to death—is not just a feature of contemporary neoliberalism; this is precisely the logic of Malthus, for example.²¹² As the replacement for an English sailor lost through death, desertion, or impressment into the Navy, the lascar is not made available for incorporation into an economy as a wage laborer; instead, he is there to extend the labor-power of a lost English sailor just long enough to allow the East India trade to continue, unimpeded by this loss. One might call him a specter outside political economy's domain in more ways than one—and by critically taking up the spatial imagination of policing, Robinson populates the *Lyrical Tales* with the stubbornly spectral, surplus, and disappeared.

211 Ibid.

212 For the foundational theorization of necropolitics, see Achille Mbembe, "Necropolitics," *Public Culture* 15.1 (2003): 11-40.

CHAPTER THREE

"Infinite Endowments:" Vagrancy, Mobility, and Early American Whiteness

In 1972, the U. S. Supreme Court's ruling in *Papachristou v. City of Jacksonville* struck down vagrancy laws as unconstitutional, ending the widespread use of laws that had persisted, from the earliest colonial legal codes, as catchall categories naming the economically, socially, racially, or sexually marginal as "suspicious persons."²¹³ Writing for the majority, Justice William O. Douglas ruled that vagrancy laws were unconstitutional, not only because their vagueness placed "almost unfettered discretion in the hands of the police," but also because their restrictions on social and physical mobility impinged on freedoms essential to what he evokes as the American character.²¹⁴ The freedoms signified by mobility, according to Douglas, comprise a distinctly American way of feeling, acting, and being in the world:

The difficulty is that these activities are historically part of the amenities of life as we have known them. They are not mentioned in the Constitution or in the Bill of Rights. These unwritten amenities have been in part responsible for giving our people the feeling of independence and self-confidence, the feeling of creativity. These amenities have dignified the right of dissent and have honored the right to be nonconformists and the right to defy submissiveness. They have encouraged lives of high spirits rather than hushed, suffocating silence. They are embedded in Walt Whitman's writings, especially in his "Song of the Open Road." They are reflected, too, in the spirit of Vachel Lindsay's "I Want to Go Wandering," and by Henry D. Thoreau.²¹⁵

213 For overviews of the use of American vagrancy law to contain a wide variety of marginal populations, see Amy Dru Stanley, *From Bondage to Contract: Wage Labor, Marriage, and the Market in the Age of Slave Emancipation* (New York: Cambridge University Press, 1998); Nayan Shah, "Between 'Oriental Depravity' and 'Natural Degenerates': Spatial Borderlands and the Making of Ordinary Americans," *American Quarterly* 57.3 (2005): 703-725; Simon P. Newman, *Embodied History: The Lives of the Poor in Early Philadelphia* (Philadelphia: University of Pennsylvania Press, 2003), 40-60; and Leonard C. Feldman, *Citizens Without Shelter: Homelessness, Democracy, and Political Exclusion* (Ithaca: Cornell University Press, 2004).

214 *Papachristou v. City of Jacksonville*, 405 U.S. 156 (1972).

215 *Ibid.* According to Risa Goluboff, in earlier drafts of the *Papachristou* ruling as well as in previous rulings on vagrancy and mobility, Douglas repeatedly "identified American identity and some essential

This “feeling of independence and self-confidence” shown by “our people” is evidenced, for Douglas, in a particular literary inheritance. The footnote to this passage cites a lengthy quotation from Thoreau’s “Walking,” which extols wandering through the wilderness as an avenue for the development of a distinctly American imagination, embodiment, and relation to the land.

This evocation of freedom acquires a racialized specificity, however, in portions of the essay that are not quoted in Douglas's decision. For example, Thoreau reads his own tendency to walk west as indicative of the broader racial imperative of manifest destiny: "...something like this is the prevailing tendency of my countrymen. I must walk toward Oregon, and not toward Europe. And that way the nation is moving, and I may say that mankind progress from east to west."²¹⁶ The "American," in this text, results from the alchemical union of "European" racial inheritance with the American landscape and climate: "Where on the globe can there be found an area of equal extent with that occupied by the bulk of our States, so fertile and so rich and varied in its productions, and at the same time so habitable by the European, as this is?"²¹⁷ This particular racial claim registers a rhetorical link between mobility, freedom, whiteness, and American identity, as a particularly American experience of freedom is epitomized in the claim of white men to the frontier.

Such an understanding of freedom persists as a powerful influence on the

American spirit as bound closely with such physical mobility” (Risa Goluboff, "Dispatch from the Supreme Court Archives: Vagrancy, Abortion, and What the Links Between Them Reveal About the History of Fundamental Rights," *Stanford Law Review* 62 [2010]:1367).

216 Henry David Thoreau, *Excursions*, 13th ed. (Boston: Houghton, Mifflin: 1868), 177.

217 *Ibid.*, 179.

Papachristou ruling—even as Douglas's intent was to curtail the racist deployment of police discretion and to strike down laws that were commonly used against civil rights protestors and others who challenged established racial hierarchies.²¹⁸ The tension between the historical use of vagrancy law to uphold racial hierarchy and the idealization of physical mobility as a metonym for white American freedom predates Thoreau, Whitman, and the other figures cited in the *Papachristou* ruling. This line of thinking, which Hsuan L. Hsu terms "the long, comparative genealogy of the whiteness of the free vagabond," uses the imaginative category of vagrancy to envision an embodied manifestation of white freedom, even as that same category was widely used to criminalize and curtail the mobility of racialized others.²¹⁹

This paradox is centrally thematized in Charles Brockden Brown's 1798 novel *Wieland; or, The Transformation*. *Wieland* narrates the terrifying dissolution of one family's pastoral idyll. Clara and Theodore Wieland, the children of a religious enthusiast who had died under mysterious circumstances, establish a small, closed community on the family estate, Mettingen. After adopting a mysterious drifter named Carwin into their fold, they begin to hear unexplained voices, which sow confusion and conflict among them. Fear and disorientation build until there is a sudden eruption of violence: Theodore kills his wife, children, and a ward of the family, claiming that his actions were ordered by God. When Clara returns to the empty estate, she finds Carwin and accuses him of

218 The defendants in *Papachristou* had been targeted for arrest partially because they were a group of interracial couples. See Goluboff for links between race, vagrancy, and the civil rights movement ("Dispatch," 1368).

219 Hsuan L. Hsu, "Vagrancy and Comparative Racialization in *Huckleberry Finn* and 'Three Vagabonds of Trinidad,'" *American Literature* 81.4 (2009): 710; see also Stanley, *From Bondage to Contract*; Shah, "Making of Ordinary Americans."

causing the murders through means she has not yet been able to uncover. Carwin reveals to her that he has extraordinary powers of ventriloquism and is responsible for the mysterious voices heard throughout the novel, but claims (though Clara does not believe him) that he did not produce the divine commands her brother had claimed to hear. Their interview is interrupted when Theodore, escaped from confinement, arrives and attempts to kill his sister. Carwin, who has fled the room, mimics the voice of God and commands Theodore to stop. Upon understanding that he was deluded, Theodore kills himself. Clara settles in France, and Carwin retires to the backcountry of Pennsylvania, determined never to use his gift again.

The plot registers one of the central concerns animating vagrancy law: that unknown persons out of place might pose unknowable threat to settled citizens. At the same time, however, Carwin's vagrancy—his resistance of agricultural labor, his physical and social mobility, and his extraordinary powers of self-transformation—is uncannily difficult to separate from the idealized characteristics of the self-made man, the figure that imaginatively coalesces the freedoms granted by American whiteness.²²⁰ Thus the novel marks an early moment in the development of this link between (white) American identity and a mobility that, even as it is valorized, is nonetheless always haunted by its illegitimate other: vagrancy.

Wieland is hardly alone in portraying contact with an itinerant, unknown stranger

220 Julia Stern, for example, reads Brown's gothicism as an exploration of the dark side of a liberal capitalist order that houses "liberty" in the economic actions of the (white, male) individual and replaces trust with credit (Stern, *The Plight of Feeling: Sympathy and Dissent in the Early American Novel* [Chicago: University of Chicago Press, 1997], 184-198. Similarly, Julie Ellison characterizes disoriented wandering in Brown's novels as "the geography of masculine sensibility"—a sensibility that consolidates white male citizenship yet does not rescue the citizen from spatial and personal dislocation (Ellison, *Cato's Tears and the Making of Anglo-American Emotion* [Chicago: University of Chicago Press, 1999], 149.)

as a potential threat to settled, upper-class American family life. Vagrancy was an increasing locus of concern in Philadelphia throughout the second half of the eighteenth century.²²¹ The 1766 founding of the Bettering House, a workhouse that confined the poor and compelled their labor as a condition for their eligibility for relief, marked a shift away from relief of the poor in their own homes—a shift encouraged by an increasing emphasis on idleness as the presumed cause of poverty.²²² If idle habits are the cause of poverty, then the role of vagrancy laws are to identify and apprehend those with such habits and reform them through incarceration and labor. Philadelphia elites of the late eighteenth century drew insistent connections between idleness and a more general disposition toward crime and social deviance.²²³

Vagrancy, however, was not limited to the purely local regulation of social order and public space. It was also conceptually central to the theories of police power that circulated throughout a transatlantic legal culture.²²⁴ Vagrancy was a site of transatlantic legal change and reinterpretation, as the enforcement of and commentary on American vagrancy law responded to specifically colonial exigencies in their transformation of imported English laws. As Michael Meranze argues, "the process of colonization and the construction of unequal colonial societies produced legal systems that selectively

221 Simon P. Newman and Billy G. Smith, "Incarcerated Innocents: Inmates, Conditions, and Survival Strategies in Philadelphia's Almshouse and Jail," in Michele Lise Tarter and Richard Bell (eds), *Buried Lives: Incarcerated in Early America* (Athens: University of Georgia Press, 2012), 67-68.

222 Michael Meranze, *Laboratories of Virtue: Punishment, Revolution and Authority in Philadelphia, 1760-1835* (Chapel Hill: University of North Carolina Press, 1996), 152. See also Tarter and Bell, "Introduction," *Buried Lives*, 13-15.

223 Meranze, *Laboratories of Virtue*, 155-57.

224 Mary Sarah Bilder argues that complex conversations between English and colonial American law shaped a "transatlantic constitution" that continued to inform post-Revolutionary legal theory and practice (Bilder, *The Transatlantic Constitution: Colonial Legal Culture and the Empire* [Cambridge: Harvard University Press, 2004]).

appropriated and distorted tendencies unfolding in the metropolis itself."²²⁵ Because of its status as a catchall index for the more generalized potential of social threat, Markus Dirk Dubber describes vagrancy as a paradigmatic locus of police power in both eighteenth-century Anglo-American jurisprudence and the practice of colonial American policing.²²⁶ Vagrancy renders a vast set of potential behaviors metonymic for this disorder. In the text of the law and in the practice of its enforcement, vagrancy is defined not as a knowable identity marked by particular qualities, but as an unpredictable assemblage of anything that might arouse the suspicion of those keeping order.²²⁷ While the legal discourse of vagrancy often bemoans the vagrant's opacity to knowledge, a claim to finally *know* the extent of threat indexed by vagrancy would diminish police power, not enhance it. Police power depends on the invocation of limitless threat in order to justify its own potentially limitless expansion. The structure of threat and anticipation invoked by the label of vagrancy might be likened to Clara's reaction when she believes she sees Carwin's face in her home just before the murders: "The intimation was imperfect: it gave no form to my

225 Meranze, "Penalty and the Colonial Project: Crime, Punishment, and the Regulation of Morals in Early America," in *The Cambridge History of Law in America*, vol. 1: *Early America (1580-1815)*, ed. Michael Grossberg and Christopher Tomlins (Cambridge: Cambridge University Press, 2008), 178. See also Christopher Tomlins, who argues that the process of colonization was central to developing definitions of "free labor" that animated early American legal practice (Tomlins, *Freedom Bound: Law, Labor, and Civic Identity in Colonizing English America, 1580-1865* [New York: Cambridge University Press, 2010], 65-70; 342-43.)

226 Markus Dirk Dubber, *The Police Power: Patriarchy and the Foundations of American Government* (New York: Columbia University Press, 2005), 62.

227 For example, the 1767 Pennsylvania "Act to prevent the mischiefs arising from the encrease of vagabonds, and other idle and disorderly persons within this province," whose definition of vagrancy was still in force in 1798, defines as vagrants "all persons who, not having wherewith to maintain themselves and their families, live idly, and without employment, and refuse to work for the usual and common wages," all beggars, and all persons who come to Pennsylvania from elsewhere "and can give no reasonable account of themselves" (*Compilation of the Laws of the State of Pennsylvania Relative to the Poor* [Philadelphia: Zachariah Poulson, 1796], 55-56.) For the broad scope of the enforcement of vagrancy law in Philadelphia, see Newman, *Embodied History*, 40-44; and Newman and Smith, "Incarcerated Innocents," 67-68.

danger, and prescribed no limits to my caution."²²⁸

Carwin's extraordinary power of "biloquism"—his ability to detach his voice from the location of his body and shape it to imitate the sounds of others—furnishes an extreme example of social unintelligibility. While the textual arms of regulatory institutions, such as runaway advertisements and almshouse records, rely on the bodies, habits, and voices of the poor to fix and disclose consistent and traceable identities, Carwin's body defies such a goal through its ability to transform a feature taken to be so central to consistent identification. Thus Carwin inhabits a fantasy attached to the figure of vagrancy by the punitive institutions and discourses that relied on this fantasy of unknowable and limitless threat in order to function.

Carwin ultimately does not represent those labeled vagrants in eighteenth-century Philadelphia; rather, he embodies the simultaneous hypervisibility and opacity, the capacity for unknowable and limitless threat, rhetorically invoked by the concept of vagrancy in law, policy, and cultural commentary. Carwin really *is* a vagrant as imagined by the law, to the extent that it was impossible for any one person to be. Furthermore, Carwin's impossible vagrancy evokes another fantasized category: what Dana Nelson terms the "impossible identity" of early American white manhood.²²⁹ Carwin's vagrancy paradoxically theorizes a limit case of whiteness, another social position associated with mobility, freedom, and power, and yet resistant to coherent or absolute definition.

Wieland's engagement with vagrancy is a complex, unresolved engagement with the

228 Charles Brockden Brown, *Wieland; or the Transformation: An American Tale* [1798], in *Wieland and Memoirs of Carwin The Biloquist*, ed. Sydney J. Krause and S. W. Reid (Kent, OH: The Kent State University Press, 1978), 148. Hereafter cited parenthetically.

229 Dana Nelson, *National Manhood: Capitalist Citizenship and the Imagined Fraternity of White Men* (Durham: Duke University Press, 1998), 28.

vexed status of whiteness in the early republic, and thus helps contribute to our understanding of the genealogy of the links between race, mobility, American identity, and freedom evoked in the *Papachristou* ruling. It reveals how the growing social, political, and economic power of whiteness in the early Republic could coexist with—even benefit from—its epistemological instability.

Impossible Vagrancy

Early in the novel, Theodore Wieland hears the voice of his wife while he walks the grounds of his estate, only to return to the house where, according to several witnesses, she has been the whole time. Faced with two equally unambiguous yet irreconcilable sets of sensory evidence, he reaches an unsettling conclusion: “There is no determinate way in which the subject may be viewed. Here is an effect; but the cause is utterly inscrutable” (36). This statement nicely encapsulates the workings of the novel more generally: the narrator, Clara Wieland, and her family face a series of increasingly harrowing effects for which no causes can be found. Eventually, many of the novel's strange occurrences are traced to Carwin, who is not only a dangerously unmoored social actor, but also an embodiment of unknowable human motivation. Even after he narrates the exact mechanisms and motivations of his involvement in the novel's events, the ultimate cause of his impulses and desires remains stubbornly obscure, resistant to all explanatory logic. To paraphrase the novel, he is an effect whose cause will always be utterly inscrutable.

Carwin's first appearance in the novel as a shabby, unknown wanderer on the

edges of the estate renders him a recognizably conventional portrayal of vagrancy. Clara takes notice of him because his appearance marks him as a person out of place; while men like him "were frequently to be met with on the road and in the harvest-field," they are more unexpected in a place marked out for upper-class leisure: "This lawn was only traversed by men whose views were directed to the pleasures of the walk or the grandeur of the scenery" (50). Carwin approaches the house to beg for some buttermilk. When Clara hears his request, she is transfixed by his voice, and it is this intense interest that begins Carwin's slow integration into the household.

Carwin is quintessentially a stranger; nobody at Mettingen can deduce his origins or his proper social status. When Henry Pleyel (Theodore's friend and Clara's eventual husband) first encounters Carwin, he recognizes him as a fellow traveler he had befriended in Spain several years before, when the mysterious stranger had made a very different impression:

His garb, aspect, and deportment, were wholly Spanish. A residence of three years in the country, indefatigable attention to the language, and a studious conformity with the customs of the people, had made him indistinguishable from a native, when he chose to assume that character. . . . He had embraced the catholic religion, and adopted a Spanish name instead of his own, which was CARWIN, and devoted himself to the literature and religion of his new country. (67)

This recollection is the novel's first revelation of Carwin's name; his true identity is embedded in an aside interrupting a description of an identity he had assumed in the past. Burying Carwin's name within an extended description of his Spanish alter ego, the passage suggests that the true picture of Carwin *is* disguise; that the body attached to the name "Carwin" is most paradigmatically recognizable when swathed in descriptions of another man who, officially, does not exist. Henry's recollection emphasizes Carwin's

capacity for mutability and disguise, as his ability to pass as Spanish in dress, language, and even religion anticipates the later revelation that he can mimic the voice of anyone he chooses.

Even more unsettling to the inhabitants of Mettingen, Carwin's motivations for these transformations remain stubbornly obscure. In one social gathering, Henry attempts to discover these motivations: "He expressed his astonishment at meeting our guest in this corner of the globe, especially as, when they parted in Spain, he was taught to believe that Carwin should never leave that country. He insinuated, that a change so great must have been prompted by motives of a singular and momentous kind" (72). Carwin's response not only refuses to reveal his motivations, but also contests Henry's conventional assumptions about mobility and settlement: "As to the motives which induce men to change the place of their abode, these must unavoidably be fleeting and mutable. If not bound to one spot by conjugal or parental ties, or by the nature of that employment to which we are indebted for subsistence, the inducements to change are far more numerous and powerful, than opposite inducements" (73). Here, Carwin characterizes settlement, not itinerancy, as the exceptional case, asserting that in the absence of compulsions otherwise, human desire tends towards motion rather than fixity. For Henry, geographical dislocation must be traceable to a particular cause. But for Carwin, such dislocation is such a universal desire as to require no explanation at all—and Henry receives none.

