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# Legal Fictions: The Trope of Criminality in Nineteenth-Century American Literature

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UNIVERSITY OF MIAMI

LEGAL FICTIONS: THE TROPE OF CRIMINALITY IN NINETEENTH-CENTURY  
AMERICAN LITERATURE

By

Brian D. Breed

A DISSERTATION

Submitted to the Faculty  
of the University of Miami  
in partial fulfillment of the requirements for  
the degree of Doctor of Philosophy

Coral Gables, Florida

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Legal Fictions: The Trope of Criminality  
in Nineteenth-Century American Literature.

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This dissertation investigates some of the ways in which nineteenth-century American literatures interrogate liberal subjectivity through the trope of the criminal. Specifically I argue that the texts treated hereafter employ the trope of criminality to imagine and model transformations of liberal subjectivity. One can divide my argument into two sections, each composed of two chapters. In my first section I discuss how *Uncle Tom's Cabin* and *Incidents in the Life of a Slave Girl* challenge the legislation enfranchising slavery through narrated dialectics. The second section, which takes as its foci *The Blithedale Romance* and some of Bret Harte's short fiction published between 1868 and 1870, examines how narratives interrogate the domestic in emergent communities. In brief, I argue that the concept of criminality affords these texts the opportunity to press on liberal subjectivity. It is not the well-behaved characters in whom these narratives invest interiority, but those who violate (or at least express their willingness to violate) particular elements of legal codes.

## TABLE OF CONTENTS

Chapter	Page
INTRODUCTION .....	1
1 UNCLE TOM'S PROBLEM: THE CONTEST BETWEEN SYMPATHY AND POSITIVE LAW IN THE COURT OF SENTIMENT .....	15
The Family Tie .....	18
One Real Presence .....	32
A Natural Hero.....	49
Out of America .....	61
2 "HE THAT IS <i>WILLING</i> TO BE A SLAVE, LET HIM BE A SLAVE:" AGENCY AND DISOBEDIENCE IN <i>INCIDENTS IN THE LIFE OF A SLAVE GIRL</i> .....	68
Incidents in the Life of a Narrative .....	71
Merely in Name .....	76
The first Lesson of Obedience .....	84
Waiting Like Criminals.....	97
I Try to be Good, but What's the Use?.....	102
Maintenance of the Right.....	116
3 MILES COVERDALE'S TALES: POSITIVE LAW AND THE PROBLEM OF MESMERISM IN <i>THE BLITHEDALE ROMANCE</i> .....	119
A Theatre, a Little Removed.....	122
Coverdale Frames the Tale .....	127
A Revisionist in a Romance.....	136
Zenobia's Legend, Coverdale's Myth.....	143
Moodie's History, Coverdale's Mystery.....	149
Priscilla's Betrayals, Coverdale's Tales.....	159
4 HOW THE WEST WAS DOMESTICATED: DOMESTICITY AND CRIME IN HARTE'S <i>OVERLAND</i> FICTIONS.....	171
Surrogates and Senators .....	173
Prostitutes and Partners.....	185
Exiles and Expatriates.....	201
Conclusion .....	212
WORKS CITED.....	214

## Introduction

In this dissertation I read several nineteenth-century American narratives which consider contests between communities and their dissidents. I propose consolidating the disparate instances of social and legal unrest, embodied by prominent characters within these narratives, as a trope of criminality. Because these narratives pose important questions about liberal subjectivity through their criminalized characters, I endeavor to unpack those questions, articulate their technical function within these narratives, and indicate the tensions within the concept of liberal subjectivity which separate instances of the trope highlight.

My dissertation examines some well-studied sites of contest between the criminal and the community, such as those who aid the fugitive Harris family in Harriet Beecher Stowe's sentimental novel *Uncle Tom's Cabin* and the key players in the transcendentalist community of Nathaniel Hawthorne's supernatural story *The Blithedale Romance*.

I also examine some of the less frequently discussed scenes in Harriet Jacobs' slave narrative *Incidents in the Life of a Slave Girl*, and Bret Harte's once-popular but relatively unstudied vignettes from his tenure at *The Overland Monthly*.

Toward the beginning of *The Common Law*, Oliver Wendell Holmes claims that "the first requirement of a sound body of law is, that it should correspond with the actual feelings and demands of the community, whether right or wrong. If people would gratify the passion of revenge outside of the law, if the law did not help them, the law has no choice but to satisfy the craving itself, and thus avoid the greater evil of private retribution."<sup>1</sup> Holmes does not dissociate rightness and wrongness from sound law, but

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<sup>1</sup> Oliver Wendell Holmes, *The Common Law* (<http://www.gutenberg.org/files/2449/2449-h/2449-h.htm>), 42.

loosens that connection. It is better, but not necessary, if the actual feelings of the community are right. It is vital that the law encode the actual feelings of the community, even if those actual feelings are wrong.

Holmes also contends, "Our system of private liability, for the consequences of a man's own acts, that is, for his trespasses, started from the notion of actual intent and actual personal culpability."<sup>2</sup> This marriage of intent to culpability, which Holmes calls liability, provides the legal basis by which enfranchised people can injure the liable. "The desire for vengeance," he later writes, "imports an opinion that its object is actually and personally to blame."<sup>3</sup> It is on this basis that sound law should proceed—first in assessing effect, then proceeding to define intent. Holmes admits that any given individual's beliefs about misconduct may vary wildly from his own, but culpability remains a requisite for guilt.

If the purpose of a sound body of law is to contain the threat of violence outside of the bounds of the law, then we can find at least two intersections between the concepts of common or civil law, and criminal law. First, both forms of law provide the community with a way of affixing blame to the actions of which, and the actors of whom, they do not approve. Second, and by extension, both forms of law provide the community with a mechanism for revenge against those actions of which, and actors of whom, they do not approve. One of the most important implications of Holmes' assessment is that civil and criminal law share a common source—the concept of liability. In Holmes' estimation, criminality is a form of responsibility that jurisprudence attaches to the human body. Thus the notion that criminal law primarily functions as a conduit for

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<sup>2</sup> Ibid., 4.

<sup>3</sup> Ibid., 40.



human passion—as a mechanism for the containment of violence by directing punishment through officiated channels—arrests my intention. As Holmes articulates his case, criminal procedure subordinates not only the defendant but the body politic as well. Without criminal law, Holmes' theoretical society fails internally. To be held responsible in the eyes of American law, Holmes suggests, requires that the party in question was not only capable but both intended to and succeeded in committing a violation of the law. To be liable for an action is to be responsible for intending an action, and to be responsible for intending an action is to be capable of intending to act otherwise.

And it is in the interest of the public, broadly defined, for the state to authorize and, where necessary, actually injure liable parties. Otherwise, Holmes suggests, citizens of the state will injure not only the liable party but also the social contract upon which they rely in carrying out their vengeance. Holmes hinges his conception of American criminal law on the notion "not only that the law does, but that it ought to, make the gratification of revenge an object."<sup>4</sup> If the law does not provide satisfaction then the members of a legislated community will seek it independent of the law.

This is not a new concept, nor one previously neglected by American literature. In the opening of *The Scarlet Letter*, Nathaniel Hawthorne suggests that the first structure any community needs to build is a jail: "The founders of a new colony, whatever Utopia of human virtue and happiness they might originally project, have invariably recognized among their earliest practical necessities to allot a portion of the virgin soil as a cemetery, and another portion as the site of a prison."<sup>5</sup> It does, however, provide the reader with an opportunity to consider the concept of the bodies placed (perhaps even those who could

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<sup>4</sup> Ibid., 41-42.

<sup>5</sup> Nathaniel Hawthorne. *The Scarlet Letter* (New York: W.W. Norton & Company, 2005), 36.

be placed) inside "the site of a prison." It is with this in mind that I examine criminality as a trope in the following pages—a central component of a functioning community, regardless of the soundness of those values. Thus the trope of the criminal provides these narratives with a convenient place to challenge the assumptions of such values.

Raymond Williams explains culture as in part the convergence of the emergent—that is, "new meanings and values, new practices, new relationships and kinds of relationship"<sup>6</sup>—with the residual and the dominant. Dominant culture—with its established meanings, values, practices, relationships, and kinds of relationship—has the pernicious capacity to absorb the emergent elements of culture into the normative. This of course has many implications and none which I can exhaust, but criminality falls within the many ways that the dominant wields to subsume difference. That which can be articulated as a violation can be contained as a threat, so long as the dominant remains.

I suggest that the following texts—Harriet Beecher Stowe's *Uncle Tom's Cabin*, Harriet Jacobs' *Incidents in the Life of a Slave Girl*, Nathaniel Hawthorne's *The Blithedale Romance*, and Bret Harte's short stories in *The Overland Monthly*—all treat emergence as a kind of crime. Sometimes the acts of emergence are overtly criminal, such as Moodie's fraud in *The Blithedale Romance*. Other acts are so different from normalized behavior that (insofar as the enfranchised community can seek vengeance) the characters in these narratives treat the difference *as* criminal, such as Eliza's flight with her son Harry in *Uncle Tom's Cabin*. My purpose from here forward is not to comment on the nature of the law in the United States, but rather to comment on how these narratives deploy a legal vocabulary to describe events in terms of injury, culpability, and vengeance.

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<sup>6</sup> Raymond Williams, *Marxism and Literature* (New York: Oxford University Press, 1977), 123.

These texts encode many kinds of crime, and not all criminal acts are emergent. But by conceiving of emergence as a kind of crime, these narratives provide for their readers a site in which to explore the limitations of liberal subjectivity and some of the productive possibilities that lay beyond the well-regulated space, the well-behaved subject. If criminals can say and think what a good and law-abiding citizen cannot, then the trope of the criminal can afford regulated readers with the opportunity to imagine past the limitations of their codes.

This literary device of course also provides these narratives with a convenient way of containing the threats which they imagine to the normative. Concomitantly I hesitate to make any grand claims about the nature of social transformation within literature. Indeed each of these texts ends with the threats which their emergent criminals pose somehow or other contained: George Harris dissociates from the United States, Linda Brent flees the South, Zenobia dies, Roaring Camp gets washed away and Jack Hamlin rides off into a "wester" west. But between their first appearances and their subsequent departures from their respective sites of contest, these myriad characters push against the normal in important ways for the readers who must recompose the narratives and therefore imagine the traumatic events and complex relationships which these narratives describe.

To paint the following work in broad strokes, I consider how different conceptions of law influence American literature in the decades leading to and following the Civil War. One way in which I limit the scope of my examination of this topic is by articulating my arguments in terms of what narratives do with or through the law. One can divide my argument into two sections, each composed of two chapters. In my first

section I discuss how *Uncle Tom's Cabin* and *Incidents in the Life of a Slave Girl* challenge the legislation enfranchising slavery through narrated dialectics. The second section, which takes as its foci *The Blithedale Romance* and some of Bret Harte's short fiction published between 1868 and 1870, examines how narratives interrogate the domestic in emergent communities. In brief, I argue that the concept of criminality affords these texts the opportunity to press on liberal subjectivity. It is not the well-behaved characters whom these narratives invest with interiority, but those who violate (or at least express their willingness to violate) particular elements of legal codes.

Given that the narrative enjoins its readers to "see to it that they feel right," I contend that the Harris family plot in *Uncle Tom's Cabin* depicts several different relationships that an American may have with the institution of slavery in general, and The Fugitive Slave Law in particular. As the Harris family travels north, they encounter increasingly criminal communities—that is, groups of people who will more openly defy the legislation which serves to enthrall the black body as chattel. When set aside one another, the Shelleys encode a legal negligence, the Birds an untenable moderation, and the Quakers a radical dissent. But even as the narrative encourages the reader's affiliation with the Quakers' examples, the narrative admits of no place for the strong black subject in the United States. The first criminals in this text—Eliza and George Harris—must leave the country to find a place to exist. If Americans define themselves in part by their relationships with the law, the slaves in this text cannot be American—especially if they exhibit well-defined agency, such as George Harris. Empathetic connections with people of a different race must terminate at the border of the United States—the black person (especially considered as an agent) *must* be treated as an Other in *Uncle Tom's Cabin*.

Next I consider how the narrator Linda Brent constructs black agency in *Incidents of the Life of a Slave Girl* through the first four chapters of her narrative. To accomplish this I first stress the value of delineating Harriet Jacobs from Linda Brent. Despite the details of her life which help Jacobs pen *Incidents*, it is the pseudonym Linda Brent with whom I explicitly engage as a critical reader. Brent serves as witness to the mundane atrocities of slavery prevalent in the South, reporting on behalf of Jacobs and many other subjugated communities. After articulating what I call "the logic of manumission"—that is, the premise that good enough behavior will secure the slave at least comfort and at best freedom—Brent proceeds to indict this state of mind as a means by which white Southerners perpetuate the institution of slavery. Consequently Brent turns to disobedience as the only viable way for the slave to secure freedom. At the very least, disobedience will secure the slave her recognition as a person in the eyes of the criminal law, where criminality implies agency.

In my third chapter I suggest that Miles Coverdale's frequent use of the language of law in *The Blithedale Romance* is more than rhetorical flourish. Coverdale is fascinated with the power of language to subordinate and organize social relations, and he uses it to direct the reader's conception not only of Blithedale but of its principal residents. Importantly Coverdale offers two compositions within the romance's greater whole wherein he insinuates Zenobia's criminal motive and intent with regards to her half-sister Priscilla, whom (Coverdale implies) Zenobia views as a rival for the affections of Hollingsworth. But as his tale progresses, Coverdale's hold on legal language proves to be increasingly tenuous. In her final moments Zenobia undermines the narrative Coverdale has endeavored to compose.

Finally I turn to several of short fictions Bret Harte published in *The Overland Monthly* between January of 1868 and December of 1870—specifically, "The Luck of Roaring Camp," "The Outcasts of Poker Flat," "Miggles," "Tennessee's Partner," "Brown of Calaveras," and "The Iliad of Sandy Bar." I read each of these tales with a particular interest in how the narratives conceive of alternatives to normative domesticity, with "Roaring Camp" and "Sandy Bar" considering the effects of alternative domestic arrangements at the level of the community, "Tennessee's Partner" and "Miggles" focusing on the ways in which the law strives to articulate and thence police domesticity, and finally how the narrative logics of "Outcasts" and "Brown" produce interiority at the site of criminality. These narratives take place at the very boundary of Americanism—that is, an early 1850s California newly inducted to the Union—but even so, the narratives ultimately contain their alterities by killing off, exiling, or expatriating them.

In this moment of information saturation, slow and deliberate reading is a costly task. Quantitatively, slow reading is enormously resource-intensive. But it is also the definitive component of the following manuscript. I offer my dedication to these nineteenth-century narratives, my close attention to these close exchanges of language, my willingness to be in relationship with these texts-as-wholes, because they are pertinent in and of themselves. They continue to matter beyond the moments of their publications because we continue to remember them, and we continue to remember them because they continue to describe conflicts and tensions as deep as the foundations of the United States. But reading slowly is a means to an end—a method that requires defense—and

not itself the purpose of this dissertation. In an effort to justify my project I explain below what I mean whenever I use the word "narrative."

- *A narrative is a constructed thing.* A narrative inherits, contains, deploys, obeys: the intentions of its authors and the execution of its readers; the contexts of its authors, the conditions of its readers; the cacophonies of voices with which the text resonates, the authorial invocations and the readerly insertions; the precedents for reading essential to one reader and toxic to another; the instability of language and the immutability of syntax; the mistranslations, the editorial elisions, the redactions and the abridgments; the interminable contingencies of place and time and person.
- *A narrative is a contested thing.* No one voice, no one reading, realizes the full potential of a narrative. Or if one voice and one reading does realize the full potential of a narrative, then it is (at best) as yet unarticulated or (at worst) the death of all productive exchange between a multitudinous audience and its divergent, concurrent, oppositional, and heterogeneous readings. While a narrative requires some measure of consensus from its readership, it nevertheless depends upon dissent amongst its readers to survive.
- *A narrative is a communicable thing.* A narrative wants to replicate itself, to occupy new niches, to diverge into new narratives, to claim its share of the finite human intellectual resources available at any given moment. A narrative mutates, evolves, and adapts. A narrative depends upon the industries of its readers to persist and to reproduce. Events occur once—narratives recur again and again. Without the various efforts of readers—not only to make a narrative live once, but to live many times—a narrative dies or (in this moment of cheap transmission and even cheaper storage) goes dormant. And each time a narrative recurs, it embodies only some intentions of the author who penned

it. The historical, social, political, and geographical accidents which contain the act of reading and the reader who reads *in that time* and *in that place* will inexorably complicate the quickening of a narrative.

- *A narrative is a coercive thing.* A narrative endeavors to evoke and enjoin, to perjure and prompt, to injure and incite, to reference and rile. A narrative commands the attention of its audience by all the machinations and ingenuities which its human author(s) can imagine and which its human readers can provide. Some of these devices follow convention; some devices work so well that they become convention; still others work by breaking convention to keep the reader invested.

I intend these comments to be categorical, but I do not intend them to be either comprehensive or exhaustive. I offer them so as to provide my reader with leverage against my argument. But the above observations/assertions regarding what a narrative *is* also generate the intellectual capital upon which I draw throughout my manuscript. Because narratives are composed of words, and because words change meaning over time, a contemporary reader's comprehension of a nineteenth century narrative will diverge from the comprehension of a nineteenth century reader. The narrative that was extant in 1850 is no longer available, even if the text remains with us. The language of its inception has changed, and the most interesting words in a given nineteenth century narrative have probably changed the most. To wit, I believe narratives are changes in meaning over time as well as artifacts of the time from whence they arose.

This frame of mind deeply influences my writing. Reading is a social act, and I care about the influence of subject positions upon that social act. Who and when and



where I am inexorably shape the act of reading. My subject position is going to direct reading of a given narrative, and so I strive to avoid speculating on what a given narrative *should* mean to instead describe at least one way in which it *can* mean. I rely upon several theorists to guarantee the value of this approach—foremost among them Raymond Williams, the contributors to The Keywords Project, and MM Bakhtin. They provide me with a framework to conceive of the conventions of reading, the criteria for keywords, and the dialectical structure of narrative.

Raymond Williams suggests that, in the context of "modern class societies, the selection of characters almost always indicates an assumed or conscious class position. ... Without formal ratification, all other persons may be conventionally presented as instrumental (servants, drivers, waiters), as merely environmental (other people in the streets), or indeed as essentially absent (not seen, not relevant). Any such presentation depends on the acceptance of its convention, but it is always more than a 'literary' or 'aesthetic' decision."<sup>7</sup> I take this claim to mean that, unless the narrative explicitly requires otherwise, its reader has an incentive to leave the majority of a character's choices, actions, thoughts, and experiences undescribed. Readers can of course thicken any character beyond the necessities of the narrative, but doing so requires a change in disposition towards the text. This is a larger claim than I can defend in this space, but this conception of character-as-convention means narratives *can*—and in the following cases, often *do*—exploit convention to insert subversive notions beneath or through character conventions.

I owe a debt to The Keywords Project for its useful extension of Williams' keyword concept. The editors of The Keywords Project are not alone in continuing the

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<sup>7</sup> Raymond Williams, *Marxism and Literature* (New York: Oxford University Press, 1977), 175.

work Williams began,<sup>8</sup> but I am particularly indebted to the project at the University of Pittsburgh for its elegant and lucid definition of a keyword as any term which: is in current use; is multivalent; is categorical; is contested; is interconnected with other keywords.<sup>9</sup> In keeping with the work of Williams, the editors of this (and other collaborative projects) treat these terms as useful and problematic; they occur within literature, and then again in writings about literature. Keywords therefore operate as points-of-entry between literature and literary studies, and all too often (as authors and as readers) we forget to declare the contents which we carry with us across those boundaries. In my dissertation I often focus on such terms as the fulcrum points of a passage. Specifically I try to identify moments where a legal vocabulary activates within each of the following narratives, and use that as a plumb line for my interpretations. I do not perform the careful etymological work which characterizes a keywords entry, either by Williams or The Keywords Project. Nonetheless the syntactical criteria most explicitly outlined by The Keywords Project have been some of the most important for my conception of explaining how words work in prose narrative. I discuss what that legal(ized) vocabulary *can* mean, and how it amplifies certain relational components of these narratives.

I also acknowledge MM Bakhtin for his conception of a novel as an arrangement of the different levels of dialogue—that is, meaningful exchanges in and between different levels of discourse in the narrative. These exchanges within narrative provide decentralized centrality—anchors for meaning, but not the meaning of narrative itself.

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<sup>8</sup> I also need to acknowledge *Keywords for American Cultural Studies* (New York: NYU Press, 2008) and its companion website ([keywords.nyupress.org](http://keywords.nyupress.org)). The work done here is invaluable as a glossary of terms which describe current trends in American studies and cultural studies.

<sup>9</sup> "What is a 'keyword?'" The Keywords Project (University of Pittsburgh: [keywords.pitt.edu/whatis.html](http://keywords.pitt.edu/whatis.html)).

The most important contribution to my framework is Bakhtin's notion of heteroglossia—a term hard to define, but indicative of the polyvalence of language in (and out) of text.

Bakhtin contends:

Every concrete utterance of a speaking subject serves as a point where centrifugal as well as centripetal forces are brought to bear. The processes of centralization and decentralization... intersect in the utterance; the utterance not only answers the requirements of its own language as an individualized embodiment of a speech act, but it answers the requirements of heteroglossia as well; it is in fact an active participant in such speech diversity.<sup>10</sup>

I extend his claims about the novel to the narrative because (while both labels describe discursive acts) narrative can encompass a variety of texts which we generally do not recognize as novels. I presuppose language to be unstable, shifting, and transitory; thus I try to find moments in the following dissertation where I can slow down language enough to comprehend some, if not all, of its connotations.

Interpretation is, I believe, an idiosyncratic task. Accidents of time and place inform the act of reading as well as the act of composition. Consequently, I avoid (as much as possible) discussion of the author of a narrative, instead of a narrative itself. I do not do this to devalue the authorial relationship with a text, but out of a conviction that the author's relationship with a narrative does not define the limits of what a reader can do with a narrative. If a reading can obtain and cohere, then it can reproduce itself through disclosure. At several points in my dissertation I reference ongoing arguments over what certain passages mean, or over how certain portions of a narrative should be read. I try to demonstrate my grasp of these important critical debates, but instead of positioning with or against a given scholar I usually try to acknowledge the difficulties which divergent readings highlight.

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<sup>10</sup> MM Bakhtin, *The Dialogic Imagination: Four Essays*. Trans. Caryl Emerson and Michael Holmquist (Austin: University of Texas Press, 1981), 272.

Thus I generally suppress the impulse to employ evaluative language to discuss the interpretations of other scholars. I seek places where we can say something together, even if those moments of communion are exceptional instead of normative. As a rule I am loath to position against critics, even if other critics draw conclusions which I cannot—indeed, even if the readings which they propose seem to be antinomies or outright antitheses to those which I offer. I enjoin my reader to reason and converse with me so that together we might find places of lucrative consensus and productive disconnect. I write with the hopes of participating in a conversation that is its own end, even as moments in that conversation may serve various other purposes.

Chapter 1—*Uncle Tom's Problem: The Contest between Sympathy and Positive Law in the Court of Sentiment*

"The Middle Passage," the thirty-first chapter of Harriet Beecher Stowe's *Uncle Tom's Cabin*, opens with the novel's title character sitting in the hold of a boat on the Mississippi River. Bound hand and foot, Uncle Tom recalls his previous masters and habitations, first the Shelbys in Kentucky and then St. Clare in Louisiana. With family and luxury, estates and mansions, behind him, what—the narrative wonders—must Uncle Tom feel at the prospect of hard labor on a downriver farm?

Of course, the reader of *Uncle Tom's Cabin* is not privy to the humble slave's inner thoughts. Instead the narrative informs its reader that chattel slaves, like chairs or tables, can pass between owners of significantly different class and character—but, "The great difference is, that the table and chair cannot feel, and the *man* can; for even a legal enactment that he shall be 'taken, reputed, adjudged in law, to be a chattel personal,' cannot blot out his soul, with is own private little world of memories, hopes loves, fears, and desires."<sup>11</sup> It is not the slave's feelings, but rather the fact that the slave *feels* feelings, with which the narrative attempts to raise the ire of the reader.

The rest of "The Middle Passage" is, in many ways, a microcosm of *Uncle Tom's Cabin*. As the narrative would have it, Uncle Tom heroically endures Simon Legree's abuse by clinging to his simple Christian faith. The slaveholder turns to boast of his skill in breaking the spirits of slaves to a Northern bystander, who in turn carries on an argument with another uncomfortable (Southern) onlooker about the ethics and regional commitments of slavery: if only the decent Southerners would act on their feelings, the

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<sup>11</sup> Harriet Beecher Stowe, *Uncle Tom's Cabin* (New York: WW Norton & Company, 1994), 293. Hereafter, all references to *Uncle Tom's Cabin* will be cited in-text with the format (UTC #).

Northerner suggests, then slavery would go away. But neither Northerner nor Southern gentleman *do* anything beyond regret and suggest.

Much as this chapter's onlookers turn away "with repressed uneasiness," the narrative assumes that most of its readers really believe that slavery is a great wrong (UTC 295). This aspect of *Uncle Tom's Cabin*—its attempts to evoke strong emotional responses through the debates of white(ned) people—fascinates and frustrates me, and forms the basis of my inquiry into the narrative. Published serially from June 1851 until April 1852 in *The New Era*, Harriet Beecher Stowe's most famous novel charts Uncle Tom's movement from comfortable bondage (to Mr. Shelby in Kentucky) to tortuous subjugation (to Simon Legree in Louisiana). At the same time the novel follows George, Eliza, and Henry Harris as they flee to Canada to escape from the peculiar institution. It is with this latter subplot that I am most interested, and to which I dedicate the majority of my argument.

Foregrounding the injunction that the reader "see to it that they feel right," in this chapter I consider the ways in which the narrative of *Uncle Tom's Cabin* uses sympathy to trouble the reader's commitment to the Fugitive Slave Act. I read the chapters "Showing the Feelings of Living Property on Changing Owners," "In Which It Appears That a Senator Is But a Man," and "The Freeman's Defence" as three presumed starting points for the novel's readership—three places at which the reader might find her current "right feelings." As the Harris family continues north, the white people they encounter become increasingly unwilling to listen fit their actions to the dictates of the Fugitive Slave Law. Mrs. Shelby will skirt, the Birds will circumvent, and finally the Quakers will openly break the laws which protect slavery, all because they each feel that they must.

The positive laws protecting the institution of slavery, I argue, curtail not only right action but also right feeling in this text. As the Harris family heads ever northward, fewer laws exist which relegate the behaviors of the individuals and communities that the Harris family encounters. The further north the narrative travels, the easier it becomes for people to "feel right" and therefore to *do* right. That is, the state of right feeling empowers individuals to defy those laws that do try to restrict their choices.

In "Showing the Feelings of Living Property on Changing Owners," Mrs. Shelby will not break the law but she will not actively defy it (or her husband), but she will approve of Eliza's flight. Senator Bird will defy the legislation he helped to pass—albeit with the protections of privacy and nighttime travel—because the real presence of distress overturns his sophistries. Finally, in "The Freeman's Defence," Phineas Fletcher will join George Harris in using physical violence to resist agents of the law—a move which the narrative defends because of its similitude with the revolutionary antecedents to the very laws which now subjugate the black individual.

As the narrative invests its fugitive cast with stronger identities and agency, however, it grows increasingly incapable of drawing comparisons between black and white American experiences. Indeed, the Harris subplot resolves with their expatriation and George's staunch disavowal of the United States: it is not his country, and its laws are not his laws. While the reader is encouraged to admire this nascent revolutionary, she is not asked to accept him as a fellow citizen. In short, the narrative logic of *Uncle Tom's Cabin* proves unable to provide for strong black citizenship in the United States, even though it can imagine more submissive alternatives.

### **The Family Tie**

The narrator opens the chapter "Showing the Feelings of Living Property on Changing Owners" in the master bedroom of the Shelby estate. While the two prepare for bed, Mrs. Shelby asks her husband about Mr. Haley, a slave trader who had visited the manor earlier that day. Mr. Shelby evasively describes Haley "a man that [he] transacted some business with, last time [he] was at Natchez" in an attempt to move the question of Haley's identity out of the domestic sphere and into the realm of business—where his wife (ostensibly) cannot follow. Mrs. Shelby, however, reauthorizes her interrogation by citing Haley's presence at her dinner a domestic issue: "And he presumed on it to make himself quite at home, and call and dine here, ay?" (UTC 27). Flustered by the persistence of his wife, Mr. Shelby again responds vaguely, "Why, I invited him; I had some accounts with him" (UTC 27).

Thus far, Mr. and Mrs. Shelby approach the same conversation with two related but distinct vocabularies. Mrs. Shelby asks about the identity of Mr. Haley in domestic terms, restraining her inquiry into why this man made himself comfortable in the Shelby manor ("low-bred," "quite at home," "call and dine"). Mr. Shelby's responds to inquiries his wife makes in a vague business dialect ("transacted some business," "I had some accounts with him"). Hereafter Mrs. Shelby crosses over the invisible boundary of their discussion because she notices a "certain embarrassment" in her husband's manner and asks if Haley is a slave trader. The narration continues:

"Why, my dear, what put that into your head!" said Shelby, looking up.

"Nothing,—only Eliza came in here, after dinner, in a great worry, crying and taking on, and said you were talking with a trader, and that she heard him make an offer for her boy—the ridiculous little goose!"



"She did, hey?" said Mr. Shelby, returning to his paper, which he seemed for a few moments quite intent upon, not perceiving that he was holding it bottom upwards.

"It will have to come out," said he, mentally; "as well now as ever" (UTC 27-8).

Mrs. Shelby furtively enters into conversation that could lead to a serious discussion of her husband's business affairs, and only because of a domestic concern (that is, that her slave Eliza worries that her son might be sold off to a trader). Nonetheless her husband's flustered behavior and evasive responses encourage her to keep asking questions about Haley's presence. The exchange leaves Mrs. Shelby with precedent for discussing the business affairs of her husband while still couching the conversation in private terms:

"I told Eliza," said Mrs. Shelby, as she continued brushing her hair, "that she was a little fool for her pains, and that you never had anything to do with that sort of persons. Of course, I knew you never meant to sell any of our people,—least of all, to such a fellow."

"Well, Emily," said her husband, "so I have always felt and said; but the fact is that my business lies so that I cannot get on without. I shall have to sell some of my hands."

"To that creature? Impossible! Mr. Shelby, you cannot be serious" (UTC 28).

Mrs. Shelby finds it difficult to believe that her husband would engage in any sort of transaction with Mr. Haley because of his private aspect: she believes that the "sort of person" Haley is—a "low-bred fellow," a veritable "creature"—disqualifies the man from conducting business with Mr. Shelby. The terms of priority by which Mrs. Shelby abides are such that domestic manners govern the use of buying power. The fact that her husband does not subscribe to the same paradigm, and that Mr. Shelby intends to transact such grave business with Haley, shocks and dismays the woman.

When Mr. Shelby admits to agreeing to sell Tom—itsself a misrepresentation, since he has already *sold* the man—Mrs. Shelby scorns her husband even as she elegizes

the slave. The narrator relates, "What! our Tom?—that good, faithful creature—been your faithful servant from a boy! O, Mr. Shelby!—and you have promised him his freedom, too,—you and I have spoken to him a hundred times of it. Well I can believe anything now,—I can believe *now* that you could sell little Harry, poor Eliza's only child!" said Mrs. Shelby, in a tone between grief and indignation" (UTC 28). Even if he is not exactly family, Mrs. Shelby identifies Tom more by his participation in the domestic sphere than as a commodity to be traded; on this basis, she holds as binding Mr. Shelby's promises to free Tom and interprets the sale of Tom not only as a breach of conduct but as a moral betrayal. But the narrative casts Mrs. Shelby's reaction as far too limited. She may be sympathetic to "our Tom," but he is still "ours." The attachment she demonstrates to the slaves is indeed predicated first and foremost on their legal status as property.

Mr. Shelby's reaction positions him at a further removal from his wife than she anticipates. He replies, "Well, since you must know all, it is so. I have agreed to sell Tom and Harry both; and I don't know why I am to be rated, as if I were a monster, for doing what every one does every day" (UTC 28). Mrs. Shelby has thus far operated on the premise that *domestic manners supersede buying power* and implies that *a permissible economic action is not always morally approvable*. Mr. Shelby by contrast rejoins with *if it is economically permissible, it is morally approvable* and—as importantly—*if it is done by others, it can be done by me*. Even his defensive response belies the vast difference between the perspectives of husband and wife: Mrs. Shelby can believe anything of her husband because he sells Tom despite promising the slave freedom; Mr. Shelby exonerates going back on his word to the faithful servant simply because it can be (and has been) done by others.

The narrator casts Mr. Shelby in a most unflattering light. He begins this conversation with his wife embarrassed and readily flustered by her questions. Next he admits to dealing with Mr. Haley as an equal—in the sale of slaves, of all things. Next his wife learns that Mr. Shelby has agreed to sell no less than his most faithful servant (despite frequent promises and assurances of the slave's imminent freedom) and a young boy (despite being his mother's only living child). When Mrs. Shelby seeks clarification as to her husband's choice of hands to sell, Mr. Shelby's reply demarcates the disparity between husband and wife:

"But why, of all others, choose these?" said Mrs. Shelby. "Why sell them, of all on the place, if you must sell at all?"

"Because they will bring the highest sum of any,—that's why. I could choose another, if you say so. The fellow made me a high bid on Eliza, if that would suit you any better," said Mr. Shelby.

"The wretch!" said Mrs. Shelby, vehemently.

"Well, I didn't listen to it, a moment.—out of regard to your feelings, I wouldn't;—so give me some credit" (UTC 28).

Mr. Shelby suggests that his pecuniary motives were only checked by a regard for his wife's sensibilities, and goes so far as to ask for her to make it a point in his favor. The hidden content of the conversation stands thus: Mr. Shelby would knowingly sell a woman away from her son—and plausibly into sexual servitude—because it would be profitable; Mrs. Shelby cannot understand why Mr. Shelby would sell the most trustworthy and most helpless of servants regardless of price.

In an effort to "intercede for these poor creatures," Mrs. Shelby covers several issues. She begins with laying out the role which she understands herself to have filled, telling her husband, "I have tried,—tried most faithfully, as a Christian woman should—to do my duty to these poor, simple, dependent creatures. I have cared for them, instructed them, watched over them, and known all their little cares and joys, for years"

(UTC 28). Mrs. Shelby then imagines her relationship to the slaves on the estate as a custodianship if not a literal motherhood, the underpinnings of which reside in her Christianity. More than a noble cause, her conduct towards the slaves is one she imagines to be a religious obligation; the remark tethers her own, if not all, domestic identity and practice to faith—a word pervasive throughout the couple's argument. The narrative thus implicitly challenges the notion that Christianity and slavery are compatible. Mr. Shelby's bald commodification of humans may shock his wife, but the freedom of her conduct was always subordinated by the principles of commerce.

Mrs. Shelby then proceeds to tell her husband that his current dealings undermine the morals, family bonds, and ethics which she has endeavored to instill in their slaves, lamenting,

How can I ever hold up my head again among them, if, for the sake of a little paltry gain, we sell such a faithful, excellent, confiding creature as poor Tom, and tear from him in a moment all we have taught him to love and value? I have taught them the duties of the family, of parent and child, and husband and wife; and how can I bear to have this open acknowledgment that we care for no tie, no duty, no relation however sacred, compared with money? (UTC 28-9).

The alternating structure of Mrs. Shelby's question (the risk to her testimony/the trivial monetary gain, the excellence of Tom's conduct/the cost of his sale, the value of her instruction/the open acknowledgment of money over slave welfare) implies several anxieties. She expresses her vested interest in the moral well-being of the Shelby servants and further ties her own dignity and reputation up with how Mr. Shelby deals with his debts. Her repetition of the question broadens the scope with national implications: how can the self-defined Christian nation set money before the slave's relations, "however sacred?"

Mr. Shelby however considers the crisis of a practical nature only. He does not repent of the sale of Tom or Harry, but only of the *need* to sell the two in order to cover the balance of his mortgage. Mr. Shelby explains to his wife,

I'm sorry you feel so about it, Emily,—indeed I am, ... and I respect your feelings, too, though I don't pretend to share them to their full extent; but I tell you now, solemnly, it's of no use—I can't help myself. I didn't mean to tell you this, Emily; but, in plain words, there is no choice between selling these two and selling everything. Either they must go, or *all* must. Haley has come into possession of a mortgage, which, if I don't clear off with him directly, will take everything before it. I've raked, and scraped, and borrowed, and all but begged,—and the price of these two was needed to make up the balance, and I had to give them up. Haley fancied the child, he agreed to settle the matter that way, and no other. I was in his power, and *had* to do it. If you feel so to have them sold, would it be any better to have *all* sold? (UTC 29).

Mr. Shelby begins his rejoinder by first distancing himself from Mrs. Shelby's position. In an effort to relegate his wife's disapproval to misunderstanding and excessive emotion, Mr. Shelby redefines all his wife's questions as "feelings" which he can "respect" although he does not "pretend to share them to their full extent." Now instead of replying directly to her interrogation, Mr. Shelby tells his wife that the decision to sell Tom and Harry is simply necessary because Haley has legal and financial power over him. In a final gesture to the false dilemma between feeling and necessity, Mr. Shelby insists that he has acted so as to respect his wife's feelings as best as possible.

Even though Mr. Shelby evades Mrs. Shelby's questions about the conflict between moral domesticity and legal economy, the woman turns the narrative focus back to that issue immediately. She spurns the institution in a most telling fashion:

This is God's curse on slavery!—a bitter, bitter, most accursed thing!—a curse to the master and a curse to the slave! I was a fool to think I could make anything good out of such a deadly evil. It is a sin to hold a slave under laws like ours,—I always felt it was,—I always thought so when I was a girl,—I thought so still more after I joined the church; but I thought I could gild it over,—I thought by

kindness, and care, and instruction, I could make the condition of mine better than freedom—fool that I was! (UTC 29).

While Mr. Shelby says he respects his wife's feelings and (since she feels strongly) asks her how she would feel if all the slaves were sold instead of just two, Mrs. Shelby's reaction conveys the comprehensive basis for her beliefs. Indeed, feeling comprises one element of her dissent with the slave code; it *feels* wrong to hold slaves under "laws like ours." Even so Mrs. Shelby also *thinks* the institution is bad: she thought so as a girl, she thinks moreso as a confirmed Christian. That is to say, Mrs. Shelby both feels *and* thinks that slavery is a moral evil—under "laws like ours." That modifying clause implies something that might easily be missed in a first reading; specifically, Mrs. Shelby would probably approve of slavery if it were, in fact as opposed to appearance, the custodianship which she has endeavored to perform.

Mrs. Shelby forfeits the debate with this comment. From this point forward, Mrs. Shelby bemoans the sale of Tom and Henry as historical facts—she can denounce them, but cannot change them. Even as she denounces slavery, Mrs. Shelby indicts herself for participating in it. She confesses that she convinced herself that she might be able to ameliorate the condition of the slave under her sphere of influence by recognizing their personhood, meeting their needs, and educating them. Nonetheless Mrs. Shelby candidly acknowledges that she thinks (or at least thought) that her influence might make slavery *better* than freedom; no matter how noble her intentions, the woman fancied the legal right to own others by which she worked for her ends. Now that she understands that a slaveholder's power over the slave may in fact be bought out under duress—that is, now that she realizes that any given person's ownership of a slave is subject to change, even as

the legal *right* to own a slave remains constant—Mrs. Shelby repents of her own involvement with slavery.<sup>12</sup>

In response to his wife's self-censure, Mr. Shelby notes the similitude between Mrs. Shelby's denouncement of slavery and those of abolitionists. Mrs. Shelby rejoins, "Abolitionists! if they knew all I know about slavery they *might* talk! We don't need them to tell us; you know I never thought that slavery was right—never felt willing to own slaves" (UTC 29-30). This remark places a notable stress on experience as the basis for her opinions about the institution of slavery. Even as she distances herself from the vantage of an abolitionist (on account of her firsthand knowledge which she assumes they lack), she nonetheless acknowledges the similitude of her position with that of her radical contemporaries.

While Mrs. Shelby discredits abolitionists for lacking the experience necessary to understand the beliefs for which they advocate ("We don't need them to tell us")—experiences to which she has been privy ("if they knew all I know about slavery, they *might* talk!")—her remark telegraphs her desire for the experience of slavery to be imparted to those not in immediate contact with slavery. Of Stowe's conception of experience, Theo Davis notes, "The reason experience seems so strange in Stowe is that it is precisely not what one person has undergone and can remember or narrate; it is, instead, the likely or normal response imagined to come from certain identifiable situations."<sup>13</sup> Davis' insight draws attention to one disconnect between a contemporary reader and Stowe's ideal reader: where the former tends to consider experience as a

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<sup>12</sup> Mrs. Shelby's denunciation of slavery is also a denunciation of what Gregg Crane calls the "paternalist ethics" of slavery in *Race, Citizenship, and Law in Nineteenth-Century American Literature* (New York: Cambridge University Press, 2002), 61.

<sup>13</sup> Theo Davis, *Formalism, Experience, and the Making of American Literature in the Nineteenth Century* (New York: Cambridge University Press, 2007), 141.

subjective account, the latter understands experience to be an external, communicable object.

Even though Mr. Shelby accuses abolitionists of lacking the requisite experiences to indict the institution of slavery, it is this very kind of experience which he proposes that he and his wife should avoid. As their conversation comes to an end, Mr. Shelby admits that he cannot witness Tom taken into the custody of Mr. Haley. "I can't see Tom, that's a fact; and you had better arrange a drive somewhere, and carry Eliza off. Let the thing be done when she is out of sight," he tells Mrs. Shelby (UTC 30). She unsurprisingly refuses to shy away from the consequence of her husband's actions, but uses a criminal term to describe the dealings: "I'll be in no sense *accomplice* or help in this cruel business. I'll go and see poor old Tom, God help him, in his distress! They shall see, at any rate, that their mistress can feel for and with them. As to Eliza, I dare not think about it. The Lord forgive us! What have we done, that this cruel necessity should come upon us?" (UTC 30, emphasis mine). Mrs. Shelby's use of the word "accomplice" marks the closest she gets to explicitly criticizing her husband; by declaring that to avoid the distress generated by her Mr. Shelby's transactions is to be an accomplice to it, she implies that to be the author of the situation is to be criminal.

Despite her protestations, the narrative indicates that Mrs. Shelby *is* of course an accomplice of her husband, and complicit in perpetuating the institution she now disavows. She does not interfere with the transaction, or warn the slaves of their fate. She simply laments. While Mrs. Shelby will ultimately aid in Eliza's escape by encouraging Andy and Sam to delay Mr. Haley's pursuit and slow him down as much as possible, it is perhaps the most passive form of abetment possible. Neither the slaves nor the housewife



will risk explicit intercession on behalf of Eliza—they will not expose themselves to the full censure of positive law. Since the readers to which the narrator first appeals either abide by or at least tolerate the institution of slavery, a disobedient housewife would distract from the main thrust of this chapter—the incompatibility of slavery and contemporary business practice with Christian morality and the domestic ethos. Moreover, Mrs. Shelby contends that to be a witness to the "cruel business" reinforces the human connection between master and slave. To avoid the sight would be to forego exactly the sort of experience which she earlier claims the abolitionists lack.