Carwin's capacity for threat—another key attribute associated with vagrancy—is indexed in the very beginning, as the inhabitants of Mettingen respond to him with the

regard expected of those tasked with identifying and apprehending those marked as potentially disorderly. Clara first sees Carwin from a distance, wandering the grounds of her estate, and is surprised by her own interest in the strange figure:

One sunny afternoon I was standing in the door of my house, when I marked a person passing close to the edge of the bank that was in front. His pace was a careless and lingering one, and had none of that gracefulness and ease which distinguish a person with certain advantages of education from a clown. His gait was rustic and awkward. His form was ungainly and disproportioned. Shoulders broad and square, breast sunken, his head drooping, his body of uniform breadth, supported by long and lank legs, were the ingredients of his frame. His garb was not ill adapted to such a figure. A slouched hat, tarnished by the weather, a coat of thick gray cloth, cut and wrought, as it seemed, by a country tailor, blue worsted stockings, and shoes fastened by thongs and deeply discoloured by dust, which brush had never disturbed, constituted his dress.

There was nothing remarkable in these appearances: they were frequently to be met with on the road and in the harvest-field. I cannot tell why I gazed upon them, on this occasion, with more than ordinary attention, unless it were that such figures were seldom seen by me except on the road or field. This lawn was only traversed by men whose views were directed to the pleasures of the walk or the grandeur of the scenery. (50)

For one whose appearance is summed up as “nothing remarkable,” this is a very detailed physical description indeed. Clara’s description carefully lays out the description in distinct and standard categories of verbal description: the speed and manner of his walk, his bodily proportions both in net effect (“ungainly and disproportioned”) and in specific details (drooping head, long legs, broad shoulders), and the color, style, materials, and condition of every article of clothing. While the final effect is to communicate a general sense of Carwin as a certain kind of person, the list of commonly noticed features also supplies the reader with the kind of description that might distinguish this person from all others if seen in public.

Clara’s description, in other words, closely follows the format of a runaway

advertisement. Fugitives and vagrancy were closely linked in the eighteenth-century American public sphere, as the high population of slaves and indentured servants meant that unknown wanderers were often presumed to be runaways unless proven otherwise.²³⁰ Runaway advertisements followed a consistent set of genre expectations and conventions of physical description, most commonly noting details such as clothing, size, unusual physical features, gait, and accented speech.²³¹ Above all, this genre helped constitute a sense of social status as a relative availability to public description of one's body; to be poor or marginal is to be exposed to particularized bodily description and surveillance, while high status conversely shields one from such scrutiny.²³² Gentlemen are not tracked by the color and condition of their coats.

Later, when suspicion has fallen upon Carwin for his role in the family's mysterious experiences, Henry reads a newspaper notice advertising the escape of a condemned criminal from a prison in Dublin, and is shocked to recognize the criminal as Carwin. Henry definitively identifies the figure in the newspaper notice by relying on the publication's detailed physical descriptions, which highlight the same features noted by Clara upon Carwin's first appearance: "The descriptions of his person and address were minute. His stature, hair, complexion, the extraordinary position and arrangement of his features, his awkward and disproportionate form, his gesture and gait, corresponded perfectly with those of our mysterious visitant" (129).

230 Newman, *Embodied History*, 48-49; Gwenda Morgan and Peter Rushton, "Visible Bodies: Power, Subordination and Identity in the Eighteenth-Century Atlantic World" *Journal of Social History* 39.1 (2005): 39-64.

231 Jonathan Prude, "To Look upon the 'Lower Sort': Runaway Ads and the Appearance of Unfree Laborers in America, 1750-1800," *Journal of American History* 78.1 (1991): 124-59; David Waldstreicher, "Reading the Runaways: Self-Fashioning, Print Culture, and Confidence in Slavery in the Eighteenth-Century Mid-Atlantic," *William and Mary Quarterly* 56.2 (1999): 243-72.

232 Waldstreicher, "Reading the Runaways," 270.

But while vagrancy, in *Wieland*, is a position constituted through an availability to representation, it is simultaneously characterized as a *resistance* to the easy classification, identification, and apprehension promised by the print genre Clara invokes in her initial description. When she sees Carwin from a distance, Clara harnesses the narrative voice of the novel to furnish a full physical description of the unnamed stranger, rendering him distinct and recognizable. But his voice changes this: "I listened to this dialogue in silence. The words uttered by the person without, affected me as somewhat singular; but what chiefly rendered them remarkable, was the tone that accompanied them. It was wholly new" (51-52). Clara cannot fully explain the effect of his words and appearance on her, and she is provoked to generate a new form of description: "I cannot pretend to communicate the impression that was made upon me by these accents, or to depict the degree in which force and sweetness were blended in them. ... The voice was not only mellifluous and clear, but the emphasis was so just, and the modulation so impassioned, that it seemed as if an heart of stone could not fail of being moved by it" (52). Before, when Clara simply observes Carwin from afar, she lists his features. But when she continues the description to encompass the effect of his voice and gaze, she is no longer listing recognizable features such as eye color or gait. She is no longer a masterful, unaffected observer; instead, she notes the effects of the voice and gaze on *her*.

No longer universalized or disembodied (as she is implicitly rendered by her earlier observations of Carwin's physical particularity) she is now marked by bodily particularity, and it is *her* bodily sensations and movements that are recorded in print: "I dropped the cloth that I held in my hand, my heart overflowed with sympathy, and my

eyes with unbidden tears" (52). Similarly, the knowledge promised by the collation of supposedly authoritative printed descriptions proves more unstable than initially promised; the newspaper item describing Carwin as an escaped criminal is later revealed to be a forgery, planted in the newspaper by an enemy of Carwin in an attempt to frame him. Throughout the novel, Carwin proves resistant to descriptive attempts to track his movements or explain his actions. The social intelligibility of those around him begins to crumble, as his presence accompanies the loss of Clara's reputation, Henry's judgment, and Theodore's sanity. The rhetorical and epistemological structures they enlist in order to explain and predict his actions prove futile in the face of his opacity.

Carwin's biloquism literalizes the rhetorical link made between vagrancy and spectacular yet unknowable threat. His voice is endlessly mutable and mobile. It can take any form and come from any direction. It allows Carwin to "move" invisibly through space. After discovering and honing his powers of biloquism, Carwin finds that his gift offers an alternative to labor. He uses his power to gain patronage, economic opportunity, and the freedom to travel far from his home on the Pennsylvania frontier. As he explains to Clara near the conclusion of *Wieland*: "For a time the possession of so potent and stupendous an endowment elated me with pride. Unfortified by principle, subjected to poverty, stimulated by headlong passions, I made this powerful engine subservient to the supply of my wants and the gratification of my vanity" (198-99). His gift, he explains, tempts him to follow his insatiable "passion for mystery, and a species of imposture," which, once indulged, becomes increasingly habitual and impossible to resist: "I cannot convey to you an adequate idea of the kind of gratification which I derived from these

exploits; yet I meditated nothing" (201). Carwin's biloquism leads him to an extreme form of "idleness:" his action (unlike labor) has no discernible end or product, it generates nothing but fleeting pleasure, and it feeds on habitual impulses that follow no apparent rationale, economic or otherwise, as they lead to actions that even Carwin cannot predict. Reflecting on the ultimately deadly consequences of his actions, Carwin recognizes his own impulses as the bearers of unpredictable future threat: "...had I not rashly set in motion a machine, over whose progress I had no controul, and which experience had shewn me was infinite in power?" (216)

Carwin thus inhabits an impossible identity: he actually brings limitless, unknowable threat to the extent that was linked rhetorically with vagrancy as a concept and "vagrants" as a collectivity but not generally with lone individuals labeled "vagrants." Indeed, the specific danger he brings to the Wieland family is so bizarre, so unexpected, that it throws into sharp relief the rhetorical function of vagrancy to index future threat utterly exceeding the predictive capacity of the law. After Clara has begun to suspect Carwin's involvement in the mysterious events plaguing the household, but before she understands what he has actually been doing, she invokes an image of threat unbounded by human form, spatial limitation, or linguistic representation: "It would be difficult to depict, in words, the ingredients and hues of that phantom which haunted me. An hand invisible and of preternatural strength, lifted by human passions, and selecting my life for its aim, were parts of this terrific image. All places were alike accessible to this foe, or if his empire were restricted by local bounds, those bounds were utterly inscrutable by me" (84-85). The threat posed by Carwin exceeds his body and thus can't be tracked by the

mechanisms in place to identify bodies out of place. It is a "phantom" that is "difficult to depict, in words." It cannot be located in one specific body, but instead renders fragments of the human body metonymic for unknowable, unlimited human will.

In the Daily Occurrence Dockets of the Philadelphia Almshouse, officials record how they track vagrant bodies through time.²³³ The affective register of these records is nothing like the deep confusion and terror of *Wieland*; instead, the Dockets register bureaucratic irritation, annoyance, boredom, frustration, resignation, pity, disgust, and occasionally satisfaction, even smugness. The clerks recording the admissions, discharges, escapes, and deaths of almshouse residents, like the inhabitants of Mettingen and the readers of runaway advertisements, attempt to decipher vagrants' bodies and track individuals by their appearance, habits, and dispositions. Their motivations for such interpretation, however, seem quite different from the fear motivating Clara's speculations. For example, on October 22, 1790, the admission of Archibald and Elizabeth McCowan prompts an exasperated outburst:

Archibald McCowan, the Notorious one handed Villain, with his *as Noted & Infamous* Wife Eliz[abeth]. This fellow is one of the vilest of the State Invalid Pensioners, who always finds means to dispose of his Pension & then spends the whole Produce, and He and this his pretended Wife comes here for Maintainance, Cloathing &ca and Dureing the whole time they are here the House is kept in continual Alarm & uproar, by his Insolent Turbulence and quareling, and all with *Impunity*, for they go and come as and when they Please; To obtain admission he

²³³ For extensive accounts of the operation of the Philadelphia Almshouse and overviews of the Dockets as a historical source, see Newman, *Embodied History*, 40-60; and Newman and Smith, "Incarcerated Innocents."

frequently makes a plea to the Overseers of his being a State pensioner, at five Dollars p Month, & that this Institution shall have it for his Maintainance, whereas it is always sold & spent by him for some months before hand & this House never gets a penny of it²³⁴

Archibald and Elizabeth, are "Notorious" and "*Noted & Infamous*"—and thus trackable because of their habitual behavior and markers of appearance. A series of marginal notes next to this entry indicates that clerks returned to this entry on later dates in order to track their return appearances, noting with both satisfaction and annoyance that the almshouse clerks really *do* know their habits, that they really are the incorrigible rogues they believed they would be: "These, Noted Characters, have often been Record[ed] on former Books, & doubtless will very often follow in this, and p[er]haps, on many other Succeeding ones / Sure Enough - they very, very often follow & are *still the same* See 6th Apl [and] 12th Decr 1791. and also frequently elsewhere."²³⁵ The clerks emphasize, in the margins, that Archibald and Elizabeth "*are still the same*" and will continue to behave predictably in the future; these vagrants bring with them the very opposite of Carwin's unpredictable and unfathomable mutability.

Unlike Carwin, those marked as "vagrants" in the Daily Occurrence Dockets do not appear as bearers of mysterious terrors or hidden powers. The greatest threat they seem to pose is annoyance to the clerks who express irritation at the costs or nuisances they bring to the institution at whose mercy they have placed themselves. The identifying features that mark them are not distinct voices, names, or histories that one with Carwin's

234 Archbald McCowan, 22 October 1790, Daily Occurrence Dockets, Overseers of the Poor, Philadelphia City Archives.

235 Ibid.

mysterious power might transform completely, but rather the dirt, disease, and injury that accompanies extreme poverty—marks that the poor would find difficult or impossible to rid oneself of. Carwin's biloquism is a fantasy that inflates the power of those marked as "vagrants," while this text works to deflate it.²³⁶ Even the deadly prospect of contagion—taken to gothic heights in Brown's *Arthur Mervyn* and *Ormond*—is, in these archives, registered on the affective level of bureaucratic complaint, as the clerks repeatedly note with irritation the failure of other agencies of keeping vagrants with smallpox and venereal disease away from the almshouse.

Like *Wieland*, the Dockets engage with vagrancy as a social phenomenon and not just an individual condition. On occasion, the writers of the Dockets take one case as metonymic for a broader problem. For example, the return of one familiar vagrant leads to reflections on the general problem of vagrancy, here formulated as a filthy human blockage of the public streets: "Admitd James Connolly, a very worthless Autumnal Customer, as he then returns *annually*, ragged, [inserted: Dirty] and Diseased, loiters here all Winter & in Spring being Cleaned, Cloathed, & Cured, commences his Operations, of Idleness & Drunkenness & during the whole summer is one among many others, whose wretched filthy appearance Disgrace our streets and Shambles."²³⁷ Another leads to more general reflections on the problem of venereal disease in the Almshouse: "Jeremiah Cronen - a very worthless former Venereal Customer, & now return'd in the

236 Jacqueline Cahif, for example, reads the Dockets against the grain in order to recover the agency of women incarcerated in the almshouse, arguing that prostitutes receiving treatment for venereal disease in the city almshouse "negotiated incarceration on their own terms," exploiting the rules to receive medical care at no cost and even organizing collective resistance to protest ill treatment (Cahif, "'Those Insolent Hardened Husseys Go on Dispensing All Rule & Order Here:' Women with Venereal Disease in the Philadelphia Almshouse" in Tartar and Bell [ed], *Buried Lives*, 86).

237 James Connolly, 14 October 1790.

Old Way - It is really a shame, or at least a great Pity that some Examples are not made [inserted: according to the Law] of those [deleted: frequent] numerous Dirty Fellows & Husseys who so Repeatedly Burthen & incommode this Institution with this Filthy Disease & *Still with Impunity*.²³⁸ Meanwhile, the case of one woman is remarked upon for how atypical her gratitude supposedly is: "Discharged [Marginal note: *Uncommon Gratitude*] Rhodia Taylor - Recovered from her Illness & very gratefully acknowledges her Obligations to the Institution for the Kind Treatment & many benefits she hath rec[ieve]d here & is now Dischgd at her own request."²³⁹ In these cases, the Dockets modulate between the individual instance and the collective condition of vagrancy. A particular person either temporarily represents the larger problem, as "one among many others" (in the words used to describe James Connolly), or is held up as the exception that proves the rule (as in the "uncommon gratitude" of Rhodia Taylor).

Not so with Carwin. He is not "one among many others," as his social identity remains stubbornly irreducible to "one." He does not illustrate the case of many individuals like him. Instead of lending representative coherence to a social phenomenon by making one story stand in for a mass of others, he brings the full force of incoherence and limitless threat as theorized by vagrancy law into one vagrant's body. If vagrancy law calls on its enforcers to imagine every possible threat an unknown person may potentially pose, the figure of Carwin concretizes this possibility, to terrifying effect. As an invisible power that offers the limitless temptation of material and intellectual satisfaction furnished without labor, Carwin's biloquism serves as a reminder that all human minds

238 Jeremiah Cronen, 6 December 1790.

239 Rhodia Taylor, 19 February 1791.

and bodies may hold the potential for socially deviant impulses. As Carwin notes in the *Memoirs*: “It cannot be denied that this faculty is wonderful and rare, but when we consider the possible modifications of muscular motion, how few of these are usually exerted, how imperfectly they are subjected to the will, and yet that the will is capable of being rendered unlimited and absolute, will not our wonder cease?” (*Memoirs*, 252-53)

As both *Wieland* and the Daily Occurrence Dockets show through their vastly different engagements with vagrancy, textual representation bears a tenuous connection to the concept of vagrancy. The "vagrant" is a juridical category constituted through a set of interlocking reading practices, not a name that indexes a known and traceable identity, subject position, class, or kind of person. Thus, attention to vagrancy as it traverses juridical and literary texts allows us to augment and complicate an important strand of early American literary scholarship that, building on the foundational work of Cathy Davidson, dwells on the exclusions that underpin both political and literary representation in the early republic.²⁴⁰ While it is tempting to look to literary representation for a view of those rendered invisible by early republican political discourse, *Wieland* reminds us that the desire for such a view may in fact require that one use the technologies of surveillance that constitute the "vagrant" as one to be represented in great detail— but to aid in their apprehension and potential arrest. By rendering vagrancy the locus of unknowable terror, the novel draws its affective power from the uncanny ability of

240 Cathy Davidson, *Revolution and the Word: The Rise of the Novel in America* (Oxford: Oxford University Press, 1986). Davidson's influence is too wide-ranging to catalogue completely here, but works centrally informed by her perspective include Cynthia Jordan, *Second Stories: The Politics of Language, Form, and Gender in Early American Fictions* (Chapel Hill: UNC Press, 1989); Julia Stern, *The Plight of Feeling: Sympathy and Dissent in the Early American Novel* (Chicago: University of Chicago Press, 1997); and Carroll Smith-Rosenberg, *This Violent Empire: The Birth of an American National Identity* (Chapel Hill: UNC Press for the Omohundro Institute of Early American History and Culture, 2010).

Carwin to inhabit an impossible identity. Vagrancy, as theorized by the law, is antithetical to personhood, and *Wieland* terrifies by making vagrancy and personhood narratively coexist.

Racialized Space and American Whiteness

In her description of early American romance as the exploration of "the terror of human freedom," Toni Morrison characterizes the affective appurtenances of the genre for its presumed audience, as it "offered platforms for moralizing and fabulation, and for the imaginative entertainment of violence, sublime incredibility, and terror—and terror's most significant, overweening ingredient: darkness, with all the connotative value it awakened."²⁴¹ But while, as she argues, whiteness understands itself through its meditations on its others, the result is not a coherent and domesticated white self that is free from the terrors it associates with darkness: "If we follow through on the self-reflexive nature of these encounters with Africanism, it falls clear: images of blackness can be evil *and* protective, rebellious *and* forgiving, fearful *and* desirable—all of the self-contradictory features of the self. Whiteness, alone, is mute, meaningless, unfathomable, pointless, frozen, veiled, curtained, dreaded, senseless, implacable. Or so our writers seem to say."²⁴² Whiteness, the condition that promises (though, of course, does not always deliver) security, power, knowledge, and certainty, becomes an imaginative locus of this promise's very opposite.

A linked reversal is in evidence in Andy Doolen's recent cultural history of early

241 Toni Morrison, *Playing in the Dark: Whiteness and the American Literary Imagination* (Cambridge: Harvard University Press, 1992), 37.