Here the narrator establishes a pattern which will repeat throughout *Uncle Tom's Cabin*. When an argument between two parties ends without clear resolution, the narrator switches focus to some action that propels the novel's plot forward. Here the conflict between the pragmatism by which Mr. Shelby operates and the moralism by which Mrs. Shelby abides reach an impasse; their argument at an end but without a resolution, the narrator turns her attention away from the couple. Hence the narrator introduces a third participant in the conversation between husband and wife in the character of Eliza, hiding in a closet and listening to the two discuss the fate of her child.

Eliza's extraction from the Shelby household begins with an acknowledgment of Mrs. Shelby's influence. As she packs for her and her son's flight, she writes a note to her former lady: "O, Missis! dear Missis! don't think me ungrateful,—don't think hard of me, any way,—I heard all you and master said to-night. I am going to try to save my boy—you will not blame me! God bless and reward you for all your kindness!" (UTC 31). In her apology (both a request for pardon and a defense of her actions), Eliza alleviates the anxieties which Mrs. Shelby raised: Eliza's literacy attests to the effect of Mrs. Shelby's

instruction; her plea for understanding reinforces Mrs. Shelby's reputation; her invocation confirms Mrs. Shelby's proselytizing. Even if Mrs. Shelby participated in the paternalistic ethic of slavery, her actions still benefited Eliza.

After packing necessities for her flight, Eliza stops by the residence of Tom. By this time the narrator describes Eliza (outside of the Shelby household though still on the Shelby estate) as a fugitive, a descriptor which implies both that the woman evades arrest and persecution as well as that she is a fleeing slave.<sup>14</sup> After relating the content of the Shelbys' argument, Tom's wife Chloe asks why Mr. Shelby should sell her husband away; in effect, she construes the transaction as a punishment of Tom. Eliza however explains:

He hasn't done anything,—it isn't for that. Master don't want to sell; and Missis—she's always good. I heard her plead and beg for us; but he told her 'twas no use; that he was in this man's debt, and that this man had got the power over him; and that if he didn't pay him off clear, it would end in his having to sell the place and all the people, and move off. Yes, I heard him say there was no choice between selling these two and selling all, the man was driving him so hard. Master said he was sorry; but oh, Missis—you ought to have heard her talk! If she an't a Christian and an angel, there never was one. I'm a wicked girl to leave her so; but, then, I can't help it. (UTC 34).

Eliza's exposition betrays the conflict between the different roles in which she participates, especially between that of servant and mother. As a mother she feels bound to protect the welfare of her child; as a servant, however, she feels bound to serve the interests of her keepers and to protect the other slaves' perception of their masters—especially Mrs. Shelby. She voices no concern for breaking the law (going fugitive), but rather for the moral paradox in which she finds herself.

Eliza resolves the dilemma between duties very differently than Mrs. Shelby; she reasons, "She [Mrs. Shelby] said, herself, one soul was worth more than the world; and

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<sup>14</sup>"The light of the tallow candle, which Tom had hastily lighted, fell on the haggard face and dark, wild eyes of the fugitive" (UTC 32).

this boy has a soul, and if I let him be carried off, who knows what'll become of it? It must be right: but, if it an't right, the Lord forgive me, for I can't help doing it!" (UTC 34). The fugitive argues for expediency and, like Mr. Shelby, claims that expediency matters most when her son's welfare is compromised; Mr. Shelby could not help selling Harry, and Eliza can no less help fleeing with her son. That notwithstanding, Eliza worries about the moral implications of her actions: quoting Mrs. Shelby's instruction to justify her decisions, she believes her choice is moral. That is, Eliza can violate the rules because obedience constitutes a total moral failure. As the reader later learns, Mrs. Shelby agrees; if she could have facilitated Eliza's flight without betraying her commitment to Mr. Shelby, the lady would have done so.

At some points, then, Eliza's and Mrs. Shelby's actions fit within the same paradigm: wherever possible, they serve the interests of their families. By (passively) abiding by her husband's decision, Mrs. Shelby places the role of wife over that of caretaker. By fleeing with her son, Eliza places the role of mother over servant. Both women decry the conflict between roles openly and regularly in their words and deeds; later Mrs. Shelby will endorse the choice which Eliza made by encouraging the slaves Sam and Andy to delay Mr. Haley's pursuit as long as possible.<sup>15</sup>

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<sup>15</sup>Sam is at best a surreptitious ally in Eliza's escape, while Andy is less so. In "Imitation Nation: Blackface Minstrelsy and the Making of African American Selfhood in *Uncle Tom's Cabin*," Jason Richards suggests that Sam's minstrelsy is politically informed and motivated. He attends political rallies where he acquires the political vocabulary he will later parrot: "True to his dual nature, Sam both satirizes and plays politics, becoming what he mocks. ... While he boasts about protecting his brethren against the slave traders, his sidekick Andy points out that he originally meant to capture Eliza, when doing so seemed the way to win his master's graces" (Jason Richards, "Imitation Nation," *Novel* 39:2, 2006, 211). If George Harris will later become a revolutionary nation builder similar to but distinct from George Washington, then Sam is his enfranchised counter. Where the one wants to make a better system, the other behaves like an establishment capitalist.

Where Eliza chooses to flee, Tom chooses to remain—but not because he places a greater emphasis on servitude than fatherhood. Tom's decision, however submissive it may seem, is not simply obedience for its own sake:

"No, no—I an't going. Let Eliza go—it's her right! I wouldn't be the one to say no—'t an't in *natur* for her to stay; but you heard what she said! If I must be sold, or all the people on the place, and everything go to rack, why, let me be sold. I s'pose I can b'ar it as well as any on 'em," he added, while something like a sob and a sigh shook his broad, rough chest convulsively. "Mas'r always found me on the spot—he always will. I never have broke trust, nor used my pass no ways contrary to my word, and I never will. It's better for me alone to go, than to break up the place and sell all. Mas'r an't to blame, Chloe, and he'll take care of you and the poor—" (UTC 34).

Admittedly Tom expresses a strong sense of duty to his master in this extended remark. Nonetheless Tom links his decision to stay with Eliza's decision to flee, emphasizing both her natural right to protect Harry *and* her right to choose her own course. Tom acknowledges, then, Eliza's agency even as he defends his own choice to submit to separation from family and friends. But it is for the sake of those same family and friends that Tom decides to remain. If the farm breaks up, and all are sold, then Tom, his wife, and his children might all be parted. But if Tom goes with Mr. Haley, then (he believes) his wife and children will remain together and be protected from whatever fate Tom alone will face. Tom's decision to go with Haley is not pacific—like a soldier braving the front, he faces dangers so others will not.

Thinking about Tom without thinking about him as a meme for submission to white rule is a very difficult task for the modern reader. Jim O'Laughlin notes that contemporary reception and debate over and through *Uncle Tom's Cabin* have complicated the critic's task of meaningfully interpreting the novel since its initial serialization. O'Laughlin writes, "As an available cultural text, *Uncle Tom's Cabin*

became the means through which a range of social practices could be authorized and categorized."<sup>16</sup> Even as the *National Era* published the installments of the novel, its readership not only contested the social configurations which Stowe's novel portrayed but employed the novel to reconfigure social arrangements. O'Laughlin admits that there are limits to the influence which *Uncle Tom's Cabin* wrought in its original context. To wit, "It was only selected elements of Stowe's narrative that entered into popular culture"—such as the "Uncle Tom."<sup>17</sup> O'Laughlin posits that because select elements of the novel transcended the text and entered into a broader social discourse, critics will benefit from considering *Uncle Tom's Cabin* as an articulated—that is, elaborated—text composed of the novel itself as well as the tropes that the novel generated but which went on to accrue additional social valences.<sup>18</sup> This give-and-take between certain tropes from the novel and its cultural context "inevitably altered aspects of Stowe's novel, but they also allowed *Uncle Tom's Cabin* to retain its cultural immediacy."<sup>19</sup> It might be said that Stowe's novel was adopted not only as a release valve for social tensions, but also evolved into a working space for the reader's consideration of those same issues: the Uncle Tom we inherit is not the Uncle Tom the narrator designed, but the result of an extended conversation.

The aggregate meme of an "Uncle Tom" however radically contrasts with some of the character's earliest lines. Where an "Uncle Tom" is submissive and obedient, Tom allows himself to be sold primarily out of interest for his family. Tom may place the well-being of his master above his own, but he does not place Mr. Shelby's interests above

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<sup>16</sup> Jim O'Laughlin, "Articulating *Uncle Tom's Cabin*" (New Literary History 31:3, 2000), 574.

<sup>17</sup> *Ibid.*, 577.

<sup>18</sup> *Ibid.*, 578.

<sup>19</sup> *Ibid.*, 579.

those of Tom's wife, his children, and his friends. Hence when Tom weeps as he looks upon his children, the narrator believes any reader can relate to the slave. Even so, she does not leave it to chance. The narrative insists on a deeper commonality between Tom and the reader than the reader might wish to acknowledge. The law may justify the sale of a man away from his family, the narrative intones, but greater laws should bind the reader to the slave and not the master.

### **One Real Presence**

While in "Showing the Feelings of Living Property on Changing Hands" the narrative stresses the emotional trauma which the institution of slavery may cause for the enslaved, the narrative turns its attention to the politicians who legislate in any way to protect the positive law legitimizing slavery—and the lack of recognition which the narrative implies is implicit in such legislation—in the chapter "In Which It Appears a Senator Is But a Man." Here the narrative describes an ethical debate between an Ohio state senator and his wife over a piece of legislation similar to the Fugitive Slave Law that prompted Stowe to write the novel.

The chapter opens with a depiction of the tenuous control that Mrs. Bird demonstrates in her home. "Tom, let the door-knob alone,—there's a man! Mary! Mary! don't pull the cat's tail,—poor pussy! Jim, you mustn't climb on that table,—no, no!—You don't know, my dear, what a surprise it is to us all, to see you here to-night!" said she, at last, when she found a space to say something to her husband" (UTC 67). These first words from Mrs. Bird invest her with the two prominent qualities. In her injunctions to her children, Mrs. Bird demonstrates moral authority; her three commands are joined to a

praise ("there's a man!"), a statement of sympathy ("poor pussy!"), and an appeal to order ("you *mustn't* climb... no, no!"). The comment Mrs. Bird makes to her husband, especially as the narrative couches it, convey that the Mrs. Bird is *busy* ("said she, at last, when she found a space to say something to her husband").

Jane Tompkins contends, "Out of the ideological materials at their disposal, the sentimental novelists elaborated a myth that gave women the central position of power and authority in culture; and of these efforts *Uncle Tom's Cabin* is the most dazzling exemplar."<sup>20</sup> The authority of Mrs. Bird for which Tompkins argues flows from the novel's premise that the domestic sphere precedes and sculpts the public. Whatever the logic underpinning the division of power between the sexes, the narrative makes the case that the domestic sphere is a full and productive space and implies that wives and mothers exert direct control within it. Through these introductory remarks, the narrative suggests that this mother is a domestic leader and laborer—qualities that will matter in the argument between her and Senator Bird later in the chapter.

When Mrs. Bird asks, "And what have they been doing in the Senate?" the narrative explains: "Now, it was a very unusual thing for gentle little Mrs. Bird ever to trouble her head with what was going on in the house of the state, very wisely considering that she had enough to do to mind her own" (UTC 67). We might read this as the narrative's injunction against women intervening in the public sphere, but the trope conjoining the domestic to the public suggests that the domestic *precedes* the public in the order of relations: to wit, the house exists before the house of the state. In the construction of the trope, states can only emerge from houses while houses can exist without states.

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<sup>20</sup> Jane Tompkins, *Sentimental Power* (North Carolina: Oxford University Press, 1986), 125.

Still, when told by Mr. Bird that she is "getting to be a politician, all at once," Mrs. Bird disavows the idea, saying, "No, nonsense! I wouldn't give a fig for your politics, generally, but I think this is something downright cruel and unchristian. I hope, my dear, no such law has been passed" (UTC 68). Only an emergency would compel Mrs. Bird to *bother* interfering in the public sphere—that is, something awry between home and state. Nonetheless Mrs. Bird's questions imply that the responsible mother is attuned to current events, even if she is generally content to allow them to unfold without her direct intervention. The crisis at hand, however, demands action. Mrs. Bird interrogates her husband with reference to the enactment of legislation that impose upon her Christian moral code—namely, her home state has passed a local version of the Fugitive Slave Law, requiring citizens to report any and all contact with a fugitive slave as well as forbidding any aid or intervention on the fugitive's behalf. Gregg Crane notes of their exchange:

Each assumes his or her conventional role and area of expertise: the lawmaker-politician and the moralist-homemaker. However, to accept these conventional roles as delineating two utterly distinct forms of discourse and understanding, law and morality, is to ignore the legal significance of Mrs. Bird's attack on the putative authority of the Fugitive Slave Law and the symbolic value of their legal-moral intercourse.<sup>21</sup>

This early positioning of Mrs. and Senator Bird provides more than background material. It sets the terms for the contest over law between the two. Mrs. Bird chooses the site of contest, and Senator Bird can only argue within those constraints. As the debate unfolds, Senator Bird will endeavor to separate private sentiment and public expediency, giving precedence to the latter. But Mrs. Bird will continue to press that the two are inextricably joined, and that the private undergirds the public: its demands prevail.

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<sup>21</sup> Gregg Crane, *Race, Citizenship, and Law in Nineteenth-Century American Literature*, 61.



Mrs. Bird asks two questions which paraphrase an eschatological passage of the Gospel of Matthew, wherein Jesus tells his listeners what to expect on the day of judgment. First she presses her husband to confirm whether or not the state legislature has passed the law in question, asking, "Well; but is it true that they have been passing a law forbidding people to give meat and drink to those poor colored folks that come along? I heard they were talking of some such law, but I didn't think any Christian legislature would pass it" (UTC 68). After Senator Bird affirms the Senate has indeed passed such a law, Mrs. Bird demands specificity:

"And what is the law? It don't forbid us to shelter these poor creatures a night, does it, and to give 'em something comfortable to eat, and a few old clothes, and send them quietly about their business?"

"Why, yes, my dear; that would be aiding and abetting, you know" (UTC 68).

Mrs. Bird frames the law as cruel and unchristian even before her husband confirms it has been passed. Senator Bird, by contrast, calls the law a political necessity, telling his wife the abolitionists are to blame: "There has been a law passed forbidding people to help off the slaves that come over from Kentucky, my dear; so much of that thing has been done by these reckless Abolitionists, that our brethren in Kentucky are very strongly excited, and it seems necessary, and no more than Christian and kind, that something should be done by our state to quiet the excitement" (UTC 68). As when Mr. and Mrs. Shelby discuss the sale of Tom and Harry, the Birds divide over the moral and the expedient action.

In both of the questions Mrs. Bird asks, the reader may hear an echo of Matthew 25:31-46, where Jesus claims that how a nation behaves towards the hungry, naked, poor, and oppressed demonstrates how well a nation loves and understands Jesus. If one's

treatment of the poor and oppressed has national importance, the narrative implies, then a law that forbids "aiding and abetting" the fugitive slave must certainly exclude the United States from the camp of those who showed love to Jesus by loving the least of his brethren.<sup>22</sup> But it is not only for eschatological reasons that Mrs. Bird expresses scorn and disdain of both this legislation and its proponents. She reprimands her husband and rebukes the law:

You ought to be ashamed, John! Poor, homeless, houseless creatures! It's a shameful, wicked, abominable law, and I'll break it, for one, the first time I get a chance; and I hope I *shall* have a chance, I do! Things have got to a pretty pass, if a woman can't give a warm supper and a bed to poor, starving creatures, just because they are slave, and have been abused and oppressed all their lives, poor things! (UTC 69).

Mrs. Bird recognizes the effect of the law upon domestic affairs, but defies the power the state claims for itself here. Since the law makes criminal an action not only condoned but demanded by her moral creed, that law is null and void. It should come as no surprise that Mrs. Bird rejects the Senator's reasoning when he claims, "Your feelings are all quite right, dear, and interesting, and I love you for them; but, then, dear, we mustn't suffer our feelings to run away with our judgment; you must consider the great public interests involved,—there is such a state of public agitation arising, that we must put aside our

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<sup>22</sup> Matthew 25:31-46 (KJV) claims that the Christian Messiah will ultimately separate the charitable from the uncharitable—that is, those who provide for the hungry, thirsty, naked, and imprisoned. Jesus is reported to say: "Then shall the righteous answer him, saying, Lord, when saw we thee hungred, and fed thee? or thirsty, and gave thee drink? When saw we thee a stranger, and took thee in? or naked, and clothed thee? Or when saw we thee sick, or in prison, and came unto thee? And the King shall answer and say unto them, Verily I say unto you, Inasmuch as ye have done it unto one of the least of these my brethren, ye have done it unto me."

In *Uncle Tom's Cabin and the Reading Revolution* (Boston: University of Massachusetts Press, 2011), Barbara Hochman suggests that Stowe used many strategies promoting literacy (especially biblical literacy) throughout the course of her novel. Hochman argues, "Instead of quotations, Stowe offers multiple scenes of Bible-reading and scenes in which characters discuss the text so as to open diverse questions about interpretation and the reading experience" (88). One such strategy, then, might be biblical allusions.

private feelings" (UTC 69). The Senator in short bases his subscription to the legislation as a matter of public utility: Ohio is in crisis, its interests imperiled by fugitives crossing over its border from a slave state. To maintain the integrity of the state and to protect its interests, it must restrict private behavior towards refugees from Kentucky. Public needs are weightier than private convictions.

Given that the narrative earlier frames the domestic as preceding the public, we should not misunderstand the response Mrs. Bird offers her husband: "Now, John, I don't know anything about politics, but I can read my Bible; and there I see that I must feed the hungry, clothe the naked, and comfort the desolate; and that Bible I mean to follow" (UTC 69). Mrs. Bird insists that the legal order of the public cannot supersede the moral order of the private: as she understands it, there *is* no public space without preliminary private spaces. As Gregg Crane explains, "Feelings generated within the moral sense's stronghold of home and family definitively indicate to Mrs. Bird that the Fugitive Slave Law is ethically void. The deference normally given to positive law out of expedience, if not an assumption of the law's inherent moral basis, no longer applies."<sup>23</sup> If the rules, laws, or regulations of the private are antagonized by the rules, laws, or regulations of the public, then the latter are null and void *de facto*.

Shortly after this exchange, Mrs. Bird asks, "[W]ould *you* now turn away a poor, shivering, hungry creature from your door, because he was a runaway? *Would* you, now?" Clearly Mrs. Bird does not believe her husband disposed to behave thus. It is worth noting, moreover, the way in which the narrative describes Senator Bird's response to his wife:

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<sup>23</sup> Gregg Crane, *Race, Citizenship, and Law in Nineteenth-Century American Literature*, 62.

Now, if the truth must be told, our senator had the *misfortune* to be a man who had a *particularly* humane and accessible nature, and turning away from anybody that was in trouble never had been his forte; and what was *worse for him* in this particular pinch of argument was, that his wife knew it, and, of course, was making an assault on rather an indefensible point. So he had recourse to the usual means of gaining time for such cases made and provided; he said "ahem," and coughed several times, took out his pocket-handkerchief, and began to wipe his glasses (UTC 69, emphases mine).

By suggesting that Senator Bird was of a *particularly* humane and accessible nature, the narrative suggests that humans are *typically* humane and accessible, compassionate and empathetic. Yet when the Senator is forced to account for himself, he exhibits shame. The irony of this exchange is that the Senator feels embarrassed, even disadvantaged, by what the narrative generally promotes while simultaneously ascribing a ruthless persistence to Mrs. Bird. The narrative states, "Mrs. Bird, seeing the defenceless condition of the enemy's territory, had no more conscience than to push her advantage" (UTC 69). As in the title of this chapter ("In Which It Appears That a Senator Is But a Man"), here the narrative notes with irony that a humane and accessible nature ill dispose the Senator to public service: the antebellum public sphere, and the laws it produces and enforces, defy the values of the private sphere at the site of slavery. The disconnect, the narrator implies, is so galling that any humane and accessible nature would *of course* defy the law.

When her husband replies, "Of course, it would be a very painful duty [to satisfy the law]" (which the narrative reports he says in "a moderate tone"<sup>24</sup>), Mrs. Bird argues, "Duty, John! don't use that word! You know it isn't a duty—it can't be a duty! If folks

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<sup>24</sup> The use of the word "moderate" reminds us that the narrative assumes the reader is well-informed as to the national political situation, and especially critical of those who try to avoid conflict over the institution of slavery by calling it a "Southern" issue. Especially in light of the Fugitive Slave Law, the narrative implies here and elsewhere that "moderation" and "compromise" are bywords for Northern capitulation to Southern practices.

want to keep their slaves from running away, let 'em treat 'em well,—that's my doctrine" (UTC 70). Mrs. Bird refuses the Senator's attempt to couch the fugitive slave legislation in terms of duty—of public and ethical imperative. In so doing, as Crane notes, Mrs. Bird emphasizes a contradiction between this legislation and her sense of a higher law superseding all others: "Feelings generated within the moral sense's stronghold of home and family definitively indicate to Mrs. Bird that the Fugitive Slave Law is ethically void. The deference normally given to positive law out of expedience, if not an assumption of the law's inherent moral basis, no longer applies."<sup>25</sup> This law *cannot* be a duty because it *cannot* be moral. Moreover since the legislation is not in keeping with the higher law, it in fact must be *defied* as a matter of civic duty.

It is unsurprising that Mrs. Bird proposes a private solution to the issue of fugitive slaves: she argues that masters should treat their slaves better: "If I had slaves (as I hope I never shall have), I'd risk their wanting to run away from me, or you either, John. I tell you folks don't run away when they are happy; and when they do run, poor creatures! they suffer enough with cold and hunger and fear, without everybody's turning against them; and, law or no law, I never will, so help me God!" (UTC 70). The law now on the books mandates that citizens of Ohio must not recognize a fugitive slave as a person in the private sphere, and Mrs. Bird suggests that the reason such a law exists can only be that slaves who flee their masters were *not* recognized as persons in the private sphere when they should have been.

This law not only attempts to contain a domestic problem through public enforcement, but the domestic problem of another state—and for political purposes at that. In other words, this law serves only a public function: by default, such a law cannot

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<sup>25</sup> Ibid., 62.

merit recognition. When the Senator pleads, "Mary! Mary! My dear, let me reason with you," Mrs. Bird refuses to engage in politicking. She denounces the kind of reasoning in which her husband wishes to involve her, and dismisses it: "I hate reasoning, John,—especially reasoning on such subjects. There's a way you political folk have of coming round and round a plain right thing; and you don't believe in it yourselves, when it comes to practice. I know *you* well enough, John. You don't believe it's right any more than I do; and you wouldn't do it any sooner than I" (UTC 70). What Mrs. Bird denounces as reasoning is of course the practice of rationalizing; she refuses to perform the ethical and moral acrobatics that Senator Bird wishes she would attempt.

Thomas Loebel asserts that "Stowe lays the responsibility for the legalized social and political injustices [of slavery] at the feet of men, and she subsequently argues that the source of national and social repair is to be found in the nature of women."<sup>26</sup> In Loebel's reading, Stowe insists that something in the nature of the human recognizes, or is at least supposed to recognize, infractions against a divine law. Where Gregg Crane predicates Stowe's resistance to the Fugitive Slave Law as stemming from a higher law defined as "plausibly universal moral consent," Loebel suggests that Stowe conceives the relationship between civil law and divine law as a circle and its center, respectively. In short, "Every person has a centre of spirituality within herself and the home becomes the center of cultivating that spirituality into civilized conduct."<sup>27</sup> Because Stowe believes women are the center of relational power in the home, they are particularly responsible for the cultivation of that divinely-oriented morality: "Because women are designated the home by the sex/gender system and have come to be at home in the home, they become

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<sup>26</sup> Thomas Loebel, *The Letter and the Spirit of Nineteenth-Century American Literature* (Ithaca: McGill-Queen's University Press, 2005), 129.

<sup>27</sup> *Ibid.*, 146.

the centres of power, if, that is, they are 'whole women.'"<sup>28</sup> Something relegated to the feminine—women's particular capacity to love and their roles as educators of the family—affords women the opportunity to undermine a masculine civil contract embodied in positive law. The civil contract, and the laws which constitute and attenuate it, can and should be violated when they legislate immoral behavior.

Loebel refers his readers to the scene where Mr. Symmes, an uneducated slaveholder and neighbor to the Shelbys, directs Eliza to a likely refuge at the Bird residence. To wit, Symmes violates the Fugitive Slave Law, and does so in good conscience, because of a higher commandment to love his neighbor. Loebel indicates that there's a conflict of neighbors in this account—while Symmes is the landed neighbor of the Shelbys, he also sees himself as the neighbor of Eliza. And, as Eliza is the closer of the two neighbors on this side of the Kentucky River, his responsibilities are most immediately to her.

As Loebel contends, while Symmes knows the Fugitive Slave Law forbids shelter or aid and abet a fugitive, he believes he is free to interpret that law such that "verbal advice and 'pointing' do not fall within the restrictions. This individual right to interpret the law according to one's own conscience realizes that it does so at the cost of community and neighbourliness, but the sense is that the community cannot be enforced by laws that go against the individual conscience."<sup>29</sup> The logic by which Symmes operates, at least as Loebel portrays it, is internally consistent. Loebel notes Symmes goes as far as to say that if Mr. Shelly finds himself in the same situation with one of Symmes'

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<sup>28</sup> Ibid., 146.

<sup>29</sup> Ibid., 132-133.

own slaves, then he is free to—perhaps even *should*—provide verbal advice and "point" the slave towards help as well.

Loebel believes that Stowe relies heavily on an individual's capacity to interpret and assess the law for himself when Stowe penned *Uncle Tom's Cabin*. "What Stowe suggests here," Loebel writes, "is that individualism is not an evil unto itself; rather, it has the capacity to realize a situation that is both just in respecting the rights of persons as created by God and more just than the result of the common law. When the law disallows one's individual humanity and its realization, then the law is unjust."<sup>30</sup> That is to say, the Fugitive Slave Law not only denies the individual slave the realization of her humanity, but also the white slaveholder who meets a fugitive in Kentucky. This individualism countermands a utilitarianism endemic to some defense of slavery, where the subjugation of many individuals (in theory) leads to a greater net good in a class of fewer enfranchised persons.

Whether Mrs. Bird plays the part of teacher (as Loebel argues) or simply knows better than her husband (as Crane submits), she roundly rebukes her husband for helping to pass such legislation and cannot believe he will abide by it. She knows the private man, and knows that the private self will triumph over the public persona. Before the Senator can rejoin, Eliza appears seeking aid and translates the domestic/public struggle from theory to practice. Mary's suspicions about her husband prove true quickly enough—and his own commitments to that same moral order which Mrs. Bird earlier defended—show through just as swiftly.

When Senator Bird interrogates Eliza, one of his first questions is whether she was a slave. It is important to note the slippage in labels here. Senator Bird, either from

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<sup>30</sup> Ibid., 133.



his own deeper convictions or because of the narrator's, does not ask Eliza whether she *is* a slave, but instead asks, "*Were* you a slave?" (UTC 72, emphasis mine). While the Senator has just voted on a law that classifies a fugitive as a slave *de facto*, the Senator does not extend the label to the present moment when he asks about Eliza her past.

Eliza replies in the affirmative. Mr. Bird continues, "Was he unkind to you?" Eliza says he was not. When Eliza affirms that her mistress was also kind, Senator Bird asks, "What could induce you to leave a good home, then, and run away, and go through such dangers?" The Senator asks these question in keeping with the reasoning which Mrs. Bird earlier proposed—a fugitive slave must be an unhappy person, and (if his line of questioning indicates his own opinions) a person is most likely to be unhappy when they are treated unkindly.

Eliza's motive for running away from the Sheldons—that her kind master sold her son to a trader—surprises all present members of the Bird household. If the Birds abide by that legislation which the Senator has just helped to pass—that is, if the Birds refuse to "aid and abet" by recognizing the agency of this person—they become complicit in the visceral reality of selling a child away from his mother. Mr. Bird is frustrated, then, when he asks, "How came you tell me you had a kind master?" (UTC 73) for at least two reasons. First, he is frustrated that Mr. Shelby is kind because kind men are not supposed to sell children away from their mothers. Second, fugitive slaves are not supposed to flee for the sake of others, but only out of self-interest. The narrative explains a few paragraphs later:

He was as bold as a lion about it [the fugitive slave legislation], and "mightily convinced" not only himself, but everybody that heard him;—but then his idea of a fugitive was only an idea of the letters that spell the word,—or, at the most, the image of a little newspaper picture of a man with a stick and bundle, with "Ran

away from the subscriber" under it. The magic of the real presence of distress,—the imploring human eye, the frail, trembling human hand, the despairing appeal of helpless agony,—these he had never tried. He had never thought that a fugitive slave might be a hapless mother, a defenceless child,—like that one which was now wearing his lost boy's little well-known cap; and so, as our poor senator was not stone or steel,—as he was a man, and a downright noblehearted one, too,—he was, as everybody must see, in a sad case for his patriotism (UTC 77).

When we consider Senator Bird's question together with the narrative's exposition of his character, we must consider that the source of his distress is that both slaveholder and runaway slave demand recognition as agents in a case like Eliza's. He cannot disavow the "real presence of distress" manifest in Eliza or her son. But neither will Eliza let Senator Bird translate Mr. Shelby into a mere caricature; her testimony to Mr. Shelby's kindness prevents Senator Bird dismissing the man as some dehumanized other. Real people make slavery really distressing.

In other words, the plight which Senator Bird's recognizes in Eliza's situation forces attention to the institution of slavery itself because Senator Bird is compelled by Eliza's testimony to acknowledge the agency of both slaveholder and fugitive slave. Classified by the narrator as a moderate and a patriot, Senator Bird represents the political ideology straining to hold the Union together by concessions to one or both sides to the slavery debate. The public space in which he performs is one that renders slavery as more of a point of contest and less as a real institution affecting real persons. The senator thus cannot hold to moderate views when he encounters a slave outside of the overt political discourse. The institution must be defied, or he must be a party to the sale and purchase of a child away from a mother.

In its discussion of positive law, this chapter frequently emulates the procedures of common law. Eliza is on trial. Senator Bird prosecutes while Mrs. Bird defends. The

family, its attendants, and the readers of *Uncle Tom's Cabin* serve as the jury while the narrator adjudicates. This chapter however does not focus on Eliza *per se*, but rather on what she represents to the Birds. She may be the real presence of distress, but she has no voice but outside of the witness box. If the reader shares the commitments of the narrative and Mrs. Bird, then she may easily miss that (within the narrator's account) the Birds never ask for—and Eliza never offers—her name. Senator Bird may wonder in earnest "who and what she is" (UTC 71), but for all intents and purposes, she is the real presence of distress and not Eliza.

It falls to the reader to determine whether or not the omission of Eliza's name throughout her encounter with the Birds is an intentional rhetorical maneuver on the part of the narrator, but it is a signifying sort of silence. Gregg Crane comments, "As the archetype of the shivering fugitive, Eliza's very appearance—a frail and desperate mother needing protection—obviates the necessity of seeking her approval for the next leg of her escape, which the Birds indeed plan without her counsel and consent. As a woman and supplicant, she must take what she can get."<sup>31</sup> That is, the type in which Eliza participates limits her agency in important ways. Crane continues to argue that this typification complicates the overall conflict between higher and positive law which the narrator endeavors to draw, making "the ethical thrust of the passage is thus contradictory, pushing simultaneously towards the higher law mix of conscience and consent (within the National White Family) *and* the paternalistic ethics requiring the strong (white Americans) to care for the weak (black Americans): the ethical basis of slavery."<sup>32</sup> Much earlier in the novel, Mrs. Shelby denounces that very same basis for slavery as a

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<sup>31</sup> Gregg Crane, *Race, Citizenship, and Law in Nineteenth-Century American Literature*, 65.

<sup>32</sup> *Ibid.*, 65.

convenient lie white people tell themselves to veil the evil of slavery. The narrator's accidental affirmation of paternalism illuminates how difficult it is for the narrative to convey slavery in the abstract.

The omission of Eliza's name also calls attention to the narrative's tendency to comprehend people in, through, and as types—what Jane Tompkins has notably called "cultural shorthand."<sup>33</sup> Christopher G. Diller explains,

Stowe draws upon and revises this [a Calvinistic] exegetical tradition when she views sentimental artifacts, affections, and individuals as types and suggests that they are "known rightly" only when seen through the "awful shadow" of the soul that invests "all things" with sacrality. ... For Stowe, individuals are unique not because they are different from one another but paradoxically because they are alike in being unique types of the same subsuming spiritual truth.<sup>34</sup>

That is to say, many characters embody the same "truths," and only distinguish themselves from others in how they enact it. Eliza *is* Eliza because she *is* the real presence of distress. Because Senator Bird knows the truth which Eliza represents, and because Eliza represents that truth so well, he recognizes her as a person and precarious member of the community.

If Diller is correct in asserting that it is "the individual's instantiation of the social group, and not individual identity or salvation *per se*, which is the focus of moral agency and political urgency for Stowe,"<sup>35</sup> then it is the conflict between the real presence and legal representation of a slave that drives this chapter (and Senator Bird along with it) "north." The two individuals influence each other and therefore each other's types. Eliza (participating in the types of Christian, slave, mother, black) successfully pleads her case to Senator Bird (participating in the types of Christian, citizen, father, white). They share

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<sup>33</sup> Jane Tompkins, *Sentimental Power*, xvi.

<sup>34</sup> Christopher G. Diller, "Sentimental Types and Social Reform in *Uncle Tom's Cabin*" (Studies in American Fiction 32:1, 2004), 22.

<sup>35</sup> *Ibid.*, 30.

one type (Christian), and two types operate in binary (father/mother and white/black). Exchanges between these types provide an important background stability while slave/citizen interact. Whatever else the narrator's treatment of Eliza may indicate to the reader, it nonetheless serves a pivotal role in Senator Bird's internal crisis between the types of citizen/politician. His public role conflicts with his private identity, and one must subsume the other. As the narrator reports, the private man—overwhelmed by "the magic of the real presence of distress"—easily reforms the public persona. And while the contest of wills is over quickly, the emotional distress Senator Bird feels lingers.

Whatever one's opinions of the narrative's use of types in *Uncle Tom's Cabin*, it is fair to say that the novel uses them in unique and provocative ways. Barbara Hochman posits that Stowe "established sympathetic identification as a widespread reading practice for consuming the story of slavery."<sup>36</sup> Because Stowe used familiar tropes and motifs in unconventional ways, Hochman contends, the author offered the readership of the *National Era* a new, if secondhand, sensation of the oppressions slavery required. As Hochman states, "The numbing of sensibility required to 'let [slavery] alone' is a recurrent emphasis in the novel; it was a specific obstacle to response that Stowe set out to overcome."<sup>37</sup> Stowe understood conventions could be used to undermine the conventional. "Stowe's novel altered the horizon of expectations for sentimental tales," Hochman suggests, "by creating a dialogue with the texts that surrounded it; *Uncle Tom's Cabin* reshaped the relation between fiction and the network of ideas and images within which it was imbedded."<sup>38</sup> And because *Uncle Tom's Cabin* was published serially in the *National Era*, Stowe was able to interact with her readership as well as discuss news and

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<sup>36</sup> Barbara Hochman, "Uncle Tom's Cabin in the National Era" (Book History 7, 2004), 143.

<sup>37</sup> Ibid., 144.

<sup>38</sup> Ibid., 145.

engage with other literature in the periodical. Stowe makes strange the familiar via these reconfigurations of established types, which in turn offers her readers the opportunity to consider again those institutions or beliefs which they have come to accept as basic fact.

Hereafter, the narrative shifts from legal to moral registers when she attends to Senator Bird. Having witnessed the most minimal signs of violence against the slave, he finds himself convicted *in toto* for the legislation which he has passed. Each moment he persists in his current course serves a purgatorial (but redemptive) role for his public failure. The narrative remarks, "If our good senator was a political sinner, he was in a fair way to expiate it by his night's penance" of rough travel over crude roads as he transports Eliza to safety (UTC 77). The Senator's reflections and actions suggest not only the triumph of higher over positive law, but the restructuring of the Senator's own identity. But given the broader project of the novel—that is, to see to it that the reader feels right—the narrative offers surprisingly little insight into how the change taking place within Senator Bird will shape his future politics. The reader is left with only her conjectures as to the fate of the Senator's career: while he has privately repented of his platform, and privately seeks to aid Eliza in her flight to Canada, the Senator still operates in secret. He removes Eliza from his house at least in part from self-interest: Harry might betray the refuge and (the Senator remarks aloud) compromise the welfare of the Birds. Certainly the Senator recognizes the real presence of distress in the persons of Eliza and Harry, but past that the reader cannot know. What Senator Bird does in the night may—or very well may not—directly influence his behavior in the dawn's early light.

### **A Natural Hero**

Senator Bird breaks the law he helped to pass only under the cover of darkness, but the people portrayed in "The Quaker Settlement" serve as counterpoints to his example. This brief chapter introduces the reader to a Quaker community in Indiana that provides refuge for Eliza, George, and Harry without shame. The narrative pays much attention to Rachel Halliday, a woman invested with more authority than either Mrs. Shelby or Mrs. Bird. The differences between Rachel and the other two women begin with her names. While the reader learns only through the course of a discussion that Mrs. Shelby's Christian name is Emily, or that Mrs. Bird responds to Mary, the narrative draws Rachel Halliday as *Rachel* from the start. In doing so, the narrative differentiates this woman from most other white females in the novel. In one sense, the fact that Rachel Halliday is known as Rachel associates her more closely with Eliza and Cassy than the novel's white women. Insofar as all three of these women have an outsider status—two as slaves, one as part of an othered religious community—the narrator addresses them with attention to different forms than the white women participating in the establishment.

Rachel's description informs the witness of the mother's many qualities: the woman is matronly but not withered ("hers was one of those faces that time seems to touch only to brighten and adorn"); she is definitively a Quaker ("The snowy lisse crape cape, made after the Quaker pattern, ... showed at once the community to which she belonged"); ultimately, Rachel is full of loving-kindness (possessing "a high placid forehead, on which time had written no inscription, except peace on earth good will to men"). One might recognize the kindness written on Mrs. Shelby's face or the authority which Mrs. Bird wields over her children; Rachel Halliday, the narrator insists, is a

human being of such obvious goodness that anyone who looks into her eyes should see beauty enough to inspire art (UTC 116).

Jane Tompkins notes the distinction with which the narrative introduce Rachel Halliday, and continues to argue that her rocking-chair serves as a veritable throne. It is not in the crucifixion, Tompkins suggests, but in this Quaker community—a site where prevailing gender roles break down and women can exercise explicit, sanctioned authority over men both inside and outside of the home—that God becomes visible. She writes,

The form that Stowe's utopian society takes bears no resemblance to the current social order. Man-made institutions—the church, the courts of law, the legislatures, the economic system—are nowhere in sight. The home is the center of all meaningful activity; women perform the most important tasks; work is carried on in a spirit of mutual cooperation; and the whole is guided by a Christian woman who, through the influence of her "loving words," "gentle moralities," and "motherly loving kindness," rules the world from her rocking chair. ... The woman in question *is* God in human form. Seated in her kitchen at the head of her table, passing out coffee and cake for breakfast, Rachel Halliday ... enacts the redeemed form of the last supper.<sup>39</sup>

While Rachel's authority in the community is at least equal to that of her husband, and while certainly her "Thee had better" embodies a "moral suasion" that "take[s] the place of force,"<sup>40</sup> to call Rachel "God in human form" somewhat jars with the narrative's description of the woman and the community in which she participates. Rachel may sit at the head of the table, but she relaxes the guard of Eliza's husband George through the compassion she exudes. The narrative explains, "It was the first time that ever George had sat down *on equal terms* at any white man's table; and he sat down, at first, with some constraint and awkwardness; but they all exhaled and flowed off like fog, in the genial morning rays of this simple, overflowing kindness" (UTC 122, emphasis mine).

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<sup>39</sup> Jane Tompkins, *Sentimental Power*, 141-2.

<sup>40</sup> *Ibid.*, 142.



George finds himself treated with a respect and dignity at odds with all of his previous experience, with the narrative chiefly noting that the fugitive finds himself "on equal terms" with those around the table. What is most remarkable here is not that the narrative invests women with power, but that the narrative logic dissolves the distinctions between black, female, and slave. Rachel may be radiant, a veritable "living Gospel" (UTC 122), but the narrator distinguishes Gospels from Gods.

Moreover while the Quaker community finds itself at odds with most others which the narrator portrays, it is not disengaged. It interacts regularly with the nearby towns and villages and stays abreast of American politics. Even if the "man-made institutions" of law, government, and market are obscured, they are not invisible: the Quakers sell their produce at the local market; Simeon manages the farm for profit as well as subsistence; Phineas Fletcher knows the ways of worldly men. Most importantly, while the Quakers willingly aid the Harris family, Simeon Halliday acknowledges the right of the state to mete out punishment for breaking the law.

Anti-patriarchal may not as certainly mean "matriarchal" as Tompkins asserts, but the scholar's claim that the Quaker community "constitutes the most politically subversive dimension of Stowe's novel, more disruptive and far-reaching than even the starting of a war or the freeing of slaves"<sup>41</sup> draws important attention to just how radical the narrative imagines the "living Gospel" to be. The narrator relates the following exchange between father and son:

"Father, what if thee should get found out again?" said Simeon second, as he buttered his cake.

"I should pay my fine," said Simeon, quietly.

"But what if they put thee in prison?"

"Couldn't thee and mother manage the farm?" said Simeon, smiling.

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<sup>41</sup> Ibid., 142.

"Mother can do almost everything," said the boy. "But isn't it a shame to make such laws?"

"Thee mustn't speak evil of thy rulers, Simeon," said his father, gravely. "The Lord only gives us our worldly goods that we may do justice and mercy; if our rulers require a price of us for it, we must deliver it."

"Well, I hate those old slaveholders!" said the boy, who felt as unchristian as became any modern reformer.

"I am surprised at thee, son," said Simeon; "thy mother never taught thee so. I would do even the same for the slaveholder as for the slave, if the Lord brought him to my door in affliction" (UTC 122).

Thomas Loebel argues that part of the woman's job is to reeducate her family in the ethics of individualism which the social contract of the United States constantly endeavors to erase.<sup>42</sup> Moreover, Stowe's anchor for this sense of the individual is a religious identity which may be in conflict with a national identity—a conflict of interests to which, for example, the Quakers are well-attuned. "Recognizing the fallibility of American law," Loebel states, "the Quakers suggest that the possibility of imprisonment for rendering an ethical justice is part of the price of being human and acting upon one's humanity in a land that values possessive individualism and worldly goods as ends in themselves over the divine definition of the person and its concomitant relationship with worldly goods as means to the realization of a just end."<sup>43</sup> In other words, the Quakers believe that to be a good individual as God defines it may mean to be a bad individual as the nation defines it. To be the best human, one obeys God and yet accepts the consequences of violating the law.

The Quakers openly intercede where others might shy away—moderates from the fugitive slave, abolitionists from the slave-hunter. If here the domestic space acts as the hub from which state and economy proceed, it is because the domestic space allows for the freest practice of the Quakers' religion, and an ethic which requires involvement in

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<sup>42</sup> Thomas Loebel, *The Letter and the Spirit of Nineteenth-Century American English*, 136.