242 *Ibid.*, 59.

American imperialism, as he uses the genre of gothic horror and the vocabulary of fugitivity to discuss whiteness:

I want to bring a differently elusive figure into focus, a white one, a fugitive imperial state that escapes from early American cultural studies and evades scrutiny. Like the more familiar African-American ghost, the fugitive state also haunts, also embodies slavery's tragic past, but it still appears invisible to historical analysis and retains the source of its power. I describe this force as 'fugitive' because it constitutes an imperial power that, if we heed republican ideology, supposedly does not exist in early America.²⁴³

In order to invoke a powerful and terrifying force that is hidden from knowledge and representation (past and present), Doolen knits together the language of gothic horror and the official discourse of untrackable bodies; the imperial state is a white "fugitive" that "haunts." To describe the force of the imperial state across time and space, Doolen uses the language that describes, invokes, tracks, and fantasizes about its constitutive outsides: its racialized fugitives, others, and vagrants. It is precisely this rhetorical linkage that I trace through Brown's dual invocation of vagrancy and whiteness. Through this persistent trope, the immensely powerful, yet epistemologically unstable category of American whiteness is invoked through the simultaneous identification with and disavowal of racialized images of vagrancy.

Early modern English vagrancy laws were already intertwined with this racialization of space, particularly in their specific criminalization of "Gypsies" and, implicitly, in their use of settler colonialism as a resource for housing vagrants. In the American colonies, vagrancy law became a resource for generating an intensely racialized, yet conceptually flexible, field of visible and juridically managed spatial

²⁴³ Andy Doolen, *Fugitive Empire Locating Early American Imperialism* (Minneapolis: University of Minnesota Press, 2005), xxi.

relations. Even though many eighteenth-century vagrancy laws name specific racial groups among their targets, they remain open and flexible to the policing of additional groups as dictated by perceived necessity. Thus the same laws targeted, for example, white squatters on Native land *and* the Native inhabitants of that land.²⁴⁴ The ability of vagrancy law and policy to both curtail *and* enforce mobility served the complex racial calculus of colonial governance. For example, Oglethorpe further justifies the importation of English poor to Georgia in order to manage the multiple axes of alliance, hostility, and domination that characterized the racial space of the colonies: "The District intended for a new Colony whilst it lyes uninhabited will facilitate the Invasions of the Indians upon South Carolina. But a number of Towns established along the Rivers Savanah and Altamaha would prevent any future Massacre and make a stronger Barrier to the present Settlement and keep the Negroe Slaves of South Carolina in awe who are now so numerous as to be dreadful even to their Masters."²⁴⁵

Charles Mills characterizes the racialization of space in terms strikingly resonant with vagrancy laws: "the nonwhite body is a moving bubble of wilderness in white political space, a node of discontinuity which is necessarily in permanent tension with it."²⁴⁶ And so even though, of course, white people are also arrested for vagrancy, vagrancy law could be thought of as classifying some people as "incarnating wildness" and marking them for enclosure, while simultaneously interlocking with a racial ideology that a priori classifies the nonwhite in similar terms. According to Mills's account of

244 See, for example, Kevin Kenny, *Peacable Kingdom Lost: The Paxton Boys and the Destruction of William Penn's Holy Experiment* (New York: Oxford University Press, 2009), 30-51.

245 James Oglethorpe, *Some Account of the Design of the Trustees for establishing Colonys in America* [1730-31], ed. Rodney M. Baine and Phinazy Spalding (Athens: UGA Press, 1990), 23.

246 Charles W. Mills, *The Racial Contract* (Ithaca: Cornell University Press, 1997), 53.

Lockean social contract theory, the state of nature is both philosophically hypothetical *and* an actually existing state. The distinction is racial: "nonwhites" are seen as "*carrying the state of nature around with them*," incarnating wildness and wilderness in their person. In effect, they can be regarded even in civil society as being potentially at the center of a mobile free-fire zone in which citizen-to-citizen/white-on-white moral and juridical restraints do not obtain."²⁴⁷ The "nonwhite" body, in this account, becomes a metonym for what human will, power, and violence might do outside the limits imposed by civil society. The actual effect of this imaginative operation, however, is to disperse potentially unlimited sovereign power throughout the *white* citizenry, as they are authorized to prevent existential "threats" to civil society and are not bound to civil society's constraints on violence or will when dealing with these mobile states of nature.²⁴⁸ By imagining racialized bodies as "incarnating wildness and wilderness," Mills argues, Lockean contract theory and its many legacies render wilderness a resource for white fantasy—a fantasy in which bodies metonymic for wilderness are threatening, but (because of their very capacity for threat) are simultaneously natural resources for white sovereignty.

By locating Carwin's origins in the frontier wilderness, Charles Brockden Brown draws on this structure of fantasy. He positions Carwin as a white man with a claim to the frontier, and yet his position as a vagrant renders the legitimacy of this claim questionable. In Brown's *Memoirs of Carwin the Biloquist* (1803-5), an unfinished

²⁴⁷ Ibid., 87, emphasis in original.

²⁴⁸ See, for example, Bryan Wagner's discussion of early twentieth-century justifications for lynching, including the invocation of black vagrancy as a sign of potentially limitless threat (*Disturbing The Peace*, 141).

fragment published in installments in his *Literary Magazine*, questions of racialized mobility surface much more explicitly than in *Wieland*. *Memoirs* takes up Carwin's aspiration, in *Wieland*, to retreat to the backwoods and compose a memoir of his life. Most, if not all, of the *Memoirs* were composed in 1798, concurrently with *Wieland*, and the Advertisement to *Wieland* notes the existence of this text, whose future publication (Brown asserts) is conditional on the novel's success.²⁴⁹ In a sense, the *Memoirs* attempt to "give an account" of Carwin. Yet this account fails to reveal Carwin's wayward interiority once and for all. The causality animating his actions is further displaced—first onto the American landscape, and later onto a mysterious international conspiracy, whose intentions and scope are never revealed before the incomplete story abruptly breaks off.

In the *Memoirs*, Brown narrates the story of Carwin's early life and the means through which he acquires his extraordinary powers. Carwin's embrace of the "fleeting and mutable" impulses that spur radical changes in appearance, social identity, and location are ultimately rooted in the refusal of labor and an attraction to pleasures and motivations that, in the language of eighteenth-century vagrancy law, fall under the category of "idleness." Carwin contrasts his character with that of his brother, who is utterly content in his station:

My eldest brother seemed fitted by nature for the employment for which he was destined. His wishes never led him astray from the hay-stack and the furrow. His ideas never ranged beyond the sphere of his vision, or suggested the possibility that to-morrow could differ from to-day. He could read and write, because he had no alternative between learning the lesson prescribed to him, and punishment. He was diligent, as long as fear urged him forward, but his exertions ceased with the cessation of this motive. The limits of his acquirements consisted in signing his name, and spelling out a chapter in the bible.

²⁴⁹ For the composition and publication history of the *Memoirs*, see Sidney J. Krause and S. W. Reid, "Introduction" to Krause and Reid (eds), *Wieland*, x-xi.

My character was the reverse of his. My thirst of knowledge was augmented in proportion as it was supplied with gratification. The more I heard or read, the more restless and unconquerable my curiosity became. My senses were perpetually alive to novelty, my fancy teemed with visions of the future, and my attention fastened upon every thing mysterious or unknown. (*Memoirs*, 247)

Carwin's capacity for desire, he explains, renders him unable to tolerate a life of agricultural labor. While his brother is animated only as necessity dictates and no more, Carwin is driven by a curiosity that demands constant novelty, is never satisfied, and utterly opposes the repetitive routine dictated by the demands of labor: "I hated manual labour, or any task of which the object was gain. To be guided in my choice of occupations by any motive but the pleasure which the occupation was qualified to produce, was intolerable to my proud, indolent, and restive temper" (*Memoirs*, 262).

Brown here further expands *Wieland's* characterization of the vagrant as a distinct kind of person whose visible difference indexes a deeper, invisible, interior perversion of normative animation toward labor.

In the *Memoirs*, however, Carwin's enterprising restlessness does not register entirely negatively. While an interior disposition that cannot tolerate labor would mark Carwin, in the language of vagrancy law, as dangerously criminal, a drain on resources, and an obstruction to the life of capitalism, the *Memoirs* also link Carwin's desires to the far more positively valued image of the rugged frontiersman, whose unfettered mobility signals a new and distinctively American form of whiteness.²⁵⁰ Carwin first acquires his powers in the frontier, through the assimilation of American landscapes and people. As he follows a lost cow into the wilderness bordering his family farm in western

250 The classic work on this is Richard Slotkin, *Regeneration Through Violence: The Mythology of the American Frontier, 1600-1860* (Middletown: Wesleyan University Press, 1973).

Pennsylvania, a young Carwin finds himself falling prey to “a defect common in everyone’s education,” namely the fear of “goblins and spectres” as invoked by his dark and wild surroundings (*Memoirs*, 250). To distract himself from these fears, he amuses himself with his own vocal capacities: “I uttered the words which chanced to occur to me, and repeated in the shrill tones of a Mohock savage ... ‘Cow! 'Cow! cow! come home! home!’” (*Memoirs*, 250). David Kazanjian connects this moment, with its invocation of the “Mohock savage,” to Brown’s larger agenda for American literature as famously articulated in the Advertisement to *Edgar Huntly*.²⁵¹ Here, Brown distinguishes the representational resources of Europe from “the sources of amusement to the fancy and instruction to the heart, that are peculiar to ourselves” and claims the specificity of American representation as a unique feature of his work:

One merit the writer may at least claim; that of calling forth the passions and engaging the sympathy of the reader, by means hitherto unemployed by preceding authors. Puerile superstition and exploded manners; Gothic castles and chimeras, are the materials usually employed for this end. The incidents of Indian hostility, and the perils of the western wilderness, are far more suitable; and for a native of America to overlook those, would admit of no apology.²⁵²

In the *Memoirs*, Carwin similarly supplants European gothic with the American landscape as he relieves his fears of “goblins and spectres” with the imitation of “the shrill tones of a Mohock savage.” For Kazanjian, this moment is foundational to Brown’s own narrative of American literature and his place in it, as he “labors to produce a narrative of the ‘natural’ emergence of American literature, a narrative that replaces the violent history of white settler colonialism with an aesthetic call to incorporate scenes of

251 David Kazanjian, "Charles Brockden Brown's Biloquial Nation: National Culture and White Settler Colonialism in *Memoirs of Carwin the Biloquist*," *American Literature* 73.3 (2001): 460.

252 Charles Brockden Brown, *Edgar Huntly, Or, Memoirs of a Sleep-Walker* [1799] ed. Norman S. Grabo (New York: Penguin, 1988), 3.

‘wild’ America into tales of white colonial life.”²⁵³ This aesthetic assimilation—epitomized in the Advertisement to *Edgar Huntly*—echoed policies of economic and legal assimilation and rendered these processes central to the formation of a new (white) “American” identity.²⁵⁴ The economic, social, and physical mobility Carwin accesses through his biloquism thus uneasily straddles two irreconcilable, yet uncannily overlapping categories: the opaque, unpredictable, and untrackable vagrant and the irrepressible, unconstrained white American man, whose mobility through the wilderness is rendered metonymic for a distinctly American kind of freedom—exactly the kind of freedom later extolled by Thoreau.

To become “Carwin the Biloquist,” Carwin absorbs and ventriloquizes an effect that seems to emerge organically from both the American landscape and its indigenous inhabitants, then practices his mastery and control of this effect until he can produce it on command. In *Wieland*, Carwin tells Clara that he can “mimic exactly the voice of another, and ... modify the sound so that it shall appear to come from what quarter and be uttered at what distance I please” (225). Carwin’s biloquism, once perfected, is detached from the specificities of place and racialized distinction that characterized its emergence; he can mimic any voice and thus does not necessarily sound like a “Mohock savage,” and his voice can appear to come from anywhere, not just the frontier landscape where he first understood the possibility of this power. Indeed, *Wieland* registers no trace of his power's racialized origins; this narrative is relegated to the belated, supplementary account of the *Memoirs*. In the novel, Carwin attains unmarked invisibility through the

253 Kazanjian, "Biloquial Nation," 460.

254 *Ibid.*, 461.

use of a power whose source is also stripped by the narrative of any specific point of origin.

Carwin's ability to incorporate racialized difference into himself (thus obscuring its origins) is just one instance of the broader paradox that Étienne Balibar identifies as the legacy of the Enlightenment, which proposes "variants of the idea that historical cultures of humanity can be divided into two main groups, the one assumed to be universalistic and progressive, the other supposed irremediably particularistic and primitive."²⁵⁵ Whiteness comes to stand for an exceptional universalism, a particularized ability to transcend racial particularity. White writers in the new republic face a further challenge in seeking to maintain the claims of whiteness to universalist humanity while asserting the newly national particularity of *American* whiteness.

In 1751, for example, Benjamin Franklin sees no need to draw distinctions between European and American whiteness; he describes white Americans as "*English Souls in North-America*," praising American colonization for its ability to increase the population of "Englishmen" on both sides of the Atlantic.²⁵⁶ Englishness is the epitome of whiteness, and so a transatlantic Englishness forms a transatlantic nation of white people:

...the Number of purely white People in the World is proportionably very small. All *Africa* is black or tawny. *Asia* chiefly tawny. *America* (exclusive of the new Comers) wholly so. And in *Europe*, the *Spaniards*, *Italians*, *French*, *Russians* and *Swedes*, are generally of what we call a swarthy Complexion; as are the *Germans* also, the *Saxons* only excepted, who with the *English*, make the principal Body of White People on the Face of the Earth.²⁵⁷

255 Étienne Balibar, "Is There a 'Neo-Racism'?" in Balibar and Immanuel Wallerstein, *Race, Nation, Class: Ambiguous Identities* tr. Chris Turner (London: Verso, 1991), 25.

256 Benjamin Franklin, *Observations concerning the Increase of Mankind, Peopling of Countries, &c* [1751] in William Clarke, *Observations On the late and present Conduct of the French, with Regard to their Encroachments upon the British Colonies in North America* (Boston: S. Kneeland, 1755), 12.

257 *Ibid.*, 14.

Once the ideological consolidation of American whiteness acquires a national character, however, defining "white" as synonymous with "English" is no longer desirable.

As whiteness became increasingly important as a marker of U.S. citizenship and belonging, many early American writers sought to articulate precisely what made American whiteness distinct.²⁵⁸ At the same time, these writers faced the danger that introducing difference between white Americans and Europeans might diminish American claims to whiteness. Climate theories of race, dominant in the seventeenth and early eighteenth centuries, persisted into the late eighteenth century, feeding fears that Europeans in the colonies would become less "white" in both complexion and disposition because of the influence of climate.²⁵⁹ How might white citizens of the new republic define themselves in opposition to Europe without losing the distinction of whiteness that was so often synonymous with "European?" Thomas Jefferson, in his *Notes on the State of Virginia* (1787), famously attempts to assert differences between white Americans and Europeans while asserting that these differences ought in no way to imply that white Americans occupy a different place than Europeans in the hierarchy of racial classification. For Jefferson and other theorists of race, the solution is to figure whiteness as a privileged site of potential, adaptation, and change. This mutability does not necessarily threaten the particularity of whiteness. Rather, it reinforces it by distinguishing the white potential to assimilate the best effects of the American landscape

258 See, for example, Jared Gardner, *Master Plots: Race and the Founding of an American Literature, 1787-1845* (Baltimore: Johns Hopkins UP, 1998), xi; Cheryl Harris, "Whiteness as Property," *Harvard Law Review* 106.8 (1993): 1744; and Nelson, *National Manhood*, 7.

259 For a detailed overview of climate theories of race, see Roxann Wheeler, *The Complexion of Race: Categories of Difference in Eighteenth-Century British Culture* (Philadelphia: University of Pennsylvania Press, 2000), 1-49.

and climate from the stasis attributed to racialized others.

Jefferson's attempt to refute French naturalist Buffon's assertion of the diminutive effects of the American climate on plants, animals, and humans is part of a much larger debate, in which climate theory provided a platform for referenda on the viability and moral validity of American colonization and, by extension, the very existence of the United States.²⁶⁰ Paradoxically, Jefferson's defense of American whiteness—and implicitly, of persistent racial particularity—against the threat of climatological degeneration enlists a rhetorical identification between whites and Indians. If Indians can be defended against Buffon's claims about the effects of the American climate on them, then this translates to a defense of white Americans against any imputation that the climate might effect them similarly. This specific and limited identification momentarily exceeds, but does not override, Jefferson's ongoing insistence on white racial particularity:

I do not mean to deny, that there are varieties in the race of man, distinguished by their powers both of body and mind. I believe there are... I only mean to suggest a doubt, whether the bulk and faculties of animals depend on the side of the Atlantic on which their food happens to grow, or which furnishes the elements of which they are compounded? Whether nature has enlisted herself a Cis or Trans-Atlantic partisan?²⁶¹

Here, attributes racially marked as “Indian” are selectively absorbed into American whiteness, but the benefits of any positive valuation of these traits are reserved for whites. In both Jefferson and Brown, whiteness is most visible as a potential for adaptation and mutability—a form of adaptation that *augments* the powers already

260 Bruce Dain, *Hideous Monster of the Mind: American Race Theory in the Early Republic* (Cambridge: Harvard University Press, 2002), 18.

261 Thomas Jefferson, *Notes on the State of Virginia* [1787], ed. William Peden (Chapel Hill: University of North Carolina Press, 1955), 63.

associated with whiteness without endangering its particularity.

Meanwhile, Samuel Stanhope Smith, who Bruce Dain characterizes as "the early republic's major race theorist," advocates a generally climatological theory of race, but nonetheless seeks to refute any implication that the American climate and landscape are hostile to the preservation of whiteness.²⁶² Smith, in his *Essay on the Causes of the Variety of Complexion and Figure in the Human Species* (1787), reveals the conceptual complexity of American whiteness as he attempts to explain and codify the racial distinctiveness of white Americans. White Americans, Smith argues, are already showing the effects of climate in their complexions: "A certain countenance of paleness and softness strikes a traveller from Britain the moment he arrives upon our shore. A degree of sallowness is visible to him, which, through familiarity, or the want of a general standard of comparison, hardly attracts our observation."²⁶³ Of the white inhabitants of America, he goes on to remark: "...if they were thrown, like the native Indians, into a savage state, they would be perfectly marked, in time, with the same colour. Not only their complexion, but their whole constitution, seems to be changed."²⁶⁴ There is no biological guarantee, for Smith, that white Americans will remain white. Their future whiteness is assured only in the maintenance of "civilization," which protects the body and mind from the influence of climate that marks other racialized bodies; in a footnote to his assertion that whites could come to physically resemble Indians, he asserts that "the Anglo-Americans, however, will never resemble the native Indians. Civilization will

262 Dain, 25.

263 Samuel Stanhope Smith, *Essay on the Causes of the Variety of Complexion and Figure in the Human Species* [1787], in *Concepts of Race in the Eighteenth Century*, ed. Robert Bernasconi, vol. 6 (Bristol: Thoemmes, 2001), 37.

264 *Ibid.*, 39.

prevent so great a degeneracy either in the colour and the features.”²⁶⁵ By reaching a sufficient level of “civilization,” Smith argues, whites keep their bodies unmarked by the differentiating effects of climate: “The causes of colour are *active* in their operation, and speedily make a deep impression. White is the ground on which this operation is received. And a white skin is to be preserved only by protecting it from the action of these causes.”²⁶⁶

"Indians" are thus characterized as unchanging, while whiteness is a blank, unmarked, endlessly potent ground for adaptation and change. This mutable whiteness, however, resists the kind of change Smith characterizes as degeneration. Whiteness, for Smith, is not phenotypically immutable or guaranteed to persist, but it does have an essentially immutable character: "The Anglo-Americans," he asserts, "will never resemble the native Indians" not because white *bodies* will always remain white, but because an interior disposition toward "civilization" will drive the "Anglo-Americans" to live in such a way as to preserve the whiteness of their skin. Thus minor difference between the complexions of white Americans and Europeans need not index that they occupy different stations on a racial/civilizational hierarchy.

Just as whiteness is a lack, an empty ground against which human difference is marked, it is also *potential*, marked by its capacity for variety: “The infinite variety of ideas and emotions in civilized society, will give every class of citizens some distinguishing expression, according to their habits and occupations; and will bestow on each individual some singular and personal traits, according to his genius, education, or

265 Ibid., 42.

266 Ibid., 94.

pursuits.”²⁶⁷ According to Smith, “savages” do not display such variation, as they all bear the uniform, racializing mark of climate.²⁶⁸ Whiteness is thus indexed by complexion, but is characterized as a metaphysical *je ne sais quoi* that exceeds physical distinction. For example, when Benjamin Rush, speaking before the American Philosophical Society in 1792, argues that blackness is caused by leprosy, he identifies whiteness as the unmarked state of health, rendering variation from this norm a sign of pathology. He begins his address by praising Smith and offers his own argument as an expansion of Smith's central premise.²⁶⁹ Blackness, for Rush, is a disease exacerbated by climate and environment; he argues that “unwholesome diet ... combined with greater heat, more savage manners, and bilious fevers, probably produced this disease in the skin among natives of Africa.”²⁷⁰ But interestingly, cases of albinism noted in a travel narrative of Africa also become evidence for Rush's theory about the pathology of blackness. While blackness, for Rush, is pathological, whiteness exhibited by Africans is *also* a sign of pathology, because the neutral, “healthy” humanity epitomized by whiteness is not reducible to white skin alone. Rush quotes a description of albinism to prove this point: “Their skin is white, but has not that animated appearance so perceptible in Europeans. It has a dull deathlike whitish cast that conveys an idea more of sickness than of health.”²⁷¹ Thus no whiteness that an African might exhibit can be neutral; even if their skin is white, this skin must be pathologized and retain the racialized particularity of Africanness.

267 Ibid., 126.

268 Ibid.

269 Benjamin Rush, “Observations intended to favour a supposition that the Black Color (as it is called) of the Negroes is derived from the LEPROSY,” in *Transactions of the American Philosophical Society*, vol 4 (Philadelphia: Thomas Dobson, 1799), 289.

270 Ibid.

271 Joseph Hawkins, *The History of a Voyage to the Coast of Africa, and Travels to the Interior of that Country* (Philadelphia: S. Custick & Co, 1797), 116; quoted in Rush, 290.

Whiteness is thus a kind of claim to universal humanity that is limited to a group whose boundaries are violently circumscribed, yet epistemologically incoherent. This claim to human potential and universality is indexed by the skin it simultaneously exceeds. If whiteness is metonymic for extraordinary universality, then what is more white than Carwin's voice, which is the result of extraordinary skill and yet is bound by no particularity of physical location, gender, or other marker of identity? Carwin embodies, to an extreme degree, the potential variation associated with whiteness. He can, for example, successfully claim to be both Anglo-American and Spanish—two identities whose distinction in early modern English discourse was heavily racialized, but who, by the eighteenth century, might both claim "whiteness." He can perform a number of different class positions, literalizing Smith's claim that class variation is a mark of "civilization" and thus whiteness. While Smith characterizes this class variation as a mark of civilized societies, Carwin manages to display it in his own person, dramatizing the potential of class variation as a capability of the white body. Finally, his biloquism allows him to occupy a potentially infinite variety of distinct social identities. He convincingly imitates the voices of women; his body transcends markers conventionally understood to be reliable markers of gender. This, once again, elevates him to a kind of universality; he is not just a man, but rather a more general embodiment of *man*, as the category that includes (while also subsuming) women.

Carwin's assimilation of the voice of the "Mohock savage" also echoes Jefferson's rhetorical assimilation of "Indians" into a description that challenges the primary association of whiteness with Europe. In order to dispute Buffon's claims about the

effects of the American climate, Jefferson presents an alternative characterization of "Indians:" "I am able to say, in contradiction to this representation, that he is neither more defective in ardor, nor more impotent with his female, than the white reduced to the same diet and exercise: that he is brave, when an enterprize depends on bravery..."²⁷² When Jefferson defends the masculine valor and potency of the "Indian," he performs an aesthetic assimilation reminiscent of those in *Edgar Huntly* and the *Memoirs*: the potency and valor of the "Indian" signals the potential of America to nurture *white* manhood.²⁷³ In the *Memoirs*, Carwin's momentary rhetorical identification with the "Mohock savage" draws on imaginative connections between "Indianness" and mobility, freedom, and American wilderness, but renders the white body the ultimate beneficiary of these connections. It is in the white body that these attributes reach their most powerful, unmarked, limitless, and highest form.

This revaluation of the American landscape and climate's effects on the white body, routed rhetorically through the symbolic assimilation of "Indianness" into American whiteness, achieves its full elaboration in Thoreau's "Walking," the essay quoted by Justice Douglas in the *Papachristou* ruling. Far into the nineteenth century, Thoreau still directly takes on Buffon, citing and refuting his claim by arguing that that nature is bigger, not smaller, in the west.²⁷⁴ Indeed, the American climate will perfect, not endanger whiteness: "For I believe that climate does thus react on man, —as there is

272 Jefferson, Notes on the State of Virginia, 59.

273 As Dana Nelson argues, Jefferson was not alone in this rhetorical move: "'Manliness of character,' as imagined community between manly Indians and manly Americans, could ... restructure U.S. manhood as a dominating enterprise, under the auspices of civilization," as the "imagined 'occupation' of Indian identity could provide access to consolidating a national identity simultaneously white and manly." (*National Manhood*, 87-88)

274 Thoreau, "Walking," 181.

something in the mountain-air that feeds the spirit and inspires. Will not man grow to greater perfection intellectually as well as physically under these influences?"²⁷⁵ Thoreau, like the earlier writers in whose tradition he follows, links this perfectability to the capacity of whiteness to change its character. He praises the darker complexion that results from time spent outdoors: "A tanned skin is something more than respectable, and perhaps olive is a fitter color than white for a man, —a denizen of the woods. 'The pale white man!' I do not wonder that the African pitied him."²⁷⁶ However, this revaluation of tanned skin does not work to revalue whiteness relative to other racialized categories; rather, it replaces pale skin with mobility, energy, and the capacity for transformation as the ultimate signifier of whiteness. Just as in the *Memoirs*, whiteness is paradoxically secured through the rhetorical assimilation of racialized characteristics: "The Hottentots eagerly devour the marrow of the koodoo and other antelopes raw, as a matter of course. Some of our Northern Indians eat raw the marrow of the Arctic reindeer... Give me a wildness whose glance no civilization can endure, —as if we lived on the marrow of koodoos devoured raw."²⁷⁷ Thoreau invokes "Hottentots" and "Northern Indians" as words and images whose proximity grants a modicum of respectable savagery to those who speak and hear them—provided they are not actually "Hottentots" or "Northern Indians" themselves. Mobility in the wilderness, according to Thoreau, grants whiteness a metaphysical transformation: it allows whites to glean "wildness" from the racialized consumption of raw koodoos without having to ingest anything at all. Instead, the wilderness grants the benefits of this consumption, transferred noncorporeally through

275 Ibid., 182-83.

276 Ibid., 187.

277 Ibid., 186.

the rhetorical proximity incited through Thoreau's "as if." The rhetorical assimilation of broadly racialized "wildness" into white bodies is made possible through the literal displacement of Native Americans and the transfer of land to white occupation and ownership: "I think that the farmer displaces the Indian even because he redeems the meadow, and so makes himself stronger and in some respects more natural."²⁷⁸

This connection between mobility, assimilated "Indianness," and American whiteness is perhaps most spectacularly visible in Thoreau, but its roots were already firmly established in Charles Brockden Brown's lifetime. In his post-revolutionary 1786 revision of *The Rising Glory of America*, Philip Freneau attempts to transform the "vagrant" mobility of Native Americans into the enterprising, commercial, and free mobility of white Americans while maintaining the racial distinction between the two groups.²⁷⁹ As three figures engage in a performatively pedagogical discourse about the place of America in the civilizational history of the world, one of the figures, Eugenio, interrupts an account of colonial history with a question:

But whence arose
That vagrant race who love the shady vale,
And choose the forest for their dark abode?—
For long has this perplexed the sages skill
To investigate. (25-29)

Freneau's engagement with vagrancy here differs significantly from Brown's; while Brown uses the figure of Carwin to theorize the legal and conceptual limits of vagrancy,

²⁷⁸ Ibid., 192.

²⁷⁹ Philip Freneau, "The Rising Glory of America" in *The Poems of Philip Freneau: Written Chiefly During the Late War* (Philadelphia: Francis Bailey, 1786), ln. 26. This was a substantially revised version of the original *Rising Glory of America*, which Freneau wrote collaboratively with Hugh Henry Brackenridge and which was read at the 1771 commencement at Princeton University. All following citations are from the 1786 edition.

Freneau simply uses "vagrant" as a poetic term for people who wander or do not live in a way broadly recognized as "settled." But the geographical mobility of the "vagrant race," for Freneau, nonetheless offers an important theoretical resource for his poem's understanding of whiteness. The mobility first invoked here by the epithet of "vagrant race" is in fact central to the poem's nationalist project. By assimilating the racialized particularity of (imagined) Native American mobility, Freneau makes an American national claim for a locodescriptive poetic tradition in which, as Julie Ellison argues, "the nation is not fixed in place or time, according to this aesthetic, but is deterritorialized and constructed as a series of nonconsecutive vignettes. The nation becomes stylistically available through spatial or temporal fluidity, an unceasing tour with several talkative guides."²⁸⁰

The prospect afforded by contemplation of the "vagrant race" leads to a history of the world as seen from a uniquely American vantage point. Eugenio attempts to answer his own question by speculating that "banish'd Jews, Siberians, Tartars wild" (56) might have come over a land bridge across Greenland, which leads him, in turn, to imagine a history that predates the Atlantic itself:

...Bermuda's isles,
Cape Verd, Canary, Britain, and the Azores,
With fam'd Hibernia, are but broken parts
Of some prodigious waste, which once sustain'd
Nations and tribes of vanish'd memory,
Forests, and towns, and beasts of every class
Where navies now explore their briny way. (76-82)

This passage names Britain as just one in a series of fragmentary, peripheral islands—in the same class as Ireland and Cape Verde—that persists as a remnant of a vanished

²⁸⁰ Ellison, *Cato's Tears*, 147.

supercontinent. Not only does this disrupt climate theories that rely on the assumption that America and Europe are drastically separate places with separate natural histories, it also proposes a form of racial distinction based more on degree of mobility than on geographical location or origin. Native Americans can be classed with Jews, Siberians, and Tartars as members of a geographically non-particular "vagrant race." And, of course, while it imagines commonality between both sides of the Atlantic, it simultaneously "provincializes" Britain by placing it on par, world-historically and geologically, with its own colonial holdings.

The response of another speaker, Leander, dismisses some of Eugenio's more colorful speculations:

Your sophistry, Eugenio, makes me smile:
 The roving mind of man delights to dwell
 On hidden things merely because they're hid:
 He thinks his knowledge far beyond the all limit,
 And boldly fathoms nature's darkest haunts—
 But for uncertainties, your broken isles,
 Your northern Tartars, and your wandering Jews,
 (The flimsy cobwebs of a sophist's brain)... (83-90)

Leander places the "vagrant race" back into geographical fixity by asserting that while their exact origin is unknown, they must nonetheless be absolutely distinct from Europeans and absolutely rooted in America:

This indicates they were a different race;
 From whom descended 'tis not ours to say—
 That power, no doubt, who furnish'd trees, and plants,
 And animals, to this vast continent,
 Spoke into being man among the rest
 But what a change is here! What arts arise!
 What towns and capitals! (130-37)

On the surface, this is a simple repudiation of any possible common ancestry between the

civilized, settled Anglo-Americans and the "vagrant race." While Leander dismisses Eugenio's speculations of a primordial Euroamerican continent, he attributes his curiosity about Native American origins to a basic mark of universal humanity: "The roving mind of man delights to dwell / On hidden things merely because they're hid" (84-85). While civilized (i.e. white) Americans are definitively *not* of the "vagrant race" (after all, their arrival is marked by the transformation of wilderness into "towns and capitals"), they are distinguished by the curiosity of their "roving mind." Their proximity to Native Americans, Leander attempts to insist, does not threaten white Americans with the possibility that they might be or become racially similar. Rather, this proximity offers white Americans a chance to shore up both their American particularity *and* their civilized whiteness through the availability of Native Americans as objects of contemplation. For Leander, this is a clear and untroubling distinction. But nonetheless, the mobility attributed to the "vagrant race" is still incorporated into the settledness of civilized white Americans, in the form of the metaphorical mobility indexed by Eugenio's "roving mind."

Natural scientist Benjamin Smith Barton elaborates this link between civilizational advancement and the claim to knowledge. For Barton, the contemplation of Native American history by white Americans offers general reflections on the history of the world and the nature of civilization. To be civilized, he asserts, is to contemplate the uncivilized; to be savage is to be contemplated:

Natural History, which opens the door to so much precious knowledge concerning mankind, teaches us, that the physical differences between nations are but inconsiderable, and history informs us, that civilization has been constantly preceded by barbarity and rudeness. It teaches us, a mortifying truth, that nations

may relapse into rudeness again; all their proud monuments crumbled into dust, and themselves, now savages, subjects of contemplation among civilized nations and philosophers.²⁸¹

Thomas Jefferson, to whom Barton dedicates this text, incorporates proximity to Native Americans and their artifacts into his notion of what comprises an "enlightened" inquiry into their nature (and into human nature more broadly); introducing his refutation of Buffon, he asserts: "This belief is founded on what I have seen of man, white, red, and black, and what has been written of him by authors, enlightened themselves, and writing amidst an enlightened people. The Indian of North America being more within our reach, I can speak of him somewhat from my own knowledge, but more from the information of others better acquainted with him, and on whose truth and judgment I can rely."²⁸² By contemplating the "vagrant race," Barton and Jefferson assert, one can exercise one's "roving mind," detaching mobility from its racialized associations and transforming it into a feature of civilized whiteness.

In Freneau's narrative of civilizational progress, commercial development is linked to settled whiteness, even as it simultaneously relies on the incorporation of "savage" mobility into that whiteness. For example, Acasto's praise of commerce collapses into an opposition of enterprising mobility and agricultural fixity—one that veers unsettlingly close to Carwin's rejection of agricultural labor as unfulfilling to his desire for novelty and stimulation:

Such are the visions of the rustic reign—
But this alone, the fountain of support,
Would scarce employ the varying mind of man;

281 Benjamin Smith Barton, *New Views on the Origin of the Tribes and Nations of America* (Philadelphia: John Bioren, 1797), v.

282 Jefferson, *Notes*, 59.

Each seeks employ, and each a different way:
 Strip Commerce of her sail, and men once more
 Would be converted into savages—" (282-87)

Here, the division of labor and the expansion of commerce are the inevitable outcomes of desires that animate the "varying mind of man." While this statement initially positions such a desire as a universal human trait, this capacity for variation and change is, like the "roving mind of man" evoked above, in fact characterized as a property of whiteness. After all, it is the denial of opportunity for commerce, Acasto goes on to state, that causes men to degenerate into "savages." Enterprising mobility, dissatisfaction with geographically fixed and repetitive agricultural labor, and the desire for endless self-transformation—these characteristics mark, for Freneau, the extraordinary promise of white manhood as it becomes the vehicle for the "rising glory of America." And yet these same characteristics, in *Wieland*, render Carwin a figure not of national progress and glory, but of uncontainable and unknown threat with the power to destroy the nation from within. This instability, I want to suggest, results from the characterization of American whiteness as a category that draws its meaning not from a set of positive characteristics, but from its supposed capacity for adaptation, change, and privileged relationship to a "savage" landscape. Freneau attempts to resolve this instability by yoking this capacity for change to a vision of national civilizational progress. For Brown, however, this instability allows American whiteness to (narratively) unravel, as Carwin's story suggests that there's no way to know that white Americans aren't the real "vagrant race."

In his reading of *Wieland*, Christopher Looby argues that Carwin disrupts an already unstable social world dependent upon personal recognition, intelligibility, and

identification: "The one true world which is a requisite condition for social life finds one of its necessary conditions in our ability to distinguish among voices, assign voices to bodies, and locate voices in space and time."²⁸³ I wish to nuance this claim. The social world relies on tracking bodies and voices through space, but it also relies equally on shifting categorical distinctions between bodies and voices that must be tracked and those that must *not* be. The promise of whiteness is untrackability, the experience of being the unseen center of the gaze—even though it does not always deliver on its promise. While, in legal discourse, this prerogative of propertied white manhood works in opposition to the illegitimate invisibility and mobility marked as "vagrancy," Brown unites these two socially antithetical invocations of invisibility, limitlessness, mobility, and power in the figure of Carwin.