<sup>43</sup> *Ibid.*, 142.

the broader sphere of human experience. As Simeon explains to George when the young man expresses anxiety over accepting the Quakers' aid, "Fear nothing, George, for therefore are we sent into the world. If we would not meet with trouble for a good cause, we were not worthy of our name" (UTC 123). The Quakers' commitment to aiding the fugitive family is not optional—their moral creed mandates intervention.

Phineas Fletcher embodies the community's distinct participation in normative American affairs. Throughout "The Freeman's Defense" Phineas plays an important role in the Harris family's escape to Canada. The first support Phineas offers in fact hinges upon his regular departure from the Quaker settlement. Just as George begins to feel free, Simeon approaches with Phineas and introduces the man. The narrator relates:

Phineas was tall and lathy, red-haired, with an expression of great acuteness and shrewdness in his face. He had not the placid, quiet, unworldly air of Simeon Halliday; on the contrary, a particularly wide-awake and *au fait* appearance, like a man who rather prides himself on knowing what he is about, and keeping a bright lookout ahead; peculiarities which sorted rather oddly with his broad brim and formal phraseology (UTC 162).

The converted Quaker is a pairing of opposites. If Rachel represents the otherworldly foot of the Friends, Phineas is the foot planted firmly in this one. He travels the roads, hunts, sells the produce which the Quakers raise, and stays in taverns when he gets tired. Later the narrator explains:

To tell the truth, Phineas had been a hearty, two-fisted backwoodsman, a vigorous hunter, and a dead shot at a buck; but, having wooed a pretty Quakeress, had been moved by the power of her charms to join the society in his neighborhood; and though he was an honest, sober, and efficient member, and nothing particular could be alleged against him, yet the more spiritual among them could not but discern an exceeding lack of savor in his developments (UTC 164).

This description distances Phineas from Simeon and Rachel, and in doing so the narrative implies that there exists a spectrum of commitments amongst the Quakers. Some adhere

less adamantly to their doctrines than the Hallidays. In doing so, the narrative perhaps makes the Quakers a more likely demographic, a more plausible community, for the reader to imagine. But this diversity does more than render the Quaker community more realistic—it serves an essential function for the plot. Fortunately for the Harris family, Phineas' most recent "worldly" outing allows him to overhear a party of slave-hunters and constables discussing plans for entering the settlement and apprehending the fugitives that night. The plans of the hunters represent most every form of mercenary and pecuniary motive which the narrator detests. Phineas recounts:

This young man [George], they said, was to be sent back to Kentucky, to his master, who was going to make an example of him, to keep all niggers from running away; and his wife two of them were going to run down to New Orleans to sell, on their own account, and they calculated to get sixteen or eighteen hundred dollars for her; and the child, they said, was going to a trader, who had bought him; and then there was the boy, Jim, and his mother, they were to go back to their masters in Kentucky.<sup>44</sup> They said that there were two constables, in a town a little piece ahead, who would go in with 'em to get 'em taken up, and the young woman was to be taken before a judge; and one of the fellows, who is small and smooth-spoken, was to swear to her for his property, and get her delivered over to him to take south (UTC 162-3).

The detail with which Phineas describes the various fates awaiting the fugitives might seem callous to relate, but the man self-censors very little. The plights of slaves, as the narrative has insisted so many times, are galling; if the reader shies away from it in daily experience, then at least in her novel the narrator can require the reader's closer attention. Moreover the narrator insists on the irony she wishes her reader to identify and with which she wants the reader to relate in her description of George's reaction. She tells the

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<sup>44</sup> Earlier in the novel, George helps Jim (who had successfully escaped from his master earlier) recover his mother from slavery. These characters have few lines, but serve to bolster George's arguments that rights natural to humans are denied to slaves by state and federal law. In effect, Jim and his mother broaden the basis for George's argument; he advocates for his rights not just in his own self-interest, but for all the victims of slavery.

reader, "George stood with clenched hands and glowing eyes, and looking as any other man might look, whose wife was to be sold at auction, and son sent to a trader, all under the shelter of a Christian nation's laws" (UTC 163). As earlier with Tom and Eliza, with George the narrator once again draws a comparison between the slave and "any other man" under similar circumstances. The final clause in her description—that is, that men could plan to separate the Harris family "all under the shelter of a Christian nation's laws"—anticipates the reader's own belief that the United States is a religiously-guided polis. The disparity between its customs and its ideals, the narrative suggests, *should* jar the citizen.

Even as the narrative admires and praises the Quakers for their religious commitments, it cannot help but admit that a Quaker husband might not allow his wife to be carted off to slavery if violence could spare her. An exchange between George and Simeon on this point is telling. The fugitive declares, "

"I will attack no man," said George. "All I ask of this country it to be let alone, and I will go out peaceably; but,"—he paused, and his brow darkened and his face worked,—"I've had a sister sold in that New Orleans market. I know what they are sold for, and am I going to stand by and see them take my wife and sell her, when God has given me a pair of strong arms to defend her? No; God help me! I'll fight to the last breath, before they shall take my wife and son. Can you blame me?"

"Mortal man cannot blame thee, George. Flesh and blood could not do otherwise," said Simeon. "Woe unto the world because of these offences, but woe unto them through whom the offence cometh."

"Would not even you, sir, do the same, in my place?"

"I pray that I be not tried," said Simeon; "the flesh is weak" (UTC 164-5).

The Quakers may remain pacifists when aiding fugitive slaves, but Simeon believes that only divine intervention could prevent George from defending his wife and child should the need arise. In doing so Simeon admits that there *may* be times when violence

becomes necessary in the pursuit of worldly justice and mercy, and thus—albeit with reluctance—concedes that resistance is the *natural* course.<sup>45</sup>

As Phineas escorts Harris family out of the Quaker community, the conflict between natural and divine precedents recedes while the conflict between natural and positive rights looms in the fore. With pursuers hot on its trail, the convoy takes refuge in a natural shelter situated along a rocky embankment and across a chasm that can only be crossed with a leap. When George draws his pistols, Phineas urges the younger man to warn his assailants of the risk of further pursuit.

When George asks what the hunters want, Tom Loker calls the fugitives "runaway niggers" and names them off. Thereafter he says, "We've got the officers, here, and a warrant to take 'em; and we're going to have 'em, too. D'ye hear? An't you George Harris, that belongs to Mr. Harris, of Shelby county, Kentucky?" George responds: "I am George Harris. A Mr. Harris, of Kentucky, did call me his property. But now I'm a free man, standing on God's free soil; and my wife and my child I claim as mine. Jim and his mother are here. We have arms to defend ourselves, and we mean to do it" (UTC 170).<sup>46</sup>

Having warrant to detain truant property, and officers to enforce that warrant, Tom insists not only that he has the right but the power to capture the Harris family. George replies that he is a free man on free soil by his own agency, asserts his right to his

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<sup>45</sup> Simeon continues to explain to his son, "If a man should *ever* resist evil, ... then George should feel free to do it now: but the leaders of our people taught a more excellent way; ... but it goes sorely against the corrupt will of man, and none can receive it save they to whom it is given. Let us pray the Lord that we be not tempted" (UTC 165).

<sup>46</sup> The possessive tone George uses, and the sense that wife and children are so much property that it implies, may be striking to the contemporary reader. However startling the language may be, the contest in which the narrator takes interest is between legal and natural rights. The laws of Kentucky provide George with no legal right to the family bonds which he savors; he asserts his natural right to defend them. This is not to say that a deeper study of George's treatment of his wife and child as property would be unproductive; it is only outside the purview of this argument.

wife and child, and finally reminds Tom that the fugitives bear arms and are ready to use them. Tom Loker asserts that the positive law dictates how George may or may not behave; George refuses to acknowledge the positive law because it violates his natural rights.

A marshal steps forward and tells the fugitive, "O, come! come! ... Young man, that an't no kind of talk at all for you. You see, we're officers of justice. We've got the law on our side, and the power, and so forth; so you'd better give up peaceably, you see; for you'll certainly have to give up, at last" (UTC 170). The best argument for the positive law which the narrator provides reduces to "We have given ourselves the right to possess you. We have the manpower to enforce that right. Submit now, because you will eventually." The marshal however offers George no practical reason to abide by the law which the marshal invokes; if George submits, he loses that to which he feels entitled. If he fights and dies, he loses that to which he feels entitled.

If George successfully resists the hunters, however, George protects the natural rights which the narrator confers upon him. George outlines his reasons for resistance in reply to the marshal, stating, "But you haven't got us. We don't own your laws; we don't own your country; we stand here as free, under God's sky, as you are; and, by the great God that made us, we'll fight for our liberty till we die" (UTC 172). The laws of the United States, George contends, render the slave as an exchangeable commodity. Those same laws demote the slave child from a person into a beast of burden. They allow for fungible punishment of one body in lieu of another, and do not really delimit the physical violence which the master can inflict on the slave. But beneath each of these implications lies the same premise of possession. George magnifies that premise and points out that

the slave-hunters in fact do *not* possess these fugitives. The slave, holding no citizenship or legal power, can only counter the jurisprudence of the United States by extracting himself from it. Slavery cannot extend beyond the laws which support it, and for this reason George invokes his natural claim to liberty and life outside of the United States.

The narrator then describes George, standing "out in fair sight, on the top of the rock, as he made his declaration of independence; the glow of dawn gave a flush to his swarthy cheek, and bitter indignation and despair gave fire to his dark eye; and, as if appealing from man to the justice of God, he raised his hand to heaven as he spoke" (UTC 172). Gregg Crane remarks of this depiction,

A considerable part of the romantic appeal of George's "declaration of independence" derives from his physical attributes embodying higher law sentiment, such as his 'dark eye' which burns with 'the fire' of his moral "indignation." ... But George Harris's eloquent embodiment of higher law jurisprudence—the correspondence of inner moral insight and convincing outer expression—is plainly dependent in Stowe's formulation upon his racial resemblance: he looks like "us."<sup>47</sup>

By participating in the type of the romantic revolutionary, George begins to appear white. Herein the narrative logic reaches an impasse; she cannot help but remind the reader that George is black and a fugitive slave, but when George's eloquence reaches its peak she lightens him.

In an effort to regain control of this imagery, the narrative foregrounds the disparity between the way its most critical reader is wont to perceive George (insurrectionary, defiant, law-breaking) and how that same reader is likely to perceive a revolutionary Hungarian at that same moment. The narrative asks,

If it had been only a Hungarian youth, now bravely defending in some mountain fastness the retreat of fugitives escaping from Austria to America, this would have been sublime heroism; but as it was a youth of *African* descent, defending the

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<sup>47</sup> Gregg Crane, *Race, Citizenship, and Law in Nineteenth-Century American Literature*, 67-8.



retreat of fugitives through America into Canada, of course we are too well instructed and patriotic to see any heroism in it; and if any of our readers do, they must do it on their own private responsibility. When despairing Hungarian fugitives make their way, against all the search-warrants and authorities of their lawful government, to America, press and political cabinet ring with applause and welcome. When despairing African fugitives do the same thing,—it is—what *is* it? (UTC 172, first emphasis mine).

At this critical juncture the narrative cannot associate the reader with the fugitive. Tom's despair may be that of any other man or woman; Eliza's desperation might be that of any mother whose child is threatened; George's own flight and self-defense is perhaps the only time when any man might take up arms against evil. But George's revolutionary speech, spoken by a man of African descent, defies the narrative's (already problematic) universalizing framework. His dispute with American law and practice can indeed resemble a fleeing Hungarian's, but the Hungarian is not the imagined audience of the novel. The narrative fears that reader can only understand George in this moment through a removal.

Theo Davis draws attention to just how frequently the narrator of *Uncle Tom's Cabin* intentionally distances the reader from the characters whose stories they follow. Davis contends,

To read *Uncle Tom's Cabin* ... is to be drawn close to characters while being held a certain distance from them. ... to be shown an intimate conversation through a doorway, as a mediating figure holds up the curtain for us to see. Experience is seen to follow from schematic situations that are completely reducible to concepts—like a theater's stage sets, ready to be packed up and reassembled in another state, inhabited by a different group of actors.<sup>48</sup>

With George's "declaration of independence," however, the narrative struggles to make the reader's identification with George possible. Ultimately the narrator cannot both

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<sup>48</sup> Theo Davis, *Formalism, Experience, and the Making of Nineteenth-Century American Literature*, 140-141.

ensure the sort of distanced-identification for which Davis argues here, and falls back instead on comparing George to a white revolutionary in a different political conflict.

To this defense of George's natural rights the narrator can imagine no thoughtful retort. Even the "rudest nature" among George's audience is struck dumb. The action starts again with the slave-hunter Marks firing at George, and the argument turns to a contest of power. The fugitives and Phineas, having the literal and metaphorical high ground, successfully resist the first assault and send Tom Loker sprawling into the chasm below. Broken but not dead, Tom cries out for help while his companions—now aware of their disadvantage and drawn together only by mercenary motives—flee and leave the wounded man behind.

Eliza finally speaks up and utters her hope that Tom Loker lives, "Because, after death comes the judgment" (UTC 174). The narrator tries to check her own use of power in the Harris's escape by reminding the Christian reader that wishing death on anyone is grave; Phineas reassures Eliza that Tom Loker will survive if tended to, and the wounded man is escorted to a Christian woman's house to begin his convalescence. Gregg Crane notes,

In narrative expiation for her indulgence in the satisfying violence of the action/adventure tale, Stowe does not kill Loker but merely wounds him so that in convalescing in a Christian home he can be converted. Yet, even in the climax of her novel, Uncle Tom's martyrdom, an apotheosis of Christian compassion and self-sacrifice, Stowe cannot wholly resist the attraction of power, and she has George Shelby strike Tom's murderer Legree to the ground. It simply is not enough to know that Legree will suffer in perdition; we must see his malign force answered here and now.<sup>49</sup>

If we follow Crane's line of reasoning, the narrative both wants to imagine alternatives to violence but finds such alternatives lacking, or at least lackluster, when compared with

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<sup>49</sup> Gregg Crane, *Race, Citizenship, and Law in Nineteenth-Century American Literature*, 70.

watching the novel's penultimate villain beaten down by a young man who models some of her deepest hopes for reform in the South. Hence the wounded slave-hunter survives and, true to their word, the Quaker community tends to Tom Loker; he recovers a softer and wiser man. The audience cheers as the Harris family heads for Canada. Natural rights win over positive law, and for that the narrator wishes us to celebrate. But from the moment George sets foot on that embankment, he is no longer the reader's. He will never own the United States and the United States (the narrator implies) can never own him—as a slave *or* citizen. George remains a natural—not a national—hero.

### **Out of America**

*Uncle Tom's Cabin* ends with nearly all of its liberated slave characters moving first to Canada (where British law nullifies any American legal claims of ownership) and then to Liberia, where (as George argues in a letter) the former slaves can build a nation and a nationality. He remarks,

The desire and yearning of my soul is for an African *nationality*. I want a people that shall have a tangible, separate existence of its own; and where am I to look for it? Not in Hayti; for in Hayti they had nothing to start with. A stream cannot rise above its fountain. The race that formed the character of the Haytiens was as worn-out, effeminate one, and, of course, the subject race will be centuries in rising to anything.

Where, then, shall I look? On the shores of Africa I see a republic,—a republic formed of picked men, who, by energy and self-educating force, have, in many cases, individually, raised themselves above a condition of slavery. Having gone through a preparatory stage of feebleness, this republic has, at last, become an acknowledged nation on the face of the earth,—acknowledged by both France and England. There is my wish to go, and find myself a people (UTC 374).

The narrator's choice to remove her cast of liberated slaves to Liberia is one much disputed both during the penning of the novel and ever after. Frederick Douglass commented that Liberia was a slaver's ploy, a way of washing their hands of the people

who had helped build the United States once the institution of slavery was called into question: "the mean and cowardly oppressor is mediating plans to expel the colored man entirely from the country. Shame upon the guilty wretches that dare propose, and all that countenance such a proposition. We live here—have lived here—have a right to live here, and mean to live here."<sup>50</sup> Elizabeth Ammons calls the narrator's decision one "that at best compromises and at worst undercut's the novel's liberatory claims."<sup>51</sup> Ammons continues,

Stowe places her support for Liberian emigration in the mouth of George Harris, her smartest, angriest, most militant black—which, of course, goes a long way toward explaining her support for an idea that abolitionists from Douglass to Garrison roundly condemned. Deportation conveniently solves the problem of dealing with demands for racial equality in America. If at the end of *Uncle Tom's Cabin* George Harris remained in the United States, or even just across the border in Canada, how would Stowe contain his militant voice, not just for emancipation but also for black equality?<sup>52</sup>

In short Ammons contends that the novel must end with this removal because all of the surviving former slaves represent a challenge and a threat to the United States which the narrator cannot resolve. Ammons continues to argue that the reasons for this stem in part from the author's romantic racialism:

Antislavery did not for Stowe, or, indeed, for most white abolitionists, mean antiracist. *Uncle Tom's Cabin* argues for an end to slavery but not to white supremacy, which is why the novel endorses colonization. Removing educated, assertive, free blacks from the United States means removing the problem of whites having to participate in a social change even more profound than the abolition of slavery: the social change of white people relinquishing (willingly or

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<sup>50</sup> Quoted in Elizabeth Ammon's book chapter "Freeing the Slaves and Banishing the Blacks: Racism, Empire, and Africa in *Uncle Tom's Cabin*" from *Harriet Beecher Stowe's Uncle Tom's Cabin: A Casebook* (New York: Oxford University Press, 2007), 227—an invaluable overview of the political forces behind the emigration project and their roots in a Western imperialistic mindset.

<sup>51</sup> *Ibid.*, 227.

<sup>52</sup> *Ibid.*, 237.

not) the unearned white privilege, power, and conferred dominance on which the whole U.S. system of racism depends.<sup>53</sup>

Samuel Otter, by contrast, suggests that the evidence for Stowe's racialism is often restricted to *Uncle Tom's Cabin*. There is too little mention by most critics of *A Key to Uncle Tom's Cabin* and "her second anti-slavery novel *Dred*, published in two volumes in 1856."<sup>54</sup> Instead, "With its melodrama and epitome, *Uncle Tom's Cabin* has invited readers to abstract its character from their actions and its scenes from their contexts. In both the popular and critical culture, the temptation has been great to stylize Stowe's difficult portrayals and to treat *Uncle Tom's Cabin* as though it can stand for all of her thinking about race in the United States."<sup>55</sup> Otter reminds the reader, "Most of the characters in *Uncle Tom's Cabin*, black or white, are not intended to be realistic portrayals whose absence is lamented by many critics. They are the products of Stowe's uncanny ability in her first novel to give eloquent form to ideas about character and to discern and recast types. ... Stowe makes her argument in and through these types."<sup>56</sup> As many critics have noted, the narrator's reliance on types offers her productive opportunities, but often at a cost; that price is easily felt today, where American reading conventions favor psychological depth and complexity to simplicity of motive and action.<sup>57</sup>

Ronald Walters also identifies this crucial difficulty with reading Stowe's first novel, stemming from the moral imperative which this chapter sets out to articulate. He

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<sup>53</sup> Ibid., 238.

<sup>54</sup> I do not mean to extend this criticism to Elizabeth Ammons, who treats the defenses which Stowe offers in her *Key* with the same scrutiny before charging that Stowe remains a racist in the same essay quoted above.

<sup>55</sup> Samuel Otter, "Stowe and Race," *The Cambridge Companion to Harriet Beecher Stowe* (New York: Cambridge University Press, 2004), 17.

<sup>56</sup> Ibid., 19.

<sup>57</sup> *Dred* in fact offers far more complex and diverse characters than *Uncle Tom's Cabin*, along with a far less intrusive narrator and a perhaps more compelling plot for the contemporary reader.

comments, "She [Stowe] had to convince readers that they were both fiction and not fiction, a difficulty exacerbated by her asides to readers and other devices that marked her works as novels, while contradictorily asserting in *A Key* that *Uncle Tom's Cabin* 'has a purpose transcending the artistic one,' and that 'therefore as a reality it may be proper that it should be defended.'"<sup>58</sup> Theo Davis might argue that this difficulty necessarily arises from the novel's frequent asides to the character, a mechanism Davis argues the narrator relies upon to codify the novel as a set of communicable experiences "which are both engaging and distanced" which the reader can import. To wit, "Being addressed as 'you' reminds readers that they are not Eliza, and that despite their different situations, they would probably feel and act as Eliza does in her situation. Situation is critical to feeling here—persons can put themselves into external sets of conditions in such a way that their individual subjectivity is never at issue."<sup>59</sup> (Davis 139, 40). The space which *Uncle Tom's Cabin* tries to occupy—that between fiction and non-fiction—can invite confusion, as do Stowe's own arguments in defense of her work as "more" than art.

Christopher Diller also finds the ending discordant, but perhaps less pro-colonization than Ammons and many others have argued. If one considers *Uncle Tom's Cabin* as not only the novel and its preface but all of its paratexts, the reader will discover that Stowe's narrator is less committed to Liberia as the most important future home of liberated slaves than she at first appears. Diller contends that the preface to the American editions of the novel, "which invites the reader to view the novel's subject, setting, and content in terms of racial difference, has been as responsible as the novel itself for the

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<sup>58</sup> Ronald Walters, "Harriet Beecher Stowe and the American Reform Tradition," *The Cambridge Companion to Harriet Beecher Stowe*, 179.

<sup>59</sup> Theo Davis, *Formalism, Experience, and the Making of Nineteenth-Century American Literature*, 139-140.

enduring but misguided assumption that Stowe was an apologist for black expatriation and colonialism."<sup>60</sup> That is, while Stowe may have overstated her commitments in the American preface to her most significant novel, she used several later prefaces to qualify her positions on such issues as miscegenation, a multiracial American body politic, and black colonization projects.

These later supplements have had a less direct impact on Stowe criticism than they warrant. Diller draws attention to textual evidence that, when compared with the American preface, suggests Stowe "argues for colonialism only halfheartedly. ... The American preface is therefore most accurately read as a strained attempt to mediate the explosive nativist, republican, and liberal political ideologies that governed discussions of slavery and American identity at mid-century."<sup>61</sup> As importantly Stowe uses the two English and one German prefaces (all of which were written in 1852) to engage with several criticisms of her work, the body of which ranges from Southern anti-Tom accounts of slavery to freedmen indictments of the novel's apparent celebration of black expatriation to Liberia.

Where Ammons underscores the narrator's racialism, and Diller Stowe's own renunciation of Liberia in later prefaces, Kevin Pelletier suggests that the apocalyptic register of *Uncle Tom's Cabin* may in part account for the prominence of Liberia in the narrative denouement. As the disseminator of an evangelical text, the narrator has a teleological motive for which we must account. Pelletier contends:

Rather than offering an antislavery politics that represents ex-slaves as integrated citizens of the United States (a politics that understandably most critics have vilified Stowe for failing to advocate), Stowe unfolds an apocalyptic vision of

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<sup>60</sup> Christopher G. Diller, "The Prefaces to *Uncle Tom's Cabin*" (*The New England Quarterly* 77:4, 2004), 621.

<sup>61</sup> *Ibid.*, 621.

Christ's second coming that takes the place of a secular program of racial integration. The overriding concern in the novel is the fulfillment of a very particular religious worldview, one in which Christ reigns on earth. ... Moreover, Stowe reiterates throughout the novel that the true sign of the apocalypse is the conversion of "Negro" heathens, both in America and in Africa. Thus, her black characters return to Africa because Africa is God's next covenantal nation, and the American slave, along with the African, will be God's chosen people whom he will continue to protect provided they uphold their covenantal obligations and establish God's earthly church.<sup>62</sup>

Pelletier's argument sets into relief a subtext over which many critics have argued: the narrator's efforts to portray the instantiation of a true Christian nation is a core concern of the novel. The United States may be a Christian nation, but it is perhaps not Christian enough.

The further we can distance Stowe and the narrator of *Uncle Tom's Cabin*, the easier it seems to address the reasons why Liberia figures so prominently in the ending of this novel. And, if we pay attention to the subtext of this critical conversation over Liberia, the unsaid-yet-prominent fact is that Liberia figures prominently in the ending of *Uncle Tom's Cabin* because, in part, Liberia is *not* the United States. In the contest between sympathy and positive law, the narrator cannot imagine the discourse necessary to confer political and legal equality to all black people in the United States; for that matter, political and legal equality were not enfranchised for all American citizens in 1851, slave or not. These issues extend beyond the scope of her novel and strike to the heart of what it means to be American. But these issues, while not the narrator's to resolve, are on her agenda. By reforming the reader's sentiments, the narrator hopes to meet the conditions necessary to allow for a cascading redefinition of the United States. As she insists in her concluding remarks, "But, what can any individual do? Of that,

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<sup>62</sup> Kevin Pelletier, "Uncle Tom's Cabin and Apocalyptic Sentimentalism" (*Literature Interpretation Theory* 20:4, 2009), 270.



every individual can judge. There is one thing that every individual can do,—they can see to it that *they feel right*" (UTC 385). As an individual the narrator can see to it that her *readers* see to it that they feel right. She believes that the slave code is unnatural, the Fugitive Slave Law unjust, slaver practices inhumane. She believes she can paint scenarios which will move the reader to sympathize with her sentimental advocates and denounce the machinations of the positive problem. For the narrator, this constitutes a success. But for her readers, this amounts to identifying the problem—not solving it. Their real work lies ahead.

Chapter 2—"He that is *willing* to be a slave, let him be a slave:" Agency and Disobedience in *Incidents of the Life of a Slave Girl*

In the twelfth chapter of Harriet Jacobs' *Incidents in the Life of a Slave Girl*, the narrator Linda Brent details how the white members of her hometown responded to Nat Turner's armed uprising. Out of fear that the chattel in their own community might emulate Turner's actions, several landowners and slaveholders stage a muster. The men arm their poorer neighbors, provide them with liquor, and invoke them to search through the slaves' habiliments for any sign of organized resistance. Intoxicated with power and alcohol, these abject poor execute their orders with extreme prejudice—so extreme, in fact, that the muster devolves into a mob. The inebriated men transition from ransacking the possessions of slaves to breaking and entering into the estates of the wealthy. The narrator recalls,

The better class of the community exerted their influences to save the innocent, persecuted people; and in several instances they succeeded by keeping them shut up in jail till the excitement abated. At last the white citizens found that their own property was not safe from the lawless rabble they had summoned to protect them. They rallied the drunken swarm, drove them back into the country, and set a guard over the town.<sup>63</sup>

This passage is quite clearly infused with significant irony. Fearing that slaves will arm themselves, the gentry arm another subordinated class. This militia turns into exactly the threat to property which the slaveholders imagined their chattel to be. But there is a deeper irony—incarceration, however brief, buffers these slaves from the unregulated cruelty of free white people. Brent ascribes the consignment of innocent slaves to jail as an act of kindness, and it may be so. Nevertheless, the narrator insinuates that this punitive mercy is a side-effect of a far simpler equation: the mob threatens to kill

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<sup>63</sup> Harriet Jacobs 56. Hereafter, all references to *Incidents in the Life of a Slave Girl* will be cited in-text as (Incidents #).

innocent people—some of the most valuable property Southerners can possess—and the only sensible recourse is to put lock the property away.

If George Harris exits the United States with the proclamation that he does not own its laws, Linda Brent offers a provocative counterpoint to his example. Wordplay like this, which lambasts the legal conceptions protecting slavery, wields the law and demonstrates Jacobs' acute awareness of the legal paradoxes necessary to justify the peculiar institution. Indeed, from its preface to conclusion, *Incidents* engages with the questions of law and ownership associated with chattel slavery. The word "law" occurs within the narrative a total of 50 times. "Crime" appears twelve times, "legal" nine, "prison" nine, "legislators" twice, "lawful" twice, and "criminal" twice. Legality peppers *Incidents* as Brent wrestles with the institution of slavery and its societal underpinnings. In the following chapter I will explore one of the ways in which Brent plays with the language of law.

To wit, I read the first four chapters of *Incidents* as an account of agency formation for Linda through an increasingly antagonistic relationship to slavery as a legal institution. To do so I first argue that the reader can distinguish Harriet Jacobs as author from Linda Brent as narrator of the text: I consider some of the ways in which Jacobs distances herself from *Incidents* as vital to our relationship with it, then suggest that this distancing serves Jacobs' own ends as an author by obscuring certain aspects of her own life to foreground her interest in law. This conceit allows for the reader to perform some of the imaginative acts of reading which the narrative requires while mitigating some risk of displacing the narrator's agency, a threat which readers pose to any slave narrative which they read. Finally, distinguishing Jacobs from Brent allows Brent to represent

other oppressed persons. Though this text deals with Linda's experiences, *Incidents* regularly moves beyond the immediate events in Linda's life to consider the effects of slavery on other agents.

After arguing for this distinction between Jacobs and Brent, I proceed to identify points of legal conflict between Brent's family and white Southerners to chart the protagonist's progression *out* of an attitude of submission to the slave code and into the disposition of one whose rights have been violated. In the first two chapters Brent describes her older relatives as respected and respectable members of their community who enjoy civil relationships with free people. Nevertheless Linda's mother and father both die slaves (albeit respected as something more than chattel by some members of the community) and her grandmother receives her promised manumission only because of the goodwill of a neighbor. As Brent considers the examples of her relatives she gradually articulates a form of containment that I call "the logic of manumission:" that is, the honorable behavior of a slave may earn her social credibility in a Southern community, but it simultaneously reinforces the legal disenfranchisement of nearly all black persons. The social standing which many slaves and freed black people desire, Brent implies, only reinforces slavery and the cultural presuppositions behind it.

Brent as narrator will continue to directly contend with the law that regulates the black body throughout the remainder of her narrative. In her third chapter Brent begins to use the language of law figuratively when she compares hired-out slaves to prisoners awaiting a judge's sentencing. Though Brent quickly moves past this turn of phrase, the simile heralds a transition in her tale: since even obedient slaves remind Brent of prisoners, the narrator starts to foreground the value of *disobedience*. Thus in her fourth

chapter Brent turns to the example of her uncle Benjamin as a productive alternative to the precedent that her mother, father, and grandmother set: Brent's brother sacrifices his social standing to resist his master, and in acting criminally passes through jail into eventual freedom. Brent notes that resistance guarantees the slave recognition as a person because criminality implies agency, and by the end of this chapter Linda acquires a new vocabulary that allows her to think in terms similar to Benjamin's.

### **Incidents in the Life of a Narrative**

At the outset of *Incidents* the narrator remarks, "Reader be assured this narrative is no fiction" (*Incidents* 5). But for over a century most critics assumed that the narrative and its narrator were literary creations of Lydia Maria Child. The consensus changed in 1981, however, when Jean Fagan Yellin assiduously documented thousands of parallels between the history of Jacobs and the story Brent tells. While confirming that Jacobs authored the book, Yellin highlights that Lydia Marie Child played an important role in the composition of *Incidents*, insofar as she copy-edited and even rearranged the text "so as to bring the story into continuous *order*, and the remarks into *appropriate* places." Child moreover claims that this work "renders the story much more clear and entertaining."<sup>64</sup> Since Yellin published her article, many scholars have (with good cause) focused on evaluating *Incidents* in terms of its authenticity as an autobiography. Theo Davis pointedly reminds the reader that this is not simply an issue of genre. She writes, "Calling [*Incidents*] a novel ... was connected to calling it not Jacobs's work, in a replay of an earlier vein of hostile readings of slave narratives which dismissed them as fictional

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<sup>64</sup> Quoted in Jean Fagan Yellin, "Written by Herself" (*American Literature* 53:3, 1981), 484.

shams."<sup>65</sup> That is, one implies that the events of *Incidents* are fictional if one calls the text a novel. The narrator insists on the veracity of her report, and now in turn many scholars strive to identify connections between the lives of Linda Brent and Harriet Jacobs.

Still we may recognize some distance between Linda Brent as the protagonist, Linda Brent as the narrator, and Harriet Jacobs as the author of *Incidents in the Life of a Slave Girl*. Whatever rationality by which Jacobs abided when publishing under a pseudonym, that context shapes in part the text we receive. Commenting on a critical tendency "to conflate Jacobs and Brent, to mentally or literally replace the latter with the former whenever the latter appears in the text," Mark Edelman Boren notes:

The text is thus treated as if it exhibited one subjectivity, loosely derived from the conflation of all three figures (Jacobs, Brent, and narrator).

.... Linda Brent is an assumed name, both because historical scholarship has shown this to be the case and because the narrator explicitly takes responsibility in the preface for changing all the names. No matter what social conditions predicated the construction of *Incidents* in this manner, these facts have bearing on what the text does and how it signifies; they must be taken into account.<sup>66</sup>

Boren rightly foregrounds that Jacobs implicitly distances herself from the narrative by adopting the pseudonym Linda Brent. I attend to that dissociation not to dismiss the important work connecting Jacobs to her book, but instead to consider the ways in which a narrator (distinguished from the author) invites the reader to participate in the narrative. The pseudonym acquires meaning independent of the author and directly affects any reader's engagement with *Incidents*.

If we recognize a distinction between Harriet Jacobs and Linda Brent, we may foreground Brent's focus on law in *Incidents* as a. Lindon Barrett argues that, "In the American slaveholding regime, the primary and recurring location marking crisis within

<sup>65</sup> Theo Davis, "'Harriet Jacobs's 'Excrescences'" (Theory & Event 13:4, 2004).

<sup>66</sup> Mark Edelman Boren, "Slipping the Shackles of Subjectivity" (Genre 34, 2001), 34.

or reaffirmation of the instituted relations and ideologies of master and slave remains the African-American body."<sup>67</sup> Some scholars, notably Elizabeth Fox-Genovese, have doubted that Jacobs was able to avoid the sexual advances of her master as completely as Linda evades Dr. Flint. While Linda remains in the garret, Barrett contends that "Jacobs controls her own situation, as she does at no other point in the text, as well as controlling those vying to impose hostile authority on her."<sup>68</sup> I suggest that by constructing Linda Brent, and treating *Incidents* as the story of Linda Brent, Jacobs circumvents her body as the site of the crisis of slavery throughout the entire narrative, and instead directs the reader's attention to American law and custom.

It is important to remember that the careless reader of slave narrative runs the risk of displacing the subjects which these narratives describe when she tries to imagine the moments of subordination encoded in the text. As Saidiya Hartman contends, the empathy of free people poses particular dangers to slaves as subjects, because "approximation overtakes the proximity essential to ethical conduct and the violence of this obliteration and assimilation is no less great, albeit of a different character, than the racist antipathy that can only envision the enslaved as object and dehumanized other."<sup>69</sup> But treating Brent as the narrator allows the reader to imagine herself experiencing the events which *Incidents* records without erasing or supplanting Jacobs' own agency. A constructed narrator based on—but distinct from—a biographical antecedent might allow a reader to understand slavery from the perspective of a chattel slave without obliterating an agency. As Michael Bennett posits, "*Sympathy* is the necessary but not sufficient condition for radical aesthetics, ethics, and politics. ... *Understanding* is what shifts a

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<sup>67</sup> Lindon Barrett, "African-American Slave Narratives" (*American Literary History* 7:3, 1995), 421.

<sup>68</sup> *Ibid.*, 434.

<sup>69</sup> Saidiya Hartman, *Scenes of Subjection* (New York: Oxford University Press, 1997), 35.

subject into a new discourse rather than fitting new objects into an old way of thinking and acting. Jacobs insists that understanding is necessary to truly represent slaves as more than just a reflection of one's self."<sup>70</sup> In short Jacobs provides a conduit into slave experience by allowing the reader to co-inhabit the perspective which Brent provides: one based on but distinct from that of Jacobs as author. And by obscuring scenes of rape and physical abuse in favor of revealing false promises and legal paradoxes, Brent turns the reader's attention away from the often sensationalized spectacles of abolitionist literature and towards the mundane mechanisms of containment.

Though the narrative finds its basis in the experiences of Jacobs, *Incidents* is not beholden to tell the story of Jacobs' life with perfect accuracy. Far from a means by which to cast doubt on the authenticity of the experiences from which Jacobs draws to pen her text, I treat *Incidents* as *Brent's* narrative simply to read it without second-guessing it. Linda Brent has no responsibility to relate faithfully the experiences of Harriet Jacobs, but only to relate faithfully the experiences of Linda Brent. Moreover, we might interpret Jacobs's decision to publish *Incidents* under a pseudonym as another way in which she determines the rules of engagement with the reader. Frances Smith Foster explains:

As a former slave, she knew that stereotypes about people of her race and class encouraged her audience to expect a certain kind of testimony, yet Jacobs refused to divulge the kinds of things that she thought "the world might believe that a Slave Woman was too willing to pour out" (Jacobs, 242). She decided to use her position as one of a very few antislavery writers who could relate from personal experience incidents in the life of a slave girl to introduce a different perspective on slavery and slave women. In fact, her text appears to be unprecedented in its use of sexual liaisons and misadventures as a prime example of the perils of slave womanhood.<sup>71</sup>

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<sup>70</sup> Michael Bennett, *Democratic Discourses* (New Brunswick: Rutgers University Press, 2005), 147.

<sup>71</sup> Frances Smith Foster, "Resisting *Incidents*" (*Harriet Jacobs and Incidents in the Life of a Slave Girl*, New York: Cambridge University Press, 1996), 61.



As Brent notes at several points within *Incidents*, expectations shape the ways in which people interpret information. Open autobiographies subject the narrator to the intense scrutiny of the readership, and the readership (Brent notes) expects tawdry behavior from slaves. Jacobs constructs Linda Brent as a narrator who cannot be verified or unverified to circumvent that nominal form of containment. Elizabeth Fox-Genovese for example remarks that "it stretches the limits of all credulity that Linda Brent actually eluded her master's sexual advances,"<sup>72</sup> but less so if we dissociate Brent from Jacobs. This is no fiction, but it is no autobiography either.

Lauren Berlant further observes that Harriet Jacobs' "deployment of publicity" is "an act made under duress, an act thus representing and performing unfreedom in America."<sup>73</sup> Linda Brent secures her agency by her constant resistance to the submissive identity which slavery imposes upon her, but also through that performance of "unfreedom;" perhaps Harriet Jacobs constructs Linda Brent to separate her legally recognized identity from that of her disenfranchised past. Thus I insist on referring to the narrator of *Incidents* as Linda Brent because, as Anita Goldman claims, "The black community to whom Jacobs belongs and on whose behalf she writes is, paradoxically, made visible to her readers at the very moment she consents to a powerful, disobedient, and invisible position within the state—the only position from which she can claim her rights."<sup>74</sup> Jacobs chose to write her story under an assumed name, and part of the lasting

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<sup>72</sup> Elizabeth Fox-Genovese, *Within the Plantation Household* (Chapel Hill: University of North Carolina Press, 1988), 392.

<sup>73</sup> Lauren Berlant, "The Queen of America Goes to Washington City" (*American Literature* 65:3, 1993), 552.

<sup>74</sup> Anita Goldman, "Harriet Jacobs, Henry Thoreau, and the Character of Disobedience" (*Harriet Jacobs and Incidents in the Life of a Slave Girl*), 247.

power of this text is its critical examination of American society from the vantage of one whose agency and subjectivity the slave codes disown.

### **Merely in Name**

While she is born into slavery, Linda nonetheless enjoys a youth relatively sheltered from the legal realities of slavery. After her first affectionate mistress dies, however, much of her family passes into the hands of the lascivious Dr. Flint, who raises Linda as a privileged slave tasked with light domestic work. As she matures Linda realizes that Flint intends to seduce her and keep her as a mistress, and Linda repeatedly frustrates the attempts of Dr. Flint to force her into sexually compromising situations.

Eventually Linda takes a different lover, partially out of genuine affection and partially in an effort to make herself less appealing to her legal owner. As a result of this affair Linda twice becomes pregnant, first giving birth to a boy and later to a girl. Now fearful not only for her own welfare but also the well-being of her children, Linda fights to extricate herself and her offspring from slavery by making herself more trouble to keep than to leave alone. A large portion of *Incidents* recounts Linda's time as a fugitive hiding in her (free) grandmother's crawlspace mere yards away from Dr. Flint's house. During her internment—which she describes as condemnation, punishment, and imprisonment in a cell, and a dungeon (Incidents 96-101)—Linda's lover purchases their children as well as Linda's older brother, promising to manumit these family members.

After seven years confined in her grandmother's garret, Linda finds safe passage to the Northern states where she finally secures the freedom of her children. Eventually, Dr. Flint dies, and the wife of his daughter begrudgingly sells Brent to one of the

fugitive's friends in New York for three hundred dollars—the price of the bounty Dr. Flint put on her head (Incidents 79), the amount which Brent's grandmother lent to the Flint family much earlier (Incidents 10), and significantly less than Brent would sell for in the South. Linda's friend then manumits the fugitive, and the narrative concludes with Brent's mixed indignity and relief at being sold and manumitted in the ostensibly free North.

Christina Accomando notes that "In *Incidents*, she [Jacobs] reframes and rearticulates legal and cultural discourses of slavery and womanhood to uncover their fictive construction. Jacobs does not merely replace fiction with truth; instead, she calls on her readers to pay attention to framing (legal and otherwise) and to put into the frame erased perspectives."<sup>75</sup> Indeed Brent connects legal status to identity formation as early as the first chapter of her narrative. As she relates her genealogy to the reader Brent<sup>76</sup> recalls a loan her then-enslaved grandmother extends to her mistress. Allowed by her masters to make and sell starches, sweets, and preserves, Brent's grandmother sets aside the profits of her labor with the hopes of saving enough to one day purchase the rights to at least one of her children. Brent remembers:

She had laid up three hundred dollars, which her mistress one day begged as a loan, promising to pay her soon. The reader probably knows that no promise or writing given to a slave is legally binding; for, according to Southern laws, a slave, *being* property, can *hold* no property. When my grandmother lent her hard earnings to her mistress, she trusted solely to her honor. The honor of a slaveholder to a slave! (Incidents 10).<sup>77</sup>

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<sup>75</sup> Christina Accomando, *The Regulations of Robbers* (Columbus: The Ohio State University Press, 2001), 114.

<sup>76</sup> Unless otherwise indicated, I use "Brent" to refer to the narrator of *Incidents in the Life of a Slave Girl*, while I use "Linda" to identify the protagonist of the novel. In this way I can discuss both narrator and protagonist in the same sentence without explicating "Brent the character" and "Brent the narrator" every time I shift focus.

<sup>77</sup> This passage is notable for its framing as much as its content. For instance Brent's phrase, "The reader probably knows," assumes little about the actual reader. While Brent claims to believe that most readers understand the most basic aspects of the slave code, she informs her audience of the salient point anyway.

From this pretext Brent proceeds to foreground that promises to pay given to a slave hold no legal power. Curiously Brent hints but leaves unspoken the fact that her grandmother's mistress could at any time claim the slave's proceeds as her own. The currency Brent's grandmother handles no more belongs to her than does her body within the scope of "Southern laws," but Brent calls the money from her grandmother's labor "*her* hard earnings." The narrator associates the profits of a person's labor with the body that labors and, importantly, the aforementioned mistress does too. Fictions of possession influence the way that Brent's grandmother and her grandmother's mistress behave towards each other; it suits both parties to consider Aunt Martha's income as the slave's property—so long as she extends the loan.

While the law allows for Aunt Martha's legal owner to claim for herself the slave's income, the mistress would rather ask. Moving beyond the language of possession Brent stresses the idea of honor in the last two sentences of this passage. To do so the narrator employs a chiasm that amplifies the complex relationship between Aunt Martha and her owner. She first describes their connection interpersonally as that of grandmother-to-mistress. Because of this bond, Brent explains, Aunt Martha is willing to extend her earnings to her mistress, trusting to the latter's honor for quick repayment. But as soon as the money leaves Aunt Martha's hands, Brent renders the relationship as slaveholder-to-slave. Aunt Martha trusts her mistress, but the owner turns her slave's trust into a commodity.

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This clause apologizes to her most informed readers even as she explains the legal particulars mediating a slave-master exchange to her broader audience, allowing Brent to convey information without risking the offense of condescension.

The narrative implies that Aunt Martha agrees to this exchange in part because it helps reinforce her importance. Her mistress asks the confectioner for a loan, and in requesting a loan the mistress implies that Aunt Martha is capable of possession and has a right to possess. Both gestures humanize Aunt Martha. Still, one might ask why the mistress would be willing to ask Aunt Martha for a loan instead of simply collecting money which "Southern laws" already consider rightfully hers. Aunt Martha's mistress (ostensibly) indebts herself to her slave, and that makes the slave a little more *someone* and a little less *something*.

But far from an eccentricity, Brent suggests here and throughout her narrative that Southern customs allow individuals to treat slaves as property at some times and as people at others. Some slaves receive more respect from white people and other slaves less, but interpersonal recognition of slaves pervades Brent's narrative. Through the remainder of the chapter Brent pays attention to similar concessions to the personhood of legal property while articulating the ambiguities of interracial relationships moderating Southern behavior. In the same passage where Brent reports her mother's death and explains that thus "for the first time, I learned, by the talk around me, that I was a slave," she also relays the particularly complex standing her mother held with her mistress. Brent explains:

My mother's mistress was the daughter of my grandmother's mistress. She was the foster sister of my mother; they were both nourished at my grandmother's breast. In fact, my mother had been weaned at three months old, that the babe of the mistress might obtain sufficient food. They played together as children; and, when they became women, my mother was a most faithful servant to her whiter foster sister. On her death-bed her mistress promised that her children should never suffer for any thing; and during her lifetime she kept her word (Incidents 10).

In under 100 words, Brent moves from her mother's upbringing to death to Linda's young situation as a domestic slave. It proves difficult to label this passage as biography of Brent's mother, biography of Brent's mother's mistress, or Linda's epiphany that she is legally held as property, because these concepts overlap and interconnect. The narrator relays the disparity between white and black persons (recalling the early weaning of Linda's mother so that her "whiter foster sister" could nurse), but also erodes distinctions between individuals with her chains of unanchored pronouns. These force the careful reader to slow down in order to associate each "her" with the correct character, a confusion which undermines the notion that whiteness and blackness are essential properties of human bodies.

Brent suggests that interpersonal bonds between slave and slaveholder *can* obscure legal bondage, but the specter of slavery still lurks within this brief history. Just as the gesture of borrowing from a slave acknowledges some measure of the slave's personhood beyond what Southern laws require, so too can a slave distinguish herself from others with behavior the community deems noble and gender-appropriate. Specifically, Brent remarks that her mother's death elicited affection for the deceased and pity for Linda from the white members of the community: "They all spoke kindly of my dead mother, who had been a slave merely in name, but in nature was noble and womanly" (Incidents 10). The relationships between slave and master, Brent stresses, can be familiar and even warm. The ambiguous term "they all" which opens this passage gestures towards a vague community of white folk who carry on some form of contact with Brent's mother, and who Brent implies treat her as a slave "merely in name." Nonetheless the reader would be wise to press on the power that attends that caveat;

"merely in name" reminds us that Linda's mother is still legally disenfranchised. Those free people who treat her as a slave merely in name can still think of her as a slave when they need to distinguish themselves from her.<sup>78</sup>

The personable tone of the relationship between the slave and her mistress only makes the events leading up to and following the death of her mistress more painful, when the legal realities of their relationship make themselves felt again. Linda remains with her grandmother while lawyers and heirs settle the estate of Linda's mistress. She spends this time vacillating between her hopes for manumission and her certainty that any future master would be more difficult to suffer than the one whom she has just lost. In these lines Brent vividly contrasts the personal and legal relationships between slave and master. She remarks:

She had promised my dying mother that her children should never suffer for any thing; and when I remembered that, I could not help having some hopes that she had left me free. My friends were almost certain it would be so. They thought she would be sure to do it, on account of my mother's loyal and faithful service. But, alas! we all know the memory of a faithful slave does not avail much to save her children from the auction block (Incidents 11).

During her lifetime, Linda's mother serves her "whiter foster sister" loyally and faithfully. Moreover, Linda's mistress assures Linda's mother that her children should never want for anything. The young slave finds reason enough to hope for manumission in the pairing of those two facts. Like her grandmother before, Linda the twelve-year-old places

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<sup>78</sup> In this passage Brent also counts herself fortunate to find a mistress for whom she *wants* to work as well as one for whom she *must*. Asides such as these lend credibility to Brent's greater narrative goal to undermine slavery: because Brent acknowledges slaves and slaveholders can enjoy amicable relationships that are mutually beneficial, the reader might take the narrator's criticisms of slave codes more seriously. These brief remarks also serve to diversify the kinds of people who hold slaves. As the townspeople treat Brent's mother as a slave "only in name," Linda and her mistress ostensibly treat each other less as slave and owner and more as mother and daughter. "I loved her [my mistress]," Brent goes as far as to say, "for she had been almost like a mother to me" (Incidents 11).

the emphasis on the familial bonds between slave and mistress. Brent the narrator balks at such sentimentalisms and assumes her readers do as well with the clause "we all know."

Linda soon learns that her mistress has bequeathed the slave to her five-year-old niece, and the news weighs heavily on the hapless slave. Brent conveys Linda's continuance in slavery under a new mistress not only as a personal insult, but as a hypocrisy. She recalls:

My mistress had taught me the precepts of God's word: "Thou shalt love thy neighbor as thyself." "Whatsoever ye would that men should do unto you, do ye even unto them." But I was her slave, and I suppose she did not recognize me as her neighbor. I would give much to blot out from my memory that one great wrong. As a child, I loved my mistress; and, looking back on the happy days I spent with her, I try to think with less bitterness of this act of injustice. While I was with her, she taught me to read and spell; and for this privilege, which so rarely falls to the lot of a slave, I bless her memory (Incidents 11).

Before her death, Linda's mistress treated her so often as a person that Linda cannot help but believe she *is* a person. Nonetheless the will of her mistress construes Linda as property. Brent uses the possessive lexicon of the slaveholder ("But I was her slave") and the familial language of community ("as her neighbor") to illustrate the inconsistency. Brent further uses the clause "she did not recognize me" to connect these two identities, with which she manages to explain the behavior of her mistress even as she reasserts her own identity. Even as Brent states that her mistress did not recognize her as a neighbor, Brent implies she *should* have done so.

Thus the reader finds Brent embedded in the same linguistic conflict her grandmother experiences earlier. Brent wants to remember her mistress with love (like a daughter would her mother) but cannot forget that her mistress conferred her upon an heir (like an owner would a piece of property). To resolve this tension, albeit imperfectly, Brent brackets those two registers with the language of morality: she unsuccessfully tries



to forget the "one great wrong" of being defined as property, but she also remembers her mistress and "bless[es] her memory" for educating the slave. The register of both family and law fail to provide the slave with any true rights or protections, so Brent ties them off within a third discourse of morality. In so doing, the narrator reasserts her own agency: Brent confesses her struggle to forgive the injustice of the mistress, but moral conflicts only take place in the minds of persons.

Throughout this chapter, Brent foregrounds the conflicts between the ways in which slaves and owners relate, and what rights "Southern laws" confer to the owner and strip from the slave. The slaves learn to treat their masters and mistresses in cordial or even familiar terms: Aunt Martha construes her mistress as a friend asking for a loan; Linda's mother behaves nobly and merits the respect of the white community; Linda sees her mistress more as a mother than an owner. Moreover Brent acknowledges many contexts in which convention circumvent more direct legal avenues for the owners of slaves: Aunt Martha's mistress acts as if the slave possesses the profits of her confectionary; the community treats Linda's mother as a slave "merely in name;" Linda's mistress teaches her to read and provides the rudiments of a religious education.

Nevertheless Brent closes this chapter with a dismissal of the complexities she has so carefully articulated. As she relates the fate of the slaves her mistress owned in life, the narrator undermines any notion the reader might have that interpersonal bonds matter more than legal entitlements in the South. Brent laments, "These God-breathing machines are no more, in the sight of their masters, than the cotton they plant, or the horses they tend" (Incidents 11-12). The narrator leaves ambiguous whether she means that all masters see their slaves as nothing more than cotton and horses, or if she just means the

inheritors of her blood relations. She has suggested that owners often treat slaves as far more than cotton and horses—some slaves rise above others in the regard of their masters, and some the whole community will treat as people—even if "merely in name." That notwithstanding, the sickle of law cuts all slaves down to the same status as property who cannot possess themselves, and Brent may emphasize that notion here. In any case Brent depicts a Southern community where slaves and masters often foreground their personal connections as opposed to their legal situations, but also where the white persons reserve the trump card of law.

### **The First Lesson of Obedience**

In the first chapter of *Incidents*, Brent articulates some of the complexities of slave and master relations in the South. In the daily conduct of her characters, both slaves and masters often enjoy social exchanges with each other, and slaveholders particularly strive to maintain the fiction of cooperation in the public eye; still, slaveholders retain sovereignty over their slaves and will exert their legal powers when advantageous to the owner. Brent therefore decries the interpersonal bonds between slaves and their masters as a means of social control: masters placate slaves by treating them nicely, but never forget whom the law enfranchises. Finding no refuge in the language of positive law, Brent shifts registers to call this dissimulation a pervasive moral hypocrisy.

In her second chapter, Brent discloses some of the ways in which slaves understand themselves and their relationships to slaveholders. Continuing her criticism of Southern social customs, Brent stresses that slaves often hope for their manumission as a reward for faithful service to white masters; slaveholders, however, rarely reward faithful

service with manumission. Neither hard work nor faithful service guarantee the slave eventual freedom, but one *can* reliably earn a measure of personal liberty. Even so, Brent nonetheless insists that the slave should view the conference of personal liberties (or full manumission) to a few as insurance against the total abolition of slavery. It is this "logic of manumission" that Brent begins to undermine here.

Brent spends the first half of the chapter relaying the circumstances of her family and explaining how Linda's family offers a context in which the members find value as people instead of as property. She treats her father and her grandmother as model slaves: both abide by the law and serve their owners diligently, and are rewarded with the chance to negotiate their own affairs with little interference from their owners. Aunt Martha uses her personal liberty to meet many of the material needs of Linda and her brother (such as feeding and clothing them better than the other Flint slaves), and Linda's father instills in his children a sense of their personal worth. However, Brent also highlights some tensions that arise from the slave family structure. She begins the section by recalling a time when her brother William finds himself caught between obligations to father and to mistress. Near the opening of her text, Brent describes William's paralysis when the two call for him at the same time. Both authorities imagine William as capable of obedience but incapable of independence, and both authorities try to define away the precedent for William's obedience to the other. She explains:

My father, by his nature, as well as by the habit of transacting business as a skillful mechanic, had more of the feelings of a freeman than is common among slaves. My brother was a spirited boy; and being brought up under such influences, he early detested the name of master and mistress. One day, when his father and his mistress both happened to call him at the same time, he hesitated between the two; being perplexed to know which had the strongest claim upon his obedience. He finally concluded to go to his mistress. When my father reproved

him for it, he said, "You both called me, and I didn't know which I ought to go to first."

"You are *my* child," replied our father, "and when I call you, you should come immediately, if you have to pass through fire and water."

Poor Willie! He was now to learn his first lesson of obedience to a master (Incidents 12, emphasis author's).

Here Brent links both her father's trade skill and nature with the "feelings of a freeman." But even as Brent attributes her father's feelings with both proclivity and profession, she places him within a spectrum of postures. He does not have the feelings of a freeman, according to Brent, but "*more* the feelings of a freeman than is common among slaves." She exclaims that her father's sense of self-worth is more pronounced than most slaves, but implies that his sense of self-worth is *less* than is common among freemen. We can infer then that Brent's father finds himself both reminded of his enslavement but also of his relative independence through his business affairs: he may not own his profits, but he owns his proficiency.

Brent suggests that skilled labor offers the slave one avenue to a stronger sense of identity, or the sentiment that one cannot be replaced by another like oneself: Linda's father knows more about his profession than those who contract his services, and that expertise teaches him to consider himself as more than chattel. Importantly Brent links her father's skill not only with his own sense of self-worth, but also with his son's, and proposes that the feelings of a freeman can accrete in one slave and spread to others. Hard work and unique skills foster a sense of self-worth in the individual, and that elevated sense of importance will disseminate into proximal relationships within the slave family.

Brent does not portray the influence of her father on William as wholly improving, however. The son may share the father's sense of self-worth, but the father

also assumes an antagonistic and untenable position of authority in the context of slavery which traps William between the identities of slave and son. Stephanie Li notes, "Caught between opposing obligations, William is faced with two negative outcomes: either he will receive a whipping from his mistress or a severe rebuke from his father. As these dueling figures lay claim to William's actions, both deny him independent volition."<sup>79</sup> Li highlights that both father and slaveholder ignore William's agency. The father's experiences encourage William to resent his status as a slave, but the father's expectations encourage William to resent his status as a son. Of Brent's aside ("Poor Willie! He was now to learn his first lesson of obedience to a master") Li writes, "The ambiguity of this comment is striking, as 'master' may refer either to William's mistress or to his father."<sup>80</sup> Both father and slaveholder teach William that he should crave agency (and the power to realize his desires) above all else, even as both masters disallow meaningful independence in the boy; hence Brent constructs both father and mistress as immediate obstacles to William's own ambitions and plans.

William's father and William's mistress both rely on a similar conception of authority; even though the bases for their claims to the young boy's obedience are at odds, both claims conceive of William as their subservient. William thus finds himself trapped in a quandary without a solution satisfactory to all parties. Anita Goldman comments on the tension between father, son, and mistress:

The problem of a slave's obedience as Jacobs presents it is paradoxical. ... The father's emphasis on the word "my"—a word that Jacobs italicizes in her text—reveals a tension within the language of possession itself between rights to property defined by parenting and lawful owning. This tension within the meaning of property reflects a tension between conflicting aims to obedience raised by the father and the mistress. The father's claim, which arises out of the

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<sup>79</sup> Stephanie Li, "Motherhood as Resistance in *Incidents in the Life of a Slave Girl*" (Legacy 23:1, 2006),15.

<sup>80</sup> *Ibid.*,16.

sentimental bond of kinship, has here been invoked as a means of resisting the mistress's claim, which arises out of the American law of slavery. Jacobs's father, by his assertion of parental over legal property ... has established powerful grounds for his son's ... [later] disobedience.<sup>81</sup>

Goldman's remarks foreground the tensions between positive law and sentimental precedent. Notably, William's father compels his son to disobey William's mistress when he insists that the child should answer the parent first. One can imagine William's mistress claiming the same priority based on her position as the legal owner of the chattel slave. Thus Brent depicts slaveholder and father not only impeding William's development, but also fighting over the child as if he is nothing but a commodity—William's body becomes, here, a site of the greater debate over slavery. Both mistress and parent construct their claim to William's obedience as a claim of ownership—each claims to own *more* of William than the other. Perhaps because of that similitude these conflicting authorities try to debase the claims of the other, manifesting as their incessant interference with the structures that give the other power.

A year after moving into the Flint residence, Linda's grandmother tells the young woman that her father has died. Linda hopes to visit the body of her father lying in wake, but Mrs. Flint renders such an observance impossible. Brent recalls, "I thought I should be allowed to go to my father's house the next morning; but I was ordered to go for flowers, that my mistress's house might be decorated for an evening party. I spent the day gathering flowers and weaving them into festoons, while the dead body of my father was lying within a mile of me. What cared my owners for that? he was merely a piece of property" (Incidents 13). The Flints need wreaths of flowers made for a party they will hold, so Linda must fashion these celebratory decorations at a time where she would

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<sup>81</sup> Anita Goldman, "Harriet Jacobs, Henry Thoreau, and the Character of Disobedience," 236.

more readily grieve. Brent claims that family relations between slaves matter little to slaveholders—property is property—but insinuates that some owners prefer to undermine family bonds among their slaves.

Brent discusses her father's death and its implications with conflicting registers. As independent as Linda's father might feel, he dies a slave: his labor and skill bolster his own sense of worth, but he nonetheless meets his end as the legal property of an owner. Still Brent notes that some members of the community attend her father's funeral, remarking, "There were those who knew my father's worth, and respected his memory" (Incidents 13). While to his owners Brent's father "was merely a piece of property," others in the community value him differently. In this way Brent moves beyond the frame of the slave-master relationship to consider how individual slaves can distinguish themselves in the social sphere. Like Brent's mother, Brent's father earns the respect of that nebulous group—"those" who knew his worth, and "they all" who spoke kindly of Brent's mother after her passing.

Brent's remarks about her father and his influence thus underscore the liminal role he plays in Brent's understanding of slavery and the South: he offers a template by which labor ennoble the individual, but does not guarantee manumission. Linda's conversation with William reflects this tension as the two children discuss their expectations for the future:

I argued that we were growing older and stronger, and that perhaps we might, before long, be allowed to hire our own time, and then we could earn money to buy our freedom. William declared this was much easier to say than to do; moreover, he did not intend to *buy* his freedom. We held daily controversies upon this subject (Incidents 13, emphasis author's).

In these "daily controversies" Linda embodies the logic of manumission which her mother, father, and grandmother often express: if you work hard and respect the law, then some day your situation will change. William embodies another sentiment: if you work hard and respect the law, then the institution of slavery will persist.

With the prospect of manumission Linda tries to comfort her brother, but legal release from slavery relies heavily on the inadmissible promise of the slaveholder for its realization. Brent voices her suspicions about the values of promises that hold no legal power even as an earlier Linda reiterates those hopes. After contrasting the frugality of Linda's mistress with the generosity of Linda's grandmother, the narrator returns to the matter of Aunt Martha's loan which she mentioned in the first chapter. Brent writes,

While my grandmother was thus helping to support me from her hard earning, the three hundred dollars she had lent her mistress were never repaid. When her mistress died, her son-in-law, Dr. Flint, was appointed executor. When grandmother applied to him for payment, he said the estate was insolvent, and the law prohibited payment. It did not, however, prohibit him from retaining the silver candelabra, which had been purchased with that money. I presume they will be handed down in the family, from generation to generation (Incidents 13).

Brent reminds the reader that the promises of a slaveholder to a slave typically lack legal power: "the law" enfranchises and actively protects the rights of the slaveholder, and conversely disenfranchises and actively curtails the rights of the slave. Moreover, slaveholders can and do ignore the promises other free agents make once properties and possessions change hands: the narrator allows that Aunt Martha's mistress may have intended to repay the loan, but Brent also notes that Dr. Flint has no reason beyond appearances to honor the promises of his mother-in-law.

Dr. Flint's unwillingness to repay Aunt Martha's loan reminds the reader how little protection the law-abiding slave can expect and amplifies Brent's following discussion of



Aunt Martha's fate. She begins, "My grandmother's mistress had always promised her that, at her death, she should be free; and it was said that in her will she made good the promise. But when the estate was settled, Dr. Flint told the faithful old servant that, under existing circumstances, it was necessary she should be sold" (Incidents 13-14). In relaying Dr. Flint's words the narrator insinuates not only that slaveholders make and break legally impotent promises, but also that slaveholders will break "the law" when it suits them. Ignoring his mother-in-law's will undermines Aunt Martha's hopes, but also violates the plans of a legally enfranchised person. In her treatment of this conflict of interests Brent reveals that (even though the slave finds little protection in them) slaveholders can ignore the few protections afforded slaves in bodies of local and federal positive law. Aunt Martha works faithfully and loyally to "earn" freedom from her mistress, and so she does. Her mistress cannot award manumission from beyond the grave without an intermediary, however, and intermediaries can stray from the plan.

Aunt Martha has no legal recourse against Dr. Flint, even though Brent indicates that Dr. Flint commits a crime when he puts the woman up for sale. Both know it, but both also know that there is no legal recourse for Linda's grandmother. But to avoid an uncomfortable incident, Dr. Flint tries to enact this particular sale in a private auction. Here Linda's grandmother find a means to resist the plans of Dr. Flint while still abiding by the law. Brent explains:

My grandmother saw through his hypocrisy; she understood very well that he was ashamed of the job. She was a very spirited woman, and if he was base enough to sell her, when her mistress intended she should be free, she was determined the public should know it. ... and the intention of her mistress to leave her free. When the day of sale came, she took her place among the chattels, and at the first call she sprang upon the auction-block. Many voices called out, "Shame! Shame! Who is going to sell *you*, aunt Marthy? Don't stand there! That is no place for you."

Without saying a word, she quietly awaited her fate. No one bid for her (Incidents 14).

If in the first chapter of *Incidents* Brent portrays Southern honor and propriety towards slaves as a means of containment, here she reveals one instance in which the slave subverts the same social forms to her own interests by refusing special treatment. While slaveholders may break faith with their slaves or offer them empty promises, Brent insinuates, they cannot be *known* to break faith or offer empty promises. Dr. Flint tries to hide his misconduct behind the language of privilege—a "private" auction, he claims, will respect Aunt Martha more than a public sale. But Brent asserts that the public knows that her mistress promised Aunt Martha her freedom, such that participants in the auction will see her presence on the block as a clear violation of decency. At this point Aunt Martha cannot hope for manumission: instead she only aims to shame Dr. Flint for his baseness. If Aunt Martha cannot gain the freedom for which she strove, she can at least mollify her pride by hearing the community rail against Dr. Flint's actions.

In an important turn of events, Aunt Martha receives unlooked-for aid from a surprising source. Some know the worth of Linda's father, some treat Linda's mother as a slave only in name, and some call out "Shame!" when Aunt Martha stands on the auction block; still, social recognition avails the confectioner of little. Nevertheless Aunt Martha fares better, but not because of the collective outcry. Brent relays the fate of her grandmother:

At last, a feeble voice said, "Fifty dollars." It came from a maiden lady, seventy years old, the sister of my grandmother's deceased mistress. She had lived forty years under the same roof with my grandmother; she knew how faithfully she had served her owners, and how cruelly she had been defrauded of her rights; and she resolved to protect her. The auctioneer waited for a higher bid; but her wishes were respected; no one bid above her. She could neither read nor write; and when the bill of sale was made out, she signed it with a cross. But what consequence

was that, when she had a big heart overflowing with human kindness? She gave the old servant her freedom (Incidents 14).

The sister of Aunt Martha's mistress purchases the slave's bill of sale and thereby secures for Aunt Martha the freedom for which the slave dared not hope. This entire exchange raises questions which prove difficult even to articulate. First, why does Flint recognize that Aunt Martha extended a loan only to refuse to repay it? Second, what logic leads Dr. Flint to attempt to sell a slave promised freedom in a legally binding document? Daneen Wardrop offers a few observations:

Several levels of disrupted signification operate in the economic and legal dealings described by Jacobs. First, money is borrowed from 'property,' an impossibility in terms, and then the object (candelabra) cannot equal its worth (three hundred dollars) because the estate has dissolved. ... When Aunt Martha is put up on the auction block, Edenton rises up, and through a series of inactions and illiteracies, restores, partially, the signifying correlation. ... [T]he community refuses for several suspended minutes to allow Aunt Martha to be bought, because the system of meaning in a slave economy, already strained by inequities, finally crumbles altogether.<sup>82</sup>

Wardrop then focuses on the disturbances which Dr. Flint's actions introduce into the symbolic structure of the slave economy. In short she contends that Dr. Flint pushes an overextended series of signifier-signified relationships too far for the slaveholding community. In her conception the public must reel itself in because it sees itself outside of its own symbolic, authorizing structure.

This may be the case, but (as Brent points out) the elderly woman proves illiterate and signs the bill of sale with a mark instead of a signature. Given Brent's own tendency to decry the injustices of the slaveholding community at large, the woman's illiteracy might signify as well as describe. Brent calls attention to that fact in the middle of a complicated social gesture: the slaveholding community expresses open shock over the

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<sup>82</sup> Daneen Wardrop, "I Stuck the Gimlet in and Waited for Evening" (Texas Studies in Language and Literature, 2007), 212.

sale of Aunt Martha, but Dr. Flint would have simply sold Aunt Martha later to a trader and the community would not have intervened. This elderly woman, however, does not understand complicated social gestures. She knows her sister promised Aunt Martha freedom, and so the woman secures a freedom she sees compromised. While Brent acknowledges the "human kindness" of this woman and argues that Aunt Martha's manumission is nothing less than appropriate, the narrator also treats the unnamed woman's compassion as a rarity and her aunt's freedom as a surprise.

When Brent speaks of Aunt Martha's rights, she must mean natural or moral rights and not those which bodies of positive law recognize. The narrator may claim manumission as Aunt Martha's violated right, but it is in no way legally protected. If anything illegal transpires at the auction block, it is Dr. Flint's failure to execute his mother-in-law's will appropriately and selling off property for which the deceased had other plans. The only right violated in the eyes of Southern laws would be that of Aunt Martha's mistress, not her slave's. Still Brent praises the kindly woman who secures for Aunt Martha her "right" to freedom, a right which Brent claims Aunt Martha earns through faithful service to her mistress. Even though the narrator ultimately distrusts the promise of manumission as a reward for loyal service, she still finds herself reiterating the syntax in which she detects a trap.

Brent may prove unable to fully extract her own narrative from the discourses which encircle Linda, but she remains acutely conscious of that difficulty and tries to counteract it. She concludes her second chapter not with the recollection of Aunt Martha's manumission, but instead with the troubles Dr. Flint and his wife inflict on their chattel. She attends first to Mrs. Flint and the contrasts in her behaviors. Unable to handle

the emotional strain of managing a household, for example, Mrs. Flint remains able to witness the visceral reality of the flaying of a slave. But it is the apparent disparity between her treatment of slaves and her religion to which Brent attends most closely. As with her former mistress, Brent assesses Mrs. Flint according to her professed Christianity, remarking, "She was a member of the church; but partaking of the Lord's supper did not seem to put her in a Christian frame of mind. ... The slaves could get nothing to eat except what she chose to give them. Provisions were weighed out by the pound and ounce, three times a day" (Incidents 14-15). While members of the community might recognize the value of individual slaves—a credibility Brent both covets and scorns—the gestures and pretensions of the community do not diffuse themselves into all exchanges. Brent sets Mrs. Flint's participation in the Lord's supper against her close-fisted behavior towards her slaves. Mrs. Shelby in *Uncle Tom's Cabin* may be generous and charitable, but Brent casts the daily lives of many slaves under professed Christian women in a very different light.

If Brent defines Mrs. Flint in terms of lack (lack of energy, lack of generosity), the narrator defines Dr. Flint in terms of excess, especially with regards to the physical pleasures he enjoys and the punishments he doles out. "Dr. Flint was an epicure," Brent tells the reader. "The cook never sent a dinner to his table without fear and trembling; for if there happened to be a dish not to his liking, he would either order her to be whipped, or compel her to eat every mouthful in his presence. The poor, hungry creature might not have objected to eating it; but she did object to having her master cram it down her throat till she choked" (Incidents 15). Dr. Flint relishes a good meal, but if he finds food not to

his liking he force feeds it to his cook. The master possess a gourmand's palette, but he also punishes his cooks for lacking the same refined tastes.

After discussing the doctor's cruel and unusual treatment of his cook, Brent first hints at Flint's licentious behavior. Early in her service to the family Linda witnesses the brutal whipping of a farmhand. Brent reports,

Never before, in my life, had I heard hundreds of blows fall, in succession, on a human being. His piteous groans, and his "O, pray don't massa," rang in my ear for months afterwards. There were many conjectures as to the cause of this terrible punishment. Some said master accused him of stealing corn; others said the slave had quarrelled [sic] with his wife, in the presence of the overseer, and had accused his master of being the father of her child. They were both black, and the child was very fair (Incidents 15).

Laura infers that Dr. Flint punishes this farmhand for accusing the master of fathering a child with his wife. The master accuses the slave of stealing corn to justify his severe corporal punishment, but Brent implies that nobody believes Flint's pretext. In effect, Flint punishes the slave for Flint's own indiscretions. The doctor's licentiousness is well-known among the slaves, and when Flint sells both slaves because they continue to annoy him Brent remarks, "The guilty man put their value into his pocket, and had the satisfaction of knowing that they were out of sight and hearing" (Incidents 15). When the mother of the fair child reminds Flint that he promised to take care of her the doctor retorts that she has talked too much, Brent comments, "She had forgotten that it was a crime for a slave to tell who was the father of her child" (Incidents 16).

Through these exchanges, Brent reminds the reader that most slaves endure countless indignities at the hands of their owners. Brent's mother, father, and grandmother earned some measure of standing in the community, and Brent herself takes pride in that. Nevertheless, such social regard remains the exception and not the rule in

Brent's hometown. Public opinion cannot even protect an innocent man from Flint's whip, and the simultaneous hope for manumission and fear of punishment still the tongues of most slaves.

### **Waiting Like Criminals**

As she closes her second chapter, Brent argues that the model of "earned" manumission only functions to perpetuate the institution of slavery. On occasion, slaves may find themselves freed through the goodwill of individual masters; more often, however, the hope of manumission simply pacifies the slave community and keeps the oppressed populace in check. Worse, the logic of manumission (that is, that the black body must earn personhood before receiving legal protections and freedom) masks the more common and insidious practices of slavery, such as the cruel and unusual punishment and sexual affairs to which Brent alludes.

Up to this point in the narrative, Brent's refers to the law only inasmuch as it refuses to recognize the black person or her rights, and by contrast only inasmuch as it protects the white person and her rights. But near the opening of her third chapter, Brent first uses the language of law figuratively as she discusses the slave's New Year's Day. In the first few Brent summarizes the common experience of a hired-out farmhand. At the turn of the year, many slaveholders hire out their chattel to free persons for annual labor. On the second of January, these slaves go to work the fields. "On a farm," Brent explains, "they work until the corn and cotton are laid. They then have two holidays. Some masters give them a good dinner under the trees. This over, they work until Christmas eve. If no heavy charges are meantime brought against them, they are given four or five holidays,

whichever the master or overseer may think proper" (Incidents 16). The production of the hired slave serves the interests of those who contract their labor, and the compensation for their time goes into the pockets of those who lease the slaves out. Moreover (and in direct contrast to the experience of free people) hired slaves must "earn" time off, receiving it as a reward for being submissive enough and avoiding any grievous "charges"—a legally valenced term—against themselves.

Brent thus suggests that, by default, slave bodies must produce or be punished in the South. Holidays come only at the discretion of taskmasters. After the overseer grants the number of holidays he deems proper the hired slaves must ready themselves for the next year. Brent explains:

At the appointed hour, the grounds are thronged with men, women, and children, waiting, *like criminals*, to hear their doom pronounced. The slave is sure to know who is the most humane, or cruel master, within forty miles of him.

It is easy to find out, on that day, who clothes and feeds his slaves well; for he is surrounded by a crowd, begging, "Please, massa, hire me this year. I will work *very* hard, massa" (Incidents 16, first emphasis mine).

Sometimes advocates for slavery defended the practice by imagining slaveholders as caretakers and slaves as their charges: much as parents must provide structure for their children, this reasoning suggests, so too must the slaveholder for the slave. However Brent offers the reader a different comparison by comparing these slaves to criminals at a sentencing. The clause "like criminals" offers the reader the chance to invert her normal associations. The subjects in the image Brent provides are the slaves (the criminals), and taskmasters the direct objects (their doom). This may seem trivial—indeed, Brent calls no attention to it—but a reader can more easily assign the anxieties of agency to a criminal than to a doom. Brent therefore encourages the reader to associate with the slave's



experiences and dissociate with the taskmaster's, which is exceptional in itself, and she does it simply by subverting the trope of criminality.

This image initiates a transformation in Brent's narrative. From this point forward, Brent will frequently deploy the law as the gateway to the slave's agency: heavily guarded though that gateway may be, Brent suggests that Southerners in general will only recognize slaves as persons when slaves break the law. But resistance to the law can cost the slave all, as Brent will be swift to remind the reader. Indeed, Brent immediately follows the image of slave as criminals awaiting their doom with the example of a slave who resists his owner's arrangements for him:

If a slave is unwilling to go with his new master, he is whipped, or locked in jail, until he consents to go, and promises not to run away during the year. Should he chance to change his mind, thinking it justifiable to violate an extorted promise, woe unto him if he is caught! The whip is used till the blood flows at his feet; and his stiffened limbs are put in chains, to be dragged in the field for days and days!

If he lives until the next year, perhaps the same man will hire him again, without even giving him an opportunity of going to the hiring-ground. After those for hire are disposed of, those for sale are called up (Incidents 16-17).

Brent vividly portrays how quickly slaveholders will abandon the social niceties with which they decorate the institution of chattel slavery. The narrator submits that as soon as a slave proves willful the law will treat her as a criminal in fact to be punished with physical violence and/or confinement. Following that ultimatum, the narrator couches flight from slavery in language the law would recognize for a white person (that is, the law may treat extorted promises as null and void), but which the law refuses for the black person. Behind the language protecting slavery, Brent insinuates, the institution in practice recognizes the agency of black persons—and endeavors to curtail that agency.

In the South, slaves fawn over generous masters and feign consent to working contracts to secure food, clothing, and shelter while trying to limit their exposure to

abuse, exploitation, and displacement. The law offers them few protections and refuses to acknowledge (even as it works to suppress) slave agency. Brent's third chapter relies upon the pattern I have endeavored to foreground in my argument so far: to wit, the law-abiding and faithful slave tacitly reinforces the institution of slavery by reinforcing its legal precedents. But Brent portrays the chattel slave as an agent under duress from whom consent is extorted. Her body is threatened, and so are her relationships.

Brent closes her third chapter by attending to the most destabilizing legal power that slaveholders retain over slaves: sale. She describes the slave and her family as in a constant state of emergency and legally incapable of enjoying any stability. Addressing a portion of her audience directly, Brent remarks:

O, you happy free women, contrast *your* New Year's day with that of the poor bond-woman! With you it is a pleasant season, and the light of the day is blessed. Friendly wishes meet you every where, and gifts are showered upon you. Even hearts that have been estranged from you soften at this season, and lips that have been silent echo back, "I wish you a happy New Year." Children bring their little offerings, and raise their rosy lips for a caress. They are your own, and no hand but that of death can take them from you (Incidents 17).

Brent never explicates what she perceives to be the greatest threat to a person's happiness in this passage, but the careful reader will note that this excerpt concerns itself with connection and reconnection. Celebrants exchange items, hard hearts soften, lips echo back, and children seek kisses. The only threat to the white mother's relationships is the hand of death, because it is the only separating force which the law cannot avert for American citizens.

For the white woman, New Year's day reinforces connections; death alone threatens this idealized woman's happiness and only at a distance. For the slave, however,

death might serve as the only guardian against an owner who can blithely shatter the slave's interpersonal bonds. Brent continues:

But to the slave mother New Year's day comes laden with peculiar sorrows. She sits on her cold cabin floor, watching the children who may all be torn from her the next morning; and often does she wish that she and they might die before the day dawns. She may be an ignorant creature, degraded by the system that has brutalized her from childhood; but she has a mother's instincts, and is capable of feeling a mother's agonies (Incidents 17).

Where for the white woman death signifies the only threat to her family which the law cannot curtail, for the slave mother death signifies the only protection against the dissolution of her family. Brent does not however praise this sentiment; rather, she regards it as a lamentable proof of slave baseness. Mark Rifkin observes:

In addition to excluding people from access to whiteness, systems of racial classification/identification present blackness as the *absence* of a right to 'exclude'—an absence of legal authority over certain forms of supposedly private 'property.' The white home, then, is represented within legal discourse as antecedent and undergirding governance, as an already existing entity acknowledged and protected rather than constituted by public policy.<sup>83</sup>

To wit, Ripken argues that American legal discourse attributed not only a positive but a natural set of rights to the white person and his home—a set of rights from which the black person is excluded by a positive law assumption of natural inequality between races.

Nevertheless Brent does not indict the slave for this decision, but rather the institution which makes death preferable to life. Still Brent links the slave mother to the free mother by insisting that both have the same sets of instincts and emotions, and also implies here (and explicates much later) that free women would fare no better if their own relationships were constantly imperiled. The slave then has at least three motives for submissiveness. First, she may be manumitted. Unlikely as it is, slaveholders circulate the

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<sup>83</sup> Mark Rifkin, "A Home Made Sacred by Protecting Laws" (differences 18:2, 2007), 73-4.

hope of manumission because it encourages slave compliance. Second, she may have her physical needs met or exacerbated. If she works hard she might be hired by a master who offers decent food, clothing, and shelter; otherwise she may in fact be physically punished. Finally, she may keep her family together by encouraging their labor and discouraging their sale. But no matter how hard the individuals labor for their owner, the slaveholder might dissolve the family; the slaveholder might sell off its members, use them until they die of exhaustion, or kill them in an act of corporal punishment the law explicitly forbids but frequently ignores. The slave code turns constantly imperils the slave family, undermining the security Brent claims a family normally offers.

### **I Try to be Good, but What's the Use?**

In her third chapter Brent compares the typical slave on New Year's day to a criminal in court, an association which suggests that slave codes constructs the typical slave as guilty of an unspoken crime, dependent on the slaveholder, and disqualified from self-governance. The legislation of the region—the "Southern laws" Brent consolidates at the beginning of her first chapter—refuses to identify the slave as a person with rights. And with the passing of the Fugitive Slave Act of 1850, the federal government exonerates the national dehumanization of the black body. Brent scrutinizes these codices throughout the remainder of her novel, chiefly to extol the virtues of black resistance to such legislation. The fourth chapter of Brent's narrative, "The Slave Who Dared to Feel Like a Man," explores these and other associations between the slave and the criminal before ultimately foregrounding the liberation one slave finds in resisting the strictures placed upon him.

Brent begins her chapter by openly condemning what I earlier referred to as the model of "earned" manumission: to wit, slaves that behave well may hope to receive freedom from their masters and meanwhile all but guarantee contentment with their situation. Brent associates these sentiments with both her grandmother and her grandmother's faith, explaining:

By perseverance and unwearied industry, she [Aunt Martha] was now mistress of a snug little home, surrounded with the necessaries of life. She would have been happy could her children have shared them with her. There remained but three children and two grandchildren, all slaves. Most earnestly did she strive to make us feel that it was the will of God: that He had seen fit to place us under such circumstances; and though it seemed hard, we ought to pray for contentment (Incidents 18).

The reader might note two implications of this passage. First, the narrator insinuates that Aunt Martha earned her household with patience and long investment. This language closely resembles that which Brent used to describe the childish—and naïve—hopes Linda entertains as a young girl that she would earn her independence by proving herself worthy of it. As with her second chapter, Brent calls attention to this useful fiction of slavery even as she cannot fully escape its insidious rationale. Second, Brent suggests that happiness and contentment are separate states; happiness depends on external circumstances (for example, Aunt Martha would be happy if her children and grandchildren were all freed), while contentment depends on internal conditions (such as frame of mind, or attitude of spirit). While Linda, her brother William, and her uncle Benjamin cannot be happy as slaves, Aunt Martha wishes they would pray to be content with their conditions.

But Linda does not feel content, nor does she expect to find contentment through conformity to the kind of religion Aunt Martha espouses. The narrator explains, "It was a

beautiful faith, coming from a mother who could not call her children her own. But I, and Benjamin, her youngest boy, condemned it. We reasoned it was much more the will of God that we should be situated as she was" (Incidents 18). Even as she admires her grandmother, Brent scoffs at the "beautiful faith" Aunt Martha advocates. Like her belief that working hard for a master may secure eventual manumission, Aunt Martha's religion at best allows and at worst presupposes that the black subject has no inherent or natural rights; in effect, Aunt Martha's religion serves the purposes of slavery by encouraging docility in the black subject. By contrast Brent suggests that slaves have natural rights which positive laws at least ignore if not preclude *de facto*.

Brent continues to situate the discontent she, her brother, and her uncle feel within their natures. Contrary to the notion that blackness implies docility, submissiveness, and carnality (which Dr. Flint cites—along with his legal possession—as reason for Linda to consent to his sexual advances) Brent describes herself and her male relations as naturally *incapable* of contentment (internal resignation) when in a condition that denies their agency. Nevertheless Linda repeats her grandmother's exhortation to seek contentment mere lines later. After Flint's insinuations betray his undisciplined sexuality, one of the qualities of character most frequently associated with black bodies, Linda's brother William finds the young woman in a moment of distress. The narrator reports:

So deeply was I absorbed in painful reflections afterwards, that I neither saw nor hear the entrance of any one, till the voice of William sounded close behind me. "Linda," said he, "what makes you look so sad? I love you. O, Linda, isn't this a bad world? Every body seems so cross and unhappy. I wish I had died when poor father did."

I told him that every body was *not* cross, or unhappy; that those who had pleasant homes, and kind friends, and who were not afraid to love them, were happy. But we, who were slave-children, without father or mother, could not expect to be happy. We must be good; perhaps that would bring us contentment.

"Yes," he said, "I try to be good, but what's the use? They are all the time troubling me" (Incidents 18-19).

Just as when Brent praises her grandmother's hard work she cannot fully circumvent the practice of manumission—a practice which she knows reinforces slavery—here Linda cannot offer consolation to William without encouraging the submissiveness Brent so strongly condemns mere lines earlier. William continues to relay his most recent encounter with his master. Brent explains that the brother of William's master Nicholas "pleased himself with making up stories" about the slave, and her syntax casts doubt on the claims against William. Nicholas tries to whip William, but the young slave refuses to submit to a beating and "fought bravely" (Incidents 19). When Nicholas fails to tie William's hands behind the slave's back, Nicholas runs away. Linda's brother then proceeds to accuse Nicholas not only of cowardice (for abusing the slaves he believes to be weaker than himself) but also of crime. He explains that Nicholas regularly coats pennies with quicksilver to pass them off as quarters, and asks his sister what he should do.

In the following conversation between Linda and William, both siblings struggle to articulate a form of moral behavior that allows William to remain a "good" slave, insofar as he does not earn the ire of his master, while also reporting the misconduct of William's master to the vendor. Both Linda and William find it impossible. Brent writes:

I told him it was certainly wrong to deceive the old man, and that it was his duty to tell him of the impositions practiced by his young master. I assured him that the old man would not be slow to comprehend the whole, and there the matter would end. William thought it might with the old man, but not with *him*. He said he did not mind the smart of the whip, but he did not like the *idea* of being whipped (Incidents 19, emphasis author's).