Wieland has often been read for what it represents: the Alien and Sedition Acts, peasant insurrection, the failure of law to found a stable political collectivity.²⁸⁴ But in the case of vagrancy, rather than *represent* a legal category or social problem—that is, translate the concrete or material into allegory, generalization, or imaginative proxy—Brown takes a diffuse legal concept that already circulates as representation and literalizes it. *Wieland* imagines a person who actually *is* a vagrant. But while Brown imagines "the vagrant" as a particular human being, this is in no way a critique of the logic of vagrancy law or a challenge to its enforcement. In fact, to "humanize" the figure

283 Christopher Looby, *Voicing America: Language, Literary Form, and the Origins of the United States* (Chicago: University of Chicago Press, 1998), 166-67.

284 Shirley Samuels, "'Wieland: Alien and Infidel.'" *Early American Literature* 25.1 (1990): 46-66 and Stephen Shapiro, *The Culture and Commerce of the Early American Novel: Reading the Atlantic World-System* (University Park: Penn State University Press, 2008), 211-242; Ed White, "Carwin the Peasant Rebel" in Philip Barnard, Mark L. Kamrath, and Stephen Shapiro (eds) *Revising Charles Brockden Brown: Culture, Politics, and Sexuality in the Early Republic* (Knoxville: University of Tennessee Press, 2004), 41-59; Looby, *Voicing America*, 146-186.

of the vagrant here only makes the category that much more terrifying. It only strengthens claims that vagrancy indexes limitless threat and therefore reinforces the logic of discretionary police power. It allows the reader to, in Bryan Wagner's words, "look straight at the unregulated threat posed by the law's violence but feel at the same time that its target is other people."²⁸⁵ Carwin is not a representation of vagrancy; rather, the use of "vagrancy" as a legal category works insofar as it imagines its targets to be a representation of something like Carwin.

If whiteness is both (as Toni Morrison implies) a metonym for freedom, and (as Cheryl Harris states) "a highly volatile and unstable form of property," then whiteness is imaginatively vulnerable to the conceptual instabilities of terms like freedom, property, and identity.²⁸⁶ In *Wieland*, whiteness is figured through the transcendence of geographical, biological, economic, and political limitation. And yet the possibility that Carwin's power might be unlimited is the ultimate source of terror for those around him; as Clara remarks: "When I think of all the resources with which nature and education have supplied thee; that thy form is a combination of steely fibres and organs of exquisite ductility and boundless compass, actuated by an intelligence gifted with infinite endowments, and comprehending all knowledge, I perceive that my doom is fixed" (114). Brown uses Carwin's vagrancy to fantasize whiteness as a set of "infinite endowments." Of course, the terror attributed to these "endowments" in the novel does nothing to critique the workings of white supremacy; after all, the threat articulated here is not that the preservation of racial hierarchy depends on violence. That fact is barely registered,

²⁸⁵ Wagner, *Disturbing the Peace*, 206.

²⁸⁶ Harris, "Whiteness as Property," 1720.

and even then it is relegated to the ghostly evocation of the "Mohock savage" in the belated, supplementary text of the *Memoirs*. The threat, rather, is that white people might be left unprotected when the promise of whiteness fails.

CHAPTER FOUR

Vagrancy, Slavery, and Emancipation: Obeah at the Limits of Free Labor

In his *Notes on the Present Condition of the Negroes in Jamaica* (1825), Henry De La Beche offers a detailed firsthand account of his apprehension of an unknown stranger on his plantation. The danger posed by the strange man, in De La Beche's view, was not the generalized threat of criminality indexed by the broad category of vagrancy, but rather a more specific threat to plantation governance: the Afro-Caribbean medical and religious practices named "obeah" in colonial law and writing, and criminalized since 1760 as a potential incitement of disorder or rebellion. De La Beche narrates in detail how he identifies the man as a practitioner of obeah:

I once received information that a strange negro was in the habit of frequenting my negro houses for the purpose of practicing Obeah, after a few weeks spent in vain endeavours to secure him, I was one day fortunate enough to do so; upon searching him we found a handkerchief in his hat, containing small pieces of chalk, broken bits of various woods of a certain length, roots of grass, pieces of eel skin, two wings of a bat, two or three pieces of old leather, &c.²⁸⁷

The man himself is not the object of the narrative; De La Beche offers no description of his appearance, character, speech, habits, or activities. Instead, he gives a precise and extensive catalogue of the materials he carries: an assemblage juxtaposing the grotesque and the ordinary, a hodgepodge that acquires its meaning only in the incongruity of its constituent parts. Chalk or wood, on its own, is not inherently suspicious, but it becomes so when placed into proximity with such a disparate collection. The list of objects is so central to De La Beche's identification of the man as an obeah practitioner that he delivers another list, equally colorful, in short succession:

²⁸⁷ Henry T. De La Beche, *Notes on the Present Condition of the Negroes in Jamaica* (London: For T. Cadell, 1825), 29-30.

At the bottom of his breeches pocket, the search of which he violently resisted, we discovered an Oznaburgh bag, containing a round piece of leather, painted different colours, to the rim of which were attached small bags of various sizes, an English sixpence, a gilt button, the gilt handle of a small drawer, with a small string of beads, the little bags contained several singular mixtures, some of which were probably poisons...²⁸⁸

It is these materials that identify the man as a criminal according to the law, as De La Beche notes: "He was (when I left Jamaica) to be tried for having 'materials in his possession notoriously used in the practice of Obeah,' which is punishable under the 53rd clause of the consolidated Slave Act."²⁸⁹ This list also reveals one of the aspects of obeah found most threatening to colonial authority: its ability to flatten distinctions between objects deemed valuable and those deemed worthless in the global economy in which Caribbean sugar circulated. An "English sixpence" and several "gilt" objects are here listed alongside "a small string of beads" and "several singular mixtures;" like the marketplace, this list opens the possibility that any object might be exchanged for any other. But this endless potential for equivalence becomes threatening; an English sixpence can become a tool for spiritual power deployed *against* the very system that seeks to convert the labor of the enslaved into sixpence and gold for the planter. In other words, the list of objects used for obeah here anxiously raises the possibility that obeah uses the logic of capitalism against itself.

These lists are the most striking, consistent feature in British colonial writing about obeah throughout the eighteenth and nineteenth centuries; like De La Beche, authors do not settle on a single sign of obeah or a coherent theory of its function, but rather fall back on the proliferation of objects that signify the practice's seemingly

²⁸⁸ Ibid., 30.

²⁸⁹ Ibid.

unlimited potential to transform any object into an instrument of spiritual and political power. These texts convey a sense of motley assemblage as a sign of obeah practice, but refuse to delineate definitively which objects are sure signs of this practice—as such a delineation would also imply that objects not named are therefore *not* suspicious. When, for example, the first anti-obeah law in the British Caribbean criminalizes "making use of any Blood, Feathers, Parrots Beaks, Dogs Teeth, Alligators Teeth, Broken Bottles, Grave Dirt, Rum, Egg-shells or any other Materials relative to the Practice of Obeah," the law uses the list of specific objects not only to paint a more vivid picture of the kind of material assemblage criminalized here, but also to emphasize the expansive and flexible possibility of punitive response to this practice, as legitimated by the list's open-ended conclusion: "or any other Materials."²⁹⁰ In other words, by illustrating the potential of obeah to make use of wildly disparate objects, the list endows the enforcers of this law to match this endless proliferation with their own unlimited power to take *any* object or combination of objects as potential evidence of obeah. When De La Beche encounters "singular mixtures" amidst so many objects, that is all the evidence he needs that these mixtures "are probably poisons."

This function of this catalogue echoes the use of such catalogues to figure vagrancy as the paradigmatically mutable object of discretionary police power in Anglo-American jurisprudence. The link between vagrancy and obeah, however, is more than an incidental formal resonance. In 1839, after the early end of the controversial apprenticeship system that had been instituted by the 1833 Abolition Act as a transitional

290 "Act to Remedy the Evils Arising from Irregular Assemblies of Slaves," 1 Geo. III c. 22 (Jamaica, 1760). For historical background on the passage of this law, see Diana Paton, "Witchcraft, Poison, Law, and Atlantic Slavery," *William and Mary Quarterly* 69.2 (2012): 235-264.

phase between slavery and free labor in Britain's colonies, a new vagrancy law was instituted in Jamaica. The "Act for the Punishment of Idle and Disorderly Persons, Rogues and Vagabonds, and Incurable Rogues" criminalized many of the same behaviors and characteristics familiar from earlier vagrancy laws, both English and Jamaican, but among its additions was a more locally specific provision naming as a rogue and vagabond "every person pretending to be a dealer in obeah or myalism; every person pretending or professing to tell fortunes, or using or pretending to use any subtle craft or device by palmistry, or any such like superstitious means, to deceive or impose on any of Her Majesty's subjects."²⁹¹ This reclassification of obeah as vagrancy is rooted in much earlier discourses, as obeah was linked by British legal and literary writing with fraud, illicit trade, resistance to labor, and other forms of economic disorder. Furthermore, as De La Beche's account reveals, the detection and apprehension of obeah practitioners relied on many of the same rhetorical and interpretive practices incited by vagrancy laws, even before obeah's legal redefinition as vagrancy.

As Alan Richardson has shown, obeah became an object of intense fascination for British authors of the Romantic period, including Wordsworth and Coleridge, Maria Edgeworth, and Matthew Lewis.²⁹² For these authors, obeah was a trope for thinking through the relationships between the aesthetic and the political at a time of revolutionary upheaval. But alongside the racial anxieties animating literary representations of obeah, these representations engage deeply with obeah as an *economic* threat; indeed, in these

291 "Act for the Punishment of Idle and Disorderly Persons, Rogues and Vagabonds, and Incurable Rogues" 3 Vict. c. 18 (Jamaica, 1839).

292 Alan Richardson, "Romantic Voodoo: Obeah and British Culture, 1797-1807" *Studies in Romanticism* 32.1 (1993): 3-28.

texts, the racial and the economic are inseparable. Obeah, in colonial law and writing, signified the agency of objects to take on power and value not accorded to them by the "laws" of the market. Obeah came to index some of the ways that, as Catherine Gallagher and others have shown, claims of literary value coexisted uneasily with the theories of value central to political economy.²⁹³ But literary representations also eagerly deployed obeah as a fungible affective and imaginative commodity; this power of transformation was less a threat than an opportunity.

Obeah was, in short, highly marketable. John Fawcett's enormously successful pantomime, *Obi, or Three-Fingered Jack* (1800) took up longstanding links between obeah and slave rebellion in order to transform the possibility of resistance into the *frisson* of exotic, staged spectacle, contained in the end by both the death of Jack and the resolution of a sentimental romantic subplot.²⁹⁴ Obeah became a flexible topos for thinking through broad links between imagination, embodiment, and aesthetic experience. When Coleridge, for example, explains his interest in the story told in his continuation of Wordsworth's "The Three Graves," he cites obeah as the inspiration to consider the power of the imagination over life and death: "I had been reading Bryan Edwards's account of the effects of *Oby* Witchcraft on the Negroes in the West-Indies ... and I conceived the design of shewing that instances of this kind are not peculiar to savage or barbarous tribes, and of illustrating the mode in which the mind is affected in

293 Catherine Gallagher, *The Body Economic: Life, Death, and Sensation in Political Economy and the Victorian Novel* (Princeton: Princeton University Press, 2008), 7-35; Philip Connell, *Romanticism, Economics, and the Question of 'Culture'* (Oxford: Oxford University Press, 2005).

294 For more on the staging and commercial success of Fawcett's pantomime, as well as the relation between the figure of Jack and other popular representations of outlawry, see Peter P. Reed, "Conquer or Die: Staging Circum-Atlantic Revolt in *Polly* and *Three-Finger'd Jack*" *Theatre Journal* 59.2 (2007): 241-258.

these cases..."²⁹⁵ In my chapter on Mary Robinson's *Lyrical Tales*, I proposed that we expand our sense of what Celeste Langan has influentially named "Romantic vagrancy" beyond the works of Wordsworth to show Robinson's unique—and uniquely radical—redeployment of the rhetoric of vagrancy as a poetic mode.²⁹⁶ By tracing the links between vagrancy and obeah, I ask what we might gain by viewing these literary representations of obeah as yet another engagement with vagrancy—an attempt to redeploy juridical theories of the refusal of labor towards aesthetic and imaginative ends. What, in other words, might literary redeployments of obeah and vagrancy say to each other about the forces that move bodies to labor, or to refuse?

This is the precise question posed late in William Earle's novel *Obi, or, The History of Three-Fingered Jack* (1800), which recasts the story told in Fawcett's pantomime as an explicitly abolitionist celebration of resistance, and whose treatment of obeah I'll investigate in greater detail later in this chapter. An encounter between Jack, the novel's maroon hero, and a destitute white woman on the road reveals that poverty in England and slavery in Jamaica are linked by transatlantic circuits of law and commerce. Jack meets a poor white woman on the road; she asks for his protection from "that daring robber, Three-fingered Jack, who would take my life, if he was to meet me."²⁹⁷ Without revealing his true identity, he agrees to accompany her. As they walk, she tells the story of her now-dead husband, illustrating the interdependence of the losses both characters

295 Samuel Taylor Coleridge, "Continuation of *The Three Graves*, by William Wordsworth" in *The Collected Works of Samuel Taylor Coleridge*, vol. 16, ed. J.C.C. Mays (Princeton: Princeton University Press, 2001), 338-39.

296 Celeste Langan, *Romantic Vagrancy: Wordsworth and the Simulation of Freedom* (Cambridge: Cambridge University Press, 1995)

297 William Earle, *Obi, or the History of Three-Fingered Jack* [1800] ed. Srinivas Aravamudan (Peterborough: Broadview, 2005), 141. Hereafter cited parenthetically.

have faced in the plantation economy:

‘Edward was an orphan, a parishboy; he had no relation, no friend, and the villagers abused him for marrying, saying what business had such a vagrant to populate the world and impoverish the village by a set of squalling brats. These cruel sayings cut my poor Edward to the heart, and one day, when a recruiting party entered our town, he in despair enlisted, and with the money gave bread to our infants. He enlisted and...’ ‘Sold himself for a slave,’ added Jack. ‘No,’ replied the woman, rather nettled at the word; ‘though alas! in a short time, cruel orders came that he must leave England for Jamaica. I would not be separated from him, I loved, and followed him.’ (142)

The woman is "nettled" by Jack's challenge—by voicing a comparison between the military recruitment of a poor white man and the enslavement from which Jack has escaped, Jack forces the woman to acknowledge the incommensurability of these two interdependent systems of coerced, colonial labor. At the same time, however, the juxtaposition of their experiences highlights commonalities between the woman's vagrancy and Jack's use of obeah as a tool of rebellion; legally, both actions signify the refusal of labor. Jack and the woman, it turns out, are intertwined in life and death; her husband had been killed by Jack during his earlier escape from prison as he faced execution, and he later kills the woman as she wanders into the fray of a battle between Jack and his would-be captors. But at this moment, both figures do occupy, however tenuously, a common space. While the law would recognize both as "doing nothing," their conversation here is most certainly *something*.

By tracing the long history of legal and ideological links between vagrancy and obeah in British colonial governance in Jamaica, I show how supporters of slavery used the rhetoric of vagrancy to consolidate blackness as a particular relation to labor. First, I read Edward Long's influential *History of Jamaica* (1774) and trace how he and other

pro-slavery authors use the rhetoric of vagrancy to figure blackness as resistance to labor. The second part of the chapter looks more closely at obeah as a specific example of the racial and economic logic at work when certain forms of human action, desire, and relations are named as "vagrancy." In British legal and literary writing, obeah was a sign of resistance to labor and unfitness for freedom. At the same time, I read how William Earle's abolitionist novel *Obi, or The History of Three-Fingered Jack* (1800), uses obeah to index forms of freedom that exceed the dictates of work-discipline or economic rationality.

Saidiya Hartman has shown that in the U.S., post-emancipation legal mechanisms such as vagrancy laws figured black freedom as a state of indebtedness.²⁹⁸ Under this regime, she argues, "The free(d) individual was nothing if not burdened, responsible, and obligated. Responsibility entailed accounting for one's actions, dutiful suppliance, contractual obligation, and calculated reciprocity."²⁹⁹ Though there are important differences between the legal and economic conditions of emancipation in Jamaica and the United States, Hartman's insight here describes a transnational legal ideology, one that predates U.S. emancipation by many decades, and is a constitutive element of a thoroughly transatlantic set of debates about slavery.³⁰⁰ For example, Edlie Wong traces the transatlantic afterlife of the abolitionist notion she terms "lawful liberty:" an ideal of freedom that appeals to a sense of freedom under the law as central to British national identity, yet that also continued to circulate throughout the Americas well into the

298 Saidiya Hartman, *Scenes of Subjection: Terror, Slavery, and Self-Making in Nineteenth-Century America* (Oxford: Oxford University Press, 1997), 132. For vagrancy law in the U.S. South after emancipation, see also Amy Dru Stanley, *From Bondage to Contract: Wage Labor, Marriage, and the Market in the Age of Slave Emancipation* (Cambridge: Cambridge University Press, 1998).

299 Hartman, *Scenes of Subjection*, 125.

300 Diana Paton notes key differences between emancipation in Jamaica and the U.S. in *No Bond But the Law: Punishment, Race, and Gender in Jamaican State Formation, 1780-1870* (Durham: Duke University Press, 2004), 9.

nineteenth century.³⁰¹ Hartman's specific locution here offers a particular insight about the role of vagrancy in articulating the boundaries of "lawful liberty." Her assertion that, in the eyes of the law and of the judicial and extrajudicial police power granted to white citizens, the "free(d) individual was *nothing* if not burdened, responsible, and obligated" (my emphasis) distills the logic of vagrancy law and the perceptions it calls for. The sign of not being properly "burdened, responsible, and obligated" is *doing nothing*. Thus vagrancy law, by rendering a vast catalogue of behaviors signs of idleness, rhetorically transforms these actions into *nothing*. The person labeled a vagrant is also *nothing*; as a sign of potential threat of disruption and resistance to "doing something" (i.e. labor), the "vagrant" is, in the words of Bryan Wagner, "a legal abstraction, an unpredictable and destructive possibility that cannot register as a person as it has no consistency across time."³⁰² Thus, this chapter traces how slavery and its legal afterlife sought to render blackness a particular sign of "doing nothing." The example of obeah reveals, in greater detail, how this rhetoric turns *something* into *nothing*. In the case of obeah, however, this transformation converges uneasily with the very spiritual power this rhetoric claims to debunk and counter.