Linda believes that William should tell the vendor of the counterfeit money, and William appears to tacitly agree. Nevertheless, if William does justice to the vendor he by consequence must breach the confidence of Nicholas and the slave therefore risks punishment. That is, William can choose between being good and being criminal, or being bad and being lawful. William does not like the idea of being punished—especially for behaving ethically—and hesitates. Brent describes Linda's commitment here to be to encourage the young man to betray Nicholas to the owner of the fruit stand, but not so that Nicholas might be punished. Instead Brent states that she wants to preserve William's integrity of character, and she believes William's silence will mean submission to the normative model of behavior for a slave. While William does not like the idea of being whipped, and acting like himself (that is, telling of the misdeeds of Nicholas) incurs that risk. But in this crisis Linda would rather her brother compromise his body than his integrity. In short, Brent associates corporal punishment with the exercise of her brother's free will, and Linda wants her brother's will to remain unfettered.

William knows he can avoid one whipping by keeping silent about the misdeeds of Nicholas, but Brent reminds the reader that no model of behavior will ever guarantee the physical integrity of the slave. She recalls her first punishment for the reader, wherein Mrs. Flint forces Linda to remove the new shoes Aunt Martha had provided because they creaked too loudly. Mrs. Flint then sends Linda on an errand that requires walking a long distance over fresh snow, a journey which hurts her feet but leaves her physically sound.

Brent remembers:

That night I was very hoarse; and I went to bed thinking the next day would find me sick, perhaps dead. What was my grief on waking to find myself quite well!

I had imagined if I died, or was laid up for some time, that my mistress would feel a twinge of remorse that she had so hated "that little imp," as she



styled me. It was my ignorance of that mistress that gave rise to such extravagant imaginings (Incidents 20).

Mrs. Flint punishes Linda for wearing shoes that creak, and this reminds Brent that slaveholders do not have to meaningfully justify the punishments they inflict on their chattel. The narrator continues to insinuate that the execution of this legal enfranchisement prevents the slaveholder from feeling sympathy for the slave. While Chiou-rung Deng notes that "there is a tendency in Jacobs's narrative to resist sympathy, which tends to obliterate the difference of the suffering other, to expose the suffering other under the public gaze, and to deprive the other of privacy and agency,"<sup>84</sup> here at least Brent indicts her mistress for her lack of that problematic emotion: not only does Mrs. Flint not feel remorseful for punishing Linda, she *could not* feel remorseful even if her slave had taken ill or died because she cannot relate with her. Inversely, though William might avoid punishment by keeping silent, he cannot avoid the idea of being punished: as a slave, he is always subject to that possibility. Linda believes her brother's body and integrity are both jeopardized, but as long as he is a slave William can only guarantee that he does not betray his conscience.<sup>85</sup>

The reader never learns how William resolves his ethical dilemma. Instead Linda continues to "read the characters, and question the motives" of slaveholders (Incidents 19). In so doing Brent undermines the social bonds between slaves and masters to which the conduct of her parents and her grandmother are attuned, thereby setting a precedent for a different model of slave behavior. In the space of nine paragraphs the narrator tells

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<sup>84</sup> Chiou-rung Deng, "Resisting Sympathy, Claiming Authority" (Tamkang Review 41:2, 2011), 115.

<sup>85</sup> In at least two ways this passage confronts the presuppositions of *Uncle Tom's Cabin* which I discuss in the previous chapter. If the narrator of *Uncle Tom's Cabin* insists that the reader "see to it that she feels right," Brent proposes the possibility of a person incapable of sympathy in the character of Mrs. Flint. Further, Stowe focuses most of her moral concerns regarding slavery on its effects on the free American people of her readership while Brent notes one of the moral paradoxes slaves may face when their masters or mistresses misbehave.

the reader of William's conflict with Nicholas, of Nicholas cheating the fruit vendor, of Dr. Flint's efforts to seduce Linda, and of Mrs. Flint's various failings (threats, punishments, lack of sympathy, and unfounded suspicions) (Incidents 19-20). But Linda's brother interrupts her dispirited musings once again to relay a pivotal crisis in the life of their uncle Benjamin. Like William earlier Benjamin displeases his master, fights with him, and wins the physical struggle. But Benjamin, Brent remarks, "had cause to tremble; for he had thrown to the ground his master—one of the richest men in town" (Incidents 20). The narrator thus implies that wealthier slaveholders pose a greater threat to slaves than their poorer compatriots. Several chapters later Brent will explore this issue further, noting the many ways in which wealth allows slaveholders to circumvent (or blatantly defy) the few legal protections slaves enjoy.<sup>86</sup>

That evening both Linda and he meet at Aunt Martha's house, where Benjamin tells Linda he plans to flee for the North. As she does with William, Linda tries to convince her uncle to stay in the South, accept his punishment, and strive to be content. Brent writes:

I looked at him to see whether he was in earnest. I saw it all in his firm, set mouth. I implored him not to go, but he paid no heed to my words. He said he was no longer a boy, and every day made his yoke more galling. He had raised his hand against his master, and was to be publicly whipped for the offence. I reminded him of the poverty and hardships he must encounter among strangers. I told him he might be caught and brought back; and that was terrible to think of (Incidents 20-21).

Linda tries to coerce her uncle to remain in the South by citing two common sentiments of *Incidents*. First she claims that Benjamin will find himself less comfortably situated as a fugitive than as a slave: Linda suggests he will be poorer and have to work harder for his survival in the North than he does in the South. Next she mentions the threat of

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<sup>86</sup> See *Incidents* Chapter IX.

recapture, a typical punishment for which Brent describes in her third chapter: Linda insinuates he will be harshly whipped, chained, dragged through fields, or worse (Incidents 16-17). Benjamin concedes that he must face the possibilities of hardship and poverty, as well as the risk of recapture, when he flees. But he accepts those as the necessary consequences of his choice to be free and act as a person. Brent continues:

He grew vexed, and asked if poverty and hardships with freedom, were not preferable to our treatment in slavery. "Linda," he continued, "we are dogs here; foot-balls, cattle, every thing that's mean. No, I will not stay. Let them bring me back. We don't die but once."

He was right, but it was hard to give him up. "Go," said I, "and break your mother's heart."

I repented of the words ere they were out (Incidents 21).

In desperation Linda finally warns Benjamin that he will hurt Aunt Martha if he flees. But she wants Benjamin to stay because she finds comfort in his company more than she admits in this conversation. If she encourages William to be true to his identity and report on the misdeeds of Nicholas, Linda here warns Benjamin that practicing his agency will lead to his demise. In both instances Brent censures Linda for this behavior, confiding to the reader that Linda speaks hypocritically.<sup>87</sup>

Benjamin sadly admits that his mother will bemoan his departure, but scorns Linda for trying to blackmail him with that possibility. Thus Benjamin escapes the concept of slavery before any other slave character in the novel—including Aunt Martha. Up until Benjamin's decision to flee from his master, Brent portrays Linda and her family members as cowed agents: they find spaces where they can practice agency but never upset the paradigm of slavery in the South. Even William, who fights with his master, still balks at the consequence (the *idea* of being whipped) that accompanies revealing the

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<sup>87</sup> When Linda and William discuss his course of action Brent admits, "While I advised him to be good and forgiving I was not unconscious of the beam in my own eye" (Incidents 19).

criminal acts of Nicholas. But Benjamin argues that the comforts and minor independence which his family members enjoy function as mechanisms of containment: those small comforts are as coercive as the punishments of whipping and beating, all of which work together to discourage flight. Slaves may be pets or favorite toys or beasts of burden, but the laws of state and country do not recognize slaves as people.

Benjamin's first attempt at escape ends with his recapture. But Benjamin has changed states: he believes he is a person and entitled to treatment as such. Brent describes her uncle when next she sees him, as well as an important request he makes:

That day seems but as yesterday, so well do I remember it. I saw him led through the streets in chains, to jail. His face was ghastly pale, yet full of determination. He had begged one of the sailors to go to his mother's house and ask her not to meet him. He said the sight of her distress would take from him all self-control. She yearned to see him, and she went; but she screened herself in the crowd, that it might be as her child had said (Incidents 21).

Benjamin's owner displays the fugitive to the public as he is marched off to prison. Still Benjamin persists in his resolve to be treated as a person and not as a piece of property, and the slaveholder's punishment reinforces Benjamin's resolve. He does however express a vulnerability: despite Linda's cutting accusation, Benjamin loves his mother and feels deeply connected to her. But the institution of slavery turns family members into fetters and liabilities, and to witness Aunt Martha's distress would undermine Benjamin's resolve to resist his master.

Benjamin's return to the South proves to be a productive experience for him. Aunt Martha and Linda know the jailor, who Brent describes as "a kind-hearted man" that allows the women to visit their relative under cover of darkness (Incidents 21). The two find Benjamin in chains, and the sight of his mother causes the man to cry and apologize for the distress he has caused her. Brent writes:

How vividly does the memory bring back that sad night! Mother and son talked together. He asked her pardon for the suffering he had caused her. She said she had nothing to forgive; she could not blame his desire for freedom. He told her that when he was captured, he broke away, and was about casting himself into the river, when thoughts of *her* came over him, and he desisted (Incidents 22).

Even in distress and with his new independence imperiled, Benjamin feels yoked to his family. Aunt Martha absolves him of any guilt towards her and remarks that she cannot blame her son for wanting his freedom. Aunt Martha recognizes the artifice of slavery when she forgives her son, but his explanation for why he did not attempt suicide—to spare his mother grief—alarms the woman and she rearticulates the institutional logic to which she has grown accustomed. Brent reports:

She asked if he did not also think of God. I fancied I saw his face grow fierce in the moonlight. He answered, "No, I did not think of him. When a man is hunted like a wild beast he forgets there is a God, a heaven. He forgets every thing in his struggle to get beyond reach of the bloodhounds."

"Don't talk so, Benjamin," said she. "Put your trust in God. Be humble, my child, and your master will forgive you."

"Forgive me for *what*, mother? For not letting him treat me like a dog? No! I will never humble myself to him. I have worked for him for nothing all my life, and I am repaid with stripes and imprisonment. Here I will stay till I die, or till he sells me" (Incidents 22).

Falling back on "the beautiful faith" which Brent explains earlier, Aunt Martha tries to reorient her son's paradigm to parallel the submissive form of Christianity which she practices. She claims to understand how her son feels and admits that she used to feel as he did, but "when sore troubles came upon her, and she had no arm to lean upon, she learned to call on God, and he lightened her burdens" (Incidents 22). She goes so far as to say that humility will encourage Benjamin's owner to forgive the slave for his flight. But Benjamin forcibly contends that he owes his legal master no apology, and further will offer the slaveholder no more free labor. The law may consider Benjamin a slave, but the man no longer recognizes that label.

Even after seeing his mother in distress, Benjamin's resolve holds; he has made it to the prison that will catalyze his independence. Aunt Martha visits Benjamin's owner and asks him to free her son. Importantly Benjamin's owner also frames their dispute as a contest of wills. Brent writes, "He [Benjamin's owner] was immovable. He said Benjamin should serve as an example to the rest of his slaves; he should be kept in jail till he was subdued, or be sold if he got but one dollar for him. However, he afterwards relented in some degree. The chains were taken off, and we were allowed to visit him [Benjamin]" (Incidents 22). Despite Brent's claim that the slaveholder is immovable, Benjamin seems to be prevailing in this struggle. The ultimatum he offers to Aunt Martha—that he will keep Benjamin in prison until subdued or sold—corresponds almost perfectly to Benjamin's own claim that he will stay in prison until he is dead or sold, for submission would prove a figurative death for Benjamin's burgeoning independence. Moreover the slaveholder eventually diminishes Benjamin's punishment by allowing Benjamin to be unfettered. Most importantly of all, the slaveholder recognizes that Benjamin has an agency to oppress.

The owner may not realize the importance of his engaging in this contest of wills, but Benjamin certainly does. Prison does not discourage the young man. When someone betrays that he has been singing and laughing, his master orders him to be chained again and placed in a common holding cell. But Benjamin manages to escape his shackles and have them conveyed to his legal owner, which in turn causes the slaveholder to have him shackled with heavier bondage. Later Brent will acknowledge how this treatment wears on Benjamin, but in the immediate context implies this only strengthens Benjamin's resolve.

On her last evening before she is forbidden to visit her son, Aunt Martha asks Benjamin once more to apologize to his master and be released from jail. But her son refuses to submit to the authority of the slaveholder anymore. Aunt Martha's pleas may stem from her love and affection for her child, but unwittingly she has engaged Benjamin in a second contest of wills. Where Benjamin's master represents the punishments and violence against the slave body, his mother represents the minor decencies that gild the prison of slavery. Benjamin's master might say, "Submit or be punished," but Aunt Martha says, "Submit and be more comfortable." Both threaten Benjamin's agency and he in consequence must refuse slaveholder and mother alike to preserve his agency.

Eventually Benjamin wins the struggle of wills with his master and achieves the end of being sold. Six months after Benjamin first goes to prison his master finds a buyer for the unruly young man. His master sells at a loss in the terms of the slave economy insofar as he turns no profit on the sale itself. Brent writes, "Long confinement had made his face too pale, his form too thin; moreover, the trader had heard something of his character, and it did not strike him as suitable for a slave" (Incidents 23). Desperate to secure her son's freedom, Aunt Martha contracts a lawyer to find a buyer for Benjamin in the New Orleans slave market. In short she proves willing to pay for her son's legal sale. The potential buyer meets Benjamin to explain his purpose and Benjamin suggests that the man save his money; the trader's asking price is too high. More importantly Benjamin refuses to be bought. Were he to be sold, even to his mother, the transaction would reinforce the precedents of slavery and manumission. The law might treat Benjamin as a slave, but he cannot be kept.

Benjamin ultimately escapes his purchaser and makes his way to Baltimore. Brent takes this opportunity to remark, "For once his face did him a kindly service. They had no suspicion that it belonged to a slave; otherwise, the law would have been followed out to the letter, and the *thing* rendered back to slavery" (Incidents 23). This gradual lightening of Benjamin's skin in prison ironically helps him to secure his freedom. Like George Harris' whitening in *Uncle Tom's Cabin*, Benjamin's here signals a transformation from fugitive to fighter. Given Brent's emphasis on Benjamin's developing agency during this section, one might suggest that Brent invokes a form of romantic racialism in this section. But as with the language of law, Brent plays with the language of race to expose disparities and sophistries inherent to the syntax. Michael Bennett argues:

Though Jacobs herself does on rare occasions invoke the language of romantic racialism (e.g., "the colored race are the most cheerful and forgiving people on the face of the earth" [*Incidents* 418]), for the most part she explicitly condemns the appeal to natural racial characteristics . . . Jacobs argues that the "doctrine that God created the Africans to be slaves" is directly counter to the religious and biological doctrine that "all nations of men" are "made of one blood" (376). She also points out that the extensive race mixing of Southern slavery makes it impossible to invoke the binary logic of Anglo-Saxon versus African characteristics on the basis of purity of blood. To whatever extent "the black man" might be subordinate to "the white man," it is not because African Americans belong to "an inferior order of beings" but because the historical experience of "generations" of slavery has had an impact on the socialization of slaves.<sup>88</sup>

Much as she indicts her first mistress and the Flints for failing to recognize Linda as a neighbor, Brent indicts slaveholders for perpetuating the very social structures which debase black persons in the first place. After escaping, Benjamin crosses paths with the neighbor of his owner in Baltimore, and the gentleman notes the change in Benjamin's constitution. Brent writes:

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<sup>88</sup> Michael Bennett, *Democratic Discourses*, 138.



That man was a miracle. He possessed a goodly number of slaves, and yet was not quite deaf to that mystic clock, whose ticking is rarely heard in the slaveholder's breast.

"Ben, you are sick," said he. "Why, you look like a ghost. I guess I gave you something of a start. Never mind, Ben, I am not going to touch you. You had a pretty tough time of it, and you may go on your way rejoicing for all me" (Incidents 24).

Importantly, Benjamin's lightening turns out to be a consequence of chronic illness, leaving the reader to infer that Benjamin will darken again with time as he recovers. The Southerner (whom Brent describes as "a Northerner by birth") acknowledges that Benjamin has suffered to secure his independence, and promises that he means the fugitive no harm. Moreover the gentleman warns Benjamin that other neighbors are in the area, and maps a safe path to New York for the fugitive.

But before leaving Brent's narrative altogether, Benjamin encounters his brother Phillip in the North. Benjamin suggests that the two work in the North to earn enough money to purchase the rest of their enslaved relatives, but balks when Phillip confides that Aunt Martha has mortgaged her house to secure enough funds to purchase Benjamin. In a last effort to legally secure Benjamin's freedom, Phillip asks his brother if he will be bought. Benjamin rejoins, "Do you suppose, Phil, when I have got so far out of their clutches, I will give them one red cent? No! And do you suppose I would turn mother out of her home in her old age? That I would let her pay all those hard-earned dollars for me, and never come to see me? For you know she will stay south as long as her other children are slaves" (Incidents 24-25). According to Brent, Benjamin would work to purchase the freedom of his relatives even though he would not let them do the same for him. The narrator offers no direct comment on this contradiction between Benjamin's personal and interpersonal ethics, but throughout her narrative Brent demonstrates just how

convoluted—even inescapable—the language inscribing slavery proves to be for those oppressed by it. Even after his successful bid for freedom by resisting the machinations of a slaveholding culture, Benjamin reiterates the idea that buying relatives is better than that they remain chattel.

Benjamin's emancipation proves messy and somewhat contradictory. While he advocates resistance and self-reliance as the best means for escaping slavery, Benjamin would still reinforce the cultural precedent of purchasing and selling black people to set his family free; for each purchase is also a sale, even if the purchase is made with the goal of manumission. This textual complication may arise from the already/not-yet recognized personhood of resistant slave subjects. As Saidiya Hartman remarks, "The recognition and/or stipulation of agency as criminality served to identify personhood with punishment. Within the terms of the law, the enslaved was either a will-less object or a chastened agent."<sup>89</sup> The language of the slave code distorts those under its purview: Benjamin has learned to think in certain terms, and even as he emerges beyond those terms he cannot speak about his family members still in the South without a certain inflection. While he can gain his own independence by disobedience he cannot likewise secure the independence of his relatives. Since they still obey their masters, Benjamin can only think of them as agents in non-legal contexts and that leaves open the possibility of their purchase and sale.

### **Maintenance of the Right**

As the fourth chapter closes, Linda still watches her family members struggle for independence. Aunt Martha saves enough money to purchase Phillip "and came home

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<sup>89</sup> Saidiya Hartman, *Scenes of Subjection*, 80.

with the precious document that secured his freedom" (Incidents 25). The two praise each other's industry and vow to prove they are able to take care of themselves. Brent concludes this chapter of her narrative with her characters saying, "He that is *willing* to be a slave, let him be a slave" (Incidents 25). Despite urging Benjamin to find contentment in the South and submit to his master, Linda codifies Benjamin's example with that mantra—one that will herald her transition from slave to fugitive. In the beginning of this chapter Dr. Flint powerfully affects Linda and she feels under his control. Brent comments: "My master, whose restless, craving, vicious nature roved about day and night, seeking whom to devour, had just left me, with stinging, scorching words; words that scathed ear and brain like fire. O, how I despised him! I thought how glad I should be, if some day when he walked the earth it would open and swallow him up, and disencumber the world of a plague" (Incidents 18). The best Linda can do before her brother and uncle resist their masters is wish for Flint's erasure. But when Dr. Flint begins in the next chapter to make sexual advances on the slave, he elicits a very different response from Linda. Brent writes:

He told me I was his property; that I must be subject to his will in all things. My soul revolted against the mean tyranny. But where could I turn for protection? No matter whether the slave girl be as black as ebony or as fair as her mistress. In either case, there is no shadow of law to protect her from insult, from violence, or even from death (Incidents 26).

Months after her uncle's escape, Linda begins to articulate for herself the impossibility of legal protection in slavery. Christina Accomando remarks, "While dominant discourses, including the law, uphold and reproduce the state, the alternate stories generated ... out of a context of suppression and silencing necessarily have a different relationship to the

state, often an oppositional one, and reading their stories necessarily shifts the frames."<sup>90</sup> By co-opting and inverting the legal language of slavery, Brent leverages her disenfranchisement into a position of power and offers the reader the chance to revisit her own presumptions.

As she proceeds to invert the relationship between the binaries of lawful/criminal and acknowledged/refused to justify defiance—where normally "lawful" would be associated with "acknowledged" and "criminal" with "refused"—Brent will eventually twist the connections to articulate the conditions obstructing black agency in slave states. Indeed, the black subject (and especially the slave) often becomes a legally recognized subject only *when* she breaks the law. When the black subject abides by the rules, she does not legally exist. At fifteen years old Linda's revolt may be only interior, but it will grow: she will prove more stubborn, clever, sagacious, and capable than her uncle, and she will manage to extricate her children from slavery. Moreover she begins her development into Brent the narrator, who apprehends the paradoxes and convolutions of the slave code, the legal impossibilities of slave law. She is on her path to writing a call to action, of demanding of her reader, "Why are ye silent, ye free men and women of the north? Why do your tongues falter in maintenance of the right?"<sup>91</sup>

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<sup>90</sup> Christina Accomando, *The Regulations of Robbers*, 8.

<sup>91</sup> Incidents 28.

Chapter 3—Miles Coverdale's Tales: Positive Law and the Problem of Mesmerism in *The Blithedale Romance*

Near the end of *The Blithedale Romance*, Miles Coverdale returns to the site of the transcendentalist utopian project from Boston on foot. It is a late summer evening, and the narrator remembers setting out to rekindle his on-again, off-again connection with the residents of Blithedale and—more honestly—to continue watching the drama between Zenobia, Hollingsworth, and Priscilla unfold. Coverdale remembers, "I pursued my way, along the line of the ancient stone-wall that Paul Dudley built, and through white villages, and past orchards of ruddy apples, and fields of ripening maize, and patches of woodland, and all such sweet rural scenery as looks the fairest, a little beyond the suburbs of a town."<sup>92</sup> At first glance this appears to be a set of establishing images, indicating the rusticity between Boston and Blithedale. But more is at stake here.

The residents of Blithedale, according to Coverdale, imagine themselves to be the forward guard of a new American identity. These men and women set out in April to found "A Modern Arcadia" (TBR 9 and 42), freed from the conceptions of property and possession which regulate relationships throughout the Massachusetts metropolis and beyond. It is not just any stone wall past which Coverdale walks—it is no less a wall than Paul Dudley's, who served as Attorney-General for the Massachusetts colony from 1675-1752. This is one of the many ways that Coverdale undermines the notion of a community free from legal regulation, where humanity may take some course other than to establish a penal code. It reminds the reader that Coverdale's entire account is suspect, and that he operates as far more than a simple reporter of facts.

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<sup>92</sup> Nathaniel Hawthorne, *The Blithedale Romance* (New York: WW Norton & Company, 2011), 141. Hereafter all references to *The Blithedale Romance* will be acknowledged in-text as (TBR #).

Nevertheless Coverdale claims to be a witness and a judge several times throughout *Blithedale*. If positive law remains a focus throughout *Uncle Tom's Cabin* and *Incidents in the Life of a Slave Girl*—specifically the Fugitive Slave Act, state slave codes, and the (dis)enfranchisement they represent—then *The Blithedale Romance* offers the reader a markedly different approach to the deployment of law in literature. But law does play an important (if subtle) role in this romance. Most obviously, Hollingsworth's main ambition is to reform punitive criminal codes, and many of his actions in pursuit of that goal drive the narrative forward. As importantly, the positive law mediating inheritance sets up the paramount conflict of this romance by reorienting the relationships between several of the main characters.

While such literal uses of positive law are diffuse throughout *Blithedale*, figurative appropriations are more visible and at least as frequent. At several pivotal moments characters figure themselves and others in a metaphorical legal register. The narrator Coverdale frequently refers to himself as a witness providing testimony for and against the people he observes. Shortly before her ostensible suicide Zenobia character exclaims that she loses a trial for her life while Hollingsworth serves as her Puritanical judge and jury. The romance's characters often describe mesmerism, love, and persuasion as forms of capture and imprisonment. A legal syntax in short pervades this work at various levels of discourse, and frequently in connection with aspects of the romance which commonly receive critical attention. These appropriations remind us that Nathaniel Hawthorne anticipates his American reader's basic familiarity with legal language, even if the author relies little on the reader's apprehension of any particular legislation.

In this chapter I therefore seek to elucidate the extent to which the Coverdale uses the concept of positive law literally and metaphorically to tell his tale. I first contend that Hawthorne's preface to *Blithedale* frames the narrative by establishing a complicated relationship between the author's experiences with (and opinions about) reform movements even as he underscores the importance of certain generic features of the romance. Specifically Hawthorne asks the reader to understand that romances allow authors to write without adopting a perfect realism—a liberty which Hawthorne requests to achieve a greater aesthetic effect. Since reform societies already function at a remove from normative society, the author suggests, Brook Farm provides the author with a setting in which the surreal can occur without inviting too close a comparison with the reader's common experiences.

After briefly considering the way in which Hawthorne sets this romance just outside the bounds of reality, I note the temporal distance between Coverdale as narrator and Miles as character. The two function at different dialogic levels, with the narrator recollecting, interpreting, and evaluating the events of the romance several years after he experiences them. That disparity generates a constant tension within the romance as the narrator frequently chastises his past self for what he considers indiscretion in retrospect. I therefore contend that—as tedious as it may be—it serves the reader to differentiate Coverdale the narrator from Miles the character: the one looks back while the other looks on.

I identify the distances between Hawthorne, Coverdale, and Miles the better to focus my attention on how Coverdale narrates *The Blithedale Romance*. Notably Coverdale draws attention to the limitation of his character's point of view and the

authorial means by which—as narrator—Coverdale seeks to offset that hindrance. Of particular importance, Coverdale freely admits to altering several sections of the narrative. Among these moments two chapters, "Zenobia's Legend" and "Fauntleroy," stand out. At these points Coverdale retells and (by his own admission) revises stories for which Miles was first an audience. In the former Zenobia uses positive law figuratively to describe "The Veiled Lady" (a popular spiritual medium who we later learn is Priscilla) as a dangerous fugitive. In the latter the enigmatic Old Moodie employs positive law literally to describe the network of relationships between himself, his daughters (the half-sisters Zenobia and Priscilla), and the wealth which Zenobia holds but Old Moodie can legally claim as his own estate.

In his retellings Coverdale strives to demonstrate that when agents gain or lose legal protections—even figuratively—they become respectively more or less susceptible to the influence of others. But when the problematic narrator tries to apply his interpretation to the events of *Blithedale*, his association of legal enfranchisement with security fails to cohere. In a final reversal, Zenobia deploys the language of law to indict Hollingsworth for treating people as commodities—the unspoken side-effect of Coverdale's association of property and personhood.

### **A Theatre, a Little Removed**

Hawthorne's preface to *The Blithedale Romance* creates a network of obstacles for the reader to overcome, and first among these is the ambiguous relationship which Hawthorne formulates between Brook Farm and Blithedale. Before the reader chronologically encounters Blithedale, the author reminds her of Brook Farm as a



historical site populated by idealists. He remarks, "In the 'Blithedale' of this volume, many readers will probably suspect a faint and not very faithful shadowing of Brook Farm, in Roxbury, which (now a little more than ten years ago) was occupied and cultivated by a company of socialists" (TBR 3). Even if the reader has never heard of Brook Farm when she encounters *The Blithedale Romance*, Hawthorne ensures that she knows both where and what it is with the first sentence of his text.

Even though Hawthorne may warn that his representation of Brook Farm in Blithedale is "faint and not very faithful," he nevertheless communicates that "he had this Community in Mind" when writing, that he lived there for a while, and that he "has occasionally availed himself of his actual reminiscences" from that time. But after acknowledging a connection between these two sites—and conceding that he uses his experiences there as source material to provide a "lifelike tint to the fancy-sketch" of his romance—Hawthorne insists on an inherent dissociation between history and fiction. He warns the reader, "He begs it to be understood, however, that he has considered the Institution itself as not less fairly the subject of fictitious handling, than the imaginary personages whom he has introduced there. His whole treatment of the affair is altogether incidental to the main purpose of the Romance" (TBR 3). That said, Hawthorne's preface does not explain the disparity between historical site and fictional locale much at all. He draws the reader's attention to the association of Brook Farm and Blithedale, but also insists that this association is irrelevant. This indeterminacy does much to codify the relationship between Hawthorne's reader and his text. In two sentences the author generates an ambience of uncertainty that decentralizes meaning and relegates an interpretive task to his audience—the task of deciding how representative Blithedale is of

Brook Farm. But while he insinuates that the reader should interpret—even *must* interpret—Hawthorne nevertheless claims that his reader should treat her conclusions as "altogether incidental" to the purpose of the romance.

The close reader has cause to doubt this last caveat. Hawthorne *does* indirectly offer an opinion about Brook Farm to the reader. Explaining that expediency motivates his employment of this fictionalized Brook Farm as the site of his following narrative, Hawthorne comments, "In short, his present concern with the Socialist Community is merely to establish a theatre, a little removed from the highway of ordinary travel, where the creatures of his brain may play their phantasmagorical antics, without exposing them to too close a comparison with the actual events of real lives" (TBR 3). Hawthorne uses several dependent clauses ("present concern," "merely to establish," "a little," "of his brain," and "too close a comparison with") in this winding rhetoric and syntax. If the reader foregrounds that language, Hawthorne appears to convey that the similitude between Blithedale and Brook Farm is a necessary accident with no bearing on the romance. But Hawthorne does actually offer an opinion on "Socialist Communities:" they are unrealistic and ultimately their goals are impossible to realize. Richard Francis notes, "In establishing that his book is a fictionalization of the [Brook Farm] community, [Hawthorne] is also suggesting that there was something intrinsically fictional about the nature of the community itself."<sup>93</sup> In effect Hawthorne employs Brook Farm as a setting for his romance while simultaneously evicting actual reformers from the estate. To wit, the author suggests that Brook Farm is "irrelevant enough" for him to annex and use as a theatre of fancy, a place "in good keeping with the personages whom he desired to

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<sup>93</sup> Richard Francis, *Transcendental Utopias* (Ithaca: Cornell University Press, 1997), 54.

introduce," and an unstable space that he can deploy as a backdrop for his romance (TBR 4).

The author continues to expolit on the nature of romantic fiction, and the importance of treating his text as one. He first stresses that ideally the romancer's "work is not put exactly side by side with nature; and he is allowed a license with regard to every-day Probability, in view of the improved effects which he is bound to produce thereby" (TBR 3). In the United States, however, there is "as yet no such Faery Land" where the improbable may occur without alienating the reader. As such, Hawthorne explains, he chooses a place where real people tried to do the unlikely so that his readers feel most disposed to accept the most sensational elements of his romance.

With these words Hawthorne seems to underscore the importance of the label romance for a fair reading of his work. But there is far from a critical consensus on how the reader should understand the preface. Stressing how frequently the narrator of the romance questions whether the fantastic events in this text are preternatural, Frank Christianson insists that "the characteristics that critics use to classify the novel as a romance are the very conventions the novel calls into question."<sup>94</sup> Christianson in short suggests that Hawthorne intends to critique—not endorse—the narrative elements of romances when he uses them.

George M. Britt by contrast argues that the generic difficulties of this text emerge from Coverdale's attempt to allegorize events, suggesting that *Blithedale's* characters are best understood "not as proponents of the progressive new ideas of socialism, feminism, and criminal reform, but as actors in an allegorical dream-play between God and the devil. Nothing here is what it seems; in fact, almost everything is the opposite of what it

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<sup>94</sup> Frank Christianson, "Trading Places in Fancy" (Novel 36:2, 2003), 244.

seems."<sup>95</sup> Coverdale (and to some extent, Hawthorne) strives to compose a moral play from the events of the narrative, but to do so he must break one-to-one signifier/signified relationships in the text. As such Coverdale can invest the plot with his own metaphysical drama, but at the expense of stable meaning.

Gregg Crane suggests a different relationship between author and text, however. Adding the adjective "philosophical" to "romance," Crane by contrast insists that Hawthorne is "plainly balking the reader's desire for interpretive ease and the comfort of obvious significations" in an effort to counterpoint "certain examples of realist and modernist writing which similarly clog the reader's rush to paraphrase experience into unambiguous and transcendent truths."<sup>96</sup> Without uncertainty, in other words, this text would not be a romance, and without being a romance this text could not interrogate literary realism.

How critics respond to Hawthorne's request then often embodies how important the generic label "romance" is to their interpretation of *Blithedale*. Because Hawthorne adds so many qualifications to his request to appropriate Brook Farm, the author renders consensus nigh impossible. Too many relationships are too nebulously acknowledged and too swiftly deferred for the critic to be certain of much about Hawthorne's intentions. But this flexibility and inherent uncertainty directly influences the legal cadences of the text: we become witnesses to the difficulties which are endemic to explaining anything of narrative. I hope to exploit this opportunity to interrogate the concept of witnessing. To

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<sup>95</sup> Brian M. Britt, "The Veil of Allegory in *The Blithedale Romance*" (*Literature & Theology* 10:1, 1996), 45.

<sup>96</sup> Gregg Crane, *The Cambridge Introduction to the Nineteenth-Century American Novel* (New York: Cambridge University Press, 2007), 1115-1117 (Kindle Locations).

do so I read *Blithedale* as a romance, which allows for the improbable and (perhaps) unnatural, for violations and ambiguities wherever it invokes laws and rules.

### **Coverdale Frames the Tale**

Hawthorne's preface may create several difficulties for critics, but Coverdale's narration of the romance proves to be a far more significant issue for most. As many—including Coverdale—have noted, this minor poet is not a very reliable narrator. John Dolis for instance suggests that in *Blithedale*, Coverdale strives to pit Revolutionaries and Puritans against each other as founders of the United States. But Coverdale's narration "constitutes its own perversion," and his "narrative line repeatedly fails to advance, lacks any progress of its own—or, better, perhaps, in its ironic inversion, takes two steps back for every forward step it undertakes." Dolis' Coverdale cannot make his story cohere, and so "at its utopian extreme, the narrative succeeds, indeed, in going 'nowhere' in the end."<sup>97</sup>

Robert S. Levine also addresses Coverdale's use of form, specifically in how *Blithedale* engages with (and critiques) sympathetic identification. If "the illusory sense of becoming and understanding the other" lends sympathy credibility, but also threatens to encourage "narcissistic fantasies of communion," then, Levine argues, "Coverdale's sentimental efforts to make connections with others ... [are] to a certain extent a projection of Coverdale's self."<sup>98</sup> In short, *Blithedale* both participates in and critiques the concept of sympathetic identification which proves so important to sentimental literature. The extent to which the reader recognizes this conceit in Coverdale's self-conscious narration radically affects the way in which she understands the romance.

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<sup>97</sup> John Dolis "Hawthorne's Transcendental Coup" (*Arizona Quarterly* 66:1, 2010), 45-6.

<sup>98</sup> Robert S. Levine, "Sympathy and Reform in *The Blithedale Romance*," *The Cambridge Companion to Nathaniel Hawthorne* (New York: Cambridge University Press, 2004), 210.

Gillian Brown and David Greven stand foremost among many critics who take issue with Coverdale's notorious peeping. Brown contends that through his constant removals "Coverdale maximizes desire and leisure in order to eliminate the dangers desire entails.... [and] might be said to typify a utopian consumerism, the pleasures of consumerism without the problems." In Brown's estimation, Coverdale turns the gaze into a form of consumption by making people into commodities—so much so that, by the end of the book, he keeps Zenobia's lost shoe as a *memento mori*—if only to offset "the power objects of desire exert" over him.<sup>99</sup> Greven also takes issue with the way Coverdale looks at people as objects, claiming the narrator's "voyeurism curdles into a desperate sorrow, forever attempting to outwit more powerful repressive forces, while never relinquishing its essentially pitiless agenda to force the gaze-object to submit to the gazing subject."<sup>100</sup> Implicit within both Brown's and Greven's arguments is the contention that Coverdale seeks to preserve his own subjectivity by objectifying the other characters in *Blithedale*. In these terms, Coverdale is lying at any given moment within his narration since he so conspicuously contradicts his own protestation that he is merely a conscious-bound witness reporting the events he experienced once upon a time. Everything he writes is, to a greater or lesser extent, false.

John McElroy and Edward McDonald go so far as to accuse Coverdale of committing a murder he refuses to remember.<sup>101</sup> The most compelling evidence they offer connects Coverdale's regular association with Destiny and Providence throughout the text to Zenobia's postmortem posture. They write, "Coverdale's particular metaphor in

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<sup>99</sup> Gillian Brown, *Domestic Individualism* (Berkeley: University of California Press, 1990), 1232-1234 (Kindle Locations).

<sup>100</sup> David Greven, "In a Pig's Eye" (*Studies in American Fiction* 34:2, 2006), 135.

<sup>101</sup> John Harmon McElroy, "The Coverdale Romance" (*Studies in the Novel* 14:1, 1982), 9.

his description of how the arms of Zenobia's corpse are bent—'as if she struggled against Providence'—is highly interesting, because ... she accused him of usurping the place of Providence and because elsewhere he thinks in association with such a force of doom and judgment."<sup>102</sup> Admittedly this argument is circumstantial at best, as correlation does not imply causation. Michael J. Colacurcio concedes that it would be difficult to *prove* that Coverdale kills Zenobia, but argues that McElroy's an McDonald's reading is viable. Colacurcio continues, "Coverdale's story does not quite hang together: and what looks like incompetence may well be elaborate deception, a devious attempt to (almost) confess without running the risk of the consequences; or else ... a compulsive return not only to the scene but also to the actual memory of a crime that may well have astonished and then disoriented his own civilized mind."<sup>103</sup> In both readings, Coverdale's own narration escapes his control, simultaneously implicating him as a murderer and failing to hold together "unless we can discover—and narrate to ourselves—some story in which Coverdale is not a controlling and entrapping center of literary intelligence, but only one more worldly instance."<sup>104</sup>

By contrast Michael Borgstrom argues that critical frustration with Coverdale (and *Blithedale* in general) often stems from what critics *want* the text to do, and not what it does. He writes, "The problem for many critics ... is not just that Coverdale makes inappropriate narrative and social choices but that he is inconsistent in the choices he makes."<sup>105</sup> In turns an advocate for social reform and overjoyed by old conventionalisms, ostensibly sexually attracted to Hollingsworth *and* Zenobia *and* Priscilla *and* nobody at

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<sup>102</sup> Ibid., 11.

<sup>103</sup> Michael J. Colacurcio, "Nobody's Protest Novel" (Nathaniel Hawthorne Review 34:1-2, 2008), 19.

<sup>104</sup> Ibid., 19.

<sup>105</sup> Michael Borgstrom, "Hating Miles Coverdale" (ESQ 56:4), 365.

all, a passive witness and the catalyst for so many of the romance's late events, Coverdale just does not make sense. Borgstrom writes:

While contemporary criticism tends to privilege ambiguity and equivocation (which Hawthorne links, in his era, to the genre of the romance), this tendency faces significant obstacles to its social implementation, a fact that is manifest in the difficulty that Coverdale continues to pose for readers. Frustration with Coverdale will likely continue, in other words, because many readers are not willing to rationalize narrative inconsistency as theoretical sophistication; the stakes attached to this text (and indeed to Hawthorne's politics) are simply too high.<sup>106</sup>

If Coverdale would be consistent, Borgstrom suggests, then *Blithedale* would be a far more socially and politically charged text. But since the narrator generates so much uncertainty, any strong interpretation of what the romance means ultimately overstates its case. The narrator then becomes remarkably successful in screening himself from the scrutiny of his reader: by presenting himself as an interminably conflicted individual, Coverdale manages to evade any cohesive representation outside of that which he provides for himself. Each of the aforementioned readings draws attention to the self-contradictory narration of *Blithedale*, and all are compelling in their own right. Indeed, there seems to be little room to write the unwritten when discussing the narrator of *Blithedale*: most everyone writes about Coverdale, and most everyone writes something *different* about him.

What *does* Coverdale write, then, in the roughly 170 pages of the 2011 Norton Critical Edition of *Blithedale*? In effect he remembers and reports a series of events leading to the marriage of Hollingsworth and Priscilla, the death of Zenobia, the failure of Blithedale, and his own tertiary involvement with the company and the commune—any reader can posit this much with confidence. Even so the romance remains difficult to

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<sup>106</sup> Ibid., 372.



summarize because—while the plot remains for the most part tethered to the point of view of an earlier Miles—the narrator frequently exposit, interprets, and otherwise mediates the plot. For example, the first five chapters of *The Blithedale Romance* chronicle the twenty-four hours between Coverdale's last evening in Boston and his first night in the country. Coverdale requires more than 10,000 to tell the reader as much. Quotations constitute about 3,000 of his words while plot points comprise another 3,000. The narrator's elaborations, introspections, and asides to the reader supply the remaining 4,000 words. These five chapters demonstrate one of several obstacles which Coverdale presents to analysis of *Blithedale*. Coverdale involves himself so much in the story that it is difficult to discuss the romance without discussing his narration of it.

In my second chapter I differentiate Linda from Brent, character from narrator, in *Incidents in the Life of a Slave Girl* to help clarify *when* a particular opinion from the same person arises; delineating whether the emotions in a given passage are past-tense or retrospective helps the reader to stratify a narrative. It also proves relatively straightforward, as Brent usually switches registers to indicate transitions in the narrative's temporality. Despite the utility of separating character from narrator, Coverdale makes this task onerous. Nevertheless several passages demarcate the time between Coverdale's narration ("now") and his experience ("then"), and a few warrant particular attention.

The reader may find the first such passage in the opening chapter of *The Blithedale Romance*, when Miles asks the Veiled Lady whether the Blithedale experiment will succeed. The narrator remarks in an aside, "The response, by-the-by, was of the true Sibylline stamp, nonsensical in its first aspect, yet, on closer study, unfolding a variety of

interpretations, one of which has certainly accorded with the event" (TBR 7). In that commentary Coverdale tells that Miles cannot decipher the Veiled Lady's reply. However, he also explains that one interpretation of the Veiled Lady's veiled response makes sense in retrospect. With these words Coverdale situates the narrative point of view *after* the events of the narrative that follows even as he carefully circumvents (dis)avowing the Veiled Lady's prophetic abilities: while her words "certainly accorded" with Blithedale's ultimate failure, the Veiled Lady's prediction was both "nonsensical in its first aspect" and open to many interpretations.

Early in the second chapter Coverdale also hints that Blithedale fails, or that the premise of the experiment itself is flawed. He annotates the departure of Miles for the farm in quest of a better life, expositing, "The better life! Possibly, it would hardly look so, now; it is enough if it looked so, then" (TBR 10). In addition to highlighting the temporal gap between Coverdale as narrator and Miles as character, this passage betrays the disparity between Coverdale's outlook during and after the events in his story. In so commenting Coverdale portrays Miles as a youthful idealist worthy of a patronizing (if indulgent) laugh. But Coverdale further polarizes his past and present selves when, several lines later, he remarks:

Whatever else I may repent of, let it not be reckoned among my sins nor follies, that I once had faith and force enough to form generous hopes of the world's destiny—yes!—and to do what in me lay for their accomplishment; even to the extent of quitting a warm fireside, flinging away a freshly lighted cigar, and travelling far beyond the strike of city-clocks, through a drifting snow-storm (TBR 10).

While he refuses to rebuke his youthful idealism, Coverdale nonetheless cynically undercuts his past sense of heroism. But many of those steps he claims to take were only half-taken anyway: Miles passes the unseasonable cold front in bed next to a warm fire,

smokes in his tree-top hiding place, and remains throughout the entire romance within walking distance of Boston. Thus while Coverdale may find it admirable or at least understandable that he once had grand dreams for the reformation of society, he nevertheless insinuates that the steps he took to realize those plans seem rather trivial in hindsight. In this fashion the narrator both defends himself from external censure even as he points out the futility of his own demonstrations of "faith and force."

Coverdale proves as willing to repentantly persist in some of the behaviors of Miles as he is to censoriously vindicate others. Later in the narrative Coverdale critiques his past self for observing too closely several personages at Blithedale. The intensity of his scrutiny, he concedes, distorted his perceptions. Coverdale writes, "What wonder, then, should we be frightened by the aspect of a monster, which, after all—though we can point to every feature of his deformity in the real personage—may be said to have been created mainly by ourselves!" (TBR 50). Thick description, Coverdale implies, generally thickens some of an individual's attributes only to diminish others. The sum effect is almost invariably grotesque, and the resulting analysis of a person under scrutiny is ungenerous because unsympathetic.

Nonetheless Coverdale persists in the behavior he critiques even as he chastises his younger self for being unfair to Hollingsworth in particular. He continues, "Thus, as my conscience has often whispered me, I did Hollingsworth a great wrong by prying into his character, and am perhaps doing him as great a one, at this moment, by putting faith in the discoveries which I seemed to make. But I could not help it" (TBR 50). Coverdale troubles his opinions and descriptions of Hollingsworth, but still passes them on to the reader: he behaved unfairly towards Hollingsworth in the first instance, still has enough

confidence in the judgments he forms to share them, and further tries to make the reader complicit in those opinions by offering no alternative to consider.

In each of the passages quoted above Coverdale imposes a linear timeline in his narrative—past leads to present leads to future—but only to the extent that it makes the current Coverdale stable and the past Miles fungible. When it suits him Coverdale exploits this liminality to offer his current opinions about past events as if he were thinking them in the moment, often transitioning between time frames without acknowledging that motion. Similarly the narrator will distance himself from Miles when advantageous. In order to "straighten out" the timeline of this story, it falls to the reader to remember the few explicit moments that temporally separate the narrator from the character and remember that Coverdale's own self-portrayal(s) may be as unbalanced as the observations he offers about others.

The uncertainty with which Coverdale invests his descriptions—even of himself—prevent the reader from fully trusting anything he writes: these textual convolutions leave the reader with a palpable sense that Coverdale obscures even as he reveals. But they also draw attention to Coverdale's own artificiality, an effect Michael Borgstrom considers vital to the narrative. After first meeting Westervelt and learning of the gentleman's intention of meeting with Zenobia, Miles hurries to his infamous hermitage to eavesdrop on their conversation. But Coverdale admits that he could not accurately determine what words the lady and gentleman exchange. Michael Borgstrom notes:

While Coverdale sees it as his responsibility (and destiny) to "know" his colleagues, the independent actions of Zenobia and Westervelt prevent him from carrying out this duty. Coverdale wants desperately to understand his associates,

but he finds, ultimately, that he cannot secure that knowledge.... since "real life," he laments, "never arranges itself exactly like a romance."<sup>107</sup>

Borgstrom draws the reader's attention to an important series of recursions here. Coverdale compares himself to a character in a romance to express his frustration that real life is not a romance. But the reader knows that Coverdale is, in fact, a character in a romance. Since Coverdale is a character in a romance, but does not himself know that he is a character in a romance, his frustration betrays that he does not understand how characters in romances behave or feel.

Ironic moments like these—seldom as they may be—provide the reader with some small leverage on Coverdale, and the means by which to quantify the extent of his influence on the narrative. Most importantly, such textual eddies (where narration circles in upon itself) emphasize the act of narration itself. Coverdale may aspire to omniscience, E. Shaskan Bumás comments, but he never achieves it within his narrative because "the novel or romance [is] a genre interested in the limitation of knowledge. The novel is a polyvalent site preserving uncertainty, stressing that all cannot be seen, known, or controlled. Despite the will to power of omniscience, the novel retains its liberatory dialogic tendency to the extent that it allows a certain amount of not-knowing."<sup>108</sup> Coverdale's efforts to write from an all-knowing, all-seeing vantage therefore fail to satisfy the reader, in other words, because we know better than to let the narrator—who has a point in time and a point of view, who can repent and extol, who can exaggerate and trivialize—write with impunity. As we consider then Coverdale's revisionary practices, we may be well-served to remember that his is not the most authoritative voice in this text, even if his is the loudest. Given his frequent framing of the narrative as a

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<sup>107</sup> Michael Borgstrom, "Hating Miles Coverdale," 376.

<sup>108</sup> E. Shaskan Bumás, "Fictions of the Panopticon" (*American Literature* 73:1, 2001), 133.

legal proceeding over which he presides, it is imperative to recall that the narrator's own testimony is suspect. Coverdale has an agenda, and Hawthorne gives the reader the clues to at least detect the narrator in his scheming.

### **A Revisionist in a Romance**

Coverdale admits to at least four acts of editing within the *Blithedale*, and these moments of revision share several common features. Most notably, all four acts of revision collude to superimpose a network of relationships between Hollingsworth, Moodie, Priscilla, Westervelt, and Zenobia. In these sections of the romance Coverdale describes Zenobia as a self-assured, powerful, and moneyed woman who follows her whims and undermines gender norms. Priscilla is a passive, acted-upon clairvoyant who Zenobia protects, Westervelt manipulates, and Hollingsworth compels. Moodie is an unindicted criminal and the father of the half-sisters Priscilla and Zenobia. Westervelt, a mesmerist by trade, enthralls Priscilla and panders her as the Veiled Lady in public halls throughout the greater Boston area. Hollingsworth in his own turn is a philanthropist who desires to build a criminal reformatory at nearly any cost. Coverdale organizes *Blithedale* with a keen interest in how these relationships inform and shape the events Miles witnesses. But he imposes his interpretation on the romance as much as he allows events to direct his narrative.

Coverdale first explicitly intervenes in the story he tells in the twelfth chapter—"Coverdale's Hermitage"—in which Coverdale listens to a conversation between Westervelt and Zenobia. Shortly before eavesdropping on the two, he describes his performance as "singularly subordinate," akin to that of "a Chorus in a classic play" (TBR

69). Anticipating the reader's accusation of impropriety, Coverdale hastens to couch his eavesdropping as a fated duty:

Destiny, it may be—the most skilful of stage managers—seldom chooses to arrange its scenes, and carry forward its drama, without securing the presence of at least one calm observer. It is his office to give applause, when due, and sometimes an inevitable tear, to detect the final fitness of incident to character, and distil, in his long-brooding thought, the whole morality of the performance (TBR 69).

Coverdale insists that Destiny provides for a "calm observer"—a disinterested auditor who both "detects" and "distils" meaning in the actions of others who cross his path—and that he is of course ready to fulfill that role if need arise. Thus—"in case there were need of me in my vocation, and, at the same time, to avoid thrusting myself where neither Destiny nor mortals might desire my presence"—he clambers into his "hermitage," a crotch in a tree screened by foliage, to await their passage underneath (TBR 69).

Miles' patience is partially rewarded, insofar as Zenobia and Westervelt pass his way. The two however do not stop and, Coverdale further admits, Zenobia speaks in a cadence "too hasty and broken" and Westervelt in a tone "so cool and low" that Miles "could hardly make out an intelligible sentence, on either side" (TBR 73-74). Even though Coverdale admits, "What I seem to remember, I yet suspect may have been patched together by my fancy, in brooding over the matter, afterwards," the narrator nevertheless discloses his patched-together remembrances to the reader (TBR 74). In effect Coverdale gives the reader cause to doubt the accuracy of his account, but no means by which to verify or invalidate it.

The narrator conjectures that the two companions discuss Priscilla. Westervelt asks why Zenobia does not simply sever her connection with the girl, and Zenobia replies that she feels beholden to the maiden. Westervelt forewarns that Priscilla will plague

Zenobia, a prediction which Zenobia at first scoffs. But after Westervelt tells her something in tones so low that even Coverdale cannot "patch it together," Zenobia appears (to Coverdale) to lament the girl's attachment to her.

It is imperative that the reader remember that Coverdale surmises all of this—the exchange is, in other words, his conjecture based on a few words he overhears. Even so few critics second-guess Coverdale's interpretation here. Indeed, later events appear to verify Coverdale's suppositions; nevertheless Coverdale interpolates those later events just as much as he does these, and further composes his account a decade after Miles experiences the events. Coverdale's need to make sense of the events at Blithedale is at play here; any and all of the narrator's speculations should be treated with care.

Much later in the romance the narrator recounts a visit to a public hall to watch Westervelt use the Veiled Lady as a medium. He finds Hollingsworth also in attendance. As the Veiled Lady walks onto stage, Miles whispers to Hollingsworth, "What have you done with Priscilla?" Hollingsworth only glares at Miles in response. However, when Westervelt begins to display the Veiled Lady as if she were a pet, Hollingsworth mounts the stage and gazes "at the figure, with a sad intentness that brought the whole power of his great, stern, yet tender soul, into his glance."<sup>1</sup> He calls Priscilla by name, and (despite Westervelt's hypnosis) she tears off the veil and runs to her ostensible savior, in whose arms she is "safe forever" (TBR 140). The narrator's framing here and elsewhere, as Robert S. Levine contends, render this intervention problematic. Levine argues, "Coverdale manages to undercut Hollingsworth's 'rescue' of Priscilla by suggesting that the philanthropist's desire for a sympathizer does not greatly differ from the depraved



Westervelt's desire for a medium."<sup>109</sup> As Coverdale frames it, Hollingsworth's influence over Priscilla is simply a stronger version of Westervelt's mesmerism—a sympathetic compulsion that all but obliterates the agency of the acted-upon.

Shortly before this, Miles listens to some members of the audience discuss mesmerism as a phenomenon while they wait for Westervelt's demonstration to start. What Miles hears greatly distresses him and prefigures the confrontation between Hollingsworth and Westervelt reported above. Coverdale writes,

I heard, from a pale man in blue spectacles, some stranger stories than ever were written in a romance; told, too, with a simple, unimaginative steadfastness, which was terribly efficacious in compelling the auditor to receive them into the category of established facts. He cited instances of the miraculous power of one human being over the will and passions of another; insomuch that settled grief was but a shadow, beneath the influence of a man possessing this potency, and the strong love of years melted away like a vapor (TBR 136).

The blue-spectacled man reports that a skilled mesmerist could turn the maiden's heart against her lover, or compel the mourning widow to forget her recently deceased husband, or again for the new mother to abandon her infant child. In all three examples with a personal pronoun, the actor is masculine and the acted-upon feminine. "Human character," he gleans, "was but soft wax in his hands; and guilt, or virtue, only the forms into which he should see fit to mould it" (TBR 136). In a clever turn of phrase Coverdale renders mesmerists as sculptors, and the sentiments of women as their mediums to shape. Miles listens "with horror and disgust" to these reports, inferring that if mesmerism can really undermine an individual's affections and dictate her choices, then agency and responsibility are both illusory.

As if to exercise his will to its limit, Coverdale refuses to believe a mesmerist could wield so much power, exclaiming, "But I would have perished on the spot, sooner

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<sup>109</sup> Robert S. Levine, "Sympathy and Reform in *The Blithedale Romance*," 220.

than believe it" (TBR 136-137). Coverdale may utter these words without irony, but his words are really a truism masquerading as an ultimatum. He might very well choose death rather than believe a mesmerist could violate free will. But in a universe without free will, choices are the result of upbringing, disposition, fate, destiny, God, circumstance, other sundry influences, and/or a combination thereof. In a determinist universe, independent agency is an illusion: Coverdale can choose, but he cannot choose his choice. Coverdale couches his identity in his capacity to refuse to believe, but the Coverdale he thinks himself to be would be dead (because non-existent) in a universe in which free will is illusory. Coverdale's adamant refusal to believe in mesmerism proves to himself that he is who he thinks he is, but he cannot prove his proof. He either is a free agent (and therefore is as he thinks he is), or is not a free agent (and is not as he thinks he is); *either* Coverdale would say, "I would have perished on the spot, sooner than believe it."

Shortly after Coverdale shores up his sense of self by refusing to believe in the purported extent of mesmerism, Westervelt walks onto stage. The narrator's stubbornness persists and directly affects the way in which he depicts the mesmerist's arrival. As the mesmerist unfolds his theory to a listening audience, Coverdale writes:

There remains no distinct impression of it on my memory. It was eloquent, ingenious, plausible, with a delusive show of spirituality, yet really imbued throughout with a cold and dead materialism.... He spoke of a new era that was dawning upon the world; an era that would link soul to soul, and the present life to what we call futurity, with a closeness that should finally convert both worlds into one great, mutually conscious brotherhood (TBR 138).

Coverdale's refusal to believe that mesmerism can really manipulate human emotion so deeply may not demonstrate his agency as effectively as he hopes, but it does give the reader a sense that Coverdale has a motive for editing Westervelt. As if to demonstrate

his freedom of will, Coverdale omits the specifics of a theorem that threatens to undermine his belief in autonomy of will and responsible agency. I suggest he omits instead of fails to recall because, despite Coverdale's assertion that Westervelt's philosophy left "no distinct impression," the narrator remembers enough to label it eloquent and delusive and indicative of a universe in which the deceased and the mortal can comeingle. These labels *indicate* that Westervelt's theorem left a distinct impression on Miles, even if Coverdale tries to obfuscate it.

In the forest Miles cannot hear Westervelt, but Coverdale fills in the missing information with his own conjectures. In the village-hall Miles cannot help but hear Westervelt, and Coverdale omits the specific details of a philosophy he finds repugnant. In both revisionary acts Coverdale tries to shape the reader's understanding of the mesmerist. But doing so requires that Coverdale betrays his role in shaping the narrative, because to embellish and excise without comment would be to mesmerize the reader.

Situated between "Coverdale's Hermitage" and "A Village-Hall," the narrator performs two other notable acts of revision. In "Zenobia's Legend," Miles listens to Zenobia tell a gothic fiction marked by themes of mesmerism and entrapment. In "Fauntleroy," Miles listens to Old Moodie tell a family history marked by themes of hidden crimes and unclaimed fortunes. I set these two aside because of what they share in common. Zenobia's and Moodie's tales both develop the question of whether Zenobia will retain her wealth or Priscilla will come into unexpected money; as such both chapters depict Zenobia and Priscilla as simultaneous companions and rivals. Moreover the narrative structures surrounding these "twice-told" tales also share notable situational

similarities. Westervelt first appears before "Zenobia's Legend" and resurfaces on the same day that Miles learns the story in "Fauntleroy."

Miles is also an intended audience in both "Zenobia's Legend" and "Fauntleroy." He spies on Westervelt and Zenobia in "Coverdale's Hermitage," and pays admission to hear Westervelt in "A Village-Hall;" in both instances the characters to whom Miles listens do not know that Miles hears them. But in "Zenobia's Legend" and "Fauntleroy," Zenobia and Old Moodie know Miles attends to them. In "Coverdale's Hermitage" and "A Village-Hall" Coverdale presents what he wants to; in "Zenobia's Legend" and "Fauntleroy," he *re*-presents.

Another major commonality between these two retellings is that Coverdale admits to altering both tales. Coverdale confesses that he may be editing the exchange between Westervelt and Zenobia in "Coverdale's Hermitage," and claims that he cannot recall the details of Westervelt's lecture in "A Village-Hall." In both instances Coverdale indicates that he *may* revise; in both "Zenobia's Legend" and "Fauntleroy," he warns us in advance that the content we encounter *is* revised. Those revisions deploy positive law to describe how a common cast of characters connect to each other in deeper ways than most of them realize. The relationships Coverdale maps in these two chapters form the basis of his interpretation of the events at Blithedale, and by extension most readings implicitly privilege these chapters without acknowledging the effect Coverdale's imagination might have on the details within them. But Coverdale is a man with an agenda, a character in this romance with motives as complicated as those whom he professes to document with objectivity. To clarify that agenda I offer close readings of both tales with a particular interest in how Coverdale uses positive law as a trope to shape his retellings.

### **Zenobia's Legend, Coverdale's Myth**

The afternoon on which Zenobia tells her tale finds the residents of Blithedale staging *tableaux vivants*. But Zenobia grows bored and dismisses the pastime, remarking, "Our own features, and our own figures and airs, show a little too intrusively through all the characters we assume. We have so much familiarity with one another's realities, that we cannot remove ourselves, at pleasure, into an imaginary sphere" (TBR 75). As recompense Zenobia offers to tell the company a story, a proposal which is well-received by her companions.

To explain the enthusiasm of the others, Coverdale notes that Zenobia "had the gift of telling a fanciful little story, in a way that made it greatly more effective, than it was usually found to be, when she afterwards elaborated the same production with her pen." Zenobia's oration gives a vibrancy to her tales that her transcriptions fail to convey—at least in Coverdale's estimation. And because it fails to impress Coverdale, he doubts Zenobia's writing will impress his own readership. Her pen does not capture "the varied emphasis of her inimitable voice, and the pictorial illustration of her mobile face"—it cannot animate, and (in Coverdale's opinion) animation gives strength to Zenobia's creativity (TBR 75). So Coverdale, a poet by training, writes on Zenobia's behalf. The core details of his retelling follow.

A group of young gentleman pass an afternoon by drinking and gossiping. Eventually their conversation turns to the subject of the Veiled Lady—what she might look like, who she might be, and from whence she might come. Someone circulates the rumor that she is "a familiar fiend" of the Magician who exhibits her, and that he "had bartered his own

soul for seven years' possession ... and that the last year of the contract was wearing towards its close."<sup>110</sup>

A skeptic in the company named Theodore grows weary of the gossip and challenges his companions, saying, "I offer any wager you like ... that, this very evening, I find out the mystery of the Veiled Lady!" Someone takes his bet, and both parties stake money "of considerable amount" on the outcome. Theodore manages to break and enter the Veiled Lady's dressing-room (either "by bribing the door-keeper" or "clambering in at the window"), where he waits for her to return after she and the Magician finish a performance.

After leaving the stage the Veiled Lady appears in her dressing-room and senses Theodore hiding "with a hostile, or, at least, an unauthorized and unjustifiable purpose." The Veiled Lady demands Theodore show himself and "thus summoned by his name, Theodore, as a man of courage, had no choice" but to obey. The Veiled Lady asks Theodore what he wants, to which the young gentleman replies that he would know "who and what" the Veiled Lady is. When the Veiled Lady tells him that she is forbidden to disclose that information, Theodore says he will find out at any risk, and the Veiled Lady rejoins that "there is no way, save to life my veil!" So informed, Theodore attempts to lift it by force.

Before Theodore succeeds in his purpose, the Veiled Lady moves away from him to relay "the conditions" of unmasking her. She presents him with three choices, each representing a different outcome. First, he can leave without discovering her identity; if he does so, he will lose his bet but forget about the Veiled Lady altogether. Otherwise, she tells him, "thou canst lift this mysterious veil, beneath which I am a sad and lonely

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<sup>110</sup> All quotations in this section may be found between pages 77-81 of *The Blithedale Romance*.

prisoner, in a bondage which is worse than death." Should he choose to unmask her, the Veiled Lady continues, then Theodore can either bind himself to the woman *before* lifting the veil (by kissing her covered lips), or lift the veil without binding himself to her.

If Theodore should consent to kissing her first, the Veiled Lady promises that the two will be happy together—the only happy outcome to the three courses she offers. But if Theodore should lift the veil without kissing her, then she is "doomed to be [his] evil fate; nor wilt [he] ever taste another breath of happiness!" Theodore chooses the third option, lifts the veil, and sees her long enough to register her beautiful face before she vanishes. For committing this crime, Theodore's "retribution was to pine, forever and ever, for another sight of that dim, mournful face."

After disappearing from her dressing-room the Veiled Lady emerges among a group of transcendentalists as a maiden looking "so gentle and so sad—a nameless melancholy gave her such hold upon their sympathies—that they never thought of questioning whence she came." The maiden focuses her affections most specifically upon a particular woman, who also happens to have a previous (but vague) connection with the Magician.<sup>111</sup> One day the Magician approaches the female transcendentalist as she walks in the woods, and warns her that she is in peril.

When the woman asks what threatens her, the Magician mentions the maiden. He continues, "Now, the fates have so ordained it, that, whether by her own will, or no, this stranger is your deadliest enemy." He prophesies that the maiden will thwart her in love, worldly fortune, and all other pursuits of happiness. The magician then claims that the only way the lady may ensure her own safety is to throw an enchanted veil he holds,

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<sup>111</sup> "The truth was, she had seen his face before, but had never feared it, although she knew him to be a terrible magician" (TBR 81).

"unawares, over the head of [her] secret foe, stamp [her] foot, and cry—'Arise, Magician, here is the Veiled Lady'"—at which point he will materialize to seize the trapped maiden.

The transcendentalist woman succeeds in accosting the maiden. Between when the woman throws the veil over the maiden and when she finishes the incantation, the "poor girl strove to raise [the veil], and met her dear friend's eyes with one glance of mortal terror, and deep, deep reproach. It could not change [the woman's] purpose." The lady says the magic words, and "the dark Magician who had bartered away his soul" appears to throw her arms around the Veiled Lady and make her "his bond-slave, forever more!"

Positive law performs several important functions in "The Silvery Veil"—the title which Coverdale gives to (his version of) Zenobia's oration—and one is to transform the tale from a ghost story into a custody battle. The Magician sells his soul to acquire custody of the maiden "from the realm of Mystery" as both his "bond-servant" and "prisoner." Theodore has the power to take custody of the maiden or to release the maiden from the Magician's custody at his own expense. Once freed, the maiden takes custody of a community of transcendentalists through the influence of her "nameless melancholy" until another woman captures and returns her to the Magician.

Law also construes "The Silvery Veil" as a story about contract. The tale opens with Theodore entering into a financial wager with another man: he will discover the mystery of the Veiled Lady and profit, or he will fail to discover her mystery and suffer a fiscal loss. According to another contract, the maiden must not tell who she is ("My lips



are forbidden to betray the secret!"<sup>112</sup>) but must also warn Theodore of the consequence of lifting her veil without pledging himself to her first. Finally the Veiled Lady informs Theodore of another contract into which he will enter if he decides to lift her veil: he can pledge himself to the maiden and be happy, or he can discover her identity without commitment and suffer. Not willing to lose his original bet, and unwilling to take on a heavier risk, Theodore refuses to heed the maiden's warning and forfeits "possession" of the maiden, loses his bet, and (it would seem) eventually dies alone and unhappy.

In terms of both custody and contract, "The Silvery Veil" construes agency as a commodity to be traded, given, taken, and stolen in an economy of mesmeric influence. The person with the least agency in this story is the maiden (who is bound, forbidden, imprisoned), followed by the transcendentalist woman (who is attached to, taken hold of, but can entrap), then the Magician (who has bartered his soul, and can be summoned, but also can approach the woman), and finally Theodore (who can choose, can liberate, can enter into contracts). When Theodore refuses to enter into a custodial contract with the Veiled Lady, he sets the maiden loose (increasing her agency at the loss of his own) and she immediately takes possession of a community by captivating their sympathies with her "nameless melancholy." Similarly, when the transcendentalist woman contains the maiden with the veil she regains agency for herself and her community.

Coverdale's editorial practices turn these legal aspects of "The Silvery Veil" into a pointed commentary. By his own admission, Coverdale does not perfectly reproduce Zenobia's tale. Before relaying (his version of) her story Coverdale warns the reader: "I know not whether the following version of her story will retain any portion of its pristine character. But, as Zenobia told it, wildly and rapidly, hesitating at no extravagance, and

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<sup>112</sup> TBR 79.

dashing at absurdities which I am too timorous to repeat ... thus narrated, and thus heard, the legend seemed quite a remarkable affair" (TBR 75-76). With his preface Coverdale implies that Zenobia's version of the ensuing tale is wild and rapid, extravagant and absurd, but ultimately evocative for those traits. Since he is too "timorous to repeat" Zenobia's absurdities, his milder written version inherently cannot affect its readership as powerfully as Zenobia's legend affected hers. In these two remarks Coverdale establishes a complicated relationship between Zenobia as a narrator and his readership as an audience: Coverdale revises (for his reader) what Miles hears (from Zenobia). To wit, Coverdale does not transcribe so much as adapt. He filters.

Still, Coverdale takes pains to leave traces of Zenobia's voice within "The Silvery Veil." First, he encodes several instances where Zenobia breaches the fourth wall. Zenobia tells "her dear friends" "[her] simple little tale." She "presumes" Theodore's friends did not hesitate to embellish the rumors about the Veiled Lady. She "deems it fit" to call her first protagonist Theodore "for the sake of a soft and pretty name (such as [those], of the literary sisterhood, inevitably bestow on [their] heroes)." Zenobia further knows not, is told, supposes, should not be surprised, and rather imagines (TBR 76-78).

The revisionary editor furthermore strives to ensure that the reader remember that Zenobia tells this tale to a specific audience that differs from his readership. Before beginning her "spectral legend," Zenobia says to Priscilla, "Stand you before me, where I may look at you, and get my inspiration out of your eyes. They are very deep and dreamy, to-night!" Within the tale Zenobia asks her dear friends (and Priscilla especially) to hearken before offering "the little more" she can tell. And after "The Silvery Veil" concludes, Coverdale supplements his tale with his account of Zenobia throwing a veil

over Priscilla's head, and how Priscilla reacts: she droops, and makes no attempt to remove the veil (TBR 75, 80, 82).

Coverdale does not retain these features by chance. He reports Zenobia's breaches of the fourth wall—her qualifications, her direct addresses to Priscilla, and her final dramatic gesture—the better to connect Zenobia to the transcendentalist woman, Priscilla to the Veiled Lady, and Westervelt to the Magician. He writes with cross purposes to Zenobia's, whose proposal implies that her fiction will please because—unlike the *tableaux vivants*—the feature, figures, and airs of real personages will not show through the story she tells. She offers to create a work of fiction, an imaginary sphere, into which the company can remove themselves; Coverdale's version of her tale does anything but allow that transportation. He stresses—or superimposes—the connections between Zenobia and the transcendentalist woman, Westervelt and the magician, and Priscilla and the maiden. In Coverdale's version, the fiction codifies the relationships he suspects after eavesdropping on Zenobia and Westervelt in the forest.

### **Moodie's History, Coverdale's Mystery**

Much happens between "Zenobia's Legend" and "Fauntleroy." After Miles refuses to commit himself to Hollingsworth's scheme, the two cease to be friends. Miles, feeling estranged at Blithedale, quits the project and returns to Boston. Coincidentally or no, Miles rents a hotel room across the street from Zenobia's in-town residence, and while looking into her windows he sees Zenobia, Priscilla, and Westervelt inside. Miles calls on Zenobia to learn what she is doing in Boston. She refuses to tell him, saying it is none of

his business. Coverdale suspects something untoward and tries to intervene, but affects little. The scenario piques the curiosity of Miles, and he seeks information.

In his quest to understand the connections between Zenobia, Priscilla, and Westervelt, Miles seeks out Old Moodie in a Boston tavern. With a fine wine as enticement, Miles manages to get the elderly man to sit down and talk. As Miles watches, Moodie tastes the wine with the mannerisms of a connoisseur. Miles calls attention to the disparity between Moodie's appearance and his demeanor, and the old man hints at a grander past obscured by his present conditions. As the two continue to drink Moodie begins to talk, and he provides Miles with enough details for Coverdale to link Priscilla, Zenobia, Westervelt, and Moodie together.

Coverdale admits that Moodie's "communications referred exclusively to a long past and more fortunate period of his life, with only a few unavoidable allusions to the circumstances that reduced him to his present state" (TBR 125). He also admits that Moodie and he were intoxicated when they talked. But the narrator does not hesitate to infer, extrapolate, and offer the conclusions he draws to the reader as an annotated copy of Moodie's own recollections. Indeed Coverdale argues that his "subsequent researches" illuminate most of the story he entitles "Fauntleroy," because Moodie only alludes to the "main facts of the narrative" by accident. Those "main facts" follow.

Twenty-five years before the events of *The Blithedale Romance*, a man of wealth "whom we shall call Fauntleroy" lives somewhere in "the middle states." He marries a beautiful woman and the two have a pretty baby girl. However, Fauntleroy possesses "no just sense of her immortal value," accepting her into his life just "as a man, already rich in gems,

would accept another jewel. If he loved her, it was because she shone."<sup>113</sup> But Fauntleroy lives too extravagantly and finally exhausts his wealth. Aware that he is in peril of losing his property, the man "made himself guilty of a crime." Fauntleroy's guilt is discovered and he flees, abandoning his wife and child. The woman dies, and his daughter is left "worse than orphaned."

Despite his felony, nobody pursues Fauntleroy. Wealthy relatives make "such arrangements with those whom he had attempted to wrong, as secured him from the retribution that would have overtaken an unfriended criminal." Meanwhile he moves to Boston, where he assumes a different name and takes up residence in an old colonial estate lately converted into a tenement. Eventually Fauntleroy nevertheless courts and remarries "a forlorn, meek-spirited, feeble" seamstress. The two have a child before the woman dies. Like her mother, Fauntleroy's second daughter is frail, feeble, and melancholy. Priscilla (as the narrator eventually reveals her to be) grows up hearing about her father's "former wealth, the noble loveliness of his first wife, and the beautiful child whom she had given him." The young girl attaches much affection to this unseen half-sister.

As she ages, Priscilla acts more and more singularly, exhibiting "strange ways" and using "stranger words, when she uttered any words at all.... Hidden things were visible to her, (at least, so the people inferred from obscure hints, escaping unawares out of her mouth,) and silence was audible." Talk of Priscilla's uncanny powers spreads, and eventually a "marvellously handsome..., youthful ... and fashionably dressed" gentleman begins to call upon her. Moodie (as Fauntleroy now calls himself) chaperones these visitations, so while they do not generate a sexual scandal they nevertheless encourage

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<sup>113</sup> All citations in this section may be found in pages 125-131 of *The Blithedale Romance*.

other forms of gossip. Because of his unnerving appearance (most acutely the gold band around his top teeth), Priscilla's neighbors spread the rumor that this visitor "was a wizard, and that he had taken advantage of Priscilla's lack of earthly substance to subject her to himself, as his familiar spirit, through whose medium he gained cognizance of whatever happened, in regions near or remote."

While the gentleman gradually enthralls Priscilla, her half-sister lives a life of notoriety. Abandoned by Fauntleroy, her uncle takes custody of the young woman and raises her as his own child. With a doting father figure Zenobia (as she is called) grows up wealthy and accomplished, but undisciplined. Her uncle dies and, "As Fauntleroy was supposed to be likewise dead, and no other heir was known to exist, his wealth devolved on her, although, dying suddenly, the uncle left no will."

Rumor further circulates that Zenobia marries "a fascinating and accomplished, but unprincipled young man" after her uncle's death, but that the connection is severed. But Zenobia's reputation does not suffer much from talk about her behavior because, "so great was her native power and influence, and such seemed the careless purity of her nature, that whatever Zenobia did was generally acknowledged as right for her to do." Zenobia in short does as she will, and the world at large not only exonerates but "almost" approves of her actions, as if "ordinary womanhood was felt to be narrower than her development required." She lives largely, but with an extravagance slightly different from her biological father's.

Eventually Zenobia learns about, and offers to bankroll, the Blithedale experiment. Priscilla in turn hears about the community her sister helps to found and—"enthralled in an intolerable bondage, from which she must flee or perish"—follows

Zenobia to Blithedale. There she hopes to find safety in the company of Zenobia, "into whose large heart she hoped to nestle." Months later, Old Moodie and Zenobia meet to talk. That same night, Priscilla and Zenobia are somehow separated from one another.

If positive law turns "The Silvery Veil" from a ghost story into a custody battle hinging on contracts made and broken, then that same vocabulary transmutes the biography of "Fauntleroy" into an estate dispute predicated on apparent and actual identities. In a desperate effort to retain his wealth and way of life, Fauntleroy "[makes] himself guilty of a crime" (ostensibly forgery). He is detected and flees to Boston, abandoning property, obligations, and immediate family. Fauntleroy's wife dies from shame, and his brother raises Zenobia as his own daughter. To preserve his family's reputation, Fauntleroy's relatives forfeit his property to creditors, pay off Fauntleroy's outstanding debts, and somehow dissuade the parties Fauntleroy tried to injure from prosecuting, thereby screening the criminal "from the retribution that would have overtaken an unfriended criminal" (TBR 126).

It is important to note that shame—not legal guilt—dogs Fauntleroy in his fugitive life. Even so, Fauntleroy assumes the name "Moodie" from the time he arrives in Boston. At first his relatives provide him with the financial means to secure room and board, thereby discouraging him from further offense. But he eventually remarries, fathers Priscilla, and sells the purses she sews,<sup>114</sup> and by this income secures a measure of financial independence. The correspondence between Moodie and his extended family gradually ceases, and because his name is "linked with contagious infamy, and which

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<sup>114</sup> See TBR 7, 26, and 60.

they were only too willing to get rid of," Fauntleroy's family assumes he is dead (TBR 128).

When her uncle unexpectedly dies Zenobia finds herself the default inheritor of his wealth. However Zenobia's claim to her surrogate father's estate is precarious: her uncle leaves no will, and is survived by no known closer relative than his niece. Because Fauntleroy is still alive, and is not in any official sense a felon or criminal, inheritance law would recognize Fauntleroy as next of kin if he should sue for possession. By the conclusion of "Fauntleroy" he still has not, but he can at any time he chooses.

Coverdale's creative license converts this legal subtext of "Fauntleroy" into a commentary on impressibility. Unsurprisingly, Coverdale prefaces "Fauntleroy" with the admission that he takes creative liberties with the story. Even if Coverdale does learn the "main facts" of his account from Moodie, he still confesses that, "in writing it out, my pen has perhaps allowed itself a trifle of romantic and legendary license, worthier of a small poet than a grave biographer" (TBR 125). As in "The Silvery Veil," Coverdale complicates the relationship between Moodie as narrator and the reader as audience: Coverdale revises (for his reader) what Miles hears (from Moodie). That said, Coverdale articulates different motives for changing "The Silvery Veil" and "Fauntleroy." If he aims to mute absurdities in the former, he intends to emphasize the poetic in the latter.

An association of net worth with worthiness runs throughout "Fauntleroy." In his young adulthood, Fauntleroy uses his wealth to impress others but lacks depth of character. According to Coverdale, "His whole being seemed to have crystallized itself into an external splendor, wherewith he glittered in the eyes of the world, and had no other life than upon this gaudy surface" (TBR 125). Fauntleroy's opulent habits therefore



*deplete* his wealth because he has so little else to offer others. When he exhausts his reserves, he grows "conscious of no innate worth to fall back upon" and "recoiled from this calamity [of bankruptcy], with the instinct of a soul shrinking from annihilation" (TBR 126). As Coverdale would have it, Fauntleroy's wealth impresses for him, and thus his poverty is akin to his complete dissolution.

With no inherent worth and no means to recover his fortune, Fauntleroy forges, committing "just the sort of crime, growing out of its artificial state, which society (unless it should change its entire constitution for this man's unworthy sake) neither could nor ought to pardon. More safely might it pardon murder" (TBR 126). If money represents importance, fake money represents false importance. Society works, Coverdale implies, because people who should be important have money. Anyone who comes into money they don't deserve will exhaust it. Fauntleroy's forgery constitutes a violation of this societal equilibrium, and therefore a most unforgivable offense.

Being caught cheating abashes Fauntleroy, and signifies a stigma he cannot escape. Whenever people look at Fauntleroy, Coverdale imagines the man as in a state of permanent embarrassment. Even eye contact reminds Fauntleroy of his total lack of character. So he changes names to Moodie and tries to be invisible. The narrator describes Moodie mainly in negative terms, claiming "his impulse was to shrink into the nearest obscurity, and to be unseen of men .... He had no pride; it was all trodden in the dust. No ostentation; for how could it survive, when there was nothing left of Fauntleroy, save penury and shame!" (TBR 127). It is understandable (and convenient, for the romance's plot) that polite society and family alike forget that Fauntleroy might still be

alive, since he makes no effort to inform them of his continued existence and moreover strives to be invisible.

Priscilla, who is born in ignominy, is basically transparent. Coverdale goes so far as to claim, "The younger child ... might be considered as the true offspring of both parents, and the reflection of their state." A "tremulous little creature" who lacks "human substance," Coverdale claims that "it seemed as if, were she to stand up in a sunbeam, it would pass right through her figure" (TBR 128). With one parent shy and the other ashamed, Priscilla grows up without pride and therefore without "human substance." Hence Priscilla's clairvoyant capacity: barely human but possessing the full set of human faculties, she functions as a lens through which a mesmerist like Westervelt can peer.

If Fauntleroy/Moodie is in turns reflective or invisible, and Priscilla is see-through, then Zenobia is by contrast luminescent. In his most obvious amendment to the "main facts" Moodie discloses, Coverdale sketches an entire conversation between Zenobia and Moodie "mainly from fancy" because "it would be a pity quite to lose the picturesqueness of the situation." According to Coverdale, Zenobia receives a strange summons to visit Moodie in his apartment. Out of curiosity, she acknowledges the enjoyment and, assuming he wants charity, asks the old man what he needs. Moodie tells her to "keep all your wealth" until he demands all or none of it. He has heard that Zenobia is beautiful, and only wishes to look at her (TBR 132).

Moodie picks up a lamp and holds it close to his daughter. Coverdale writes, "So obscure was the chamber, that you could see the reflection of her diamonds thrown upon the dingy wall, and flickering with the rise and fall of Zenobia's breath. It was the splendor of those jewels on her neck, like lamps that burn before some fair temple, and

the jewelled flower in her hair, more than the murky yellow light, that helped him to see her beauty. But he beheld it" (TBR 132). Moodie gazes at her "from top to toe," but not to emblazon her body. Instead Coverdale (as Moodie) attends to how Zenobia's ornamentation interpolates her physicality. Diamonds catch light and illuminate Zenobia's breath and her jeweled flower radiates from her hair. Both outshine the weak illumination of the room.

After looking at his older daughter, Moodie grows for the first time in decades "proud at heart; his own figure, in spite of his mean habiliments, assumed an air of state and grandeur" (TBR 132). Zenobia asks again if Moodie needs her aid, but Moodie says she can do nothing for him. He insists she leave lest he should disclose what would "bring a cloud over that queenly brow" (that is, that he can claim her wealth as his own) and finally demands, "Be kind—be no less kind than sisters are—to my poor Priscilla!" (TBR 132).

After his daughter leaves, Moodie begins to call himself Fauntleroy again. Zenobia's opulent beauty and grand style has awakened that identity: much as "a portion of [Zenobia's] brightness ... permeated our dear Priscilla," some of Fauntleroy's pride returns when he sees his proud daughter. After looking at her, Coverdale imagines that Fauntleroy soliloquizes:

I am unchanged—the same man as of yore! ... True; my brother's wealth, he dying intestate, is legally my own. I know it; yet, of my own choice, I live a beggar, and go meanly clad, and hide myself behind a forgotten ignominy.... Ah, but, in Zenobia, I live again! Beholding her so beautiful—so fit to be adorned with all imaginable splendor of outward state—the cursed vanity ... is all renewed for her sake! Were I to re-appear, my shame would go with me from darkness into daylight. Zenobia has the splendor, and not the shame. Let the world admire her, and be dazzled by her, the brilliant child of my prosperity! It is Fauntleroy that still shines through her! (TBR 132-133).

The years Fauntleroy spends as Moodie, Coverdale suggests, slough off of the man as soon as he sees his older daughter in her splendor. Unlike Fauntleroy, Zenobia can be proud and splendid and impressive without feeling guilty or ashamed. So, instead of invoking his legal claim to Zenobia's wealth, Coverdale's Fauntleroy simultaneously tries to "wear" his daughter as an ornament and live vicariously through her. Since Zenobia possesses the substance to reinforce her splendor, and lacks the shame to mar it, the logic of Coverdale's narrative dictates that she deserves her uncle's estate more than her father.

In this elaborate, highly imaginative, and entirely fictitious exchange between Fauntleroy/Moodie and Zenobia, Coverdale strives to tether a legal right to possess wealth to self-possession. Much as Linda Brent avows that her grandmother becomes a little more *someone* and a little less *something* by extending a loan to her mistress, Coverdale imagines that somehow having things to give makes a person more of a person. Zenobia is confident, elegant, strong, willful, proud. Because Fauntleroy loves Priscilla, "but with shame, not pride," he believes himself too weak and abased to claim his inheritance (TBR 133). So long as Zenobia remains self-possessed, she remains worthier of enfranchisement than Fauntleroy *or* Priscilla. Thus Fauntleroy defers his claim to the fortune Zenobia wields even as he threatens to strip her of the same wealth if she mistreat her half-sister. Fauntleroy can only dress himself up in wealth, not use it to set any quality of character in relief. Priscilla lacks the substance to use wealth—societal credibility—appropriately. By contrast Zenobia can use wealth to project her native power and strength like a dazzling light.

The narrator nevertheless imagines Fauntleroy questioning his decision to let Zenobia retain possession of his brother's estate. As Coverdale would have it, Fauntleroy

takes pride in Zenobia but loves Priscilla. While "wealth were but a mockery in Priscilla's hands" because its use is (in [Coverdale's estimation of] Fauntleroy's estimation) "to fling a golden radiance around those who grasp it," Fauntleroy wants to protect his younger daughter (TBR 132). Thus Fauntleroy might well be supposed to utter, "Yet, let Zenobia take heed! Priscilla shall have no wrong!" Unfortunately for Zenobia, and conveniently for the romance, Coverdale calculates that it is on this same evening that Priscilla "was either snatched from Zenobia's hand, or flung wilfully away!" (TBR 132)—an event which precipitates the climax of Coverdale's narrative, and the intersection of his two retellings.

### **Priscilla's Betrayals, Coverdale's Tale**

After witnessing Hollingsworth wrest Priscilla from Westervelt in "A Village Hall," Miles returns to Blithedale to learn what happens between Zenobia, Priscilla, and Hollingsworth. He finds his three acquaintances at Eliot's Pulpit, one of their frequent haunts at the edge of the Blithedale property, and Coverdale sees in them "all that an artist could desire for the grim portrait of a Puritan magistrate, holding inquest of life and death in a case of witchcraft;—in Zenobia, the sorceress herself ... and, in Priscilla, the pale victim, whose body had been wasted by her spells" (TBR 147). Zenobia hails Miles, tells him that she has been on trial for her life, and that Hollingsworth has been her judge, jury, and accuser.

And while she does not deny her conviction, she does ask Miles to adjudicate between her and Hollingsworth again, proposing, "There might, at least, be two criminals, instead of one" (TBR 147). Miles senses that he has just missed an exchange

that would explain all he has witnessed, and all that Coverdale reports. Coverdale speculates that the topics ranged from

Zenobia's whole character and history; the true nature of her mysterious connection with Westervelt; her later purposes towards Hollingsworth, and, reciprocally, his in reference to her; and, finally, the degree in which Zenobia had been cognizant of Priscilla, and what, at last, had been the real object of that scheme. On these points, as before, I was left to my own conjectures (TBR 148).

It merits noting that Coverdale of course conjectures *before* he admits to conjecturing: nothing which Hollingsworth or Zenobia say to him necessitates that Zenobia's character and history, her relationships with Hollingsworth and Westervelt, or the way in which Priscilla has been passed around like a commodity have been discussed. Coverdale primes the reader's interpretation of the remaining conversation with his suspicions as if they were themselves established facts.