Vagrancy and Idleness in Long's *History of Jamaica*

Is vagrancy even possible under slavery? Vagrancy indexes the resistance to labor. But refusal of labor, under slavery, also requires resistance to punishment and to every other tool of the planter's authority. Thus, idleness is a form of rebellion. For example, in the *History of Jamaica*, Edward Long ranks vagrancy and idleness alongside

301 Edlie Wong, *Neither Fugitive Nor Free: Atlantic Slavery, Freedom Suits, and the Legal Culture of Travel* (New York: NYU Press, 2009), 20-21.

302 Wagner, *Disturbing the Peace*, 40.

murder and rebellion as serious threats to plantation authority: “The severest punishments ought, in justice and policy, to fall on rebels, murderers, conspirers against the public tranquility, incendiaries, and rioters; runaways, found carrying unlawful weapons; and such as stubbornly and wilfully refuse to labour; for it is inconsistent with the general welfare, that any should be rebellious, guilty of outrage and violence, idle, or vagrant.”³⁰³

Jamaica's vagrancy law of 1792, meanwhile, specifically targets the free: “Able white persons, or free people of whatever colour, who, not having wherewith otherwise to maintain themselves, refuse to work for the usual wages, and all those who wander abroad and beg (except soldiers, mariners, &c. licensed by some testimonial in writing from a justice of peace), are to be deemed rogues and vagabonds.”³⁰⁴ However, this law goes on to detail that the workhouse is to incarcerate both free vagrants and the enslaved. Diana Paton charts the proliferation of new workhouses in Jamaica in the last decades of the eighteenth century, tracing how the workhouse, as a public institution for the incarceration of the “idle and disorderly,” also assisted in the private punishment of slaves by their masters.³⁰⁵ In addition, the network of workhouses across the island assisted in the apprehension of runaways by providing centralized locations where suspected runaways could be imprisoned.³⁰⁶

Vagrancy served a distinct rhetorical function in debates surrounding slavery. Since vagrancy indexed the refusal of a free person to choose legitimate labor, vagrancy appeared in debates about slavery as a resource for defining free labor, questioning how

303 Edward Long, *The History of Jamaica, or, General Survey of the Antient and Modern State of that Island*, 3 vols. (London: for T. Lowndes, 1774) 2:498-99. Hereafter cited parenthetically.

304 *An Abridgment of the Laws of Jamaica* (St. Jago de la Vega: 1793), 187.

305 Paton, *No Bond but the Law*, 19-22.

306 *Ibid.*, 27.

free labor might be ensured, and reconciling freedom with economic rationality. Vagrancy was a resonant concept for authors on all sides of slavery debates as they sought to advance competing visions of the future of colonial labor. For both supporters and opponents of slavery, vagrancy could index a disparate array of dispositions, behaviors, and political stances that exceeded or refused the order of "free labor" that might follow. Long's vehemently pro-slavery *History of Jamaica* offers one of the most detailed—and influential—examples of this rhetorical use of vagrancy. This text elaborates a political economy of race that constitutes whiteness as the imperative to direct the labor of others by using the existing rhetoric of vagrancy to figure blackness as idleness personified.

Long's stated aim is to defend Jamaican planters against too much economic and political regulation from London. To this end, he characterizes Jamaican planters as responsible, productive subjects deserving the full exercise of "the native spirit of freedom, which distinguishes British subjects beyond most others" (1:39). As a defense of planters, it is also a vigorous defense of slavery. A supporter of the emerging theory of polygenesis, Long claims that slavery is the expression of a divinely ordered racial hierarchy. But as much as Long sees himself as a natural historian, he also speaks as a political economist; he devotes long portions of the *History* to arguments about currency, regulation, balance of trade, and other economic concerns. And of course, his racial theory is also a theory of political economy, as his model of racial hierarchy is most interested in determining who is intended to govern and direct the *labor* of others.

Long's description of slave law in Jamaica traces a history of English labor regulation—most centrally, vagrancy laws—as he precursor for the legal reinforcements for slave labor:

The Negroe code of this island appears originally to have been copied from the

model in use at Barbados; and the legislature of this latter island, which was the first planted by the English, resorted to the English *villeinage* laws, from whence they undoubtedly transfused all that severity which characterizes them, and shews the abject slavery which the common people of England formerly laboured under. (2:493-94)

Citing a short-lived sixteenth-century statute allowing vagrants to be punished with slavery, Long argues that the legal techniques propping up Jamaican slavery have their origin in early modern English vagrancy laws: "The modes of punishment in these statutes, and the general provisions contained in the statute of Edward VI, have so near an affinity to the Barbadoes law respecting Negroe slaves, as to leave scarcely any doubt but that the legislature of that island transcribed from these precedents, which they found in the mother state" (2:495). Just as he compares English vagrants to enslaved Africans, he also asserts that the enslaved are literal vagrants. Of the slave trade's supposed benefits to the rulers of African states, he claims: "They have gained by this means a constant vent for all their rogues and vagabonds" (2:390). Long repeatedly asserts an equivalence between slavery and criminal transportation, justifying the slave trade by drawing on a longstanding economic rationale for colonization as a method for expelling vagrants and other surplus populations from the metropole.

Long understands vagrancy law as a precursor for slavery's legal apparatus. Both, for him, are fundamentally about compelling and managing the labor of populations that cannot govern themselves. He uses the existing logic of vagrancy law—that labor must be compelled among the idle, disorderly, and criminal—in order to characterize *all* enslaved Africans as idle and disorderly. By equating the slave trade with the transportation of convicts, he renders the state of slavery evidence of prior (and potential) criminality.³⁰⁷

Long does not just use the existing category of vagrancy, however; he also

³⁰⁷ Long specifically equates the slave trade with the transportation of European convicts when he argues that "the African states have just as good right as any European power, to banish their criminals to other parts of the world that will receive them" (2:390).

transforms it. This transformation inflects vagrancy with the specific exigencies of governing a slave colony and enforcing its particular racial division of labor. He thus figures blackness as a permanent, intractable sign of vagrancy. This racialized notion of vagrancy thus renders whiteness the prerogative of policing, work-discipline, and surveillance. For Long, vagrancy law offers a model for delimiting black freedom both materially and imaginatively. For example, he praises vagrancy law as a way of mitigating the effects of occasional manumission:

In a publick view, it is better that a Negroe should continue an honest and industrious slave, than to be turned into an idle and profligate freeman. All however that is meant is, that, in imitation of the Antigua law, all those freedmen, who have neither lands to cultivate, nor trade to follow, should be obliged to enrol themselves in some white family, as domesticks; a list should annually be taken, and registered, of all the classes, and their occupations annexed to their names. (2:323)

Long here praises a law that compels the labor of freedmen who have no land or trade—in other words, a vagrancy law that criminalizes the refusal to work. He draws on the language of vagrancy in naming as threat the "idle and profligate freeman" and praising the imposition of labor—either through slavery or through vagrancy law—as producing the "honest and industrious" laborer.

In addition to practical regulation, Long uses vagrancy to imaginatively or conceptually place limits on what kinds of black "freedom" will be legible as such. His discussion of laws governing slaves ends with a vision of partial emancipation—a form of emancipation, however, calculated to *reinforce* racial subordination and planters' access to labor and obedience:

If the native slaves in our colony can with safety be brought under an enlarged degree of protection, and secured by rational provisions from violence and barbarity; or be permitted to redeem themselves from perpetuity of servitude, with the fair and honest earnings of their private industry; it seems highly just, human,

and politic, to favour them; that their allegiance to the country and white inhabitants, may be more firmly engaged; after obtaining their freedom, it still remains by legal regulations to enforce their employing themselves in some honest course of livelihood... (2:504)

Under this plan, the limited possibility of emancipation for some is a tool to incite both "industry" and "allegiance" to the planters, and this freedom, once achieved, is further regulated by vagrancy law that compels the formerly enslaved into "some honest course of employment." This vision of freedom imagines emancipation as another medium for coercion; emancipation is to be wielded by white planters as something that can incite bodies to labor by compelling their "consent."

This same slippage between slavery and freedom appears in Long's earlier discussion of governing the enslaved: "Lenity in some points, rigid severity in others, protection to the well-disposed, and discouragement to the abandoned and disaffected, might prove the means of polishing their manners, inciting them to industry, and ensuring their voluntary obedience" (2:499). Under slavery, "voluntary obedience" is irrelevant, or at least ought to be, according to Long's own logic. Though Long is invested in differentiating between slavery and "free labor" and preserving the former from being transformed into the latter, he nonetheless characterizes the legal scaffolding of both in the same terms.

Allowing the pursuit of economic self-interest in the world of the marketplace to elide, rhetorically, into the terms "freedom" and "liberty" writ large, Long paradoxically figures slavery as a crucible that *introduces* the enslaved to the possibility of free economic personhood precisely by denying them access to this status:

Few men (except those Africans who live in their own country in a state of servility) are without desire of enlargement. These Africans know not what freedom is, until they enter our colonies; and therefore can have no passion for a state, whose qualities they are ignorant of. In regard to other countries, and other men, the law of different states, aware of this *furor* for liberty, have taken care to lay restraints upon it. In England, for example, the common labourers are obliged, by force of penal institutions, to remain content with a very limited portion of

liberty. (2:392-93)

Here, Long takes a basic axiom of classical political economy—that people desire their own self-improvement—and uses his racial category of the "African" to designate a form of life that lies *outside* this economic conception of personhood. In other words, Long argues that because English laborers already know what freedom is, vagrancy laws must limit their "portion" of it, while "African" here signifies such a pure state of idleness as to exist wholly outside the notion of economic motivation, self-interest, or agency. Slavery, he argues, incites an essentially idle body to labor, and thus brings this body into contact with the means of economic personhood. This contact, according to Long, introduces the idea of "freedom" through its total legal absence. Even though Long registers this introduction to freedom as somewhat dangerous, this racial fantasy of the black body as an idle blank slate allows Long to imagine that the idea of freedom *from* slavery is utterly defined by and through slavery itself.

Long's theory of racial distinction is a theory that distinguishes those who *do something* from those who *do nothing*, those who make bodies move from those whose bodies can only be moved by others. He characterizes the slave as the extension of the master's will; a body animated by the reason and will of another. After an extended defense of racial hierarchy as a divinely mandated natural order, Long specifically names blackness as incapacity for the reasoned governance of self and others that characterize the "superiority" of "man over brutes" (2:365). For example, he dismisses the possibility that African medical practices are evidence of rational thought, stating simply, "Brutes are botanists by instinct" (2:380). As Colin Dayan argues, this figuration of inanimacy is essential to what she traces as "the birth of that legal personality called 'slave' through

the putting on and taking off *thought*.”³⁰⁸ Dayan reads Long's racial classification as the ideological underpinning for such a legal creation:

What Long called the progression ‘from a lump of dirt to a perfect human being’ leads to the material shape that, once subject to law, marks the negation of civil existence. He buttressed that degradation with an elaborate taxonomy that relegated the reasonable person to the domain of whiteness, and the unreasonable—those he called ‘senseless icons of the human’—to the bottom rung of the hierarchic ladder.³⁰⁹

In other words, Dayan argues, Long elaborates the "legal personalty" of the slave by imagining blackness as idle matter, movable only by the force of reasonable men. When the enslaved body is animated by anything other than the will of the master, this animation is either resistance (and therefore criminal), or it is idleness; "doing nothing" (and therefore criminal.) Long's description of enslaved Africans culminates in a simple assertion of intractable idleness: “They have no moral sensations; no taste but for women; gormondizing, and drinking to excess; no wish but to be idle” (2:353). The black body, in this description, is evacuated of all desires except the desire to do *nothing*. And rhetorically, this is doubled by the statement's reliance on grammatical negation; for Long, the enslaved want *nothing* but to *do nothing*.

Long and other pro-slavery authors take the idea of vagrancy, which turns non-labor into unknowable threat, and imagines an entire population as de facto vagrant when not under direct control and compulsion to labor. While opponents of emancipation evoked vagrancy as the threat of uncontrollable refusal of economic order, many advocates of emancipation sought to reassure the British public that colonial free labor could still be regulated. These authors emphasized vagrancy law as a tool for achieving

³⁰⁸ Colin Dayan, "Legal Terrors," *Representations* 92.1 (2005): 48.

³⁰⁹ *Ibid.*

this economically productive form of "lawful liberty." An 1824 address printed by the Liverpool Society for Promoting the Abolition of Slavery lays out a plan for gradually emancipating slaves "till they partake of the character of a well regulated peasantry."³¹⁰

The text explains:

No person, slave or free, will labour without a motive. The motive of the slave is, at present, the fear of punishment. Withdraw this, and he will work no more than a brute animal. [...] It is evident, therefore, that in removing this, we must substitute another motive to supply its place; and this motive can only be one that shall apply to the mind, or reason, of the being to be influenced.³¹¹

Like Long, this address characterizes the enslaved as driven by instinct, but perhaps capable, in the future, of what Long refers to as "voluntary obedience." This address sees this condition not as a permanent marker of racial difference, but one induced by slavery. "Free labor," thus, is the means of persuasion that induces work-discipline.

The full title of the 1833 Abolition Act reveals the influence of such concerns about work-discipline on antislavery politics and legislation: "A Bill Intituled An Act for the Abolition of Slavery throughout the *British* Colonies, for promoting the Industry of the manumitted Slaves, and for compensating the Persons hitherto entitled to the Services of such Slaves."³¹² The Act goes on to detail the necessity of laws ensuring order and discipline under the transitional apprenticeship system, including laws

for the Prevention and Punishment of Indolence, or the Neglect or improper Performance of Work by any such apprenticed Labourer, and for enforcing the due Performance by any such apprenticed Labourer of any Contract into which he or she may voluntarily enter for any hired Service during the Time in which he or

310 *An address from the Liverpool Society for the abolition of slavery* (Liverpool: Jonathan and George Smith, 1824), 5.

311 *Ibid.*, 10.

312 Abolition Act 1833 (3 & 4 Will. IV c. 73). For the many biographical links between the antislavery movement, poor law reform, and other policy engagements with political economy, see Thomas Holt, *The Problem of Freedom: Race, Labor, and Politics in Jamaica and Britain, 1832-1938* (Baltimore: Johns Hopkins University Press, 1992).

she may not be bound to labour for his or her Employer, and for the Prevention and Punishment of Insolence and Insubordination on the Part of any such apprenticed Labourers towards their Employers, and for the Prevention or Punishment of Vagrancy or of any Conduct on the Part of any such apprenticed Labourers injuring or tending to the Injury of the Property of any such Employer, and for the Suppression and Punishment of any Riot or combined Resistance of the Laws on the Part of any such apprenticed Labourers, and for preventing the Escape of any such apprenticed Labourers...³¹³

Many decades before legal emancipation became politically viable, administrators, regulators, and defenders of slavery used the rhetoric of vagrancy in their attempts to delimit in advance what black freedom might look like. The legacy of this is a racialized logic rendering a vast set of behaviors, appearances, desires, and relations illegible to "lawful liberty," or legible only as a sign of "doing nothing." Vagrancy, in a slave and post-slave society, centrally concerns whiteness, blackness, and perception. Vagrancy discourse seeks to determine what counts as "doing something," what counts as "doing nothing," and who gets to decide.

Obeah, Vagrancy, and Labor

I want to return to Edward Long's assertion that the enslaved have "no wish but to be idle." One of the central questions of this dissertation is what activities, attachments, and desires are categorized as "doing nothing." I now turn to colonial representations of the Afro-Caribbean medicinal and spiritual practices that British colonial texts call "obeah."³¹⁴ Obeah is a case study of one particular transformation of something into "nothing." These authors, by linking obeah to refusal of labor, deploy the logic and

313 Ibid.

314 For possible etymologies and for the eighteenth-century circulation of the term "obeah," see Jerome S. Handler and Kenneth M. Bilby, "On the Early Use and Origin of the Term 'Obeah' in Barbados and the Anglophone Caribbean," *Slavery & Abolition* 22.2 (2010): 87-100.

rhetoric of vagrancy in order to render these practices a sign of "doing nothing."

Obeah had been a crime in Jamaica since 1760, when its role in facilitating Tacky's Rebellion prompted the Jamaican Assembly to pass the "Act to Remedy the Evils arising from Irregular Assemblies of Slaves." This law sought to "prevent the many Mischiefs that may hereafter arise from the wicked Art of Negroes going under the appellation of Obeah Men and Women" by punishing with death or transportation

any Negro or other Slave who shall pretend to any Supernatural Power, and be detected in making use of any Blood, Feathers, Parrots Beaks, Dogs Teeth, Alligators Teeth, Broken Bottles, Grave Dirt, Rum, Egg-shells or any other Materials relative to the Practice of Obeah or Witchcraft in order to delude and impose on the Minds of others.³¹⁵

Obeah was a serious crime because of its perceived link to slave rebellion and other, more everyday modes of resistance to plantation authority. Anti-obeah legislation began in Jamaica in response to one particular rebellion, but proliferated throughout the British Caribbean in the decades leading up to emancipation.³¹⁶

According to eighteenth-century British accounts of obeah, its practitioners defied plantation governance of the bodies of the enslaved by offering medical care outside the purview of plantation doctors, and resisted plantocratic monopolies on violence and terror by commanding respect and even fear among the enslaved.³¹⁷ As Vincent Brown notes, the spectacular executions of those convicted of obeah after Tacky's Rebellion drew on a long history of death, terror, and spiritual belief as tools of plantation governance.³¹⁸ This attempt to "terrorize the spiritual imaginations of the enslaved," Brown argues, contributes to the complexity of British attitudes towards obeah, which colonial authors

315 "Act to Remedy the Evils Arising from Irregular Assemblies of Slaves," 1 Geo. III c. 22 (Jamaica, 1760)

316 Diana Paton, "Witchcraft, Poison, Law," 260.

317 Srinivas Aravamudan offers a detailed account of obeah as a medical practice in his introduction to Earle, *Obi*.

318 Vincent Brown, *The Reaper's Garden: Death and Power in the World of Atlantic Slavery* (Cambridge: Harvard University Press, 2008), 149-50.

dismiss as superstition, but also acknowledge as a powerful, competing method of moving minds and bodies through its power to incite terror.³¹⁹

For the colonial legal system, obeah's link to rebellion, marronage, and other forms of resistance justifies its status as a capital crime. But as emancipation nullified laws governing slaves, obeah was reclassified, downgraded from a capital crime to a form of vagrancy, calling for imprisonment in a workhouse. Why was obeah reclassified as vagrancy? Diana Paton argues that existing English vagrancy laws, which had long criminalized fortune-telling, divination, and other "superstitious" practices as fraudulent economic exploitation, offered an amenable frame for the criminalization of a practice viewed increasingly as a form of fraud exploiting the superstitions of the formerly enslaved.³²⁰ Maarit Forde, in her examination of a 1770 obeah trial, reveals how this notion of obeah as fraud was already present long before its legal reclassification. In this trial, since the *sale* of the "obi" is the criminal act, the exchange of money for the spiritually endowed object is key evidence.³²¹ For Forde, as well as for Paton, the understanding of obeah as fraud illuminates another link between campaigns against "superstition" on both sides of the Atlantic; while fortune-telling threatens to allow the English poor to earn money without "honest" labor, obeah grants money and social status to a group whose power was seen as even more threatening.³²²

319 Ibid., 131.

320 Diana Paton, "Obeah Acts: Producing and Policing the Boundaries of Religion in the Caribbean," *Small Axe* 13.1 (2009): 6.