Through his careful insertions and omissions, his revisions of two narrative accounts, and his metaphorical and literal uses of positive law therein, Coverdale tries to turn *Blithedale* from the story of a failed utopia into the site of a contest between mesmerism and legal enfranchisement. The illustrative cases in Coverdale's story are the half-sisters Priscilla and Zenobia. His version reads something like the following.

In his wealth, Fauntleroy fathers Zenobia. Because he is shallow but wealthy, Zenobia is whimsical but self-possessed. When he exhausts his means, Fauntleroy forges—creates fake credit/ability—to try and extend his way of life. He is detected in this felony; to avoid punishment he flees, abandoning his child, wife, and estate. When his wife dies Fauntleroy's brother assumes custody of Zenobia, and raises her as his own daughter.

Dispossessed, Fauntleroy assumes the name Moodie and moves to Boston, where he eventually remarries and fathers Priscilla. Because Fauntleroy is poor and a criminal, Priscilla is neither willful nor self-possessed. To shore his younger daughter up, Moodie therefore tells Priscilla stories about the splendid Zenobia. However remotely, Priscilla thus relies on Zenobia to anchor her identity. With such a predicated sense of self ("I am my sister's sister"), Priscilla grows increasingly impressible and her neighbors begin to gossip about the girl's strangeness. Word of Priscilla's clairvoyant abilities reaches the mesmerist Westervelt, and he begins to enthrall her under Moodie's supervision. Moodie regrets his choice to give Westervelt access to Priscilla, and begins to search for a way to separate them from one another.

Meanwhile Zenobia's uncle dies, and his wealth devolves on his adopted daughter. However, Zenobia's uncle leaves will to secure her as the inheritor of his estate: there are no obvious competing claims and, (in)conveniently, he dies suddenly anyway. But Moodie is still Fauntleroy—still next-of-kin—and can claim his brother's wealth. He alone knows that he has the stronger legal claim to the means Zenobia currently wields, but he lets her retain the income because she is more self-possessed than Fauntleroy, and (by his logic) therefore the better recipient of her uncle's estate. She *should* keep the money because she can use it better than he can.

Nonetheless Moodie also wants to protect Priscilla from Westervelt. When he learns of Zenobia's investment in a utopian enterprise, he seeks to place his older daughter between Priscilla and the mesmerist. He persuades Hollingsworth to escort Priscilla to Blithedale where she may be safe in the sphere of Zenobia's influence. In short Fauntleroy refuses to challenge Zenobia's legally dubious claim to her uncle's

inheritance, at first because she protects Priscilla better than he could with the same means, and later because he recovers some of his self-possession vicariously through Zenobia's success. But Fauntleroy *will* stake his claim to Zenobia's wealth if she fails to screen her half-sister from Westervelt.

Unbeknownst to Fauntleroy, Westervelt and Zenobia have a pre-existing relationship. Possibly lovers and potentially married, the mesmerist manages to secure an audience with the strong-willed woman. In their forest exchange Zenobia confirms that she is chaperoning Priscilla at Blithedale. Westervelt warns her that Priscilla is a threat that he can resolve if Zenobia stands aside. The woman at first refuses to help Westervelt re-establish his influence over Priscilla, but nonetheless begins to entertain doubts about Priscilla's character.

When the opportunity arises, Zenobia tests the girl by telling a fable based on Westervelt's claims. In that tale, the Veiled Lady is set loose from a Magician's enchantment by an oafish interloper. The Veiled Lady flees to a socialist community not unlike Blithedale, where (uncontained) she exerts tremendous influence over the reformists living there. The Magician manages to get the attention of one among these reformers, and gives her a veil to throw over (and contain) the Veiled Lady. As the woman in the story tosses her veil over the maiden, Zenobia literally throws another over Priscilla. Priscilla's subdued response confirms Westervelt's reports (and Zenobia's suspicions) about Priscilla's tractability.

Both half-sisters get the attention of the idealist Hollingsworth. Priscilla senses but cannot articulate the sexual tension between Hollingsworth and Zenobia; all she can say is that both adults care about her well-being, and that she feels strongly about both.



Zenobia sees Priscilla as a both a charge under her care but also as a rival in love. Thus, as Priscilla grows healthier and more attractive in the safety of Blithedale, Zenobia grows more and more contentious with her ward. When Hollingsworth starts to show a greater interest in Priscilla than in Zenobia, Zenobia hands Priscilla off to Westervelt.

Coverdale has framed the narrative such that—at this point—the reader has sufficient cause to believe Zenobia hands Priscilla over to Westervelt willingly and knowing what Westervelt intends to do with the girl. She has the means (a prior acquaintance with Westervelt) and the motive (competition for Hollingsworth's love). In transferring custody of Priscilla to Westervelt in Boston, she violates the (unspoken) terms of compact which Moodie has set on her retaining her wealth. Hollingsworth goes to rescue Priscilla from Westervelt, Moodie assumes the name Fauntleroy publicly, and Zenobia lately learns that she has been dispossessed of her wealth for committing this moral crime.

In the story Coverdale wants—and tries—to tell, Zenobia's immorality not only precipitates her disenfranchisement but repels Hollingsworth. By debasing herself Zenobia enfranchises Priscilla and secures Hollingsworth's and Priscilla's attachment. Zenobia loses her money, and with it her ability to impress, and Hollingsworth— now free of her influence—puritanically judges her for behaving like a witch, saves Priscilla, and becomes a hero. Good people—no matter how complicated their motives may be—are rewarded for their virtues and bad people are punished. The innocent find safety in the contracts of positive law and in those who draw them. Judge Hollingsworth saves, Zenobia founders, and Priscilla is installed as an heiress.

But Zenobia overturns the narrative Coverdale seeks to impose, and demonstrates an ability to deploy the law as a metaphor far more compellingly than Coverdale ever does. Once she begins interrogating Hollingsworth, Coverdale stops interrupting and simply reports Zenobia's cross-examination. First she stresses that she has just discovered that she may soon be poor because of a "strange fact" which Hollingsworth has known for at least as long. She continues to insist that she was planning to invest most if not all of her money in Hollingsworth's penitentiary without any "terms of compact." She underscores that if Hollingsworth assumed any "conditions of this expenditure" then they were of his own imagining. Hollingsworth concedes all of these points; Zenobia assumed her wealth was secure, offered it to him freely, and never insinuated entering into any contract—conjugal or otherwise—with Hollingsworth in recompense for giving him the money to build his reformatory.

Finally Zenobia demands that Hollingsworth answer whether he loves "this girl" Priscilla (TBR 149). He prevaricates initially, but when Zenobia insists Hollingsworth answers in the affirmative. At this juncture Zenobia accuses him of several treacheries. She confesses that while she has made mistakes—the mistakes her sex are wont to make—Hollingsworth has "mortally offended" God with his behaviors. "Are you a man?" she spits. "No; but a monster! A cold, heartless, self-beginning and self-ending piece of mechanism!" (TBR 150). According to Zenobia, Hollingsworth's recent behaviors have revealed how egotistical he is; those choices have awakened, "disenchanted, disenthralled" her. She sees now who he really is.

Zenobia indicts Hollingsworth for four moral crimes, three of which are obvious in Coverdale's narrative. First, Hollingsworth intended to buy out Blithedale and convert

it from a utopian commune into his reformatory; if he had succeeded, then the reformists would have worked the land and prepared the property only to be evicted. Second, Hollingsworth broke ended his friendship with Miles after the poet refused to commit himself to Hollingsworth's project.<sup>115</sup> Now, and third, Hollingsworth ends his friendship with Zenobia since she is likely to be poor and therefore no longer of material use to him.

It is Zenobia's last indictment, however, that destabilizes this romance by troubling the plot Coverdale has been unfolding for the reader. She claims, "But, foremost, and blackest of all your sins, you stifled down your inmost consciousness!—you did a deadly wrong to your own heart!—you were ready to sacrifice this girl, whom, if God ever visibly showed a purpose, He put into your charge, and through whom He was striving to redeem you!" (TBR 150). And with this last accusation, Zenobia provides information for the reader that Coverdale has not previously framed. The new evidence Zenobia introduces undermines the story Coverdale has unfolded for his reader. Instead of a criminal mastermind, Zenobia presents herself as Hollingsworth's accomplice. *He* encourages Zenobia to hand Priscilla back over to Westervelt. Zenobia (who proves immune to Westervelt's influence) sees no great harm in reconnecting those two, and the solution to the love triangle. But if Zenobia is right in claiming that Hollingsworth was "ready to sacrifice this girl," then Hollingsworth also *knew* that Westervelt intended to subjugate Priscilla.

Assuming that Zenobia's final indictment holds water, most critics draw several inferences about the way in which Priscilla ends up under Westervelt's control again. Somehow (which the narrative never explains), Hollingsworth knows of both Zenobia's and Priscilla's previous connections with Westervelt. Further still he knows that Priscilla

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<sup>115</sup> See TBR 91-95.

and Zenobia are sisters, and that the man he knows as Moodie can claim Zenobia's wealth. Hollingsworth wants something from both of the sisters: he needs the money Zenobia possesses, and as Robert S. Levine demonstrates, he wants the sentimental companionship Priscilla represents.<sup>116</sup> With these motives, Hollingsworth hatches a complicated plot.

To separate Zenobia from her money, Hollingsworth will urge Zenobia to hand Priscilla back over to Westervelt. Afterward, Hollingsworth will follow Priscilla and Westervelt on their lecture hall tour. The philanthropist will gamble on his strength of will to trump Westervelt's powers of suggestion when they come into direct competition, and free Priscilla from her hypnosis. Fauntleroy by this time will have learned of Zenobia's betrayal, and divest his older daughter of her estate because she has tarnished herself. Fauntleroy will enfranchise his younger daughter, and once she marries Hollingsworth her estate will become his. Thus Hollingsworth will get Zenobia's money and Priscilla's love.

Although this reading makes sense of the end of the romance, it still relies heavily on suppositions that cannot be verified or unverified. Granted, Coverdale, Zenobia, and Hawthorne all leave it to their audiences to make meaning at this critical juncture. But Zenobia stresses, and Hollingsworth concedes, that she would have been willing to give him *all* of her money without any obligations. Hollingsworth does not need to estrange Zenobia from her wealth in order to both get the funds for his project and retain Priscilla's sympathy. In point of fact, this extravagant plot makes both of Hollingsworth's ends less likely: even if he knows of the blood relationships between Zenobia, Priscilla, and Fauntleroy, and moreover somehow knows that Fauntleroy is legally entitled to claim

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<sup>116</sup> See Robert S. Levine, "Sympathy and Reform in *The Blithedale Romance*," 219-221.

Zenobia's estate, Hollingsworth still might not be able to rescue Priscilla from Westervelt, and Fauntleroy might keep the money. The philanthropist would in effect be gambling on several people behaving as he hopes, and risking both the money he needs and the woman he loves without any need.

Zenobia's accusation therefore raises numerous questions which Coverdale has neither acknowledged nor prepared the reader to encounter. First, what possible cause could Hollingsworth have for allowing this to occur? And why, after all, *is* Hollingsworth in the village-hall where Westervelt puts Priscilla under hypnosis? Why is he sitting in the audience at all, if he knows Priscilla is there and that she needs his help? An answer presents itself, if few put it forward: perhaps Hollingsworth wants to learn the trick to mesmerism—a trick which Westervelt can teach him in this lecture hall by operating on a subject whom Hollingsworth knows to be susceptible to the power of suggestion.

This is certainly a contentious claim, but it makes sense of both Coverdale's and Zenobia's criticisms of Hollingsworth. Earlier in the romance Coverdale briefly describes Hollingsworth's philanthropy as a "strange, and, as most people thought it, impracticable plan for the reformation of criminals, through an appeal to their higher instincts" (TBR 27). It is hard to conceive of a more powerful form of persuasion than compulsion—the capacity for one individual to treat "human character [as] soft wax in his hands; and guilt, or virtue, only the forms into which he should see fit to mould it" (TBR 136). And Westervelt can do that—or at least claims he can. If handing Priscilla over to Westervelt so the mesmerist can display the mesmerized in lecture halls is the cost of learning this trick, Hollingsworth might well pay that price.

Remarking that the philanthropist "desires nothing from individuals but their submission," Nina Baym observes, "When the fortune shifts from Zenobia's to Priscilla's possession, so does Hollingsworth's allegiance, and he rescues Priscilla from the clutches of the villain only a few days after he had agreed that she might be delivered to him.... Hollingsworth is a man of things, power, money, and material."<sup>117</sup> As Baym stresses, Hollingsworth cares mostly about the utility of people. Even his desire for submission from them can be understood as their investment of emotional capital in his plans. If he wants Priscilla's sympathy, it is as the emotional equivalent of the material capital which Zenobia so recently loses. Maybe he is willing to relinquish that emotional capital for a more powerful tool.

It costs Zenobia her credibility as a feminist (she couches her misdeeds as the result of "every fault ...that a woman ever had"), but Zenobia—now a criminal in the court of public (enough) opinion—has nothing left to lose. So she manages to convict Hollingsworth of a deeper crime than her own. And when she presses, her indictment convicts the philanthropist. He leaves Eliot's Pulpit leaning on Priscilla, defeated, and the man of singular conviction disappears from the romance. As the romance closes, Hollingsworth will be affected—not effective.

If this is indeed the story Coverdale tells in *Blithedale*, it is a problematic one. All starts well enough: Coverdale connects Priscilla's impressibility with her destitution and her father's legally dubious status. He connects Zenobia's fraught ability to impress with her uncertain wealth. He connects Westervelt's ability to impress Priscilla with his

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<sup>117</sup> Nina Baym, *The Shape of Nathaniel Hawthorne's Career* (Ithaca: Cornell University Press, 1976). 194-195.

manipulation of the natural order of things, and Hollingsworth's greater ability to impress with his singleness of purpose. Hollingsworth is most impressive, Westervelt next, then Zenobia, and least impressive of all Priscilla, respective to their enfranchisement in positive law. Hollingsworth wants to *rewrite* positive law while Westervelt wants to *manipulate* natural law. Zenobia falsely thinks she is *protected* by positive law while Priscilla is *contained* by natural law. The men act, and the women are acted upon. Those who manipulate the law control other people at extremely deep levels. But this reading also enervates much of the subversive potential of this romance. It relegates Zenobia's motives to something akin to feminine-nominal, if eccentrically expressed. It reinforces Priscilla's submissiveness as an ideal domesticity, if in the extreme. It renders Hollingsworth's singleness of purpose as inhumanity, if uncertainly. It reduces Westervelt's mesmerism to a parlor trick—a distortion of sympathy—if incompletely.

The narrator sets this all up to construe positive law—a patently human enterprise—as a counterforce to mesmerism, a last line of defense for individual agency. But legalists go too far: the most lawfully minded individual in the romance (Hollingsworth) commits more villainous acts than its ostensible antagonist (Westervelt). Hollingsworth persuades Zenobia to trade Priscilla to Westervelt with the motive of estranging Zenobia from both her father and her sister. In so doing, he construes Priscilla as an asset—no matter how valuable she proves to be to Hollingsworth, the reformer knows that Westervelt treats her as an abject object in his village hall performances. In both actions, Hollingsworth renders himself morally incapable of reforming criminals. As Zenobia claims, "a great and rich heart has been ruined in [his] breast" (TBR 150).

Coverdale may manage to make positive law—specifically legal enfranchisement and criminal indictment—signify the ability to impress or the capacity to be impressed, but almost all of his characters end up criminals. The one person whose agency Coverdale's narrative should protect turns into a thing handed around by Fauntleroy, Hollingsworth, Westervelt, and Zenobia. Indeed, one of Hollingsworth's first proclamations in *Blithedale* is, "As we do by this friendless girl, so shall we prosper!" (TBR 23). But each of her friends fail her in turn. Even Coverdale mistreats the girl, trying (like Zenobia's Theodore does with the Veiled Lady) to "come within her maidenly mystery," to "peep beneath her folded petals," when "she appeared to be tossed aside by her other friends" (TBR 88). And like Theodore, Coverdale claims that he falls hopelessly in love with the girl forever after. Priscilla becomes his Lilith—the woman he cannot possess but cannot forget. Of this cast, Priscilla alone never misbehaves, never violates her own principles—but only because she cannot.<sup>118</sup> She is a leaf, blown about.

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<sup>118</sup> One other character performs within *Blithedale*, albeit peripherally: Silas Foster. This marginalized character is far from irrelevant, however. As Russ Castronovo argues in *Necro Citizenship*, Silas provides the reader with the most radical democracy this narrative can offer (Durnham, NC: Duke University Press, 2001), 139-142.



Chapter Four—How the West Was Domesticated: Domesticity and Crime in Harte's  
*Overland Fictions*

Brett Harte's vignette "Mr. Thompson's Prodigal," published in 1870, is an odd tale. In it Mr. Thompson sets out for the west coast in search of his long-lost son Charles. Mr. Thompson, himself a reformed man, hopes to effect the same conversion in his wayward offspring. Late one night while looking for his child in back alleys, Mr. Thompson is set upon by a young man. Mr. Thompson, who lived as a sailor, easily overpowers his foe and demands his name. The adolescent cries "Thompson!" and the older man happily believes him.

Charles Thompson lives up to his father's hopes. He quits drink, stops gambling, and certainly stops committing strong-arm robbery. His father is wealthy and provides for his material needs, and this affords Charles the opportunity to look after his moral wants. But Mr. Thompson grows increasingly agitated; why, the narrative asks, does he feel so empty now that he has satisfied his goal? In an effort to find contentment, Mr. Thompson throws his son a feast at which, it is hoped, Charles will find a suitable wife and (it is implied) sire a more intractable child. But this falls apart when a drunken man interrupts the party. Charles recognizes him, and his father's ire kindles. Demanding to know the meaning of this intrusion, Mr. Thompson asks Charles who the interloper is. And Charles admits, "Your son."<sup>119</sup>

It is Charles' explanation which merits the close attention for which this synopsis calls. After thanking Mr. Thompson for all his generosity and charity, for being a father when he had none, Charles pleads, "O, sir, if I was hungry, homeless, and reckless when I would have robbed you of your gold, I was heart-sick, helpless, and desperate when I

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<sup>119</sup> Bret Harte, "Mr. Thompson's Prodigal" (*The Overland Monthly* 5:1, 1870), 95.

would have robbed you of your love." These lines play with the notion of identity theft, but in a fashion slightly different from *Incidents* and *Blithedale*; where we generally associate that crime with the taking of property, this narrative instead imagines that affection itself might be the more valuable—and irreplaceable—commodity. It is not with Mr. Thompson that the reader is encouraged to associate, but with the swindler who learns to be a good man under Mr. Thompson's tutelage. Moreover it begs the question, to what other criminal characters does Harte want us to open hearts?

Between January of 1868 and December of 1870, Bret Harte published eight short stories in *The Overland Monthly*, the periodical for which he served as editor until 1871. The first of these, "The Luck of Roaring Camp," garnered him national attention and was certainly the most republished of his Overland stories. But the other seven—"The Outcasts of Poker Flat," "Miggles," "Tennessee's Partner," "The Idyl of Red Gulch," "Brown of Calaveras," "Mr. Thompson's Prodigal," and "The Iliad of Sandy Bar"—also enjoyed relatively wide circulations.<sup>120</sup>

Beyond their common publications in *The Overland Monthly*, several thematic elements connect these discrete fictions. Most notably, all eight narratives are situated in California. Several take place in (and between) the communities Roaring Camp, Poker Flat, Red Dog, and Sandy Bar. All discuss some form of impropriety, and most make some reference to criminality. It is this latter element that I will discuss in greater detail. Harte's narratives explore a variety of relationships between the criminal and the community. Each iteration of this tension depicts criminality as a contest between agents

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<sup>120</sup> See Gary Scharnhorst's *Bret Harte: A Bibliography* (Lanham, MD: Scarecrow Press, 1995), 107-131 for exhaustive publication histories of each piece.

and social orders. These narratives are generally critical of the social contract and alert to the potential for groups to become mobs.

It is what these narratives *encode* in criminality that most interests me. In the following readings I argue that, in criminalizing alternative domestic arrangements, Harte's *Overland* fictions offer meaningful investigations of domesticity. "Roaring Camp" and "Sandy Bar" do this work at the furthest removal from their characters, generally examining the domestic from the level of a greater community. "Miggles" and "Tennessee's Partner" draw closer to individual characters and lean more heavily on dialogue than the aforementioned "camp" fictions. In these two stories individuals struggle with social codes and find no place for their relations within the common narratives. Even so, the narratives remain outside of the characters they develop. But "Outcasts" and "Brown" dwell on the agency by which cultural transformations can occur. By criminalizing their protagonists both narratives can examine normative social constructions from the position of an outsider. But both of these othered characters endeavor to serve the interests of normalized characters, and consequently the collective impulse that make norms.

### **Surrogates and Senators**

Harte's *Overland* sequence begins and ends with the evolution of a camp from a disparate band of roughs into an organized community. "The Luck of Roaring Camp" and "The Iliad of Sandy Bar," respectively Harte's first and final stories for *The Overland Monthly*, offer a serendipitous framework for my reading. Both stories document the social

evolution of a camp into a more permanent settlement, and criminals directly accomplish the transformations of both communities.

"The Luck of Roaring Camp" chronicles the birth and first year of an infant raised by a community of prospectors. The baby's mother, Cherokee Sal, dies in childbirth, leaving him in the care of the all-male residents of the outpost. Unfamiliar with infancy but unwilling to abandon a newborn, Roaring Camp opts to adopt the child—whom they christen Tommie Luck—as their son. Over the course of the year, the camp transforms from a violent, loud, and temporary establishment into a clean, quiet, and permanent settlement. The inhabitants renovate their buildings to keep Luck safe from injury, sell their valuables to buy Luck necessities and toys, and clean and groom themselves to keep Luck free from sickness.

As their settlement comes to resemble a town, the residents organize a de facto government which formally defines the borders of Roaring Camp. Several vote to immigrate full families, and plans to build hospitality services for travelers and tourists circulate. Each plan is made with the hopes of increasing the sphere of Tommie Luck's influence and future social prospects. Consequently, Roaring Camp transforms from a violent, loud, and disorganized environ into a quiet, peaceful, and planned community.

The reformation of the camp does not last, however: it loses its order and functional center when a severe winter causes the river bordering Roaring Camp to flood. The deluge washes most of the settlement away, effectively erasing the changes which its citizens have wrought. Over and beyond this material damage, Roaring Camp suffers the loss of three important individuals—the radically reformed prospector Kentuck, Luck's surrogate father Stumpy, and Luck himself.

As many have attested, "Roaring Camp" secured Harte's national reputation. But, as Gary Scharnhorst notes, this sketch also raised the ire of several California-based religious newspapers, who interpreted it as a blasphemous mockery of the canonically virgin birth of Jesus.<sup>121</sup> Issues of taste and propriety also attended its publication. Scharnhorst relates, "Although tame by modern standards, the story nearly died in galleys. The proofreader and printer objected to the 'immoral and indecent' portrayal of Cherokee Sal and to the vulgarities of the miners."<sup>122</sup> Axel Nissen similarly acknowledges, "The modern reader may wonder at how the author dared to confront a postbellum audience with both prostitution and miscegenation. Harte, of course, ran a calculated risk," but it was in part the tension "between novelty and convention, between piquancy and propriety" that made 'Roaring Camp' a national hit."<sup>123</sup>

Most recent criticism of "Roaring Camp" focuses less on its potentially religious undertones than how this narrative conceptualizes gender. Nissen draws the critic's attention to an important motif at work within Harte's first *Overland* story. "Roaring Camp," Nissen argues, depicts "the most male-dominated, coarse, inveterately sinful and unchristian environment in America" as "the aptest earthly illustration of the heavenly kingdom, and an illegitimate child of mixed race its chief minister."<sup>124</sup> Wedding domesticity to this ostensibly un-domestic site affords Harte the opportunity "to represent a *lawless* and *uncivilized* phase of American history in a way that would not only capture

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<sup>121</sup> See Gary Scharnhorst, *Bret Harte: Opening the American Literary West* (Norman, OK: University of Oklahoma Press, 2000), 40.

<sup>122</sup> Gary Scharnhorst, *Bret Harte* (New York: Twayne Publishers, 1992), 23.

<sup>123</sup> Axel Nissen. "The Feminization of Roaring Camp" (*Studies in Short Fiction* 34, 1997), 380.

<sup>124</sup> *Ibid.*, 381.

the imagination of the middle-class, magazine-buying public, but also be socially acceptable."<sup>125</sup>

J David Stevens similarly contends that "Roaring Camp" works because the narrative imagines masculinity and femininity intertwining within the socially marginalized figures who decide to raise Luck together. He writes, "What seems like Harte's slighting of women becomes his affirmation not only of the importance of feminine qualities in a civilized society but also of the necessity of their expression by males. ... 'Roaring Camp' thus unfixes the cultural ascription of gender roles, implying that society functions best when maternal and paternal qualities are expressed equally by both sexes."<sup>126</sup> The language of feminine and masculine is not the most germane for discussing "Roaring Camp;" Stevens foregrounds that the men of Roaring Camp perform feminized duties, and perform them well, because these functions are not essentially "womanly."

"Roaring Camp" ironically deploys the suffragist vocabulary Nissen notes, and it does depict men behaving in conventionally feminine ways, but the narrative does not on these merits become a misogynistic polemic. Matthew A Watson argues, "Rather than reading the civilizing of the West through the nineteenth-century sentimental notion of marriage's power to subordinate husbands to the moral sway of wives, Harte imagined a West civilized by a sentimentality separate from the gendered hierarchy of the traditional nineteenth-century marriage."<sup>127</sup> That is, the narrative endeavors to escape the powerful and entrenched masculine/feminine binary which so often mediates relations between the sexes in mid-nineteenth century American literature.

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<sup>125</sup> Ibid., 379. Emphasis mine.

<sup>126</sup> J. David Stevens, "She war' a woman" (*American Literature* 69:3, 1997), 576.

<sup>127</sup> Matthew A. Watson, "The Argonauts of '49" (*Western American Literature* 40:1, 2005), 45.

"Roaring Camp" certainly undermines easy gender associations, and it accordingly troubles other norms that prove no less important or recurrent in Harte's *Overland* fictions. Stevens and Watson may share Nissen's assumption that, "from the most unpromising of starting points, Harte creates an all-male utopia,"<sup>128</sup> but this utopia's residents are not only all-male; they are criminals, fugitives, runaways, vagabonds, fathers in absentia, and (almost exclusively) prospectors. It is not just men but the *unlikeliest* of men who demonstrate the ability to fashion a social space that predicated on stable domesticity.

Criminality is not the focus of "Roaring Camp," but it is a significant component of its subtext. Most obviously, outlaws comprise a large section of the settlement's population. Roaring Camp functions as a veritable "city of refuge" for its one hundred male residents, of whom the narrator remarks, "One or two of these were actual fugitives from justice, some were criminal, and all were reckless."<sup>129</sup> (184). It is noteworthy that this list only includes three overlapping and descending disruptors of the social order—convicts evading punishment, criminals escaping conviction, and risk-takers (barely) avoiding criminality. Only a few are convicts but many could be convicted, the narrative suggests, and even the most widely-applied descriptor of "reckless" carries with it a potentially criminal valence.

In Roaring Camp the moral and immoral, the innocent and criminal, blur together. To illustrate this point, the narrative stresses that a visitor would be unable to distinguish a violent felon from an upright prospector by physical characteristics. Criminals are handsome, innocent men are ugly; strong men are short, and missing body parts can be

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<sup>128</sup> Axel Nissen, "The Feminization of Roaring Camp," 385.

<sup>129</sup> Bret Harte, "The Luck of Roaring Camp" (*The Overland Monthly* 1:2, 1868), 184. Hereafter all references to "The Luck of Roaring Camp" will be cited in-text as (RC #).

explained by mining accidents or frostbite as easily as by knives or bullets. The narrative relays,

Physically, they exhibited no indication of their past lives and character. The greatest scamp had a Raphael face, with a profusion of blond hair; Oakhurst, a gambler, had the melancholy air and intellectual abstraction of a Hamlet; the coolest and most courageous man was scarcely over five feet in height, with a soft voice and an embarrassed timid manner. The term "roughs" applied to them was a distinction rather than a definition (RC 184).

Criminality may demarcate this community, but crime does *not* mark its constituents in a substantively different manner than any other form of activity. The narrative begins to disentangle identity from criminality here, but the dissociation will continue to unfold past the end of "Roaring Camp" and into the bulk of Harte's *Overland* fiction.

These reckless, often criminal, occasionally felonious men manage to live and work alongside one another before Luck's birth simply by tolerating violence. Altercations are regular enough that the residents of Roaring Camp treat them as non-events. While describing Luck's birth, the narrative mentions of bloodshed:

There was commotion in Roaring Camp. It could not have been a fight, for in 1850 that was not novel enough to have called together the entire settlement. The ditches and claims were not only deserted, but "Tuttle's" grocery had contributed its gamblers who, it will be remembered, calmly continued their game the day that French Pete and Kanaka Joe shot each other to death over the bar in the front (RC 183).

If violence is so common that people gambling behind a storefront ignore a shootout to finish their game, the narrative implies, then (in Roaring Camp) criminality is not the abnormality but the most mundane of realities. It is only novel to the outsider, the reader looking in through the narrative's frame. "Deaths were by no means uncommon in Roaring Camp," the narrator indicates, "but a birth was a new thing. People had been dismissed [from] the camp effectively, finally, and with no possibility of return" (RC



183). People kill each other, and their neighbors do not necessarily trouble themselves about it. But they are still copartners in a functional (if necessarily temporary) social arrangement.

"Roaring Camp" may then imagine a place where the felon can raise a family, where the criminal can make a community, and where the reckless can become respectable. But the narrative does not allow Roaring Camp to succeed. Matthew A. Watson understands its demise as a prefiguration of the fate of the working class in California, claiming that "the destruction of Roaring Camp serves as a figure for the dashing of the miner's hopes that California would work a magical transformation on his class-marked life. Instead, he would be a wage laborer in the West as he had been in the East."<sup>130</sup> The miners of "Roaring Camp" do prosper and transform before their settlement gets washed away by a flood, and an allegorical reading of this story does hold together. But to read "Roaring Camp" thus requires ignoring several other salient elements of the text.

Before Luck's birth the miners play cards, shoot each other, and visit prostitutes. At Luck's birth they adopt an infant, give him gifts, and christen him "Thomas Luck, according to the laws of the United States and the State of California. So help me God." (RC 187). More than just a humorous conflation of church and state, this form tries to bring the law to Roaring Camp—and in so doing it wryly suggests that these rugged outliers can imagine no law beyond God's.

And after Luck's birth, the miners build a town from a tent camp. Although the narrative does concede that their claims "yielded enormously" (RC 188) it never depicts the prospectors *prospecting*. They just get the gold, which they spend to improve the

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<sup>130</sup> Matthew A. Watson, "The Argonauts of '49," 44.

quality of Luck's life and—by extension—their settlement. The difficulty then that the deluge resolves is not so much that prospectors prosper, but instead that criminals (for lack of a better verb) commune. The narrative recounts,

With the prosperity of the camp came a desire for further improvement. It was proposed to build a hotel in the following spring, and to invite one or two decent families to reside there for the sake of "the Luck"—who might perhaps profit by female companionship. The sacrifice that this concession to the sex cost these men, who were fiercely skeptical in regard to its general virtue and usefulness, can only be accounted for by their affection for Tommy. A few still held out. But the resolve could not be carried into effect for three months, and the minority meekly yielded in the hope that something might turn up to prevent it. And it did. (RC 189).

The narrative logic reaches a point of saturation, where no further restructuring of gender will yield a discernible benefit for Luck or Roaring Camp. At that point, no way forward remains for the community but to infuse their alternative domestic structure with decent (read: "normal") families. The criminal statuses of these characters, however, presents no small difficulty: what decent people would want to live in a town like theirs? In his later *Overland* fictions Harte will explore this intersection of decency and difference, and criminality will again serve as an interlocutor. But to accomplish that task he first has to wipe the slate clean, and wipe Roaring Camp away with it.

Like "Roaring Camp," "The Iliad of Sandy Bar" documents the evolution of a small camp into a township. But where a collective surrogate fatherhood serves as the engine of transformation in "Roaring Camp," a conflict between two men drives that of "Sandy Bar." Scott and York, roommates and mining partners, suffer a falling-out which the narrative initially obscures from the reader. Their nearest neighbor reports that he heard shouting before gunshots, but that he saw both Scott and York walk away. The residents

of Sandy Bar speculate wildly about the source of the enmity between York and Scott, all the while eagerly awaiting a mortal conflict between the former partners. The two men disappoint Sandy Bar, however, for when they next cross paths Scott ignores York and York ignores Scott.

This is not to say that the two do each other no harm: instead of the exchange of bullets which the community looks for, York and Scott take their feud into business, law, and ultimately government. Scott secures the Amity Claim from York through litigation. York rejoins by purchasing the property between Sandy Bar and the Amity Claim to prevent Scott direct access to the camp. Scott parries by damming the river downstream of York to overflow the other's property. Scott agitates the community to drive off York's Mongolian immigrant workers and good friend Jack Hamlin. York retaliates by founding a newspaper solely to publish the opinion that Scott's actions are a "lawless outrage." York does Scott one better by funding a church that will condemn Scott's behavior, but Scott builds a saloon across the street. Their contest culminates in a political race where, on opposing tickets, both run for a seat in the local legislation. Scott ultimately wins the election, and in a self-imposed exile York amasses cosmopolitan tastes, bohemian mannerisms, and international wealth while traveling in Europe. But the cause of their antagonism remains undisclosed throughout this entire series of escalations.

The narrative concludes with York returning years later to his old haunt only to discover the camp of Sandy Bar has become the full-fledged city of Riverside, replete with churches, schools, restaurants, and hotels. York returns to the cabin he and Scott shared, where he finds his rival in a sick and drunken stupor. He lingers for a week, but is terminally ill. Before he passes Scott and York reconcile, and we finally learn that the

cause of their long-running feud was the amount of saleratus (now commonly called baking soda) York added to a loaf of bread.

Few critics have written about "Sandy Bar" recently, and those who have made note of the story focus primarily on the nature of Scott and York's relationship. In both his 1992 and 2000 biographies of Bret Harte, Gary Scharnhorst suggests a falling-out between Harte and Mark Twain as a subtext for the rivalry between Scott and York,<sup>131</sup> and Mark Storey observes that "love between men, if not completely tacit, is not quantified," leaving open the question of whether the relationship between these partners was romantic.<sup>132</sup> But the character of the feud between York and Scott merits attention.

The reader learns through cursory remarks that Scott—who deserted from the army and abandoned a wife—starts out a felon, while York is a lawyer.<sup>133</sup> Nonetheless both of the two perform several criminal acts over the course of their rivalry. Their public dispute may begin in the form of litigation and end in a campaign, but on the way the two together commit arson, vandalism, theft, and destruction of property (SB 482). It is worth noting that these crimes occur simultaneously with the improvements both partners accomplish in Sandy Bar, and their various transgressions of the law remain an open secret in the community at large.

But nobody in the text seems willing to interfere. This is in part because only York's and Scott's property suffer damage, and only their friends and employees get driven out of town. Since they suffer few obvious risks (but do enjoy many material benefits) as a consequence of the feud, York and Scott's neighbors lack any real incentive

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<sup>131</sup> See Gary Scharnhorst, *Bret Harte: Opening the American Literary West*, 45-46.

<sup>132</sup> Mark Storey, *Urban Fictions, Rural Realities* (New York: Oxford University Press, 2013), 203.

<sup>133</sup> Bret Harte, "The Iliad of Sandy Bar" (*The Overland Monthly* 5:5, 1870), 482-483. All future references to "The Iliad of Sandy Bar" will be cited in-text as (SB #).

to intervene. Moreover they do not know how to. They do not understand the nature of the feud, and the rivals disdain the only resolutions with which Sandy Bar is familiar—"ten minutes over a social glass, ef [sic] they meant business" and "ten seconds with a revolver, ef they meant fun" (SB 481).

The narrative logic splits at this juncture: it panders to the conception of the frontier as a violent space, but only to promote the notion that the frontier can be otherwise: Colonel Starbottle might lament that the camp is "played out" when Scott and York pass each other without violence, but the *Poverty Flat Pioneer* praises the installation of York's church and Scott's saloon as signals of society coming to California in earnest.

The narrative implies that Sandy Bar becomes Riverside strictly because two men fall out, and relocate their domestic dispute to the public sphere. Neither Scott nor York actively seeks the improvement which their rivalry elicits, but everyone benefits. The entire community profits indirectly from pooling their resources to raise Tommy Luck in "Roaring Camp;" the entire community profits indirectly from York and Scott pitting their resources against each other in "Sandy Bar." This is not to say, however, that Roaring Camp fails because of cooperation while Sandy Bar succeeds because of competition. In the end the contest between York and Scott ends with the two reuniting, albeit briefly. The resources that fund their fight came from the land, and to the land those resources in effect return.

"Roaring Camp" and "Sandy Bar" both imagine possible futures for California in the past. To make these transformations more palatable, both narratives situate them in

individuals that already reside outside the typical margins required by social contracts. "Roaring Camp" and "Sandy Bar" accomplish social transformations through criminal figures, but neither text develops the interiority of any characters except, perhaps, their narrators. The narratives do leave space for subjectivity within the stories, and at times gesture towards the diversity of human experiences. "Sandy Bar" for example pits real and imagined audiences for a sermon against one another. The minister of the Presbyterian church ("a sincere, fearless, but perhaps not fully-enlightened man") tries to reconcile York and Scott one Sunday:

But the excellent sermons of the Rev. Mr. Daws were directed at an ideal congregation that did not exist at Sandy Bar—a congregation of beings of unmixed vices and virtues, of single impulses, and perfectly logical motives, of preternatural simplicity, of childlike faith, and grown-up responsibilities. As, unfortunately, the people who actually attended Mr. Daws' church were mainly very human, somewhat artful, more self-excusing than self-accusing, rather good natured, and decidedly weak, they quietly shed that portion of the sermon which referred to themselves, and accepting York and Scott—who were both in defiant attendance—as curious examples of those ideal beings above referred to, felt a certain satisfaction—which, I fear, was not altogether Christian-like—in their "raking down" (SB 482).

The narrative points to several forms of effacement here. The pastor trivializes the complexity of his audience, and the audience members imagine that someone else is the target of the sermon. The public sphere here is a place where identity collapses beneath the weight of discourse, where York and Scott's singular actions disappear in an abstraction. Ingenuity serves as the mechanism by which these obfuscations occur. Everyone construes someone else as the problem, and to do this they listen (and speak) selectively.

The question remains, why does one camp fail and the other succeed? Blind chance might explain away this complexity, but so too could the increasing legitimacy

which Scott and York's feud brings to Sandy Bar. While the residents of Roaring Camp bring law to their settlement via a bastardized christening, Scott and York explicitly bring lawyers from San Francisco into the camp to settle a dispute. They build churches, they found newspapers, and they run for public office. Even so, the nature of their relationship remains too complex for the narrative to leave alone. So after their feud has accomplished its work, the narrative kills off one of the partners. As a result the benefits of the antagonism persist while the threat to normative domesticity—that is, that two rivaling men make a better community than a happily married couple—is effectively contained.

### **Prostitutes and Partners**

In "Roaring Camp" and "Sandy Bar" Harte turns the motif of criminality on the formation at the expense of character depth, but both "Miggles" and "Tennessee's Partner" focus on the power of extralegal domestic bonds to shape character choices. Put another way, both narratives focus on the threat to agency which lawfulness encodes. The two narratives apply different kinds of pressure to the concepts of legitimacy and enfranchisement, but (in the title characters' private relationships) both texts celebrate productive alternatives lawful conduct.

"Miggles" is an outlier among Harte's *Overland* fictions insofar as the title character is a woman and the narrator is a participant in his tale.<sup>134</sup> The narrative begins with the narrator and several other people (among them the driver Yuba Bill and an unnamed judge) en route to the town of North Fork by stagecoach. A heavy rainfall washes out the road they travel, and a man on horseback suggests that they "Try

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<sup>134</sup> That is, the narrator of "Miggles" is in direct contact with Miggles and the other characters. Harte's narrators often intersect with the characters they describe, but generally after the events which the narrator relays to the audience.

Miggles."<sup>135</sup> The company pulls up in front of a long wooden building surrounded by a towering stone gate, and the travelers call out for Miggles to board them. After a while they hear the name "Miggles" repeated from within. With the judge's dissent only after the fact, the driver Yuba Bill breaks into the property and the group follows him indoors. To the company's slight embarrassment they find only a paralytic man and a magpie—the source of the repeated name—inside.

In short order a woman wearing a denim dress appears and reveals that she is Miggles, and this is her property. Overlooking the fact that the party are trespassing she welcomes the interlopers to stay overnight. The majority of the narrative takes place during and after the dinner Miggles provides her guests. In the course of conversation she reveals that she once worked as a prostitute. The paralytic man, Jim, was one of her most frequent clients. When he fell ill, Miggles used her savings to build this cottage and take over Jim's care. Miggles shares all of this information with the travelers without hesitation or shame. The two female travelers may share significant glances with each other, but Miggles leaves a favorable impression on the narrator and other men.

Unsurprisingly most critical attention to Miggles focuses on the title character. In her reading, Stephanie Palmer suggests that Harte writes "not from the perspective of the subordinate regional inhabitant, but from the perspective of local cultural arbiter."<sup>136</sup> Palmer construes the narrative as an instance of the "regional travel accident," an occurrence she frequently finds in local color literature. She argues that regional travel accidents "challenge the idea of the bourgeois liberal subject who presumes that he is able to effect his own destiny. [Regional travel accidents] place such a character in direct

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<sup>135</sup> Bret Harte, "Miggles" (*The Overland Monthly* 2:6, 1869), 570. Hereafter all references to "Miggles" will be cited in-text as (Miggles #).

<sup>136</sup> Stephanie Palmer, *Together By Accident* (Lanham, MD: Lexington Books, 2009), 54.



contrast to a provincial, an unfortunate other, who is presumed to be immobilized by circumstance."<sup>137</sup> In this instance, the bourgeois liberal subject is the narrator, while the unfortunate other immobilized by circumstance is Miggles. Over the course of the narrative, "Harte's story reminds readers that the people who make travel comfortable and possible are in danger of being considered 'loose' .... Most disappointing to those tourists who expect sex as well as comfort, [Miggles'] romantic desire for someone other than the tourists ... [and] ability to negotiate that relationship successfully, is made clear."<sup>138</sup> Palmer's reading explicates one of the challenges to subjectivity which local color literature makes possible because it disentangles mobility from agency: Palmer stresses that in this text the character with the most agency—that is, the person most able and apt to exercise preference—is not the judge or Yuba Bill or the narrator, but the prostitute-turned-provider Miggles. Her decision to care for Jim necessarily fixes her in a particular location, but one of her own choosing.

J. David Stevens also invests most of his attention in the title character. Miggles introduces herself and the company immediately endeavors to decipher the character of her relationship with Jim:

"This afflicted person is"—hesitated the Judge.

"Jim," said Miggles.

"Your father?"

"No."

"Brother?"

"No."

"Husband?"