321 Maarit Forde, "The Moral Economy of Spiritual Work: Money and Rituals in Trinidad and Tobago" in Forde and Paton (eds), *Obeah and Other Powers: The Politics of Caribbean Religion and Healing* (Durham: Duke University Press, 2012), 201.

322 Ibid., 206. See also Brown, *The Reaper's Garden* for more on the language of fraud in descriptions of spiritual practices of the enslaved (76) and Paton, "Obeah Acts" for links between restrictions on obeah and attempts to eliminate "superstition" among the English poor (8).

Indeed, the language of fraud and imposition was not confined to law, but proliferated in the most influential accounts of obeah that circulated in both colony and metropole. Bryan Edwards, in his *History of the West Indies* (widely cited by his contemporaries as an authoritative source on obeah), claims that advanced age and "harsh and forbidding" appearance among the "most crafty" obeah practitioners "have qualified them for successful imposition upon the weak and credulous."³²³ He goes on to describe obeah specifically as an illicit economy: "The trade which these impostors carry on is extremely lucrative; they manufacture and sell their *Obies* adapted to different cases and at different prices."³²⁴ Meanwhile, Thomas Atwood's *History of the Island of Dominica* (1791) notes the power of obeah to command social authority alongside economic gain:

They have their necromancers and conjurers of both sexes, whom they call 'Obeah men and women,' to whom they apply for spells and charms against sickness, to prevent their being robbed, or to find out the thief, and punish those who do them any injury. These Obeah people are very artful in their way, and have a great ascendancy over the other negros, whom they persuade that they are able to do many miracles by means of their art; and very often get good sums of money for their imaginary charms.³²⁵

Through the language of fraud, these texts represent obeah as an unsanctioned use of market exchange. According to these texts, practitioners add value to objects not by transforming them or adding in any way to their usefulness, but by convincing people that they have powers that they don't actually have. And yet, at the same time, the laws against obeah seem to concede that the objects described *do* in fact have enormous power.

One 1824 pro-slavery text, Alexander McDonnell's *Considerations on Negro*

323 Bryan Edwards, *History, Civil and Commercial, of the British Colonies in the West Indies*, 2 vols. (London: for John Stockdale, 1793), 2:90.

324 Ibid.

325 Thomas Atwood, *The history of the island of Dominica: containing a description of its situation, extent, climate, mountains, rivers, natural productions, &c* (London: 1791), 269.

Slavery, reveals the deep links between the racial fantasy of fascination with obeah and the evocation of vagrancy as a racial condition justifying slavery. McDonnell's argument is that wage labor, like slavery, relies on threat and bodily compulsion, but in England, that compulsion is provided by the climate rather than the threats of a slaveholder: "Men will not work without compulsion; that compulsion is of two kinds, the coercion of a master, and the dread of starvation; and that, in a country where the abundance of food puts the latter stimulant out of the question, the ground, if cultivated at all, must be cultivated by the system of slavery."³²⁶ Like many, he echoes Long: Vagrancy laws were necessitated in Trinidad, he argues, because "the negroes had the full opportunity to gratify their principal desire, that of doing nothing."³²⁷ Spectacular and terrifying punishments for vagrancy, he claims, are the only way to transform the enslaved into free laborers: "Instead of indulging in laziness, gloom, and dissatisfaction, they would become active, cheerful, and contented. ...The negro, taught by practical example, would cease to be haunted with visionary phantoms of exemption from labour, and would peaceably pursue his regular duties."³²⁸ Idleness here registers in the language of superstition and supernatural belief: as "gloom" and "visionary phantoms" that must be dispelled by the spectacle of penal law and its superior capacity to incite terror. This disruption of labor through "gloom" and "phantoms" draws on the language of obeah, as in Bryan Edwards's description of obeah's power to kill: "*Obi is set for the thief*, and, as soon as the latter

326 Alexander McDonnell, *Considerations on Negro slavery, with authentic reports, illustrative of the actual condition of the Negroes in Demerara* (London: Longman, Hurst, Rees, Orme, Brown, and Green, 1824), 71.

327 *Ibid.*, 137.

328 *Ibid.*, 306.

hears the dreadful news, his terrifying imagination begins to work."³²⁹ The victim's "disturbed imagination is haunted without respite" and "his features wear the settled gloom of despondency;" refusing food, he "contracts a morbid habit of body, and gradually sinks into the grave."³³⁰

Long's *History of Jamaica* also became a key source for British authors writing on obeah. In his descriptions of obeah and the threat it poses to plantation order, Long evokes superstition as part of his broader theory of race. Marshaling obeah as evidence, he argues that racial susceptibility to superstition justifies slavery by figuring the black body as animated by commands from outside rather than rational self-governance from within: "The vulgar herd is much more affected by those things which strike the eye, than what are directed to the heart" (2:430). Long in fact presents such "fetishism" as his speculated explanation for African idleness:

The want of a more extensive vent for their superfluous people occasioned those horrid methods of diminishing them, of which we read in history, by sacrificing them to their fetishes and great men; butchering their captives in war, and, in most of the provinces, devouring human flesh; which perhaps supplied them with a permanent kind of food, and made it less necessary for them to break through their natural abhorrence of labour, and take the pains either of cultivating the earth, or laying up provisions against unseasonable years. (2:387)

Colonial law and writing characterized obeah as a system of belief that blurred the boundary between animacy and inanimacy, person and thing, by endowing ordinary objects like eggshells, bottles, and dirt with the power to terrorize, disable, and even kill. Thus, obeah posed an intractable problem to theories of what made people work. Obeah, for British authors and legislators, constituted an alternative animation of the body, one opposed to the plantation's order of labor and discipline. While debates about slavery asked what animated bodies to labor, what incited people to act or not act, obeah, as

329 Edwards, *History of the West Indies*, 2:91.

330 *Ibid.*, 2:91-92.

Elizabeth Maddock Dillon argues, inhabits "a world in which objects exhibit agency and the agency of human subjects is dispersed and/or dissipated across a network of actors and things."³³¹

Obeah in the Literary Marketplace

William Earle's abolitionist novel *Obi, or, the History of Three-Fingered Jack* (1800) draws on this fascination with magic and labor in the Caribbean by adapting the true story of a Jamaican outlaw-into a sensational tale of revenge, romance, and rebellion.³³² Earle's version of Jack is characterized as a tragic hero who seeks revenge for the enslavement of his mother and the death of his father. He attempts to lead a slave rebellion, aided by obeah, which he believes will render him invincible. When this fails, he escapes imprisonment and begins terrorizing planters as a maroon outlaw. Jack eventually kills the man responsible for enslaving his parents, but is killed in turn, for reward money, by another enslaved man.

Obeah, in this text, interrupts the imperative to labor, not with another vision of what the end of slavery might look like, but rather with an incoherence that resists the very idea of economic rationality. The novel takes up and transforms an existing discourse that linked obeah with economic disruption, resistance to labor, and the creation of illegitimate markets. For example, Bryan Edwards retells the account of a planter who claims to have discovered an obeah-woman on his plantation. He arrives to find many of his slaves dead or ill, and medical intervention fails to cure them. Only the

331 Elizabeth Maddock Dillon, "Obi, Assemblage, Enchantment," *J19: The Journal of Nineteenth-Century Americanists* 1.1 (2013): 174.

332 See Aravamudan, "Introduction" to Earle, *Obi* for more on the novel's historical sources.

apprehension of an old woman and the destruction of her home, which is full of "the implements of her trade, consisting of rags, feathers, bones of cats, and a thousand other articles," put a stop to the "depopulation."³³³ Edwards ends the account with the economic consequences faced by the planter: "The total of his losses in the course of about fifteen years preceding the discovery, and imputable solely to the *Obeah practice*, he estimates, at least, at one hundred Negroes."³³⁴ In this story, obeah disrupts labor by making bodies unavailable for work through illness or death. It does this by giving seemingly 'valueless' objects like rags and feathers power over the laborer's body, and thus—from Edwards's perspective—over the planter's net worth. This is also part of the portrayal of obeah in Earle's novel—this passage from Edwards is retold in one of the novel's several extensive pseudo-ethnographic footnotes describing obeah. But the novel also takes a more complex stance, portraying obeah as a political alternative to the forces that *compel* labor. Jack does not use obeah to disable or kill enslaved people; instead, he uses it to spread fear, which directly challenges the planter's monopoly on fear as a tool to compel labor. By presenting himself as invulnerable to planters' weapons, Jack positions obeah as something that can weaken or resist tools of coercion.

Obeah also works, as in Edwards's account, to disrupt the plantation economy through the illicit circulation and sale of objects, endowed with market value they're not supposed to have. When Jack's mother, Amri, takes him to an old obeah-man, the power Jack receives is concentrated in an object: "He [the obeah-man] prepared an Obi for him, of more than common qualities, a purpose preparation, that should stand by him in time

³³³ Edwards, *History of the West Indies*, 95-96.

³³⁴ *Ibid.*, 97.

of need, and the arms of the foe should fall defenceless from their grasp; in short, the charm possessed such rare virtues, that it was to answer every wish of its possessor" (105). A footnote to this passage cites Moseley's *Treatise on Sugar*, which describes the object in question: "'I,' says Dr. Moseley, 'saw the Obi of the famous negro robber, Three-fingered Jack, the terror of Jamaica, in 1780. It consisted of a goat's horn, filled with a compound of grave-dirt, ashes, the blood of a black cat, and human fat, all mixed in a kind of paste'" (105). The obi has extraordinary power, but the footnote's listing of objects makes clear that these things are just things—and rather lowly ones at that. Somewhere between text and footnote, ashes and blood coalesce into power, but the mechanism of this transformation is stubbornly opaque. These substances have been granted "unnaturally" high value through this commodity market—a market organized by those enslaved by and resistant to the plantation economy; by those who are *themselves* considered commodities in an overlapping market. While authors like Long and Edwards mobilize the economic disruption of obeah in order to shore up the rhetorical link between blackness and idleness, thus arguing for the necessity of slave labor, Earle renders the alternative marketplace of obeah a site of fascination. It is the engine of the plot, as it brings key characters into contact and allows Jack to accomplish dramatic—and narratively thrilling—feats of rebellion and revenge.

Earle's novel is not interested in the problem of transforming the enslaved into a "well-regulated peasantry," nor is it interested in the economic fate of the colonies. Instead, he holds up for his readers' consumption the heroic spectacle of a man who subordinates all forms of rational calculation to revenge. Obeah, in Earle's novel, signals

a kind of resistance and incoherence that opposes both slavery *and* "free labor," coexisting ambivalently with the novel's participation in more conventionally legible abolitionist politics. For example, *Obi* opens by establishing its epistolary frame, as the narrator, George Stanford, writes a report to his friend in England on events in Jamaica. He explains why he cannot write what he had intended to: "Try what I may, it will not do—but what is the matter? you will say. Jack!!! and his cursed three fingers!!!" Of his friend's last letter, he writes:

I shall put off answering it, until I have eased myself of this insufferable burthen, by dispatching Jack, his three fingers and his Obi, and all that belongs to him; for, positively, I can think of nothing else. (69)

Jack, rumored to be invulnerable because of the power of obeah, haunts George's imagination, imbuing ordinary objects with the power to move, immobilize, and terrify:

If any of my neighbours, calling his servant, says; 'Jack, come here,' I start and stare about, in expectation of seeing the three-fingered one make his appearance. Nay, there is not a *thing* called Jack, whether a smoke-jack, a boot-jack, or any other jack, but acts as a spell upon my senses and sets me on the fret at the bare mention of it. By heavens! it is too much, and I wish... (69-70)

At this, however, his paragraph breaks off in an ellipsis. He continues:

Nay, I do not—I cannot find in my heart to form the same wish that most of the inhabitants here express every day. Jack is a noble fellow, in spite of every cruel hard-hearted planter, I shall repeat the same to the last hour of my life. 'Jack is a Negro,' say they. "Jack is a MAN," say I. (70)

Jack's power to terrify white residents is narrated as the power of obeah: his name "acts as a spell upon [George's] senses" and endows ordinary objects like smoke-jacks and boot-jacks with the power to menace their users.³³⁵ In the pause, where George starts to

³³⁵ Kelly Wisecup reads this scene as a disruption of colonial epistemologies of obeah as exemplified in the novel's extensive footnotes quoting Edward Long, Bryan Edwards, and others; here, she argues, Jack manages to successfully enchant objects and people such that George writes the letters comprising

express a wish, then stops himself, we see him move from the position of the white man frightened into dreams of violence by elusive black power to the position of the white abolitionist who domesticates black resistance into the legible form of "a MAN." These two introductory portraits of Jack both challenge slavery—one wrests the white prerogative of ruling through terror from white planters and uses it against them, while the other argues for the recognition of slavery's evil through the acknowledgement of common humanity. But the two can't coherently coexist—if Jack is a man, he is *only* a man, not the spirit that can inhabit boot-jacks and terrorize with them. And if Jack has the power to act as a spell upon the senses, then he has something more than common humanity. The two kinds of challenge—the two different visions of freedom—are left unreconciled, linked by an ellipsis between contradictory statements.

Obeah resists the basic theory of human animation and desire that, according to classical economics, lies behind all human action. While political economy proposes that people act on the world and each other to advance their own self-interest, obeah, in this novel, proposes that objects act on people, that individual agency is spectrally dispersed among many persons and things, and that resistance to authority might not take the form of action in one's own self-interest, but rather in a seemingly self-abnegating inability or refusal to do anything at all. When the reward for Jack's capture is first announced, obeah disrupts its attempt at an incentive: "The reward of three hundred pounds, and liberty, was a great inducement, and worked upon the hearts of many, but Jack's malefic Obi in the opposite scale, was a tremendous evil, and their courage failed them" (155).

this novel rather than the accounts of plantation business he intends to write (Wisecup, "Knowing Obeah," *Atlantic Studies* 10.3 [2013]: 419-420.)

Obeah also disrupts the narrative structure; it leaves things unaccountable. The text's mentions of obeah are almost always accompanied by explanatory footnotes. In one climactic scene, these footnotes completely overwhelm the narrative. Here, Amri narrates to Jack how she and the other slaves on the plantation were forced to witness the execution of an obeah-man, a key instigator in a recent slave rebellion. As he is led out to be burned at the stake, she is horrified to recognize him as her own father. This scene of tragic recognition is one of affective intensity and dramatic tension, but the narrative is overtaken by the novel's most extensive footnote. Beginning with the novel's first mention of the word "Obi-man," the footnote overwhelms the page with long, pseudo-ethnographic details, made up mostly of passages from Bryan Edwards's *History, Civil and Commercial, of the British Colonies in the West Indies*. This visual effect is not reproduced in the 2005 Broadview edition, which is the only modern edition of *Obi*.

The scene is so broken up by the footnotes that it proceeds at the pace of two or three lines per page, and each page juxtaposes two radically different tones and accounts of obeah. For example, as Amri narrates that her father "was to be made a terrible example" in his execution, the footnotes reproduce a passage from Edwards in which obeah is figured as a different kind of terrible example, a form of vigilante justice that subverts the authority of the planter. In describing the use of obeah among the enslaved to prevent or punish theft, Edwards narrates how "...obi is set for the thief, and, as soon as the latter hears the dreadful news, his terrifying imagination begins to work. ... he presently falls into a decline, under the incessant horror of impending calamities."³³⁶ [Fig 1]

336 William Earle, *Obi, or, The History of Three-Fingered Jack* (London: Earle and Hemet, 1800), 74.

Fig. 1: William Earle, *Obi, or, The History of Three-Fingered Jack* (London: Earle and Hemet, 1800), 74.

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“ A separate day was appointed for the death of the Obi-Man, who was to be made a terrible example

is set for the thief, and, as soon as the latter hears the dreadful news, his terrifying imagination begins to work. No resource is left but in the superior skill of some more eminent Obiah-Man of the neighbourhood, who may counteract the magical operation of the other ; but, if no one can be found of higher rank and ability, or, if after gaining such an ally, he should still find himself affected, he presently falls into a decline, under the incessant horror of impending calamities. The slightest painful sensation in the head, the bowels, or any other part, any casual loss or hurt, confirms his apprehensions, and he believes himself the devoted victim of an invisible and irresistible agency.

“ Sleep, appetite, and cheerfulness forsake him ; his strength decays ; his disturbed imagination is haunted without respite ; his features wear the settled gloom of despondency ; dirt, or any other unwholesome substance, become his only food ; he contracts a morbid habit of body, and gradually sinks into the grave.

“ A negro who is taken ill, enquires of the Obiah-Man the cause of his sickness ; whether it will prove

The idea of obeah as competition for the plantation's monopoly on terror—a trope Vincent Brown traces throughout colonial law and writing—is staged here in the two irreconcilable narratives, in two different genres.³³⁷

As Srinivas Aravamudan notes, Earle's novel assembles a variety of genres and conventions as he "attempts to match the novelty of its content" through formal experimentation.³³⁸ As the novel brings together sentimental narrative, poetry, colonial legal and pseudo-ethnographic writing, and scenes that recall popular literary portrayals of slavery from *Oroonoko* to the Inkle and Yarico legend, *Obi* is itself a motley assemblage, a collection that attempts to draw power from the juxtapositions of its many disparate parts.³³⁹ As a sentimental epistolary novel, it actually relies on the mobility and agency of objects; after all, epistolary novels rely for their functioning on the circulation of affectively charged objects that move people to action or inaction.