Miggles darted a quick, half-defiant glance at the two lady-passengers who I had noticed did not participate in the general masculine admiration of Miggles, and said, gravely: "No—it's Jim."

There was an awkward pause (Miggles 572).

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<sup>137</sup> Ibid., 14.

<sup>138</sup> Ibid., 74.

The narrative mentions the "half-defiant glance" which Miggles turns on the two female passengers almost in passing, but Stevens unpacks the "defiant" component of that interaction. He writes, "Her challenge is directed not so much toward the women themselves as toward the cultural values they represent. For she realizes that she is an alternative to the feminine norms of 'civilized' society. She is aggressive and self-reliant, and insofar as she makes that identity succeed ... she more than legitimizes her alternative femininity both practically and culturally."<sup>139</sup> Stevens' argument makes a good amount of sense. In the coach driver, the judge, the married couple from Nevada, the French woman, and the sophisticated narrator, "civilization" arrays itself before Miggles to look at (and judge) her and Jim. And where the travelers try to regulate her relationship to Jim, Miggles' singular refrain, "It's Jim," amplifies this tension.

In two moments the narrative importantly draws similarly indirect attention to the performance of law. Near the opening, the carriage driver breaks and enters a private residence, with party in tow, to seek shelter for the evening:

Yuba Bill hesitated no longer. Taking a heavy stone from the road, he battered down the gate, and with the expressman entered the inclosure. We followed. ...

"Do you know this Miggles?" asked the Judge of Yuba Bill.

"No, nor do n't want to," said Bill, shortly, who felt the Pioneer Stage Company insulted in his person by the contumacious Miggles.

"But, my dear sir," expostulated the Judge, as he thought of the barred gate.

"Lookee here," said Yuba Bill, with fine irony, "had n't you better go back and sit in the coach till yer introduced? I'm going in," and he pushed open the door of the building (Miggles 571).

Yuba Bill quite literally commits a criminal offense in the presence of a judge and several other members of respectable society. These sojourners become party to Yuba Bill's breaking-and-entering at the moment where they follow him into the property. Even the

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<sup>139</sup> J. David Stevens, "She war' a woman," 578.

judge allows it (albeit awkwardly) for the sake of his physical comfort. The narrative thus implies that, given the right conditions, the public is generally ready and willing to violate its own explicit principles in order to advance the interests of its constituents.

This tolerance of indiscretion is not limitless, however. After forcing entry into the property, the company finds Jim sitting in front of a fireplace. They do not immediately recognize his malady, setting up the following exchange:

"Hello, be you Miggles?" said Yuba Bill to the solitary occupant.

The figure neither spoke nor stirred. Yuba Bill walked wrathfully toward it, and turned the eye of his coach lantern upon the face. ...

Bill restrained himself with an effort.

"Miggles! Be you deaf? You aint dumb anyhow, you know;" and Yuba Bill shook the insensate figure by the shoulder.

To our great dismay as Bill removed his hand, the venerable stranger apparently collapsed—sinking into half his size and an undistinguishing [sic] heap of clothing.

"Well, dern my skin," said Bill—looking appealingly at us, and hopelessly retiring from the contest (Miggles 571).

When Bill loses confidence, the judge happily assumes authority. He directs Bill to go look around outside for any other occupants of the cabin, and then construes the rest of the party "as an imaginary jury" (Miggles 571) to analyze the situation. In short, physical force and positive law alternate based on both expediency and visibility—the judge only acts as the judge when he *feels* that he is under the scrutiny of a private person whose rights have been violated. As a consequence of this vacillation between brutality and legality, the narrative casts neither form of authority in a favorable light. Both place the wants of interested parties ahead of Jim's, and both fail to explain the circumstances that present themselves to the company.

The law also reveals itself when Miggles explains why she will not marry Jim, for whom she provides succor and solace. In response to the judge's inquiries, Miggles says,

"It would be playing it rather low down on Jim, to take advantage of his being so helpless. And then, too, if we were man and wife, now, we'd both know that I was *bound* to do what I do now of my own accord" (Miggles 575). Importantly Miggles asserts that the legal contract of marriage—which would legitimize her connection and commitment to Jim—would also effectively limit her agency. By keeping her relationship with Jim by definition "illegitimate," however, Miggles believes that her choices retain their authenticity.

But the choice Miggles makes comes with a price: Miggles faces a dilemma: she can either live unlawfully with Jim and retain her autonomy, or she can live lawfully with Jim and lose it. She cannot legally cohabit with Jim outside of a marriage contract, and her decision to do so requires her self-imposed exile. The narrative recognizes this problem, and alleviates the tension in two ways. First, the narrative paints *all* characters in the text as criminals: all travelers tacitly endorse Yuba Bill's forced entry into a private property. If (as Sarah Palmer suggests) these travelers represent a cross-section of the public, then—in their persons—any punitive judgment is compromised. The narrative will go further by offering a valorization of Miggles in its closing lines. After the company leaves her property and arrive at their final destination the narrative relates:

We exchanged not a word until we reached the North Fork and drew up at the Independence House. Then, the Judge leading, we walked into the bar-room and took our places gravely at the bar.

"Are your glasses charged, gentlemen?" said the Judge, solemnly taking off his white hat.

They were.

"Well, then, here's to *Miggles*, GOD BLESS HER!"

Perhaps He had. Who knows? (Miggles 576).

The description of this toast to Miggles is polyvalent, and implies no less than three separate vindications. Overtly, the group (as a metonym for the public) vindicate her, and

the narrative wryly suggests that she leads a morally upright—indeed, a divinely blessed—life. The language by which it does so also nods to the legal undertones of this fiction. A jury composed of her peers sit in deliberation before a bar and offer their verdict to the judge, who sustains it.

Like "Miggles," "Tennessee's Partner" details the intersection of a domestic relationship with the public sphere. It chronicles Tennessee's Partner's<sup>140</sup> affiliation with Tennessee, Partner's attempted intercession when Tennessee is put on trial, and the funeral Partner performs for Tennessee after his execution by lynching. Partner, a sober and practical man, lived in Poker Flat and married a woman from San Francisco. Partner gets his nickname from his complicated relationship with the roguish Tennessee, who goes into business with Partner, moves in with Partner and Partner's wife, absconds to Marysville with Partner's wife, and finally returns to Sandy Bar several months later alone.

The community anticipates a duel between Tennessee and Partner because they believe that Partner should and will demand blood for Tennessee's indiscretion. They are therefore disappointed when Partner welcomes Tennessee back and continues to work with him. At this point the narrative links the tensions between communal identity and interiority to legitimacy and criminality, respectively. Sandy Bar's incredulity with Partner's and Tennessee's reconciliation evolves into suspicions about the relationship between these two men: if Partner can overlook Tennessee's indiscretion, then the two

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<sup>140</sup> Hereafter I refer to the character Tennessee's Partner simply as "Partner" for expediency, but it seems important to note that a possessive construction (Tennessee's Partner's) reads awkwardly. The narrative never does use that possessive proper noun, instead opting for the pronoun "his" wherever necessary.

must share some criminal connection.<sup>141</sup> The narrator explains that—since Tennessee is "known to be a gambler" and "suspected to be a thief"—therefore "in these suspicions Tennessee's Partner was equally compromised; his continued intimacy with Tennessee ... could only be accounted for on the hypothesis of a copartnership in crime."<sup>142</sup> Put another way, Sandy Bar fails to imagine any other possible reason for a continued intimacy between Tennessee and Partner than criminality. Sandy Bar so closely identify Partner with his "cuckoldedness" that it cannot read Partner's welcome of Tennessee as forgiveness.

When a traveler from a neighboring settlement accuses Tennessee of highway robbery, the community is all too eager to form a posse to effect his capture. Immediately thereafter Tennessee is put on trial. When Partner learns of Tennessee's predicament, he enters the courtroom and offers all of the wealth he possesses to serve as restitution for Tennessee's misdeeds, and release him from the tribunal. The judge and jury interpret this as a bribe, however, and in their indignation convict Tennessee, and sentence him to death by hanging.

After Tennessee's execution Partner picks up the body. He invites the community of Sandy Bar to attend Tennessee's funeral. Several residents do, albeit more for the comic spectacle of Partner laboriously driving an old donkey than to remember the dead. But something of Partner's solemnity diffuses into the crowd as they travel, and they fall into a procession. Partner offers an unflattering yet honest eulogy for Tennessee then

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<sup>141</sup> As with focal relationships in several other of Harte's short stories in this chapter, the relationship between Tennessee, Partner, wife, and community merits a queer reading that remains distinct from, but nevertheless intersects with, my interest in this narrative. Linda Burton and Axel Nissen, both acknowledged below, both offer productive readings.

<sup>142</sup> Bret Harte, "Tennessee's Partner" (*The Overland Monthly* 3:4, 1869), 361. Hereafter all references to "Tennessee's Partner" will appear in-text as (TP #).

buries his companion, and the crowd disperses quietly. Partner dies shortly afterward, with a vision of a transfigured Tennessee welcoming him into the afterlife.

"Tennessee's Partner" enjoys more contemporary critical attention than most of Harte's *Overland* fiction, with the precise nature of Tennessee's and Partner's relationship operating as a focal point. Some contend that the relationship is homoerotic, with the unnamed wife operating as "a means of forging an even stronger bond between the two men, be it of rivalry or desire or both."<sup>143</sup> Matthew A. Watson suggests, "Rather than reading the civilizing of the West through the nineteenth-century sentimental notion of marriage's power to subordinate husbands to the moral sway of wives, Harte imagined a West civilized by a sentimentality separate from the gendered hierarchy of the traditional nineteenth-century marriage,"<sup>144</sup> and several of Harte's other narratives lend credibility to the notion that "Tennessee's Partner" applies pressure to nineteenth-century American gender binaries through Tennessee and Partner's relationship.

With the contention that homoerotic readings are "not very convincing" on the grounds that they miss the narrative's "subtle irony," Scharnhorst instead proposes that this is instead a retributive tale, with Partner setting up a years-long plot for exacting vengeance on Tennessee for violating Partner's marriage. Much of this interpretation relies on the idea that Partner seeks a kind of frontier justice because "the act victimization ... is central to western humor."<sup>145</sup> In his 2000 biography Scharnhorst asserts,

The title character neither displays selfless friendship nor forgives Tennessee for stealing his wife; on the contrary, Partner exacts his revenge by insuring that Tennessee is lynched, then buries 'the diseased' in the garden he tilled with his

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<sup>143</sup> Axel Nissen, *Manly Love* (Chicago: The University of Chicago Press, 2009), 42.

<sup>144</sup> Matthew A. Watson, "She war' a woman," 45.

<sup>145</sup> Gary Scharnhorst, *Bret Hart*, 30.

wife during their brief 'matrimonial felicity' and sits triumphantly on the grave. The Partner victimizes Tennessee according to a code of the West: he not only defeats his enemy but he humiliates him as well<sup>146</sup>

But this interpretation has its limitations. Most notably Partner only stops offering a bribe after "the man was made to understand, by the use of forcible figures and rhetoric, that Tennessee's offense could not be condoned by money" (TP 363). Scharnhorst may claim the reader who believe Partner wants to ransom Tennessee away from the court is missing the subtlety of the story, but his alternative requires that the reader instead ignore many protestations from Partner and the court. Scharnhorst's use of the term "victimization" aside, the law reduces to retribution in his reading. But the narrative is openly critical of this conception of law.<sup>147</sup>

Critics seldom omit some reference to the law and its enforcers in this tale, but Mark Storey offers a more focused reading than most others. Storey examines the narrative's syntax around Tennessee's trial, attending particularly to the discrepancy between how the judge/sheriff and the narrator understand the proceeding. "This scene," he posits,

is not simply a comic dramatization of law's absence or a depiction of men existing in some Hobbesian state of nature. The trial is, in the eyes of those conducting it, the very model of judicial process, a sign of their modern, liberal-democratic status. ... The narrative weight of the scene lies not in any anarchic absence of what we recognize as law and order, but in the laying bare of the rational logic that can sometimes lie behind collective notions of justice.<sup>148</sup>

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<sup>146</sup> Gary Scharnhorst, *Bret Harte: Opening the American Literary West*, 45.

<sup>147</sup> Instead of reading this central relationship as either competition or companionship, Tara Penry suggests in "'Tennessee's Partner' as Sentimental Western Metanarrative" that the reader should understand the narrative as a commentary on fiction particular to California—specifically, she argues that "Tennessee's Partner" parodies the stock honest and dissolute miners common in the western fiction of the 1850s and early 1860s, an "aggregate creation of many writers and artists over more than a decade" (*American Literary Realism* 36:2, 2004), 151.

<sup>148</sup> Mark Storey, *Urban Fictions, Rural Realities*, 117.



Storey's intervention draws worthwhile attention to the instability of these legal proceedings. They are, in the opinion of their participants, authentic. They are also, in the experience of Tennessee, effective—he is convicted of theft and hanged before the tale ends. But (as I will argue below) the narrative simultaneously construes the trial and execution as more pretention than due process.

The nature of Tennessee's and Partner's domestic relationship and the language with which the narrative describes the legal process converge at several points. Unsurprisingly the tension between the domestic and the public emerges in the first words of this brief story, where the narrative elaborates on Sandy Bar's tendency to rename its residents. It begins:

I do not think that we ever knew his real name. Our ignorance of it certainly never gave us any social inconvenience, for at Sandy Bar in 1854 most men were christened anew. Sometimes these appellatives were derived from some distinctiveness of dress ... or some peculiarity of habit ... or from some infelicitous slip .... I am constrained to think that it was because a man's real name, in that day, rested solely upon his own unsupported statement (TP 360).

Appellations derive from clothing choices, idiosyncrasies, and even mispronunciations. Asserted identities, however—saying "I am named thus"—do not last. Residents of Sandy Bar rename people before allowing them to participate in their community. From its outset, the narrative logic therefore both acknowledges and unsettles the discursive identities it describes; something of a person ("a man's real name") predates the designations Sandy Bar ascribes to a given body.

Coterminous with the community's role in (re)naming its participants is the belief that everyone has something to hide. The narrative records an exchange between the habitué Boston and the newcomer Clifford that succinctly illustrates this subtext: "'Call yourself Clifford, do you?' said Boston, addressing a timid new-comer with infinite

scorn; 'hell is full of such Cliffords!' He then introduced the unfortunate man, whose name happened to be really Clifford, as 'Jay-bird Charley'—an unhallowed inspiration of the moment, that clung to him ever after" (TP 360). In this exchange, Boston assumes that Clifford is a criminal using an alias, and so assigns Clifford a label that foregrounds Boston's assumption. As with Roaring Camp, the diversity of Sandy Bar's population collapses into the premise that—because so many of its denizens have criminal pasts—it is safe to assume any newcomer is a convict. Nevertheless as a corollary to this assumption, Sandy Bar's practice of renaming individuals functions to incorporate them into the camp's collective sense of itself.

The tradition of rechristening newcomers effaces but does not eradicate the prior histories of those persons residing in Sandy Bar. Before disclosing several of Partner's biographical details, the narrative concedes, "That he had ever existed as a separate and distinct individuality we only learned later" (360). It is worth noting that this construction further complicates the relationships between residents of Sandy Bar and the past experiences of others. Even as they rely upon Sandy Bar's (re)designations to circumvent "social inconvenience," residents tacitly recognize that the unique interiorities which "separate and distinct individualities" imply do indeed persist and inform present behavior.

Consequently the narrative estranges its readership from the community. As a rule, the narrative makes the reader aware of these tensions between individuality and community, personal history and contemporary performance. The residents of Sandy Bar can be made aware when this knowledge acquires a social valence—*we* are made aware contemporaneously with our introduction to the camp. The narrative reinforces the

dissociation between us and Sandy Bar when the narrator divulges as much of Partner's history as he claims he can. Even as he tells us about Partner's past, the narrator tells us that he compiles this biography after the full events of the account it precedes.

But the narrative's discussion of Tennessee attends more closely to Sandy Bar's behavior towards Tennessee than vice versa. The community of Sandy Bar construes Tennessee as a criminal well before anyone accuses him of a particular crime. When a stranger finally charges Tennessee of highway robbery, that accuser offers no evidence of crime other than (to borrow an earlier phrase) "his own unsupported statement." Nevertheless Sandy Bar raises the alarm to arrest Tennessee. Tennessee tries to escape, but the sheriff (who will preside as judge over Tennessee's trial later) checks his flight. "Both were fearless," the narrator relays; "both self-possessed and independent; and both types of a civilization that would have in the seventeenth century been called heroic, but, in the nineteenth, simply 'reckless'" (TP 361). There is an odd juxtaposition in the text at this point. When the sheriff demonstrates his ability to overpower Tennessee in response to Tennessee's "call," the narrator describes as Tennessee surrendering like a gambler folding his hand. These two independent persons may be reckless, but their combat is entirely theoretical. Since the sheriff *will* win in theory, the sheriff *does* win in fact.

Implicitly then the contest reduces to a contest of will and force between Tennessee and the sheriff/judge. The "power to do violence" serves as "justice" in Tennessee's capture and trial. The narrator draws the reader's attention to this conflation in the following paragraph, which also gives the lie to the court's pretense of impartiality:

The trial of Tennessee was conducted as fairly as was consistent with a judge and jury who felt themselves to some extent obliged to justify, in their verdict, the previous irregularities of arrest and indictment. The law of Sandy Bar was implacable, but not vengeful. The excitement and personal feeling of the chase

were over; with Tennessee safe in their hands, they were ready to listen patiently to any defense, which they were already satisfied was insufficient. ... Secure in the hypothesis that he ought to hang, on general principles, they indulged him with more latitude of defense than his reckless hardihood seemed to ask. The judge appeared to be more anxious than the prisoner, who, otherwise unconcerned, evidently took a grim pleasure in the responsibility he had created (TP 361-362).

Throughout this paragraph the narrative links judge and jury with different forms of personal interest. They feel obliged to justify Tennessee's apprehension, but also hope to execute him. The man who apprehends Tennessee serves as the judge presiding over his trial and his earlier pursuers perform as jury. The court officials admit personal animosity drives their prosecution Tennessee, and think he should be executed on moral grounds. Of due process there are only the merest echoes: his trial is private, his accuser absent, his guilt assumed instead of demonstrated.

Indeed the only person whom the narrative implies has any measure of impartiality in the legal proceedings is Tennessee, who finds the situation humorous but is "otherwise unconcerned" and refuses to recognize the authority of the court, "invariably" replying "I don't take any hand in this yer game" (TP 362). It is difficult to ascribe motivation to Tennessee here. His refusal to involve himself in his own trial may indicate that "the game" is rigged or unfair. It also suggests that he does not recognize this drumhead court's authority. Given the narrative's paucity of detail regarding Tennessee's accuser, it would seem that he stands trial not for robbery so much as for "his reckless hardihood." Sandy Bar does not like him, so they find a reason to kill him. They ask him to participate in his own conviction, but (while he resigns himself to their practical power to do harm) Tennessee refuses to lend any credibility to their formal pretenses.

The question of Tennessee's guilt is however not the focus of this reading. Within the confines of this narrative, we cannot determine whether Tennessee committed the robbery for which he stands accused. The conviction relies heavily on the hearsay to which the narrative draws attention: we either do or do not participate in ascribing onto Tennessee the status of criminal (because people claim he is), but we cannot know whether he is guilty of a particular crime. Instead the focus of this reading is on the narrative's conflation of the power to do harm with justice, and further its tendency to authorize collective violence by describing the object of violence as a subject. The court entreats Tennessee to speak himself into existence before this interested audience. In other words, the judge and jury endeavor to humanize Tennessee, if only to punish him more severely. They need him to plead, and preferably attempt to demonstrate his innocence, so that they can formalize their behavior towards him. Because Tennessee refuses to participate in his own construction as a criminal, they do not know how to proceed.

Partner's interruption provides the judge/sheriff with the catalyst he seeks. After rehearsing the case against Tennessee, Partner proceeds to offer payment for Tennessee's (supposed) theft. "And now," he asks, "what's the fair thing? Some would say more; some would say less. Here's seventeen hundred dollars in coarse gold and a watch—it's about all my pile—and call it square!" (TP 363). Their pride wounded, some members of the jury unholster hidden weapons and others attempt to throw Partner out of the window to his death. The narrative juxtaposes these motions with the image of Partner recollecting his treasure: "He hesitated for a moment as he slowly returned the gold to the carpet-bag, as if he had not entirely caught the elevated sense of justice which swayed the tribunal,

and was perplexed with the belief that he had not offered enough" (TP 363). Regardless of whether Partner's motive is innocent or insidious, the logic upon which his offer plays is fairly bald. Since Tennessee stands accused of theft, Partner offers his material wealth to recompense the aggrieved parties. But as the narrative wryly notes, the court construes Partner's offer as a bribe,<sup>149</sup> as an insult above and beyond Tennessee's injury. Mark Storey describes this tension as "the gradual subsuming of individualism to society, popular democracy yielding to liberal democracy, or, in terms legal philosophers would recognize, 'natural' law giving way to 'positive' law"<sup>150</sup> The misunderstanding between Partner and the court, then, pits conflicting conceptions of justice against each other: Partner offers property for property, but the court demands retribution instead of restitution.

In both "Miggles" and "Tennessee's Partner," the title characters commit prosecutable offenses in order to protect domestic relations. Miggles manages to accomplish her plan, but only by removing her companion and herself from the public in which she was a commodity. Partner's bid to intercede for Tennessee however proves less successful. He tries to commoditize the public offense Tennessee commits, and thereby stirs the ire of the individuals acting as the arm of the law. Despite this surface contradiction, both narratives make the same assumption: no matter how disinterested the law professes itself to be, the embodiment of the law—be it the judge in "Miggles," or Sheriff Lynch in "Tennessee's Partner"—is an interested party.

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<sup>149</sup> "For the unparalleled insult of a bribe offered to Judge Lynch—who, whether bigoted, weak, or narrow, was at least incorruptible—firmly fixed in the mind of that mythical personage any wavering determination of Tennessee's fate" (TP 363).

<sup>150</sup> Mark Storey, *Urban Fictions, Rural Realities*, 123.

### **Exiles and Expatriates**

"Roaring Camp" and "Sandy Bar" imagine productive communities emerging from criminalized domestic contexts. "Miggles" and "Tennessee's Partner" explore tensions between disparate interpersonal and public codes of conduct. None of these four narratives, however, afford the reader much insight into the motivations of their characters. Some of Harte's *Overland* narratives do have interiorized characters—notably John Oakhurst of "The Outcasts of Poker Flat" and Jack Hamlin in "Brown of Calaveras." Both of these men are professional gamblers in communities where nearly everyone plays. Both do well enough for their communities to notice, and police, their success. But both eventually sacrifice personal gains in efforts to protect domestic arrangements which the narrative portrays as normative in California.

"The Outcasts of Poker Flat" opens with a camp in a moment of crisis. The community has recently endured several serious crimes including the murder of a respected citizen, the theft of several hundred thousand dollars, and the disappearance of two horses. In response, some residents form a vigilance committee to "rid the town" of "objectionable characters," lynching some and exiling others. "Outcasts" continues to follow four of these latter individuals—two prostitutes called "Duchess" and "Mother Shipton," an alcoholic and possible thief referred to as "Uncle Billy," and a gambler named Oakhurst—as they travel towards the nearest neighboring settlement of Sandy Bar.

Though only four miles distant, the company must proceed through a treacherous pass to reach their goal. Moreover the steep terrain requires they travel on mounts. The company reaches a wooded opening among the Sierra cliffs roughly halfway to Sierra

Flat. With the threat of snow looming, and as the group lacks the provisions for delay, Oakhurst urges the company to press forward. The others instead opt to decamp and get drunk. Oakhurst remains with them, albeit reluctantly.

As evening descends, two adolescents from Sandy Bar meet the outcasts. The teenagers, Tom Simson and Piney Woods, are eloping to Poker Flat. Tom and Oakhurst know each other from a game of poker; in that game Tom lost his money to Oakhurst, but Oakhurst returned it with the proviso that Tom never gamble again. As he did with his compatriots, Oakhurst urges Tom and Piney to reach their goal as quickly as possible. But the teenagers feel no need to hurry. Tom offers to share his provisions with the four adults, and Oakhurst's companions happily avail themselves of this hospitality.

Overnight snow begins to fall. Upon waking, Oakhurst realizes the urgency of the company's situation: if they do not disembark immediately, they risk being caught in a blizzard. But when Oakhurst heads to rouse his companions he discovers that Uncle Billy has stolen the party's animals and fled in the night. The company settles in to wait out the weather, and get on as well as possible. Both Mother Shipton and Duchess take a maternal interest in Piney. Piney sings and Tom paraphrases the Iliad to entertain the others. Oakhurst keeps watch, gathers firewood and kindling, and rations out the stock of food.

Oakhurst's calm assuages the group's fears, and Tom's cheerful optimism instills them with a sense of hope. But Oakhurst's calm is a habitual response to unfavorable circumstance, and Tom's optimism is a manifestation of youthful naiveté. But the situation steadily deteriorates. If travel on foot would have been dangerous before, it becomes impossible as the storm continues. After ten days of isolation and, secret fasting



meant to save Piney, Mother Shipton dies. Oakhurst fashions a pair of snowshoes for Tom and persuades the youth to risk the trip to Poker Flat in order to secure aid.

Promising to return, Oakhurst accompanies Tom to the edge of the valley, leaving Duchess and Piney with the remainder of the provisions and several days' supply of firewood. But overnight the snowstorm intensifies into a blizzard, and the elements tear the makeshift roof off Duchess and Piney's meager shelter. It seems that Tom made it to or near his goal, as "the law" of Poker Flat arrives at the campsite in time to discover the bodies of the women (who died of exposure) and, several miles away, Oakhurst (who committed suicide).

"Outcasts" has received surprisingly sparse critical treatment. Harold H Kolb's 1991 "The Outcasts of Literary Flat: Bret Harte as Humorist" makes occasional reference to the text but only insofar as he can construe the narrator of "Outcasts" as the cosmopolitan other to the characters' provinciality. "Harte's energies," he writes, "are devoted to manipulating his characters for effects, not to realizing them as human beings."<sup>151</sup> In his 2000 biography, Gary Scharnhorst similarly argues that the message of "Outcasts" is that nature trumps all moral development. After Oakhurst is run out of town "not because he is a gambler, but because he is so successful a gambler," Scharnhorst observes, "Barred by law and the blizzard from returning to Poker Flat, Oakhurst and the ladies of easy virtue become models of moral behavior. ... The outcasts are regenerated in a state of nature, yet ... they die as a result of a natural disaster. Their reformation ... is finally meaningless."<sup>152</sup> Scharnhorst's reading of "Outcasts" makes some important observations

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<sup>151</sup> Harold J. Kolb, "The Outcasts of Literary Flat" (*American Literary Realism* 23:2, 1991), 55.

<sup>152</sup> Gary Scharnhorst, *Bret Harte: Opening the American Literary West*, 26-27.

that inform the following reading. Most pertinently Scharnhorst foregrounds that Oakhurst is indicted for his success more than his gambling, and also that humans are capable of reformation. But despite its first appearance, the narrative logic of "Outcasts" does not ultimately point to nature or luck as the author of Oakhurst's fate.

While the majority of the narrative will occur in an unregulated space, "Outcasts" opens and closes with the law looking at Oakhurst. It is worth noting that the narrator describes the law of Poker Flat manifesting as a spontaneous and secret committee, emerging from the larger community as "a spasm of virtuous reaction, quite as lawless and ungovernable as any of the acts that had provoked it."<sup>153</sup> The law is lawless, and the government ungovernable. As such the narrative declares that Poker Flat's vigilance committee at least—and perhaps vigilante justice in general—is unpredictable, indiscriminate, and dangerous.

This regulatory force which manifests itself in Poker Flat is self-appointed, spontaneous, irascible, and ultimately duplicitous. Claiming to act in the interest of the community at large, this lawless law "Outcasts" in point of fact uses force primarily to protect the interests of the lawbringers. Their judgment on Oakhurst attests to this disparity between proclamation and practice:

A few of the committee had urged hanging him as a possible example, and a sure method of reimbursing themselves from his pockets of the sums he had won from them. "It's agin' justice," said Jim Wheeler, "to let this yer young man from Roaring Camp—an entire stranger—carry away our money." But a crude sentiment of equity residing in the breasts of those who had been fortunate enough to win from Mr. Oakhurst, overruled this narrower local prejudice (Outcasts 41).

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<sup>153</sup> Bret Harte, "The Outcasts of Poker Flat" (*The Overland Monthly* 2:1, 1869), 41. Hereafter all references to "The Outcasts of Poker Flat" will be cited in-text as (Outcasts #).

If the law of Poker Flat regulates by lynching two residents and by exiling Oakhurst and his three companions, no social institution in turn regulates the law. Jim Wheeler may claim that justice informs his severity, but the narrative framing undermines that pretense by yoking Wheeler's justice to his avarice; moreover it precludes the possibility that Jim Wheeler's motivation is an outlier. All who lost money to Oakhurst want him lynched, while all of those who won from Oakhurst prevent his execution.

This is not to say that the law of Poker Flat is entirely unregulated. To the contrary, the narrative stresses that the law is directed by the ubiquitous force of chance. Oakhurst is spared lynching because more people chanced to win money than lose money from the gambler. The logic directing this narrative implies that any of these parties could as easily be their opposites. If enough had lost money to Oakhurst, then they would rule to kill him. Conversely if enough had won money from Oakhurst, then he would probably not be tried at all. Personal interests determine the courses which Oakhurst's trial, conviction, and sentencing take; chance dictates the severity or lenience of any member of this secret committee. In this fashion the narrative logic deconstructs chance. Contrary to Scharnhorst's reading, it is not chance but the law that kills Oakhurst. Chance is the derringer, but losing gamblers pull the trigger.

"Brown of Calaveras" also examines the complicated and problematic relationship between a gambler and his community. Despite its title, "Calaveras" primarily develops the interiority of Jack Hamlin—a cool, self-possessed cardsharp. Hamlin is in the habit of winning, and exhibits "that listless and grave indifference of his class, which [is],

perhaps, the next thing to good breeding."<sup>154</sup> The narrative opens with Hamlin encountering a beautiful woman on a stagecoach. Several distinguished members of local society—a judge, Colonel Starbottle, and a congressman—fawn over the handsome personage. The competition for her attention culminates with these gentlemen arguing over who will escort her to the nearby hotel for dinner. But while they bicker Hamlin opens the opposite door of the stage, takes the woman's hand, and delivers her from the carriage. A man of action, Hamlin leaves promptly after conducting her to the hotel.

The narrative follows Hamlin on his horseback ride through the wild and into his apartment in Wingdam. His friend Mr. Brown—a down-and-out prospector with a penchant for drinking and losing his sparse earnings to better gamblers than himself—enters the apartment and after some banter asks Hamlin for some money. Mr. Brown needs to send some income to his "old woman" (BC 286). Hamlin disbelieves in the existence of Mr. Brown's wife, but gives his friend the cash anyway. Shortly following the two hear another knock on Hamlin's door. When Hamlin answers he finds the woman from the coach, who Mr. Brown immediately greets as his wife Sue.

Because Mr. Brown is financially unstable, Hamlin furnishes the couple with the funds to build a luxurious residence, entertain and board important guests, and tithe to a church. The Browns' social status continues to climb in part because of Hamlin's initial financial support, leading to Mrs. Brown's societal prominence and Mr. Brown to the state legislature. At the same time, Hamlin and Sue share a long and increasingly romantic correspondence. Because of his reputation, however, Hamlin remains

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<sup>154</sup> Bret Harte, "Brown of Calaveras" (*The Overland Monthly* 4:3, 1870), 284. Hereafter all references to "Brown of Calaveras" will be cited in-text as (BC #).

geographically distant from the Browns until the climax of the narrative, where he deliberates over—and decides against—eloping with Sue.

Much like "Outcasts," "Brown" has somehow escaped any extended analysis. Gary Scharnhorst mentions "Brown" in both of his Harte biographies, reading the narrative as a commentary on the incongruence of Easterners in California culture. He contends, "Hamlin understands full well that the moral climate of California is inhospitable to such effete Eastern types as the Browns .... the Browns must escape the West to save their marriage, the most elemental of all social bonds."<sup>155</sup> But the Browns do *not* go East—they relocate 125 miles northwest of Murphys, in the city of Marysville in Yuba County.

Still "Brown" does examine how domesticity functions in California by juxtaposing the Browns and the gentrified against Jack Hamlin. To do so the narrative first positions Hamlin as an outsider in his context through obscured insinuations and convoluted allusions. The tension between this gambler and his community manifests itself at several points, but Hamlin is never explicitly called (or treated as) a criminal. This first occurs when Hamlin boards the stagecoach occupied by a jurist, congressman, and Starbottle—all of whom are endeavoring to woo Mrs. Brown. Hamlin's entrance unsettles the other men enough, the narrator conveys, that "one of them leaned forward, and apparently conveyed to her [Sue's] information regarding Mr. Hamlin's profession, in a single epithet. Whether Mr. Hamlin heard it, or whether he recognized in the informant a distinguished jurist, from whom, but a few evenings before, he had won several thousand dollars, I can not say" (BC 284). The obscured epithet applied to Hamlin—and specifically its origin from a lawyer in the presence of a congressman and colonel—

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<sup>155</sup> Gary Scharnhorst, *Bret Harte*, 33.

suggests that these men of distinction would have Mrs. Brown regard Hamlin as a criminal. But even as the lawyer seeks to differentiate Hamlin from the other people in the carriage by denigrating the gambler's profession, the narrative undermines this marginalization: the lawyer gambles too, just less successfully than Hamlin.

In one other instance the narrative loosely associates Hamlin with criminality. After disembarking the carriage, Hamlin drives his horse at a fast enough clip to cause the horse to sweat. The narrator writes, "The inmates of dusty cabins by the road-side ... looked after him, recognizing the man by his horse, and speculating what 'was up with Comanche Jack.' Yet much of the interest centered in the horse, in a community where the time made by 'French Pete's' mare, in his run from the sheriff of Calaveras, eclipsed all concern in the ultimate fate of that worthy" (BC 285).<sup>156</sup> Bystanders remember that the last person to drive a horse that hard was French Pete outrunning the sheriff. Through a series of transferences, the narrative obliquely associates Hamlin with that otherwise undeveloped outlaw. But these exchanges dilute the notion of criminality to curiosity, and a memory that means less than how fast a horse can travel.

These tenuous associations of Hamlin with criminality set in relief the narrative's denouement, where Hamlin ultimately refuses to commit adultery—a crime which virtually every other character in this story commits.<sup>157</sup> Mr. Brown liaisons with a woman

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<sup>156</sup> A related but separate conversation regarding Harte's deployment of race deserves acknowledgment here. As Gary Scharnhorst reminds the reader, Bret Harte was "a racial progressive for his time," and several of his works "indict racial prejudice" as it manifests both in his narratives and amongst his readership ("Bret Harte's Naturalism," *Studies in American Naturalism* 1:1-2, 2006, 145). It could be argued that Hamlin's half-native ethnicity is another important element of the intervention he makes in "Brown."

<sup>157</sup> California's first penal code, *The Civil Code of the State of California*, was ratified in 1872, but importantly treats adultery as a criminal offense punishable by fine, incarceration, or both (R.M. Sims, ed., San Francisco: Bancroft Whitley Company, 1872, 560). For a more thorough discussion of adultery's historical criminalization in the United States, see JoAnne Sweeney's "History of Adultery and Fornication Criminal Laws" (University of Louisville School of Law Legal Studies Research Paper, 2013).

named Kate before his wife moves to California, and Sue has affairs with several men of distinction. However on the night that Hamlin finally arrives with the intent to elope with Mrs. Brown, Mr. Brown meets him first with a "hearty and cordial" greeting, and asks his longtime friend for counsel (BC 288).

In their exchange Mr. Brown confides that he suspects his wife of writing, appearing to love, and (most distressingly to her husband) planning to elope with a paramour. He laments, "Jack, I think she's goin' off. I could stand all but that. To have her steal away like a thief—" (BC 288). Mr. Brown's comparison of adultery to theft codifies a relationship between interiority and crime upon which this text relies: it is not the taking of the body, but instead of the heart, which Mr. Brown most fears.

Even as Wingdam's chivalry is "devoted to the admiration of power, whether masculine force or feminine beauty" (BC 287), it seeks to contain those deemed most powerful. Hence the women she displaces mutter about Mrs. Brown, the men from whom he wins money spurn Hamlin, and the intimacy of these two becomes a theft. This community polices those most successful at developing their interests even though, as is often the case in Harte's *Overland* stories, nearly all other members of society participate in the same activities that they label criminal in others. The social order here regulates behavior by seeking a maintainable status quo. Hamlin (too winning a gambler) and Sue (too charming a lover) disrupt this cultural equilibrium: consequently he is at best "infelix" and at worst "stealing" at the same sites where he exhibits the interiority and influence which others admire in smaller quantities.

But it is precisely Hamlin's marginal status which provides him the opportunities to aid others. He may win at cards far more often than he loses, but he also exhibits no

hesitation in giving his winnings away to those who would benefit from them. Early on he extends "kisses and coin" to impoverished children playing in a stream (BC 285), and that same day provides one hundred dollars to Mr. Brown. His later and more substantial generosity—that is, his sponsorship of the Brown estate—is motivated at least in part by his attraction to Mrs. Brown, but he ultimately decides against running away with her because Mr. Brown asks.

The narrative explores a cultural identity crisis—that is, how the West understands itself—in the love triangle between Hamlin, Mr. Brown, and Sue. It is only Hamlin who considers the consequences of his choices in this text, and his deliberations lead him to the conclusion that the best choice is to remove himself—not the Browns—from Wingdam. To reach his decision Hamlin first deploys stereotypically Western behavior: he gambles.

He drew a pack of cards from his pocket and shuffled them, glancing at the bed. But Brown's face was turned to the wall. When Mr. Hamlin had shuffled the cards, he cut them, and dealt one card on the opposite side of the table and toward the bed, and another on his side of the table, for himself. The first was a deuce; his own card, a king. He then shuffled and cut again. This time "dummy" had a queen, and himself a four-spot. Jack brightened up for the third deal. It brought his adversary a deuce, and himself a king again. "Two out of three," said Jack, audibly.

"What's that, Jack?" said Brown.

"Nothing."

Then Jack tried his hand with dice; but he always threw sixes, and his imaginary opponent aces. The force of habit is sometimes confusing (BC 289).

Hamlin then tries to fit himself and his crisis into a trope. The winner should take all. Problematically, however, he cares about Brown more than he does an abstract opponent. Hamlin may think of Brown as an adversary in love, and Hamlin may win these imaginary contests. But he does not want to win anymore. Hamlin changes games as if to change the mechanics of chance, but he wins too consistently. He is indeed in the habit of



winning, and cannot lose by playing for another. Playing for Mrs. Brown does not persuade him.

Cards do not work for Hamlin's opponent, and neither do dice. But Hamlin does not want win. After constructing himself and his luck as the problem, he attempts a third and final test—he reads the stars. The narrative relates, "Then he looked up at the firmament, and, as he did so, a star shot across the twinkling field. Presently another, and then another. The phenomenon suggested to Mr. Hamlin a fresh augury. If, in another fifteen minutes, another star should fall—. He sat there, watch in hand, for twice that time, but the phenomenon was not repeated" (BC 289). It would seem that Chance or Nature or God wants Hamlin to win—perhaps even *wills* Hamlin to win—but Hamlin wants to lose. He puts the interest of another before his own because Brown's distress upsets the gambler.

The answer to the crisis is ultimately to choose, even if the route to the choice requires folding a winning hand. Brown finally communicates his desire to make his marriage with Sue work by relating a dream in which Hamlin weds the two. Hamlin, who was considering Sue's note—"Be at the corral, with the buggy, at three."—laughs nonchalantly at this vision. Hamlin asks Brown three questions, and decides.

"Say, old man, hadn't you better get up?"

The "old man," thus affectionately appealed to, rose up, with the assistance of Hamlin's outstretched hand.

"Smoke?"

Brown mechanically took the proffered cigar.

"Light?"

Jack had twisted the letter into a spiral, lit it, and held it for his companion. He continued to hold it until it was consumed, and dropped the fragment—a fiery star—from the open window. He watched it as it fell, then returned to his friend (BC 289).

It may be somewhat trite that Hamlin makes his own luck. But it is notable that he makes that luck for someone else. When luck will not give Hamlin the hand he wants, Hamlin cheats. He violates his own laws to preserve those of a culture to which he does not really belong.

"Brown" closes with Hamlin advising Mr. Brown to relocate. The narrative concedes that the Browns do not relocate far, but Hamlin does. He rides off into the sunrise, going as west as he can go. Hamlin may travel alone, but he travels with an interiority that Harte's *Overland* fictions have denied all but one other character—Oakhurst. Both criminals decide that the best use of their outsider status is to attempt to preserve the normal for others. But while Oakhurst dies, Hamlin lives. Where Oakhurst becomes part of the landscape after his exile by a hypocritical law, Hamlin expatriates in search of a new west.

### **Conclusion**

Early in this chapter I contend that "Roaring Camp" disappears to support an implicit rationale about the (imagined) normal domestic structures of nineteenth-century American culture. The narrative's ideal audience can enjoy the novelty of such a place, but they would never move there. If that idea holds water, "Brown" offers a remarkably different perspective. Its protagonist abandons an increasingly normal California and strikes out in search of an ever-shrinking frontier.

It would be too much to claim that Harte imagines himself as a Hamlin—especially insofar as Harte's own trajectory was ever Eastward—but at least one inference can be reasonably drawn: Harte's narratives encode an antipathy for the transformation of

California into a second East. Perhaps these narratives do provincialize the West, but they also wax nostalgic about a decentralized, decriminalized California that was disappearing in the epoch of annihilated space. The structures of relationship that make Harte's camps and towns so fascinating were already nearly gone by the time Harte penned his *Overland* fictions. Harte's first editorial for *The Overland Monthly* acknowledges this trend. He writes:

Why ... is this magazine called "*The Overland Monthly*?" ... I might explain how "*Pacific Monthly*" is hackneyed, mild in suggestion, and at best but a feeble echo of the Boston "*Atlantic*;" ... how "*California*,"—honest and direct enough—is yet too local to attract any but a small number of readers. ... But is there nothing more? Turn your eyes to this map made but a few years ago. Do you see this vast interior basin of the Continent, on which the boundaries of States and Territories are less distinct than the names of wandering Indian tribes; do you see this broad zone reaching from Virginia City to St. Louis, as yet only dotted by telegraph stations, whose names are familiar, but of whose locality we are profoundly ignorant? Here creeps the railroad, each day drawing the West and East closer together.<sup>158</sup>

Harte's tone is conflicted; in one sense he eagerly awaits the connection of the coasts, and celebrates the opportunity to bring California's people, places, and ideas into common circulation. But he also apprehends that the very idiosyncrasies which make San Francisco "not Boston" are imperiled by the influx of capital, commodity, and culture which a transcontinental railroad portends. It may be that the California emerging from this confluence is neither the California of Harte's romanticized past, nor a westward outpost of Eastern culture. It is the province Harte dreads, a quaint backwater valuable only for its spectacles—be they washed-out Roaring Camps or roguish gamblers. Who, in Hamlin's (and maybe Harte's) estimation, would really want to live there?

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<sup>158</sup> Bret Harte. "Etc." (*The Overland Monthly* 1:1, 1868), 99.

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