Recent scholarship has offered rich accounts of how colonial figurations of obeah theorize objects and their agency.³⁴⁰ Such analysis pushes us to consider the affective, spiritual, and imaginative registers of the commodity at the turn of the nineteenth century. Considering obeah's links to vagrancy, then, I seek to trace another dimension of this

337 Brown, *The Reaper's Garden*, 149-50.

338 Srinivas Aravamudan, "Introduction" to Earle (ed. Aravamudan), *Obi*, 8.

339 Earle thus participates in a larger discourse noted by Alan Richardson as an attempt, by British authors, to harness the affective power of obeah as aesthetic force ("Romantic Voodoo," 28). Earle's novel recalls *Oroonoko* at several key instances, perhaps most vividly when Jack, mad with grief, remains with the bodies of his mother and his friend Mahali, even after they have begun to putrify—a detail also noted in Aphra Behn's account of Oroonoko's refusal to abandon the body of Imoinda (Earle, 150). Captain Harrop's betrayal of Jack's parents, who have rescued him after a shipwreck, is portrayed as a violation of hospitality reminiscent of the many versions of the Inkle and Yarico story that circulated throughout the eighteenth century (see Frank Felsenstein [ed], *English Trader, Indian Maid: Representing Gender, Race, and Slavery in the New World* [Baltimore: Johns Hopkins University Press, 1999]).

340 Wisecup, "Knowing Obeah;" Dillon, "Obi, Assemblage, Enchantment;" Toni Wall Jaudon, "Obeah's Sensations: Rethinking Religion at the Transnational Turn," *American Literature* 34.4 (2012): 715-741.

figuration of commodities: the implications of obeah's model of diffuse, inanimate agency for theories and representations of labor. As a novel about an obeah practitioner and rebel, *Obi* allows its reader to experience narrative pleasure through its protagonist's resistance to labor. It resignifies labor in a way that makes it possible for the novel to glean value from the spectacle of a man not working. Even when Jack *does* perform labor, the novel transforms labor from an endeavor of profit-extraction into an activity that echoes obeah in its ability to transform the laboring body into an instrument that can subvert the order of the plantation. When Amri narrates to Jack the story of his own youth, she characterizes his childhood spent in forced labor not as a setback, but as a benefit to her plans for him to avenge their enslavement: "At six years old, you commenced the labourer. This, so far from wounding, was a new sense of pleasure to me, a new transport to my bosom. I knew that labor would strengthen your young body, even to hardihood, expanding your supple joints, enlarging your bones, and nerving every fibre with acquired strength to aid that of nature" (96). While Edward Long figures blackness as a state of de facto resistance to labor, and thus proposes forced labor as the only way to maintain both order and economic productivity, this passage suggests that labor might *enhance*, not inhibit one's capacity for rebellion.

Over and over, the novel locates both sympathy and narrative pleasure in the actions of those who refuse labor and social order. William, a young white servant who had loved the planter's daughter, Harriet, but had been forcibly separated from her by her coerced marriage to Captain Harrop, is driven mad by his grief and lives for years as an infamous "wild man" in the mountains (150). His appearance in the geographic spaces

identified with marronage and rebellion and his physical description both draw on rhetorics linking vagrancy and threat:

At this moment, a wild being rushed down a mountain's craggy steep; Jack smiled at the frantic appearance of the rash intruder: his hair was long and black, and hung scattered down his lacerated shoulders; his beard was neglected, torn and dishevelled; alas! Melancholy was depicted upon his cheek, and his hollow eyes rolled in wild and vacant gaze; his dress was torn and his flesh often with it; you could not distinguish what his habiliments once were, for they bore the resemblance of nothing made by the hand of man: he grasped a large club, and down he came into the plains beneath. (150)

William, however, does not remain an unaccountable, unknowable threat or even a social outcast. After Jack accomplishes his mission of revenge and kills Captain Harrop, William and Harriet are free to marry, and this resolution both cures William's madness and makes him the agent of narrative order and closure of the most generically predictable variety. Madness, vagrancy, and slave rebellion all add up to the tidy resolution of a conventional romantic plot.

However, while Earle's "Advertisement" to the novel praises Jack in politically incendiary language, describing him as "a bold and daring defender of the Rights of Man," this book is nonetheless also a commodity that circulates in a literary marketplace and converts Jack's spectacle of rebellion into the author's hopes for profit. While obeah, in this novel, registers an incoherence that resists the mandate of economically rational emancipation, it also works as a spectacular commodity, spurring book sales among a consumer population hungry for more exotic representations of belief and resistance in the Caribbean. As his title and many details of the plot reveal, Earle draws heavily on John Fawcett's commercially successful pantomime, which had opened only four months before the publication of the novel in November 1800. Earle's economic involvement in

this text extended beyond his authorship; he also printed and sold the book with his business partner John Hemet.³⁴¹ Little more is known of Earle's biography, and his motivations are difficult to deduce, but the economic behavior of this novel suggests that even as British texts continually decried obeah's resistance to the logic of the marketplace, *stories* about obeah made very successful commodities indeed. *Obi* saw many more editions than any of Earle's other works, and was still being reprinted, abridged, and adapted on both sides of the Atlantic well into the nineteenth century.³⁴² It remains this obscure author's only contemporary claim to fame; scholarly interest in slavery, empire, and obeah renders this work marketable once again, as evidenced by the existence of the 2005 Broadview edition.

The issues raised by vagrancy—most centrally, the relation between labor and opaque human interiority, and the predictive theories of police power—were central to shaping emancipation in the Atlantic world. As Diana Paton has shown, policing and punishment were key institutions through which emancipation in Jamaica was carried out and contested.³⁴³

James Williams's 1837 *Narrative of the Events, Since the First of August, 1834* registers the intertwining of the institutions governing emancipation, incarceration, and

341 Earle, *Obi, or, The History of Three-Fingered Jack* (London: for Earle and Hemet, 1800). Earle and Hemet later went bankrupt in 1802, and again in 1806 ("Monthly List of Bankrupts," *The Monthly Visitor*, February 1802; "List of Bankrupts," *Literary Panorama*, December 1806.)

342 Aravamudan lists Earle's other works as a play, *Natural Faults* (1799), a novel, *The Welshman* (1801), and *Welsh Legends* (1803). *Natural Faults* was printed twice by Earle and Hemet in 1799, the second reprint appended additional paratext to defend Earle against charges of plagiarism. *The Welshman* saw two printings in London in 1801, and *Welsh Legends* one. *Obi*, however, was reprinted by Isaiah Thomas, Jr. in Worcester, MA in 1804 and by N. H. Whitaker in Boston in 1830, and became the source for abridgments such as *The Wonderful Life and Adventures of Three-Fingered Jack, The Terror of Jamaica!* (London: J. Fairburn, 1820).

343 Paton, *No Bond But the Law*, 5-30.

labor in the years immediately following the Abolition Act. Williams, a formerly enslaved laborer working under the apprenticeship system that immediately followed slavery, uses the formal conventions of the slave narrative in order to emphasize that this genre's familiar scenes did not disappear with the abolition of slavery, but persisted in the workhouses and other penal institutions of Jamaica. For example, he disrupts the binary so commonly repeated in early nineteenth-century abolitionism—"wages or the whip"—by emphasizing the persistence of the whip beyond the order of slavery for which it had functioned as metonym: “When I was a slave I never flogged,—I sometimes was switched, but not badly; but since the new law begin, I have been flogged seven times, and put in the house of correction four times.”³⁴⁴ The recourse to unregulated violence identified as the power of the master over the enslaved is here extended to the magistrate, who functions as a tool of the plantation-owner's power: “When them try me, massa said, that one Friday I was going all round the house with big stone in my hand, looking for him and his sister, to knock them down. I was mending stone wall round the house by massa's order; I was only a half-grown boy that time. I told magistrate, I never do such thing, and offer to bring evidence about it; he refuse to hear me or my witness; would not let me speak; he sentence me to get 39 lashes...”³⁴⁵

Furthermore, the circumstances of the publication of Williams's narrative reveal how the modes of emancipation and its limits were shaped by police logic and political economy. Williams was brought to England by the white abolitionist Joseph Sturge, who enlisted Williams as the potential face of his campaign against the apprenticeship

344 James Williams, *A Narrative of Events, Since the First of August, 1834, by James Williams, an Apprenticed Labourer in Jamaica* [1837] ed. Diana Paton (Durham: Duke University Press, 2001), 5.
 345 *Ibid.*, 6.

system.³⁴⁶ Sturge also largely controlled the publication and distribution of Williams's narrative. He arranged for Williams to work with an amanuensis, Archibald Palmer, who had been a magistrate in Jamaica until 1836, when he had been dismissed and returned to England.³⁴⁷ Finally, as his letters reveal, Sturge was in fact not so different than the penal institutions he had enlisted Williams to condemn. He viewed Williams as too indolent and disobedient, and eventually had him sent back to Jamaica. As he narrates in a letter of 1837, he reframes Williams's fear of the workhouse's violence—precisely the scandal Sturge had hoped his narrative would reveal to indignant readers—as a beneficial force that might compel him to work:

Though I think there is some risk in there being an attempt made to punish him for the facts which have been made public from his statement yet I think he is more likely to settle down over there in steady employment than anywhere else and the dread of falling into the hands of those from whom he suffered so much may be a good check upon him. If he gets into the hands of our enemies I think it likely they may make him contradict his story by some means or another and of the two I think there is more danger in this country of mischief from that than in Jamaica.³⁴⁸

To protect his book's abolitionist political message—to keep his position as authentic witness and reliable narrator intact—Williams himself must be returned to the place that (as the *Narrative* and its paratexts repeatedly insist) is still effectively in the grip of slavery. For Sturge, Williams the man and Williams the author are pitted against each other; once his story has been extracted, the man poses an unknown threat to the legibility and effectiveness of the narrative.

³⁴⁶ Diana Paton, "Introduction" to Williams, *Narrative*, xv.

³⁴⁷ *Ibid.*, xix.

³⁴⁸ Joseph Sturge to Thomas Clark, 15 August 1837; reprinted in Williams, *Narrative*, 97-98.

EPILOGUE

Historiographic Dispossession

The obeah man or woman is one of the great guild or fraternity of crime. Hardly a criminal trial occurs in the colony in which he is not implicated in one way or another. His influence over the country people is unbounded.³⁴⁹

The vagrant has been very appropriately described as the chrysalis of every species of criminal. A wanderer through the land, without home ties, idle, and without apparent means of support, what but criminality is to be expected from such a person?³⁵⁰

These two late nineteenth-century texts—one a travel narrative by a former magistrate in Jamaica, and another an influential work of United States legal scholarship—represent two different, intertwined legacies of the eighteenth-century formal, imaginative, and legal categories I've tracked in this project. In the United States and Jamaica, we see two markedly similar claims about two related figures: the vagrant and the obeah practitioner. These figures represent a predictable unpredictability; it is certain that both can produce nothing but criminality, and yet the form of that criminality remains resolutely unknown. Whether it is the obeah practitioner's "unbounded" potential to influence "the country people" or the vagrant's status as "the chrysalis of every species of criminal," this figure's only knowable characteristic is its endlessly mutable potential to produce future threat. Through the evocation of these figures, "criminality" is linked to the entire domain of unknown future activity through familiar

349 Charles Rampini, *Letters from Jamaica: The Land of Streams and Woods* (Edinburgh: Edmonston and Douglas, 1873), 131.

350 Christopher Tiedeman, *A Treatise on the Limitations of Police Power in the United States* (St. Louis: The F. H. Thomas Law Book Co., 1886), 116-17.

structures of perception, imagination, knowledge, and figurative language.

This formal structure is powerful: as I have argued, it allows a wide-ranging scope of police power (as exercised both by the state and by “ordinary citizens”), but at the same time, also offers writers from Mary Robinson to Karl Marx to Michel Foucault a vocabulary for figures and forms that elude, challenge, or confound power.

In *The Many-Headed Hydra*, Peter Linebaugh and Marcus Rediker attempt a broad history of the dispossessed in the early Atlantic world. In order to apprehend what they characterize as a multiracial and transnational proletariat, Linebaugh and Rediker cast a wide historiographic net. Indeed, that idiom's reliance on an image of capture and restraint is unusually apt; one of their key methodological moves is to take up categories (vagrancy, rebellion, witchcraft and the “many-headed hydra” of the book's title) used to criminalize populations, and reframe them as expressions of proletarian history. In other words, like a magistrate conducting a privy search, they comb the archive for the widest array of figures who might fall under the category of vagrancy—but in order to celebrate and reclaim them.

The miscellany, flexibility, and expansiveness of a category like vagrancy offers a certain power to this kind of historiographic project. Just as Foucault, as I argued in my first chapter, redeploys the language of vagrancy to figure the object of queer historiography as one whose deviance cannot be known or imagined in advance, Linebaugh and Rediker draw on the vast mobility and multiplicity of vagrancy in order to tell a story of dispossession that ranges widely across time and space, and that makes space for the historical recovery of lives whose places in more fixed identitarian

categories cannot be presumed. They reclaim, in other words, the catchall aesthetic of the *lumpenproletariat* as the essence of the proletariat itself: "The emphasis in modern labor history on the white, male, skilled, waged, nationalist, propertied artisan/citizen or industrial worker has hidden the history of the Atlantic proletariat of the seventeenth, eighteenth, and early nineteenth centuries. That proletariat was not a monster, it was not a unified cultural class, and it was not a race. ... It was multitudinous, numerous, and growing. ... It was motley, both dressed in rags and multi-ethnic in appearance. ... It was planetary, in its origins, its motions, and its consciousness."³⁵¹

Their story aims to harness the miscellany and common dispossession named by a capacious category like "vagrant" as a story of people bound together by a common oppression, even by anticapitalist resistance. There is much to admire about this aim, which allows space to imagine resistance in an archive often hostile to this possibility. More broadly, such a story insists on linked histories of gender, empire, and capitalism, and indeed, my project is much indebted to such an expansive analytic frame. At the same time, however, a sympathetic search for vagrants in the archive is still a search for vagrants; it still presumes that "vagrants" are a population whose existence can be uncovered and comprehended through the interpretation of bodies, documents, identities, and stories. An assertion of a group's revolutionary value is still an assertion of value. What happens to historical subjects whose value cannot be made legible either to capitalism *or* to any anticapitalist political program we might recognize?

Lisa Marie Cacho poses this very question as she weaves together historical

³⁵¹ Peter Linebaugh and Marcus Rediker, *The Many-Headed Hydra: Sailors, Slaves, Commoners, and the Hidden History of the Revolutionary Atlantic* (Boston: Beacon Press, 2000), 332-33.

recovery and the work of mourning in her essay, "Racialized Hauntings of the Devalued Dead." After the death of her young cousin Brandon, she recounts her family's struggle to narrate Brandon's life with dignity in the face of his racialized disqualification from narratives of citizenship, economic productivity, and proper masculinity. At the same time, Cacho reflects on her own temptation to refashion him, in her memory, as a resistant subject whose life choices evinced an active refusal of capitalism. Both these efforts to ascribe value—to recuperate him as either a good citizen or a good revolutionary—she concludes, are not adequate for mourning or remembering his life: "Ascribing (readily recognizable) value to the racialized devalued requires recuperating what registers as deviant and disreputable to reinterpret those devalued beliefs, behaviors, and bodies as misrecognized versions of normativity who deserve so much better."³⁵² This dilemma, for Cacho, means that it proves nearly impossible to wrench the language of value from the logic that constitutes Brandon as a subject not to be mourned: "He was profoundly valued, but we could not tell you why."³⁵³ This aporia, which balances between narrative failure and refusal, offers a glimpse of another method through which we might approach the historical archives of dispossession.

In his engagement with Linebaugh and Rediker, Brent Hayes Edwards demonstrates one possible literary-critical approach to this historiographic impasse. In his discussion of Claude McKay's 1929 novel *Banjo*, which sketches a motley assemblage of vagrant lives around the docks of Marseilles, Edwards reaches back to Linebaugh and

352 Lisa Marie Cacho, "Racialized Hauntings of the Devalued Dead." In Grace Kyungwon Hong and Roderick A. Ferguson, eds. *Strange Affinities: The Gender and Sexualized Politics of Comparative Racialization* (Durham: Duke University Press, 2011), 26.

353 Ibid., 28.

Rediker's evocation of a much earlier, but strikingly similar, vision of vagrancy as an expansive category, materially and figuratively. The narrative of *The Many-Headed Hydra* allows Edwards to draw out a strain of resistance in the novel, one that takes the risk of proximity to stereotypes of black laziness in its celebration of the refusal to work.³⁵⁴ Edwards aligns the novel with the figure of the hydra, as both lend shifting form to the inherent multiplicity of the *lumpenproletariat*: "In *Banjo*, there is a twentieth-century version of this argument, with regard to 'the scum, the leavings, the refuse' of European colonialism and global commerce: port city communities of color, likewise characterized by their 'mobility, their freedom, and their footlooseness' (95), and equally resistant to the passive frame that political economy would have them fit."³⁵⁵ Indeed, the novel embraces waywardness and discontinuity at the level of form, as Edwards notes; its subtitle announces it immediately as "A Story without a Plot."³⁵⁶

However, for Edwards, *Banjo* is not a straightforward reevaluation of "vagabond internationalism" as the new face of an international proletariat.³⁵⁷ Collectivity in this novel, he argues, always coexists with doubt, tension, conflict, and contingency. Even as it stages constant resistance to wage labor, it simultaneously refuses easy incorporation into a revolutionary narrative or, indeed, any particular form of stable identity: "McKay insists on locating internationalism against the grain of nationalism without grounding it in any alternate universalism (an internationalism of the 'human' or an internationalism of the 'proletariat,' for instance). This is an internationalism of the defective: the

354 Brent Hayes Edwards, *The Practice of Diaspora: Literature, Translation, and the Rise of Black Internationalism* (Cambridge: Harvard University Press, 2003), 200.

355 *Ibid.*, 202.

356 *Ibid.*, 189.

357 *Ibid.*, 198.

unregistered, the undocumented, the untracked—an ab-nationalism, as it were, of all the 'Doubtful.'"³⁵⁸

I have, thus far, resisted attempting to reclaim a picture of “real vagrants” from these narratives, focusing instead on how figures of vagrancy circulate through publics that formed around the prerogative of policing the eighteenth-century Atlantic world. However, if this archive is to yield, however incompletely, some insight into the experiences of those labeled “vagrant”, I hope that this project can sow some productive doubt that might inform such a venture. If vagrancy is not an identity, but a structure of knowledge and perception, then the people whose lives might be recovered from this archive are not "vagrants," but something else. At the same time, if we attempt to reclaim these historical lives from criminalization by recovering them as innocent, worthy of respect, undeserving of criminalization, then we risk recapitulating the logic that cordons off "the criminal" as a knowable kind of devalued subject. An archive of vagrancy and its rhetorical modes does not yield a group or population that is easy to reclaim and celebrate in recognizable terms. Instead, it might look more like Edwards's reading of *Banjo*: the uneasy not-quite-collectivity of the historiographically “defective” and narratively “doubtful.”

358 Ibid., 239.

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